

STATE OF NEW YORK

3008--B

IN ASSEMBLY

January 23, 2017

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

AN ACT to amend chapter 62 of the laws of 2003 amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the disposition of revenues (Part A); to amend the vehicle and traffic law, in relation to divisible load permits (Part B); intentionally omitted (Part C); to amend the vehicle and traffic law in relation to compliance with new federal regulations (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); to amend the vehicle and traffic law, in relation to the waiver of non-driver identification card fees for crime victims (Part H); to amend the vehicle and traffic law, in relation to the reinstatement fee for non-residents (Part I); to amend the vehicle and traffic law, in relation to increasing fees for original and duplicate certificates of title (Part J); to amend the vehicle and traffic law, in relation to additional fees for certain identification cards (Part K); intentionally omitted (Part L); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part M); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part N); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the minority and women-owned business enterprise program (Part O); intentionally omitted (Part P); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part Q); intentionally omitted (Part R); to amend the real property law, in

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

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relation to streamlining the licensing process for real estate professionals (Part S); to amend the environmental conservation law and the executive law, in relation to local waterfront revitalization (Part T); to amend the executive law, in relation to the chairperson of the state athletic commission (Part U); deeming certain expenses of the department of health to be expenses of the department of public service (Part V); intentionally omitted (Part W); intentionally omitted (Part X); to amend the insurance law, in relation to the enforcement of the insurance law against unlicensed participants (Part Y); to amend the banking law, in relation to the licensing and regulation of student loan servicers (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); to amend the state finance law, in relation to creating a paid family leave risk adjustment fund (Part DD); intentionally omitted (Part EE); to amend the real property actions and proceedings law, in relation to making the prior notice requirements applicable to the foreclosure of reverse mortgages (Part FF); to amend the financial services law, in relation to assessments to defray operating expenses of the department (Subpart A); to amend the insurance law, in relation to the distribution of assets (Subpart B); and to amend the insurance law, in relation to insurers deemed to be in a hazardous financial condition (Subpart C) (Part GG); intentionally omitted (Part HH); to amend the environmental conservation law, the public health law, and the public authorities law, in relation to the implementation of the "clean water infrastructure act of 2017"; to amend the soil and water conservation districts law, in relation to certain costs; to amend the New York State water infrastructure improvement act of 2015, in relation to water quality infrastructure projects financed with state assistance; and to repeal subdivision 9 of section 97-b of the state finance law, relating to certain moneys in the hazardous waste remedial fund (Part II); to amend the state finance law and the environmental conservation law, in relation to environmental protection fund deposits and transfers; and to amend part F of chapter 58 of the laws of 2013 amending the environmental conservation law and the state finance law relating to the "Cleaner, Greener NY Act of 2013", in relation to extending the effectiveness thereof (Part JJ); to amend the environmental conservation law, in relation to the donation of excess food and recycling of food scraps (Part KK); intentionally omitted (Part LL); to authorize the energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY programs, as well as the department of environmental conservation's climate change program, from an assessment on gas and electric corporations (Part MM); to repeal subdivision 18-a of section 1261 of the public authorities law relating to the definition of "transportation purpose" for purposes of the metropolitan transportation authority (Part NN); to amend the public authorities law, in relation to prohibiting certain roadway lighting (Part OO); to amend the New York state urban development corporation act, in relation to economic development entities (Part PP); to amend the New York state urban development corporation act and the economic development law, in relation to reporting requirements (Part QQ); to amend the New York state urban development corporation act, in relation to creating the small business innovation research/small business technology transfer technical assistance program; and repealing section 3102-c of the public authorities law relating thereto (Part RR); to amend subpart H of part C of chapter 20 of the laws of 2015, appropriating money for



certain municipal corporations and school districts, in relation to establishing a potential award schedule (Part SS); to amend the environmental conservation law, in relation to establishing a paint stewardship program (Part TT); to amend the environmental conservation law, in relation to establishing the New York state environmental justice act and grants (Part UU); in relation to establishing the Indian Point closure task force and providing for the repeal of such provisions upon expiration thereof (Part VV); to amend the New York state urban development corporation act, in relation to the creation of the strategic investment in workforce development program (Part WW); to amend the environmental conservation law, the public service law, the public authorities law, the labor law and the community risk and resiliency act, in relation to establishing the New York state climate and community protection act (Part XX); to amend the environmental conservation law, in relation to pesticide registration time frames and fees; and to amend chapter 67 of the laws of 1992, amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to the effectiveness thereof (Part YY); to direct the metropolitan transportation authority to produce an alternatives analysis for the construction of a light rail system along the west shore of Staten Island (Part ZZ); to develop and implement a toll rebate plan for the Cross Bay Veterans Memorial Bridge (Part AAA); and to prohibit the purchase of zero emission credits until the heads of the public service commission and the New York state energy research and development authority appear before a joint public hearing (Part BBB)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2017-2018
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through BBB. The effective date for each partic-
5 ular provision contained within such Part is set forth in the last
6 section of such Part. Any provision in any section contained within a
7 Part, including the effective date of the Part, which makes a refer-
8 ce to a section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the general effective date of this act.

12

PART A

13 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003
14 amending the vehicle and traffic law and other laws relating to increas-
15 ing certain motor vehicle transaction fees, as amended by section 1 of
16 part A of chapter 58 of the laws of 2015, is amended to read as follows:
17 § 13. This act shall take effect immediately; provided however that
18 sections one through seven of this act, the amendments to subdivision 2
19 of section 205 of the tax law made by section eight of this act, and
20 section nine of this act shall expire and be deemed repealed on April 1,
21 2020; [provided further, however, that the amendments to subdivision 3
22 of section 205 of the tax law made by section eight of this act shall
23 expire and be deemed repealed on March 31, 2018;] provided further,

1 however, that the provisions of section eleven of this act shall take
2 effect April 1, 2004 and shall expire and be deemed repealed on April 1,
3 2020.

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

6

PART B

7 Section 1. Paragraph (f) of subdivision 15 of section 385 of the vehi-
8 cle and traffic law, as amended by section 4 of part C of chapter 59 of
9 the laws of 2004, the third undesignated paragraph as amended by chapter
10 277 of the laws of 2014, is amended to read as follows:

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

25 2. Effective January first, two thousand five, no vehicle or combina-
26 tion of vehicles issued a permit pursuant to this paragraph shall cross
27 a bridge designated as an R-posted bridge by the commissioner of trans-
28 portation or any other permit issuing authority absent a determination
29 by such commissioner or permit issuing authority that the permit appli-
30 cant has demonstrated special circumstances warranting the crossing of
31 such bridge or bridges and a determination by such commissioner or
32 permit issuing authority that such bridge or bridges may be crossed
33 safely, provided, however, that in no event shall a vehicle or combina-
34 tion of vehicles issued a permit under this paragraph be permitted to
35 cross a bridge designated as an R-posted bridge if such vehicle or
36 combination of vehicles has a maximum gross weight exceeding one hundred
37 two thousand pounds, and provided further, however, that nothing
38 contained herein shall be deemed to authorize any vehicle or combination
39 of vehicles to cross any such bridge within any city not wholly included
40 within one county unless such vehicle or combination of vehicles has
41 been issued a valid permit by the city department of transportation of
42 such city pursuant to this subdivision.

43 3. No vehicle having a model year of two thousand six or newer shall
44 be issued a permit pursuant to this paragraph unless each axle of such
45 vehicle or combination of vehicles, other than steerable or trackable
46 axles, is equipped with two tires on each side of the axle, any air
47 pressure controls for lift axles are located outside the cab of the
48 vehicle and are beyond the reach of occupants of the cab while the vehi-
49 cle is in motion, the weight on any grouping of two or more axles is
50 distributed such that no axle in the grouping carries less than eighty
51 percent of any other axle in the grouping and any liftable axle is
52 steerable or trackable; and, further provided, after December thirty-
53 first, two thousand nineteen, no permit shall be issued pursuant to this
54 paragraph to a vehicle of any model year that does not meet the require-

1 ments of this provision, except that such permits may be issued prior to
2 January first, two thousand twenty to a vehicle that does not meet the
3 requirement concerning axle grouping weight distribution, but meets all
4 other requirements of this section.

5 4. A divisible load permit may only be transferred to a replacement
6 vehicle by the same registrant or transferred with the permitted vehicle
7 as part of the sale or transfer of the permit holder's business; or, if
8 the divisible load permit is issued pursuant to [subparagraph] clause
9 (iv), (v) or (vi) of subparagraph eight of this paragraph for use within
10 the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange
11 and Dutchess and has been effective for the five years preceding a
12 transfer of such permit, the permit may be transferred with the permit-
13 ted vehicle in the sale of the permitted vehicle to the holder of a
14 permit issued pursuant to [subparagraph] clause (iv), (v) or (vi) of
15 subparagraph eight of this paragraph for use within the counties of
16 Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess.

17 5. If a permit holder operates a vehicle or combination of vehicles in
18 violation of any posted weight restriction, the permit issued to such
19 vehicle or combination of vehicles shall be deemed void as of the next
20 day and shall not be reissued for a period of twelve calendar months.

21 6. Until June thirtieth, nineteen hundred ninety-four, no more than
22 sixteen thousand power units shall be issued annual permits by the
23 department for any twelve-month period in accordance with this para-
24 graph. After June thirtieth, nineteen hundred ninety-four, no more than
25 sixteen thousand five hundred power units shall be issued annual permits
26 by the department for any twelve-month period. After December thirty-
27 first, nineteen hundred ninety-five, no more than seventeen thousand
28 power units shall be issued annual permits by the department for any
29 twelve-month period. After December thirty-first, two thousand three, no
30 more than twenty-one thousand power units shall be issued annual permits
31 by the department for any twelve-month period. After December thirty-
32 first, two thousand five, no more than twenty-two thousand power units
33 shall be issued annual permits by the department for any twelve-month
34 period. After December thirty-first, two thousand six, no more than
35 twenty-three thousand power units shall be issued annual permits by the
36 department for any twelve-month period. After December thirty-first, two
37 thousand seven, no more than twenty-four thousand power units shall be
38 issued annual permits by the department for any twelve-month period.
39 After December thirty-first, two thousand eight, no more than twenty-
40 five thousand power units shall be issued annual permits by the depart-
41 ment for any twelve-month period. After December thirty-first, two thou-
42 sand sixteen, no more than twenty-seven thousand power units shall be
43 issued annual permits by the department for any twelve-month period.
44 After December thirty-first, two thousand eighteen, no more than twen-
45 ty-nine thousand power units shall be issued annual permits by the
46 department for any twelve-month period. After December thirty-first, two
47 thousand twenty, no more than thirty thousand power units shall be
48 issued annual permits by the department for any twelve-month period.
49 After December thirty-first, two thousand twenty-two, no more than thir-
50 ty-one thousand power units shall be issued annual permits by the
51 department for any twelve-month period. After December thirty-first, two
52 thousand twenty-three, no more than thirty-two thousand power units
53 shall be issued annual permits by the department for any twelve-month
54 period. After December thirty-first, two thousand twenty-four, no more
55 than thirty-three thousand power units shall be issued annual permits by
56 the department for any twelve-month period. After December thirty-

1 first, two thousand twenty-five, no more than thirty-five thousand power
2 units shall be issued annual permits by the department for any twelve-
3 month period.

4 Whenever permit application requests exceed permit availability, the
5 department shall renew annual permits that have been expired for less
6 than four years which meet program requirements, and then shall issue
7 permit applicants having less than three divisible load permits such
8 additional permits as the applicant may request, providing that the
9 total of existing and new permits does not exceed three. Remaining
10 permits shall be allocated by lottery in accordance with procedures
11 established by the commissioner in rules and regulations.

12 7. The department of transportation may issue a seasonal agricultural
13 permit in accordance with [subparagraphs] clauses (i), (ii) and (iii) of
14 subparagraph eight of this paragraph that will be valid for four consec-
15 utive months with a fee equal to one-half the annual permit fees estab-
16 lished under this subdivision.

17 8. For a vehicle issued a permit in accordance with [subparagraphs]
18 clauses (iii), (iv), (v) and (vi) of this [paragraph] subparagraph, such
19 a vehicle must have been registered in this state prior to January
20 first, nineteen hundred eighty-six or be a vehicle or combination of
21 vehicles which replace such type of vehicle which was registered in this
22 state prior to such date provided that the manufacturer's recommended
23 maximum gross weight of the replacement vehicle or combination of vehi-
24 cles does not exceed the weight for which a permit may be issued and the
25 maximum load to be carried on the replacement vehicle or combination of
26 vehicles does not exceed the maximum load which could have been carried
27 on the vehicle being replaced or the registered weight of such vehicle,
28 whichever is lower, in accordance with the following [subparagraphs]
29 clauses:

30 (i) A permit may be issued for a vehicle having at least three axles
31 and a wheelbase not less than sixteen feet and for a vehicle with a
32 trailer not exceeding forty-eight feet. The maximum gross weight of such
33 a vehicle shall not exceed forty-two thousand five hundred pounds plus
34 one thousand two hundred fifty pounds for each foot and major fraction
35 of a foot of the distance from the center of the foremost axle to the
36 center of the rearmost axle, or one hundred two thousand pounds, which-
37 ever is more restrictive provided, however, that any four axle group
38 weight shall not exceed sixty-two thousand pounds, any tridem axle group
39 weight shall not exceed fifty-seven thousand pounds, any tandem axle
40 weight does not exceed forty-seven thousand pounds and any single axle
41 weight shall not exceed twenty-five thousand pounds.

42 Any additional special authorizations contained in a currently valid
43 annual permit shall cease upon the expiration of such current annual
44 permit.

45 (ii) A permit may be issued subject to bridge restrictions for a vehi-
46 cle or a combination of vehicles having at least six axles and a wheel
47 base of at least thirty-six and one-half feet. The maximum gross weight
48 of such vehicle or combination of vehicles shall not exceed one hundred
49 seven thousand pounds and any tridem axle group weight shall not exceed
50 fifty-eight thousand pounds and any tandem axle group weight shall not
51 exceed forty-eight thousand pounds.

52 (ii-a) A permit may be issued subject to bridge restrictions for a
53 combination of vehicles having at least seven axles and a wheelbase of
54 at least forty-three feet. The maximum gross weight of such combination
55 of vehicles shall not exceed one hundred seventeen thousand pounds, any
56 four axle group weight shall not exceed sixty-three thousand pounds, any

1 tridem axle group weight shall not exceed fifty-eight thousand pounds,
2 any tandem axle group weight shall not exceed forty-eight thousand
3 pounds, and any single axle weight shall not exceed twenty-five thousand
4 pounds.

5 Each axle of such combination of vehicles, other than steerable or
6 trackable axles, shall be equipped with two tires on each side of the
7 axle, any air pressure controls for lift axles shall be located outside
8 the cab of the combination of vehicles and shall be beyond the reach of
9 occupants of the cab while the combination of vehicles is in motion, the
10 weight on any grouping of two or more axles shall be distributed such
11 that no axle in the grouping carries less than eighty percent of any
12 other axle in the grouping, and any liftable axle of such combination of
13 vehicles shall be steerable or trackable.

14 (iii) A permit may be issued for a vehicle having two axles and a
15 wheelbase not less than ten feet, with the maximum gross weight not in
16 excess of one hundred twenty-five percent of the total weight limitation
17 as set forth in subdivision ten of this section. Furthermore, until
18 December thirty-first, nineteen hundred ninety-four, any single rear
19 axle weight shall not exceed twenty-eight thousand pounds. After Decem-
20 ber thirty-first, nineteen hundred ninety-four, any axle weight shall
21 not exceed twenty-seven thousand pounds.

22 (iv) Within a city not wholly included within one county and the coun-
23 ties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and
24 Dutchess, a permit may be issued for a vehicle having at least three
25 axles and a wheelbase not exceeding forty-four feet nor less than seven-
26 teen feet or for a vehicle with a trailer not exceeding forty feet.

27 Until December thirty-first, nineteen hundred ninety-four, a permit
28 may only be issued for such a vehicle having a maximum gross weight not
29 exceeding eighty-two thousand pounds and any tandem axle group weight
30 shall not exceed sixty-two thousand pounds.

31 After January first, nineteen hundred ninety-five, the operation of
32 such a vehicle shall be further limited and a permit may only be issued
33 for such a vehicle having a maximum gross weight not exceeding seventy-
34 nine thousand pounds and any tandem axle group weight shall not exceed
35 fifty-nine thousand pounds, and any tridem shall not exceed sixty-four
36 thousand pounds.

37 A permit may be issued only until December thirty-first, nineteen
38 hundred ninety-four for a vehicle having at least three axles and a
39 wheelbase between fifteen and seventeen feet. The maximum gross weight
40 of such a vehicle shall not exceed seventy-three thousand two hundred
41 eighty pounds and any tandem axle group weight shall not exceed fifty-
42 four thousand pounds.

43 No vehicle having a model year of two thousand six or newer shall be
44 issued a permit pursuant to this subparagraph for use within the coun-
45 ties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and
46 Dutchess unless it is equipped with at least four axles, and further
47 provided, after December thirty-first, two thousand fourteen, no permit
48 shall be issued pursuant to this [subparagraph] clause for use within
49 the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange
50 and Dutchess to a vehicle of any model year unless the vehicle is
51 equipped with at least four axles.

52 (v) Within a city not wholly included within one county and the coun-
53 ties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange or Dutch-
54 ess, a permit may be issued only until December thirty-first, nineteen
55 hundred ninety-nine for a vehicle or combination of vehicles that has
56 been permitted within the past four years having five axles and a wheel-

1 base of at least thirty-six and one-half feet. The maximum gross weight
2 of such a vehicle or combination of vehicles shall not exceed one
3 hundred five thousand pounds and any tandem axle group weight shall not
4 exceed fifty-one thousand pounds.

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

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

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

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

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

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

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

1 clause. In no event shall a permit be issued under this [subparagraph]
2 clause for use within the counties of Westchester, Rockland, Nassau,
3 Suffolk, Putnam, Orange and Dutchess for a vehicle or combination of
4 vehicles having less than seven axles or having a wheelbase of less than
5 forty-three feet after December thirty-first, two thousand fourteen.

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

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

25 § 2. This act shall take effect immediately.

26

PART C

27

Intentionally Omitted

28

PART D

29 Section 1. Intentionally omitted.

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

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

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

49 7. A combination of vehicles operating on any qualifying or access
50 highways consisting of a power unit and two trailers or semitrailers
51 with a total weight that shall not exceed twenty-six thousand pounds
52 when the overall length is greater than sixty-five feet but shall not



1 exceed eighty-two feet in which the trailers or semitrailers carry no
2 property and constitute inventory property of a manufacturer, distribu-
3 tor, or dealer of such trailers or semitrailers.

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

7 (c) Notwithstanding the provisions of paragraph (a) of this subdivi-
8 sion, an overhang of not more than three feet on the front and four feet
9 on the rear of an automobile transporter or an overhang of not more than
10 four feet on the front and six feet on the rear of a stinger-steered
11 automobile transporter or an overhang of not more than three feet on the
12 front and four feet on the rear of a boat transporter or stinger-steered
13 boat transporter shall be permitted.

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

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

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

33 (b) the overall gross weight on a group of two or more consecutive
34 axles shall not exceed the weight produced by application of the follow-
35 ing formula:

$$36 \quad W = 500 ((L \times N) / (N - 1) + (12 \times N) + 36)$$

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

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

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

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

56 § 6. Intentionally omitted.

1 § 7. This act shall take effect immediately.

2 PART E

3 Intentionally Omitted

4 PART F

5 Intentionally Omitted

6 PART G

7 Intentionally Omitted

8 PART H

9 Section 1. Section 491 of the vehicle and traffic law is amended by
10 adding a new subdivision 3 to read as follows:

11 3. Waiver of fee. The commissioner may waive the payment of fees
12 required by subdivision two of this section if the applicant is a victim
13 of a crime and the identification card applied for is a replacement for
14 one that was lost or destroyed as a result of the crime.

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

17 PART I

18 Section 1. Paragraph (i) of subdivision 2 of section 503 of the vehi-
19 cle and traffic law, as amended by chapter 55 of the laws of 1992, is
20 amended to read as follows:

21 (i) A non-resident whose driving privileges have been revoked pursuant
22 to sections five hundred ten, eleven hundred ninety-three and eleven
23 hundred ninety-four of this chapter shall, upon application for rein-
24 statement of such driving privileges, pay to the commissioner of motor
25 vehicles a fee of [twenty-five] one hundred dollars. When the basis for
26 the revocation is a finding of driving after having consumed alcohol
27 pursuant to the provisions of section eleven hundred ninety-two-a of
28 this chapter, the fee to be paid to the commissioner shall be one
29 hundred dollars. Such fee is not refundable and shall not be returned to
30 the applicant regardless of the action the commissioner may take on such
31 person's application for reinstatement of such driving privileges.

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

34 PART J

35 Section 1. Paragraphs 1 and 3 of subdivision (a) of section 2125 of
36 the vehicle and traffic law, as amended by section 1-b of part A of
37 chapter 63 of the laws of 2005, are amended to read as follows:

38 (1) for filing an application for a certificate of title, [fifty]
39 seventy-five dollars except where the application relates to a mobile
40 home or a manufactured home as defined in section one hundred twenty-
41 two-c of this chapter, in which case the fee shall be one hundred twen-
42 ty-five dollars;

43 (3) for a duplicate certificate of title, [twenty] forty dollars.

44 § 2. Section 2125 of the vehicle and traffic law is amended by adding
45 a new subdivision (h) to read as follows:

1 (h) Notwithstanding any other provision of law, the increase of twen-
2 ty-five dollars for the fee assessed for filing an application for a
3 certificate of title and the increase of twenty dollars for the fee
4 assessed for filing an application for a duplicate certificate of title,
5 collected pursuant to paragraphs one and three of subdivision (a) of
6 this section, shall be deposited to the credit of the dedicated highway
7 and bridge trust fund, established pursuant to section eighty-nine-b of
8 the state finance law.

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

14 PART K

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

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

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

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

36 § 3. This act shall take effect immediately.

37 PART L

38 Intentionally Omitted

39 PART M

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

44 3. The provisions of this section shall expire, notwithstanding any
45 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
46 the laws of 1996 or of any other law, on July 1, [2017] 2018.

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

49 PART N

1 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
2 New York state urban development corporation act, relating to the powers
3 of the New York state urban development corporation to make loans, as
4 amended by section 1 of part G of chapter 58 of the laws of 2016, is
5 amended to read as follows:

6 § 2. This act shall take effect immediately provided, however, that
7 section one of this act shall expire on July 1, [2017] 2018, at which
8 time the provisions of subdivision 26 of section 5 of the New York state
9 urban development corporation act shall be deemed repealed; provided,
10 however, that neither the expiration nor the repeal of such subdivision
11 as provided for herein shall be deemed to affect or impair in any manner
12 any loan made pursuant to the authority of such subdivision prior to
13 such expiration and repeal.

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, 2017.

16

PART O

17 Section 1. The opening paragraph of subdivision (h) of section 121 of
18 chapter 261 of the laws of 1988, amending the state finance law and
19 other laws relating to the New York state infrastructure trust fund, as
20 amended by section 2 of part Q of chapter 58 of the laws of 2015, is
21 amended to read as follows:

22 The provisions of [section] sections sixty-two through sixty-six of
23 this act shall expire on December thirty-first, two thousand [seventeen]
24 nineteen, except that:

25 § 2. This act shall take effect immediately.

26

PART P

27

Intentionally Omitted

28

PART Q

29 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
30 executive law relating to permitting the secretary of state to provide
31 special handling for all documents filed or issued by the division of
32 corporations and to permit additional levels of such expedited service,
33 as amended by section 1 of part M of chapter 58 of the laws of 2016, is
34 amended to read as follows:

35 § 2. This act shall take effect immediately, provided however, that
36 section one of this act shall be deemed to have been in full force and
37 effect on and after April 1, 2003 and shall expire March 31, [2017]
38 2018.

39 § 2. This act shall take effect immediately and shall be deemed to
40 have been in full force and effect on and after March 31, 2017.

41

PART R

42

Intentionally Omitted

43

PART S

44 Section 1. Subdivision 6 of section 441-a of the real property law, as
45 amended by chapter 183 of the laws of 2006, is amended to read as
46 follows:



1 6. Pocket card. The department shall prepare, issue and deliver, with
2 the assistance of the department of motor vehicles, [to each licensee]
3 upon payment of a fee of five dollars by a licensee, a pocket card in
4 such form and manner as the department shall prescribe, but which shall
5 contain the photo, name and business address of the licensee, and, in
6 the case of a real estate salesman, the name and business address of the
7 broker with whom he or she is associated and shall certify that the
8 person whose name appears thereon is a licensed real estate broker or
9 salesman, as may be. Such cards must be shown on demand. In the case of
10 loss, destruction or damage, the secretary of state may, upon submission
11 of satisfactory proof, issue a duplicate pocket card upon payment of a
12 fee of ten dollars.

13 § 2. This act shall take effect immediately.

14

PART T

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

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

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

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

39 § 2-a. Subdivision 2 of section 54-0509 of the environmental conserva-
40 tion law, as amended by section 8 of part L of chapter 59 of the laws of
41 2005, is amended to read as follows:

42 2. An agreement by the commissioner to make state assistance payments
43 toward the cost of the project by periodically reimbursing the munici-
44 pality for costs incurred during the progress of the project. For a
45 municipal landfill closure project, which does not include a landfill
46 gas management system, such reimbursement shall be a maximum of either
47 fifty percent of the cost, or ninety percent of the cost for a munici-
48 pality with a population smaller than thirty-five hundred as determined
49 by the current federal decennial census, or two million dollars, which-
50 ever is less. For a landfill gas management system, which is part of a
51 municipal landfill closure project, reimbursement shall be a maximum of
52 either [fifty] seventy-five percent of the cost, or ninety percent of
53 the cost for a municipality with a population smaller than thirty-five
54 hundred as determined by the current federal decennial census, or two

1 million dollars, whichever is less. For a municipal landfill gas manage-
 2 ment project, reimbursement shall be a maximum of either [fifty] seven-
 3 ty-five percent of the cost, or ninety percent of the cost for a munici-
 4 pality with a population smaller than thirty-five hundred as determined
 5 by the current federal decennial census, or two million dollars, which-
 6 ever is less. Project costs are subject to final computation and deter-
 7 mination by the commissioner upon completion of the project, and shall
 8 not exceed the maximum cost set forth in the contract. For purposes of
 9 this subdivision, the approved project cost shall be reduced by the
 10 amount of any specific state assistance payments for municipal landfill
 11 closure or municipal landfill gas management project purposes received
 12 by the municipality from any source; provided, however, that non-spezif-
 13 ic state assistance payments, such as amounts paid pursuant to section
 14 fifty-four of the state finance law, shall not be included in such cost
 15 reduction.

16 § 3. This act shall take effect immediately.

17

PART U

18 Section 1. Paragraph (e) of subdivision 1 of section 169 of the execu-
 19 tive law, as amended by section 9 of part A of chapter 60 of the laws of
 20 2012, is amended to read as follows:

21 (e) [chairman of state athletic commission,] director of the office of
 22 victim services, chairman of human rights appeal board, chairman of the
 23 industrial board of appeals, chairman of the state commission of
 24 correction, members of the board of parole, member-chairman of unemploy-
 25 ment insurance appeal board, director of veterans' affairs, and vice-
 26 chairman of the workers' compensation board;

27 § 2. This act shall take effect immediately.

28

PART V

29 Section 1. Intentionally Omitted

30 § 2. Intentionally Omitted

31 § 3. Intentionally Omitted

32 § 4. Intentionally Omitted

33 § 5. Notwithstanding any other law, rule or regulation to the contra-
 34 ry, expenses of the department of health public service education
 35 program incurred pursuant to appropriations from the cable television
 36 account of the state miscellaneous special revenue funds shall be deemed
 37 expenses of the department of public service. No later than August 15,
 38 2018, the commissioner of the department of health shall submit an
 39 accounting of expenses in the 2017 -- 2018 fiscal year to the chair of
 40 the public service commission for the chair's review pursuant to the
 41 provisions of section 217 of the public service law.

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

44

PART W

45

Intentionally Omitted

46

PART X

47

Intentionally Omitted



1

PART Y

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

5 (1) If the superintendent finds after notice and hearing that any
6 authorized insurer, representative of the insurer, [licensed insurance
7 agent, licensed insurance broker, licensed adjuster,] or any other
8 [person or] entity licensed, certified, registered, or authorized pursu-
9 ant to this chapter, has wilfully violated the provisions of this chap-
10 ter or any regulation promulgated thereunder, then the superintendent
11 may order the [person or] entity to pay to the people of this state a
12 penalty in a sum [not exceeding one thousand dollars for each offense]
13 of either (A) five thousand dollars for each offense; (B) the aggregate
14 damages proximately caused by the violation or violations; or (C) the
15 aggregate profit made from the violation or violations. If the super-
16 intendent finds after notice and hearing that any licensed insurance
17 agent, licensed insurance broker, licensed adjuster, or any other person
18 licensed, certified, registered or authorized pursuant to this chapter
19 has willfully violated the provisions of this chapter or any regulation
20 promulgated thereunder, then the superintendent may order the person to
21 pay to the people of this state a penalty in a sum not exceeding one
22 thousand dollars for each offense.

23 § 2. This act shall take effect immediately.

24

PART Z

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

27 ARTICLE XIV-A
28 STUDENT LOAN SERVICERS

29 Section 710. Definitions.

30 711. Licensing.

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

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

34 714. Changes in officers and directors.

35 715. Changes in control.

36 716. Grounds for suspension or revocation of license.

37 717. Books and records; reports and electronic filing.

38 718. Rules and regulations.

39 719. Prohibited practices.

40 720. Servicing student loans without a license.

41 721. Responsibilities.

42 722. Examinations.

43 723. Penalties for violation of this article.

44 724. Severability of provisions.

45 725. Compliance with other laws.

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

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

52 3. "Borrower benefit" shall mean an incentive offered to a borrower in
53 connection with the origination of a student loan, including but not



1 limited to an interest rate reduction, principal rebate, fee waiver or
2 rebate, loan cancellation, or cosigner release.

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

8 5. "Person" shall mean any individual, association, corporation,
9 limited liability company, partnership, trust, unincorporated organiza-
10 tion, or any other entity.

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

14 7. "Servicing" shall mean:

15 (a) receiving any payment from a borrower pursuant to the terms of any
16 student loan;

17 (b) applying any payment to a borrower's account pursuant to the terms
18 of a student loan or the contract governing the servicing of any such
19 loan;

20 (c) providing any notification of amounts owed on a student loan by or
21 on account of any borrower;

22 (d) during a period when a borrower is not required to make a payment
23 on a student loan, maintaining account records for the student loan and
24 communicating with the borrower regarding the student loan on behalf of
25 the owner of the student loan promissory note;

26 (e) interacting with a borrower with respect to or regarding any
27 attempt to avoid default on the borrower's student loan, or facilitating
28 the activities described in paragraph (a) or (b) of this subdivision; or

29 (f) performing other administrative services with respect to a borrow-
30 er's student loan.

31 8. "Student loan" shall mean any loan to a borrower to finance postse-
32 condary education or expenses related to postsecondary education.

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

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

44 § 712. Application for a student loan servicer license; fees. 1. The
45 application for a license to be a student loan servicer shall be in
46 writing, under oath, and in the form prescribed by the superintendent.
47 Notwithstanding article three of the state technology law or any other
48 law to the contrary, the superintendent may require that an application
49 for a license or any other submission or application for approval as may
50 be required by this article be made or executed by electronic means if
51 he or she deems it necessary to ensure the efficient and effective
52 administration of this article. The application shall include a
53 description of the activities of the applicant, in such detail and for
54 such periods as the superintendent may require, including:

1 (a) an affirmation of financial solvency noting such capitalization
2 requirements as may be required by the superintendent, and access to
3 such credit as may be required by the superintendent;

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

8 (c) an affirmation that the applicant, or its members, officers, part-
9 ners, directors and principals as may be appropriate, are at least twen-
10 ty-one years of age;

11 (d) information as to the character, fitness, financial and business
12 responsibility, background and experiences of the applicant, or its
13 members, officers, partners, directors and principals as may be appro-
14 priate;

15 (e) any additional detail or information required by the superinten-
16 dent.

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

20 § 713. Application process to receive license to engage in the busi-
21 ness of student loan servicing. 1. Upon the filing of an application for
22 a license, if the superintendent shall find that the financial responsi-
23 bility, experience, character, and general fitness of the applicant and,
24 if applicable, the members, officers, partners, directors and principals
25 of the applicant are such as to command the confidence of the community
26 and to warrant belief that the business will be operated honestly, fair-
27 ly, and efficiently within the purpose of this article, the superinten-
28 dent shall thereupon issue a license in duplicate to engage in the busi-
29 ness of servicing student loans described in section seven hundred ten
30 of this article in accordance with the provisions of this article. If
31 the superintendent shall not so find, the superintendent shall not issue
32 a license, and the superintendent shall so notify the applicant. The
33 superintendent shall transmit one copy of a license to the applicant and
34 file another copy in the office of the department of financial services.
35 Upon receipt of such license, a student loan servicer shall be author-
36 ized to engage in the business of servicing student loans in accordance
37 with the provisions of this article. Such license shall remain in full
38 force and effect until it is surrendered by the servicer or revoked or
39 suspended as hereinafter provided.

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

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

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

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

52 (d) has been an agent, employee, officer, director, partner or member
53 of an entity which has had a license or registration revoked by the
54 superintendent where such person shall have been found by the super-
55 intendent to bear responsibility in connection with the revocation.

1 3. The term "substantial stockholder", as used in this subdivision,
2 shall be deemed to refer to a person owning or controlling directly or
3 indirectly ten per centum or more of the total outstanding stock of a
4 corporation.

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

11 § 715. Changes in control. 1. It shall be unlawful, except with the
12 prior approval of the superintendent, for any action to be taken which
13 results in a change of control of the business of a student loan servi-
14 cer. Prior to any change of control, the person desirous of acquiring
15 control of the business of a student loan servicer shall make written
16 application to the superintendent and pay an investigation fee as
17 prescribed pursuant to section eighteen-a of this chapter to the super-
18 intendent. The application shall contain such information as the super-
19 intendent, by rule or regulation, may prescribe as necessary or appro-
20 priate for the purpose of making the determination required by
21 subdivision two of this section. Such information shall include, but not
22 be limited to, the information and other material required for a student
23 loan servicer by subdivision one of section seven hundred twelve of this
24 article.

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

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

43 4. As used in this section the term "control" means the possession,
44 directly or indirectly, of the power to direct or cause the direction of
45 the management and policies of a student loan servicer, whether through
46 the ownership of voting stock of such student loan servicer, the owner-
47 ship of voting stock of any person which possesses such power or other-
48 wise. Control shall be presumed to exist if any person, directly or
49 indirectly, owns, controls or holds with power to vote ten per centum or
50 more of the voting stock of any student loan servicer or of any person
51 which owns, controls or holds with power to vote ten per centum or more
52 of the voting stock of any student loan servicer, but no person shall be
53 deemed to control a student loan servicer solely by reason of being an
54 officer or director of such student loan servicer. The superintendent
55 may in his discretion, upon the application of a student loan servicer
56 or any person who, directly or indirectly, owns, controls or holds with

1 power to vote or seeks to own, control or hold with power to vote any
2 voting stock of such student loan servicer, determine whether or not the
3 ownership, control or holding of such voting stock constitutes or would
4 constitute control of such student loan servicer for purposes of this
5 section.

6 § 716. Grounds for suspension or revocation of license. 1. The super-
7 intendent may revoke any license to engage in the business of a student
8 loan servicer issued pursuant to this article if a determination has
9 been made, after notice and a hearing, that:

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

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

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

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

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

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

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

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

52 5. No revocation, suspension, or surrender of any license shall impair
53 or affect the obligation of any pre-existing lawful contract between the
54 student loan servicer and any person, including the department of finan-
55 cial services.

1 6. Every license issued pursuant to this article shall remain in full
2 force and effect until the same shall have been surrendered, revoked or
3 suspended in accordance with any other provisions of this article.

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

11 § 717. Books and records; reports and electronic filing. 1. Each
12 student loan servicer and exempt organization shall keep and use in its
13 business such books, accounts and records as will enable the superinten-
14 dent to determine whether the servicer or exempt organization is comply-
15 ing with the provisions of this article and with the rules and regu-
16 lations lawfully made by the superintendent. Every servicer and exempt
17 organization shall preserve such books, accounts, and records, for at
18 least three years.

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

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

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

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

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

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

50 (c) Such rules and regulations as may define the terms used in this
51 article and as may be necessary and appropriate to interpret and imple-
52 ment the provisions of this article; and

53 (d) Such rules and regulations as may be necessary for the enforcement
54 of this article.

1 2. The superintendent is hereby authorized and empowered to make such
2 specific rulings, demands and findings as the superintendent may deem
3 necessary for the proper conduct of the student loan servicing industry.

4 § 719. Prohibited practices. No student loan servicer shall:

5 1. Directly employ any scheme, device or artifice to defraud or
6 mislead a borrower.

7 2. Intentionally engage in any unfair, deceptive or predatory act or
8 practice toward any person or misrepresent or omit any material informa-
9 tion in connection with the servicing of a student loan, including, but
10 not limited to, misrepresenting the amount, nature or terms of any fee
11 or payment due or claimed to be due on a student loan, the terms and
12 conditions of the loan agreement or the borrower's obligations under the
13 loan.

14 3. Intentionally misapply payments to the outstanding balance of any
15 student loan or to any related interest or fees.

16 4. Intentionally provide misleading information to a consumer report-
17 ing agency.

18 5. Refuse to communicate with an authorized representative of the
19 borrower who provides a written authorization signed by the borrower,
20 provided that the servicer may adopt procedures reasonably related to
21 verifying that the representative is in fact authorized to act on behalf
22 of the borrower.

23 6. Knowingly make any false statement or make any omission of a mate-
24 rial fact in connection with any information or reports filed with a
25 governmental agency or in connection with any investigation conducted by
26 the superintendent or another governmental agency.

27 § 720. Servicing student loans without a license. 1. Whenever, in the
28 opinion of the superintendent, a person is engaged in the business of
29 servicing student loans, either actually or through subterfuge, without
30 a license from the superintendent, the superintendent may order that
31 person to desist and refrain from engaging in the business of servicing
32 student loans in the state. If, within thirty days after an order is
33 served, a request for a hearing is filed in writing and the hearing is
34 not held within sixty days of the filing, the order shall be rescinded.

35 2. This section shall not apply to exempt organizations.

36 § 721. Responsibilities. 1. If a student loan servicer regularly
37 reports information to a consumer reporting agency, the servicer shall
38 accurately report a borrower's payment performance to at least one
39 consumer reporting agency that compiles and maintains files on consumers
40 on a nationwide basis as defined in Section 603(p) of the federal Fair
41 Credit Reporting Act (15 U.S.C. Sec. 1681a(p)), upon acceptance as a
42 data furnisher by that consumer reporting agency.

43 2. (a) Except as provided in federal law or required by a student loan
44 agreement, a student loan servicer shall inquire of a borrower how to
45 apply a borrower's nonconforming payment. A borrower's direction on how
46 to apply a nonconforming payment shall remain in effect for any future
47 nonconforming payment during the term of a student loan until the
48 borrower provides different directions.

49 (b) For purposes of this subdivision, "nonconforming payment" shall
50 mean a payment that is either more or less than the borrower's required
51 student loan payment.

52 3. (a) If the sale, assignment, or other transfer of the servicing of
53 a student loan results in a change in the identity of the person to whom
54 the borrower is required to send subsequent payments or direct any
55 communications concerning the student loan, a student loan servicer
56 shall transfer all information regarding a borrower, a borrower's



1 account, and a borrower's student loan, including but not limited to the
2 borrower's repayment status and any borrower benefits associated with
3 the borrower's student loan, to the new student loan servicer servicing
4 the borrower's student loan within forty-five days.

5 (b) A student loan servicer shall adopt policies and procedures to
6 verify that it has received all information regarding a borrower, a
7 borrower's account, and a borrower's student loan, including but not
8 limited to the borrower's repayment status and any borrower benefits
9 associated with the borrower's student loan, when the servicer obtains
10 the right to service a student loan.

11 4. If a student loan servicer sells, assigns, or otherwise transfers
12 the servicing of a student loan to a new servicer, the sale, assignment
13 or other transfer shall be completed at least seven days before the
14 borrower's next payment is due.

15 5. (a) A student loan servicer that sells, assigns, or otherwise
16 transfers the servicing of a student loan shall require as a condition
17 of such sale, assignment or other transfer that the new student loan
18 servicer shall honor all borrower benefits originally represented as
19 being available to a borrower during the repayment of the student loan
20 and the possibility of such benefits, including any benefits that were
21 represented as being available but for which the borrower had not yet
22 qualified.

23 (b) A student loan servicer that obtains the right to service a
24 student loan shall honor all borrower benefits originally represented as
25 being available to a borrower during the repayment of the student loan
26 and the possibility of such benefits, including any benefits that were
27 represented as being available but for which the borrower had not yet
28 qualified.

29 6. A student loan servicer shall respond within thirty days after
30 receipt to a written inquiry from a borrower or a borrower's authorized
31 representative.

32 7. A student loan servicer shall preserve records of each student loan
33 and all communications with borrowers for not less than two years
34 following the final payment on a student loan or the sale, assignment or
35 other transfer of the servicing of a student loan, whichever occurs
36 first, or such longer period as may be required by any other provision
37 of law.

38 § 722. Examinations. 1. The superintendent may at any time, and as
39 often as he or she may determine, either personally or by a person duly
40 designated by the superintendent, investigate the business and examine
41 the books, accounts, records, and files used therein of every student
42 loan servicer. For that purpose the superintendent and his or her duly
43 designated representative shall have free access to the offices and
44 places of business, books, accounts, papers, records, files, safes and
45 vaults of all student loan servicers. The superintendent and any person
46 duly designated by him or her shall have the authority to require the
47 attendance of and to examine under oath all persons whose testimony he
48 or she may require relative to such business.

49 2. No person subject to investigation or examination under this
50 section may knowingly withhold, abstract, remove, mutilate, destroy or
51 secrete any books, records, computer records or other information.

52 3. The expenses incurred in making any examination pursuant to this
53 section shall be assessed against and paid by the student loan servicer
54 so examined, except that traveling and subsistence expenses so incurred
55 shall be charged against and paid by servicers in such proportions as
56 the superintendent shall deem just and reasonable, and such propor-

1 tionate charges shall be added to the assessment of the other expenses
2 incurred upon each examination. Upon written notice by the superinten-
3 dent of the total amount of such assessment, the servicer shall become
4 liable for and shall pay such assessment to the superintendent.

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

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

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

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

33 § 724. Severability of provisions. If any provision of this article,
34 or the application of such provision to any person or circumstance,
35 shall be held invalid, illegal or unenforceable, the remainder of the
36 article, and the application of such provision to persons or circum-
37 stances other than those as to which it is held invalid, illegal or
38 unenforceable, shall not be affected thereby.

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

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

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

48 10. All reports of examinations and investigations, correspondence and
49 memoranda concerning or arising out of such examination and investi-
50 gations, including any duly authenticated copy or copies thereof in the
51 possession of any banking organization, bank holding company or any
52 subsidiary thereof (as such terms "bank holding company" and "subsid-
53 iary" are defined in article three-A of this chapter), any corporation
54 or any other entity affiliated with a banking organization within the
55 meaning of subdivision six of this section and any non-banking subsid-
56 iary of a corporation or any other entity which is an affiliate of a

1 banking organization within the meaning of subdivision six-a of this
2 section, foreign banking corporation, licensed lender, licensed cashier
3 of checks, licensed mortgage banker, registered mortgage broker,
4 licensed mortgage loan originator, licensed sales finance company,
5 registered mortgage loan servicer, licensed student loan servicer,
6 licensed insurance premium finance agency, licensed transmitter of
7 money, licensed budget planner, any other person or entity subject to
8 supervision under this chapter, or the department, shall be confidential
9 communications, shall not be subject to subpoena and shall not be made
10 public unless, in the judgment of the superintendent, the ends of
11 justice and the public advantage will be subserved by the publication
12 thereof, in which event the superintendent may publish or authorize the
13 publication of a copy of any such report or any part thereof in such
14 manner as may be deemed proper or unless such laws specifically author-
15 ize such disclosure. For the purposes of this subdivision, "reports of
16 examinations and investigations, and any correspondence and memoranda
17 concerning or arising out of such examinations and investigations",
18 includes any such materials of a bank, insurance or securities regulato-
19 ry agency or any unit of the federal government or that of this state
20 any other state or that of any foreign government which are considered
21 confidential by such agency or unit and which are in the possession of
22 the department or which are otherwise confidential materials that have
23 been shared by the department with any such agency or unit and are in
24 the possession of such agency or unit.

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

29 1. To appear and explain an apparent violation. Whenever it shall
30 appear to the superintendent that any banking organization, bank holding
31 company, registered mortgage broker, licensed mortgage banker, licensed
32 student loan servicer, registered mortgage loan servicer, licensed mort-
33 gage loan originator, licensed lender, licensed cashier of checks,
34 licensed sales finance company, licensed insurance premium finance agen-
35 cy, licensed transmitter of money, licensed budget planner, out-of-state
36 state bank that maintains a branch or branches or representative or
37 other offices in this state, or foreign banking corporation licensed by
38 the superintendent to do business or maintain a representative office in
39 this state has violated any law or regulation, he or she may, in his or
40 her discretion, issue an order describing such apparent violation and
41 requiring such banking organization, bank holding company, registered
42 mortgage broker, licensed mortgage banker, licensed student loan servi-
43 cer, licensed mortgage loan originator, licensed lender, licensed cashier
44 of checks, licensed sales finance company, licensed insurance premium
45 finance agency, licensed transmitter of money, licensed budget planner,
46 out-of-state state bank that maintains a branch or branches or represen-
47 tative or other offices in this state, or foreign banking corporation to
48 appear before him or her, at a time and place fixed in said order, to
49 present an explanation of such apparent violation.

50 2. To discontinue unauthorized or unsafe and unsound practices. When-
51 ever it shall appear to the superintendent that any banking organiza-
52 tion, bank holding company, registered mortgage broker, licensed mort-
53 gage banker, licensed student loan servicer, registered mortgage loan
54 servicer, licensed mortgage loan originator, licensed lender, licensed
55 cashier of checks, licensed sales finance company, licensed insurance
56 premium finance agency, licensed transmitter of money, licensed budget

1 planner, out-of-state state bank that maintains a branch or branches or
2 representative or other offices in this state, or foreign banking corpo-
3 ration licensed by the superintendent to do business in this state is
4 conducting business in an unauthorized or unsafe and unsound manner, he
5 or she may, in his or her discretion, issue an order directing the
6 discontinuance of such unauthorized or unsafe and unsound practices, and
7 fixing a time and place at which such banking organization, bank holding
8 company, registered mortgage broker, licensed mortgage banker, licensed
9 student loan servicer, registered mortgage loan servicer, licensed mort-
10 gage loan originator, licensed lender, licensed cashier of checks,
11 licensed sales finance company, licensed insurance premium finance agen-
12 cy, licensed transmitter of money, licensed budget planner, out-of-state
13 state bank that maintains a branch or branches or representative or
14 other offices in this state, or foreign banking corporation may volun-
15 tarily appear before him or her to present any explanation in defense of
16 the practices directed in said order to be discontinued.

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

39 5. To keep books and accounts as prescribed. Whenever it shall appear
40 to the superintendent that any banking organization, bank holding compa-
41 ny, registered mortgage broker, licensed mortgage banker, licensed
42 student loan servicer, registered mortgage loan servicer, licensed mort-
43 gage loan originator, licensed lender, licensed cashier of checks,
44 licensed sales finance company, licensed insurance premium finance agen-
45 cy, licensed transmitter of money, licensed budget planner, agency or
46 branch of a foreign banking corporation licensed by the superintendent
47 to do business in this state, does not keep its books and accounts in
48 such manner as to enable him or her to readily ascertain its true condi-
49 tion, he or she may, in his or her discretion, issue an order requiring
50 such banking organization, bank holding company, registered mortgage
51 broker, licensed mortgage banker, licensed student loan servicer, regis-
52 tered mortgage loan servicer, licensed mortgage loan originator,
53 licensed lender, licensed cashier of checks, licensed sales finance
54 company, licensed insurance premium finance agency, licensed transmitter
55 of money, licensed budget planner, or foreign banking corporation, or
56 the officers or agents thereof, or any of them, to open and keep such

1 books or accounts as he or she may, in his or her discretion, determine
2 and prescribe for the purpose of keeping accurate and convenient records
3 of its transactions and accounts.

4 § 4. Paragraph (a) of subdivision 1 of section 44 of the banking law,
5 as amended by chapter 155 of the laws of 2012, is amended to read as
6 follows:

7 (a) Without limiting any power granted to the superintendent under any
8 other provision of this chapter, the superintendent may, in a proceeding
9 after notice and a hearing, require any safe deposit company, licensed
10 lender, licensed casher of checks, licensed sales finance company,
11 licensed insurance premium finance agency, licensed transmitter of
12 money, licensed mortgage banker, licensed student loan servicer, regis-
13 tered mortgage broker, licensed mortgage loan originator, registered
14 mortgage loan servicer or licensed budget planner to pay to the people
15 of this state a penalty for any violation of this chapter, any regu-
16 lation promulgated thereunder, any final or temporary order issued
17 pursuant to section thirty-nine of this article, any condition imposed
18 in writing by the superintendent in connection with the grant of any
19 application or request, or any written agreement entered into with the
20 superintendent.

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

23 PART AA

24 Intentionally Omitted

25 PART BB

26 Intentionally Omitted

27 PART CC

28 Intentionally Omitted

29 PART DD

30 Section 1. The state finance law is amended by adding a new section
31 89-i to read as follows:

32 § 89-i. Paid family leave risk adjustment fund. 1. There is hereby
33 established in the sole custody of the superintendent of financial
34 services a special fund, to be known as the "paid family leave risk
35 adjustment fund".

36 2. Such fund shall consist of money received by the superintendent
37 from insurance carriers as payments into any risk adjustment mechanism
38 established by regulation in accordance with paragraph two of subsection
39 (n) of section four thousand two hundred thirty-five of the insurance
40 law.

41 3. All moneys retained in such fund shall be held on behalf of insur-
42 ance carriers and paid out by the superintendent to insurance carriers
43 pursuant to the risk adjustment mechanism established by regulation in
44 accordance with paragraph two of subsection (n) of section four thousand
45 two hundred thirty-five of the insurance law.

46 4. The funds so received and deposited in such risk adjustment fund
47 shall not be deemed to be state funds.

48 § 2. This act shall take effect immediately.

1

PART EE

2

Intentionally Omitted

3

PART FF

4

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

8

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

10

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

14

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

16

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

20

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

27

PART GG

28

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

40

SUBPART A

41

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

43

(a) For each fiscal year commencing on or after April first, two thousand twelve, assessments to defray operating expenses, including all direct and indirect costs, of the department, except expenses incurred in the liquidation of banking organizations, shall be assessed by the superintendent in accordance with this subsection. Persons regulated under the insurance law shall be assessed by the superintendent for the operating expenses of the department that are solely attributable to

1 regulating persons under the insurance law, which shall include any
2 expenses that were permissible to be assessed in fiscal year two thou-
3 sand nine-two thousand ten, with the assessments allocated pro rata upon
4 all domestic insurers and all licensed United States branches of alien
5 insurers domiciled in this state within the meaning of paragraph four of
6 subsection (b) of section seven thousand four hundred eight of the
7 insurance law, in proportion to the gross direct premiums and other
8 considerations, written or received by them in this state during the
9 calendar year ending December thirty-first immediately preceding the end
10 of the fiscal year for which the assessment is made (less return premi-
11 ums and considerations thereon) for policies or contracts of insurance
12 covering property or risks resident or located in this state the issu-
13 ance of which policies or contracts requires a license from the super-
14 intendent. Persons regulated under the banking law shall be assessed by
15 the superintendent for the operating expenses of the department that are
16 solely attributable to regulating persons under the banking law in such
17 proportions as the superintendent shall deem just and reasonable.
18 Persons regulated solely under this chapter shall be assessed by the
19 superintendent for the operating expenses of the department that are
20 solely attributable to regulated persons under this chapter in such
21 proportions as the superintendent shall deem just and reasonable. Oper-
22 ating expenses of the department not covered by the assessments set
23 forth above shall be assessed by the superintendent in such proportions
24 as the superintendent shall deem just and reasonable upon all domestic
25 insurers and all licensed United States branches of alien insurers domi-
26 ciled in this state within the meaning of paragraph four of subsection
27 (b) of section seven thousand four hundred eight of the insurance law,
28 and upon any [regulated] person regulated solely under this chapter and
29 the banking law, other than mortgage loan originators, except as other-
30 wise provided by sections one hundred fifty-one and two hundred twenty-
31 eight of the workers' compensation law and by section sixty of the
32 volunteer firefighters' benefit law. The provisions of this subsection
33 shall not be applicable to a bank holding company, as that term is
34 defined in article three-A of the banking law. Persons regulated under
35 the banking law will not be assessed for expenses that the superinten-
36 dent deems to benefit solely persons regulated under the insurance law,
37 and persons regulated under the insurance law will not be assessed for
38 expenses that the superintendent deems to benefit solely persons regu-
39 lated under the banking law.

40 (g) The expenses of every examination of the affairs of any regulated
41 person subject solely to this chapter, shall be borne and paid by the
42 regulated person so examined, but the superintendent, with the approval
43 of the comptroller, may, in the superintendent's discretion for good
44 cause shown, remit such charges.

45 § 2. This act shall take effect January 1, 2018.

46

SUBPART B

47 Section 1. Legislative findings. In order to provide an appropriate
48 scheme of distribution of assets of all insolvent insurers, the legisla-
49 ture finds that it is in the best interest of the people of this state
50 to amend statutes regarding the priority of distribution under Article
51 74 of the Insurance Law.

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

1 (1) Upon the recommendation of the superintendent, as receiver, and
2 under the direction of the court, distribution payments shall be made in
3 a manner that will assure the proper recognition of priorities and a
4 reasonable balance between the expeditious completion of the [liqui-
5 dation] proceeding subject to this article and the protection of unliq-
6 uidated and undetermined claims. The priority of distribution of claims
7 from [an] all insolvent [property/casualty insurer] insurers in any
8 proceeding subject to this article, unless otherwise specified, shall be
9 in accordance with the order in which each class of claims is set forth
10 in this paragraph and as provided in this paragraph. Every claim in each
11 class shall be paid in full or adequate funds retained for such payment
12 before the members of the next class receive any payment. No subclasses
13 shall be established within any class. No claim by a shareholder, poli-
14 cyholder, contract holder or other creditor shall be permitted to
15 circumvent the priority classes through the use of equitable remedies.
16 The order of distribution of claims shall be:

17 (i) Class one. Claims with respect to the actual and necessary costs
18 and expenses of administration, incurred by the liquidator, rehabilita-
19 tor or conservator under this article.

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

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

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

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

36 (vi) Class six. Claims of general creditors including[, but not limit-
37 ed to,] claims arising under reinsurance contracts.

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

40 (viii) Class eight. Claims for advanced or borrowed funds made pursu-
41 ant to section one thousand three hundred seven of this chapter.

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

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

47 § 7435. Distribution for life insurers. (a) Upon the recommendation of
48 the superintendent, as receiver, and under the direction of the court,
49 distribution payments shall be made in a manner that will assure the
50 proper recognition of priorities and a reasonable balance between the
51 expeditious completion of the proceeding subject to this article and the
52 protection of unliquidated and undetermined claims. The priority of
53 distribution of claims from the estate of [a] an insolvent life insur-
54 ance company in any proceeding subject to this article shall be in
55 accordance with the order in which each class of claims is [herein] set
56 forth in this section and as provided in this section. Every claim in

1 each class shall[, subject to such limitations as may be prescribed by
2 law and do not directly conflict with the express provisions of this
3 section,] be paid in full or adequate funds retained for such payment
4 before the members of the next class receive any payment. No subclasses
5 shall be established within any class. No claim by a shareholder, poli-
6 cyholder, annuitant, or other creditor shall be permitted to circumvent
7 the priority classes through the use of equitable remedies. The order of
8 distribution of claims shall be:

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

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

27 (3) Class three. [All claims for payment for goods furnished or
28 services rendered to the impaired or insolvent insurer in the ordinary
29 course of business within ninety days prior to the date on which the
30 insurer was determined to be impaired or insolvent, whichever is appli-
31 cable] Claims of the federal government except claims provided for in
32 paragraph two of this subsection.

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

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

55 (6) Class six. [Claims of general creditors and any other claims other
56 than claims under paragraphs seven and eight of this subsection] Claims

1 of any state or local government other than claims provided for under
2 paragraph two of this subsection. Claims, including those of any govern-
3 mental body for a penalty or forfeiture, shall be allowed to this class
4 only to the extent of pecuniary loss sustained from the act, trans-
5 action, or proceeding out of which the penalty or forfeiture arose, with
6 reasonable and actual costs occasioned thereby. The remainder of such
7 claims shall be postponed to the class of claims under paragraph nine of
8 this subsection.

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

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

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

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

25 (c) For purposes of this section:

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

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

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

42 § 4. This act shall take effect immediately.

43

SUBPART C

44 Section 1. Section 1104 of the insurance law, the section heading as
45 amended and subsections (c) and (d) as added by chapter 235 of the laws
46 of 1989, the opening paragraph of subsection (c) as amended by chapter
47 598 of the laws of 2000, is amended to read as follows:

48 § 1104. Revocation or suspension of license; restriction of license
49 authority or limitation on premiums written. (a) The superintendent may
50 revoke any license, certificate of authority, or registration issued to
51 any foreign or alien insurer to do an insurance business in this state
52 if, after notice to and hearing, [he] the superintendent finds that such
53 insurer has failed to comply with any requirement imposed upon it by the
54 provisions of this chapter and if in [his] the superintendent's judgment

1 such revocation is reasonably necessary to protect the interests of the
2 people of this state. The superintendent may, in his or her discretion,
3 reinstate any such license, certificate of authority, or registration if
4 [he] the superintendent finds that a ground for such revocation no long-
5 er exists.

6 (b) The superintendent shall revoke the certificate of authority of
7 any corporation or agent convicted of violating section two thousand six
8 hundred three of this chapter.

9 (c) [The] (1) Notwithstanding any other provision of this chapter, the
10 superintendent may [suspend the license, restrict the license authority,
11 or limit the amount of premiums written in this state of any accident
12 and health insurance company, property/casualty insurance company,
13 co-operative property/casualty insurance company, title insurance compa-
14 ny, mortgage guaranty insurance company, reciprocal insurer, Lloyds
15 underwriters or nonprofit property/casualty insurance company] take one
16 or more of the actions specified in subparagraph (B) of paragraph four
17 of this subsection against an insurer, except those insurers subject to
18 the provisions of subsection (c) of section two thousand three hundred
19 forty-three of this chapter, if after a hearing on a record, unless
20 waived by the affected insurer, the superintendent determines that such
21 insurer's surplus to policyholders is not adequate in relation to the
22 insurer's outstanding liabilities or to its financial needs or if the
23 superintendent otherwise determines that the continued operation of the
24 insurer might be deemed to be hazardous to the insurer's policyholders,
25 creditors, or to the general public.

26 (2) All matters pertaining to a proceeding or determination pursuant
27 to this subsection shall be confidential and not subject to subpoena or
28 public inspection under article six of the public officers law or any
29 other statute, except to the extent that the superintendent finds
30 release of information necessary to protect the public. The hearing
31 shall be initiated within twenty days after written notice to the insur-
32 er. Any determination pursuant to this subsection shall contain findings
33 specifying the factors deemed significant in regard to the particular
34 insurer, and shall set forth the reasons supporting the suspension,
35 restriction or limitation ordered by the superintendent.

36 (3) The superintendent may consider the following factors [shall be
37 considered by the superintendent] in making [such] a determination as to
38 whether an insurer's surplus to policyholders is adequate in relation to
39 the insurer's outstanding liabilities or to its financial needs:

40 [(1)] (A) the size of the insurer as measured by its admitted assets,
41 capital and surplus to policyholders, reserves, premium writings, insur-
42 ance in force and other appropriate criteria, with such surplus to poli-
43 cyholders for foreign insurers adjusted in accordance with section one
44 thousand four hundred thirteen of this chapter;

45 [(2)] (B) the extent to which the insurer's business is diversified
46 among the several kinds of insurance;

47 [(3)] (C) the number and size of risks insured in each kind of insur-
48 ance and the insurer's loss experience in regard to such risks;

49 [(4)] (D) the extent of geographical dispersion of the insurer's
50 risks;

51 [(5)] (E) the nature and extent of the insurer's reinsurance program;

52 [(6)] (F) the quality, diversification and liquidity of the insurer's
53 investment portfolio;

54 [(7)] (G) the recent past and projected future trends in regard to the
55 insurer's loss experience and in the size of the insurer's surplus to
56 policyholders;

1 ~~[(8)]~~ (H) the surplus to policyholders maintained by other comparable
2 insurers;

3 ~~[(9)]~~ (I) the adequacy of the insurer's reserves; and

4 ~~[(10)]~~ (J) the quality and liquidity of investments in subsidiaries
5 made pursuant to this chapter.

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

10 (i) adverse findings reported in financial condition and market
11 conduct examination reports, audit reports, actuarial opinions, reports,
12 or summaries, or other reports;

13 (ii) the national association of insurance commissioners insurance
14 regulatory information system and its other financial analysis solvency
15 tools and reports;

16 (iii) whether the insurer has made adequate provision, according to
17 presently accepted actuarial standards of practice, for the anticipated
18 cash flows required by the contractual obligations and related expenses
19 of the insurer, when considered in light of the assets held by the
20 insurer with respect to such reserves and related actuarial items,
21 including the investment earnings on such assets, and the considerations
22 anticipated to be received and retained under such policies and
23 contracts;

24 (iv) the ability of an assuming reinsurer to perform and whether the
25 insurer's reinsurance program provides sufficient protection for the
26 insurer's remaining surplus after taking into account the insurer's cash
27 flow and the classes of business written as well as the financial condi-
28 tion of the assuming reinsurer;

29 (v) whether the insurer's operating loss in the last twelve-month
30 period or any shorter period of time, including net capital gain or
31 loss, change in non-admitted assets, and cash dividends paid to share-
32 holders, is greater than fifty percent of the insurer's remaining
33 surplus to policyholders in excess of the minimum required;

34 (vi) whether the insurer's operating loss in the last twelve-month
35 period or any shorter period of time, excluding net capital gains, is
36 greater than twenty percent of the insurer's remaining surplus to poli-
37 cyholders in excess of the minimum required;

38 (vii) whether a reinsurer, an obligor, any entity in the insurer's
39 holding company system, as defined in paragraph six of subsection (a) of
40 section one thousand five hundred one of this chapter, or any subsidiary
41 of an insurer, is insolvent, threatened with insolvency, or delinquent
42 in payment of its monetary or other obligations, and which in the opin-
43 ion of the superintendent may affect the solvency of the insurer;

44 (viii) contingent liabilities, pledges, or guarantees that either
45 individually or collectively involve a total amount that in the super-
46 intendent's opinion may affect the insurer's solvency;

47 (ix) whether any person who controls an insurer, as defined in para-
48 graph two of subsection (a) of section one thousand five hundred one of
49 this chapter, is delinquent in the transmitting to, or payment of, net
50 premiums to the insurer;

51 (x) the age and collectability of receivables;

52 (xi) whether the management of an insurer, including officers, direc-
53 tors, or any other person who directly or indirectly controls the opera-
54 tion of the insurer, fails to possess and demonstrate the competence,
55 fitness, and reputation deemed necessary to serve the insurer in such
56 position;

1 (xii) whether the insurer's management has failed to respond to an
2 inquiry of the superintendent relative to the insurer's condition or has
3 furnished false and misleading information concerning such an inquiry;

4 (xiii) whether the insurer has failed to meet financial filing
5 requirements or filing requirements pursuant to articles fifteen,
6 sixteen, or seventeen of this chapter, or regulations promulgated there-
7 under, in the absence of a reason satisfactory to the superintendent;

8 (xiv) whether the insurer's management either has filed any false or
9 misleading sworn financial statement, or has released false or mislead-
10 ing financial statements to lending institutions or to the general
11 public, or has made a false or misleading entry, or has omitted an entry
12 of material amount in the insurer's books;

13 (xv) whether the insurer has grown so rapidly and to such an extent
14 that it lacks adequate financial and administrative capacity to meet its
15 obligations in a timely manner;

16 (xvi) whether the insurer has experienced or is expected to experience
17 in the foreseeable future cash flow or liquidity problems;

18 (xvii) whether management has established reserves that do not comply
19 with minimum standards established by this chapter or regulations
20 promulgated thereunder, statutory accounting standards, as adopted by
21 the superintendent, sound actuarial principles and standards of prac-
22 tice;

23 (xviii) whether management persistently engages in material under
24 reserving that results in adverse development;

25 (xix) whether any transaction with an affiliate, a subsidiary, or a
26 parent for which the insurer receives assets or capital gains, or both,
27 do not provide sufficient value, liquidity, or diversity to assure the
28 insurer's ability to meet its outstanding obligations as they mature;
29 and

30 (xx) any other finding determined by the superintendent to be hazard-
31 ous to the insurer's policyholders, creditors, or to the general public.

32 (B) If the superintendent determines that the insurer's surplus to
33 policyholders is not adequate in relation to the insurer's outstanding
34 liabilities or to its financial needs or if the superintendent otherwise
35 determines that the continued operation of the insurer may be hazardous
36 to its policyholders, creditors, or to the general public, then the
37 superintendent may, upon a determination, suspend the insurer's license,
38 certificate of authority, or registration, restrict the insurer's
39 license, certificate of authority, or registration authority, or issue
40 an order requiring the insurer to do one or more of the following:

41 (i) reduce the total amount of present and potential liability for
42 policy benefits by reinsurance;

43 (ii) reduce, suspend, or limit the volume of business being accepted
44 or renewed, or limit the amount of premiums written in this state;

45 (iii) reduce general insurance and commission expenses by specified
46 methods;

47 (iv) increase the insurer's capital and surplus;

48 (v) suspend or limit the declaration and payment of dividends by an
49 insurer to its stockholders or policyholders;

50 (vi) file reports on a form and in a manner acceptable to the super-
51 intendent concerning the market value of an insurer's assets;

52 (vii) limit or withdraw from certain investments or discontinue
53 certain investment practices to the extent the superintendent deems
54 necessary;

55 (viii) document the adequacy of premium rates in relation to the risks
56 insured;

1 (ix) file, in addition to regular annual statements, interim financial
2 reports on a form and in a manner prescribed by the superintendent,
3 which may include a form adopted by the national association of insur-
4 ance commissioners;

5 (x) correct corporate governance practice deficiencies, and adopt and
6 utilize governance practices acceptable to the superintendent;

7 (xi) provide a business plan to the superintendent in order to contin-
8 ue to transact business in this state; or

9 (xii) notwithstanding any other provision of law, adjust rates for any
10 non-life insurance policy or contract written by the insurer that the
11 superintendent considers necessary to improve the insurer's financial
12 condition.

13 (d) [The superintendent shall identify and review those licensed
14 property/casualty insurers needing immediate or targeted regulatory
15 attention, and shall include the number of insurers so identified in the
16 report required by section three hundred thirty-four of this chapter.
17 Such report shall also include the name of each licensed
18 property/casualty insurer placed in formal conservatorship, rehabili-
19 tation or liquidation during the preceding year. Nothing herein shall be
20 construed to restrict or diminish any right or power of the superinten-
21 dent under any other provision of this chapter] For the purposes of this
22 section, "insurer" shall mean any person, firm, association, corpo-
23 ration, or joint-stock company authorized to do an insurance business in
24 this state by a license in force pursuant to the provisions of this
25 chapter or exempted by the provisions of this chapter from such licens-
26 ing, except that, for purposes of this section, the term "insurer" shall
27 not include any health maintenance organization operating pursuant to
28 section one thousand one hundred nine of this chapter or any continuing
29 care retirement community operating pursuant to section one thousand one
30 hundred nineteen of this chapter.

31 § 2. This act shall take effect immediately.

32 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
33 sion, section or subpart of this act shall be adjudged by any court of
34 competent jurisdiction to be invalid, such judgment shall not affect,
35 impair, or invalidate the remainder thereof, but shall be confined in
36 its operation to the clause, sentence, paragraph, subdivision, section
37 or subpart thereof directly involved in the controversy in which such
38 judgment shall have been rendered. It is hereby declared to be the
39 intent of the legislature that this act would have been enacted even if
40 such invalid provisions had not been included herein.

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

44 PART HH

45 Intentionally Omitted

46 PART II

47 Section 1. This act shall be known and may be cited as the "clean
48 water infrastructure act of 2017".

49 § 2. Article 15 of the environmental conservation law is amended by
50 adding a new title 33 to read as follows:

TITLE 33SOURCE WATER PROTECTION PROJECTSSection 15-3301. Definitions.15-3303. Land acquisition projects for source water protection.15-3305. Approval and execution of projects.§ 15-3301. Definitions.As used in this title the following terms shall mean:

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

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

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

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

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

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

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

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

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

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



1 5. If the state acquires a real property interest in land purchased by
2 a municipality or not-for-profit with funds made available pursuant to
3 this title, the state shall pay the fair market value of such interest
4 less the amount of funding provided by the state pursuant to this
5 section.

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

9 § 15-3305. Approval and execution of projects.

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

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

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

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

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

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

46 § 1113. Lead service line replacement grant program. Within amounts
47 appropriated therefor, the department shall develop a program to award
48 grants to municipalities for purposes of replacing lead service lines
49 used to supply drinking water. When determining which municipalities
50 shall receive awards and the amount of such awards, the department shall
51 consider for each municipality the cost of replacing lead service lines
52 and the number of persons who receive drinking water from such service
53 lines, and shall give priority to those municipalities with zip codes
54 which demonstrate elevated childhood blood lead levels based on the most
55 recent available data and low-income communities, according to regu-
56 lations as shall be determined by the department.

1 § 4. Section 54-1523 of the environmental conservation law, as added
2 by section 5 of part U of chapter 58 of the laws of 2016, is amended to
3 read as follows:

4 § 54-1523. Climate adaptation and mitigation projects.

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

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

11 b. nature-based solutions such as wetland protections to address phys-
12 ical climate risk due to sea level rise, and/or storm surges and/or
13 flooding, based on available data predicting the likelihood of future
14 extreme weather events, including hazard risk analysis data if applica-
15 ble;

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

20 d. flood risk reduction;

21 e. greenhouse gas emission reductions outside the power sector;

22 f. enabling communities to become certified under the climate smart
23 communities program, including by developing natural resources invento-
24 ries, right sizing of municipal fleets and developing climate adaptation
25 strategies; [and]

26 g. climate change adaptation planning and supporting studies, includ-
27 ing but not limited to vulnerability assessment and risk analysis of
28 municipal drinking water, wastewater, and transportation infrastructure;
29 and

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

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

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

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

41 § 54-1525. Restriction on alienation.

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

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

53 TITLE 12
54 DRINKING WATER CONTAMINATION REMEDIATION
55 Section 27-1201. Definitions.

1 27-1203. Mitigation of drinking water contamination.

2 27-1205. Remedial programs.

3 27-1207. Access to records and sites.

4 27-1209. Use and reporting of the drinking water contamination
5 response account.

6 27-1211. Rules and regulations.

7 27-1213. Citizen technical assistance grants.

8 § 27-1201. Definitions.

9 When used in this title:

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

13 2. "Emerging contaminant". Notwithstanding the definition of emerg-
14 ing contaminant pursuant to section eleven hundred twelve of the public
15 health law, "emerging contaminant" does not include:

16 a. Natural gas, natural gas liquids, liquefied natural gas, synthetic
17 gas usable for fuel, or mixtures of natural gas and such synthetic gas;
18 nor

19 b. The residue of emissions from the engine exhaust of a motor vehi-
20 cle, rolling stock, aircraft, vessel, or pipeline pumping station
21 engine; nor

22 c. Source, byproduct, or special nuclear material from a nuclear inci-
23 dent, as those terms are defined in the atomic energy act of 1954, if
24 such release is subject to requirements with respect to financial
25 protection established under section 170 of such act (42 U.S.C. 2210)
26 or, for the purpose of section 104 of the comprehensive environmental
27 response, compensation and liability act of 1980 (42 U.S.C. 9604), or
28 any other response action, any source, byproduct, or special nuclear
29 material from any processing site designated under section 102(a)(1) or
30 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42
31 U.S.C. 7912(a)(1) or 7942(a)); nor

32 d. Petroleum as defined in section one hundred seventy-two of the
33 navigation law, even if appearing on the list promulgated pursuant to
34 section 37-0103 of this chapter.

35 § 27-1203. Mitigation of drinking water contamination.

36 Whenever the commissioner of health has required a public water system
37 to take action to reduce exposure as a result of emerging contaminant
38 notification levels pursuant to section eleven hundred twelve of the
39 public health law, or at any time upon the request of the commissioner
40 of health pursuant to a public health hazard, the department shall
41 undertake all reasonable and necessary measures to ensure that safe
42 drinking water is expeditiously made available to all people in any area
43 of the state in which such contamination is known to be present. Such
44 area shall include, at a minimum, all properties served by the public
45 water system and any land and any surface or groundwater sources identi-
46 fied by the department or department of health as causing or contribut-
47 ing to such contamination. The department's measures shall be protec-
48 tive of human and environmental health and may include the installation
49 of treatment systems, including but not limited to installation of
50 onsite water supplies, or the provision of alternative water supply
51 sources to ensure that water meets applicable maximum contaminant levels
52 or other threshold concentrations, such as action levels, set by the
53 department of health or federal government.

54 § 27-1205. Remedial programs.

55 1. a. The department shall be responsible, as provided in this
56 section, for public drinking water contamination remedial programs once

1 the department of health has required a public water system to take
2 action to reduce exposure as a result of an emerging contaminant notifi-
3 cation level pursuant to section eleven hundred twelve of the public
4 health law except as provided in section one thousand three hundred
5 eighty-nine-b of the public health law.

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

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

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

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

37 b. Whenever the commissioner, after investigation, finds:

38 (i) that a public drinking water contamination site constitutes a
39 significant threat to the environment; and

40 (ii) that such threat is causing or presents an imminent danger of
41 causing irreversible or irreparable damage to the environment; and

42 (iii) the threat makes it prejudicial to the public interest to delay
43 action until a hearing can be held pursuant to this title, the depart-
44 ment may, pursuant to paragraph c of subdivision five of this section
45 and within the funds available to the department from the drinking water
46 contaminant response account, develop and implement a drinking water
47 contamination remedial program for such site. Findings required pursu-
48 ant to this paragraph shall be in writing and may be made by the commis-
49 sioner on an ex parte basis subject to judicial review.

50 4. Any order issued pursuant to subdivision three of this section
51 shall be issued only after notice and the opportunity for a hearing is
52 provided to persons who may be the subject of such order. The commis-
53 sioner shall determine which persons are responsible pursuant to said
54 subdivision according to applicable principles of statutory or common
55 law liability. Such persons shall be entitled to raise any statutory or
56 common law defense at any such hearing and such defenses shall have the



1 same force and effect at such hearings as they would have in a court of
2 law. In the event a hearing is held, no order shall be issued by the
3 commissioner under subdivision three of this section until a final deci-
4 sion has been rendered. Any such order shall be reviewable pursuant to
5 article seventy-eight of the civil practice law and rules within thirty
6 days after service of such order. The commissioner may request the
7 participation of the attorney general in such hearings.

8 5. a. Whenever a person ordered to eliminate a threat to the environ-
9 ment pursuant to paragraph a of subdivision three of this section has
10 failed to do so within the time limits specified in the order, the
11 department may develop and implement a public drinking water contam-
12 ination remedial program for such site. The reasonable expenses of
13 developing and implementing such remedial program by the department
14 shall be paid by the person to whom the order was issued and the state
15 may seek to recover such reasonable expenses in any court of appropriate
16 jurisdiction.

17 b. In the event that the commissioner has found that a public drinking
18 water contamination site constitutes a significant threat to the envi-
19 ronment, but after a reasonable attempt to determine who may be respon-
20 sible is either unable to determine who may be responsible, or is unable
21 to locate a person who may be responsible, the department may develop
22 and implement a public drinking water contamination remedial program for
23 such site. The commissioner shall make every effort, in accordance with
24 the requirements for notice, hearing and review provided for in this
25 title, to secure appropriate relief from any person subsequently identi-
26 fied or located who is responsible for the disposal of hazardous waste
27 at such site, including, but not limited to, development and implementa-
28 tion of an inactive hazardous waste disposal site remedial program,
29 payment of the cost of such a program, recovery of any reasonable
30 expenses incurred by the state, money damages and penalties.

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

43 (i) the technological feasibility of all actions;

44 (ii) the nature of the danger to human health and the environment
45 which the actions are designed to address; and

46 (iii) the extent to which the actions would reduce such danger to
47 human health or the environment or would otherwise benefit human health
48 or the environment.

49 6. The commissioner shall make every effort, in accordance with the
50 requirements for notice, hearing and review provided for in this title
51 to secure appropriate relief from the owner or operator of such site
52 and/or any person responsible for such contamination, including, but not
53 limited to, development and implementation of a public drinking water
54 contamination remedial program, payment of the cost of such program,
55 recovery of any reasonable expenses incurred by the state, money damages
56 and penalties.

1 7. When a municipality develops and implements pursuant to an agree-
2 ment with the department a public drinking water contamination remedial
3 program as approved by the department for a site which is owned or has
4 been operated by such municipality or when the department, pursuant to
5 an agreement with a municipality, develops and implements such a remedi-
6 al program, the commissioner shall, in the name of the state, agree in
7 such agreement to provide from the drinking water contamination response
8 fund, within the limitations of appropriations therefor, seventy-five
9 percent of the eligible design and construction costs of such remedial
10 program for which such municipality is liable solely because of its
11 ownership and/or operation of such site and which are not recovered from
12 or reimbursed or paid by a responsible party or the federal government.

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

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

28 10. Any duly designated officer or employee of the department or any
29 other state agency, and any agent, consultant, contractor, or other
30 person, including an employee, agent, consultant, or contractor of a
31 responsible person acting at the direction of the department, so author-
32 ized in writing by the commissioner, may enter any public drinking water
33 contamination site and areas near such site to implement a public drink-
34 ing water contamination remedial program for such site, provided the
35 commissioner has sent a written notice to the owners of record or any
36 known occupants of such site or nearby areas of the intended entry and
37 work at least ten days prior to such initial entry unless such owners
38 and occupants consent to an earlier date.
39 § 27-1207. Access to records and sites.

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

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

54 3. Any duly designated officer or employee of the department, or of
55 any state agency, and any agent, consultant, contractor, or other
56 person, including an employee, agent, consultant, or contractor of a

1 responsible person acting at the direction of the department, so author-
2 ized in writing by the commissioner, may enter any public drinking water
3 contamination site and areas near such site and inspect and take samples
4 of wastes, soils, air, surface water, and groundwater. In order to take
5 such samples, the department or authorized person may utilize or cause
6 to be utilized such sampling methods as it determines to be necessary
7 including, but not limited to, soil borings and monitoring wells.

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

33 5. The expense of any such sampling and analysis shall be paid by the
34 department, but may be recovered from any responsible person in any
35 action or proceeding brought pursuant to this title or common law;
36 provided, that if the person so authorized in writing shall be an
37 employee, agent, consultant, or contractor of a responsible person
38 acting at the direction of the department, then the expense of any such
39 sampling and analysis shall be paid by the responsible person.

40 § 27-1209. Use and reporting of drinking water contamination response
41 account.

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

46 2. On or before July first, two thousand eighteen, and annually there-
47 after, the department shall report on the status of the program includ-
48 ing:

49 a. Monies expended or encumbered for the purpose of conducting site
50 investigations, remedial investigations, remedial design studies, reme-
51 dial construction, interim remedial measures, and feasibility studies;

52 b. An accounting of payments received and payments obligated to be
53 received pursuant to this title, and a report of the department's
54 attempt to secure such obligations.

55 § 27-1211. Rules and regulations.



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

10 § 27-1213. Citizen technical assistance grants.

11 1. The commissioner is authorized to provide, or order a person acting
12 under order or on consent, to provide grants to any not-for-profit
13 corporation exempt from taxation under section 501(c)(3) of the internal
14 revenue code who may be affected by a public drinking water contam-
15 ination remedial program. To qualify to receive such assistance, a
16 community group must demonstrate that its membership represents the
17 interests of the community affected by such site, and that members'
18 health, economic well-being or enjoyment of the environment are poten-
19 tially affected by such site. Such grants shall be known as technical
20 assistance grants and may be used to obtain technical assistance in
21 interpreting information with regard to the nature of the hazard from a
22 public drinking water contamination site or sites and the development
23 and implementation of a public drinking water contamination site remedi-
24 al program or programs. Such grants may also be used:

25 (a) to advise affected residents on any health assessment; and

26 (b) for training funds for the education of interested affected commu-
27 nity members to enable them to more effectively participate in the reme-
28 dy selection process.

29 Grants awarded under this section may not be used for the purposes of
30 collecting field sampling data, political activity or lobbying legisla-
31 tive bodies.

32 2. The amount of any grant awarded under this section may not exceed
33 fifty thousand dollars at any one site.

34 3. No matching contribution from the grant recipient shall be required
35 for a technical assistance grant. Following a grant award, a portion of
36 the grant shall be made available to the grant recipient, in advance of
37 the expenditures to be covered by the grant, in five thousand dollar
38 installments.

39 § 7. The public authorities law is amended by adding a new section
40 1285-s to read as follows:

41 § 1285-s. New York state intermunicipal water infrastructure grants
42 program. 1. For purposes of this section:

43 (a) "water quality infrastructure project" shall mean "sewage treat-
44 ment works" as defined in section 17-1903 of the environmental conserva-
45 tion law or "eligible project" as defined in paragraphs (a), (b), (c)
46 and (e) of subdivision four of section eleven hundred sixty of the
47 public health law.

48 (b) "construction" shall mean:

49 (i) for sewage treatment works, the same meaning as defined in section
50 17-1903 of the environmental conservation law; and

51 (ii) for eligible projects, the same meaning as defined in section one
52 thousand one hundred sixty of the public health law.

53 (c) "municipality" shall mean any county, city, town, village,
54 district corporation, county or town improvement district, school
55 district, Indian nation or tribe recognized by the state or the United
56 States with a reservation wholly or partly within the boundaries of New



1 York state, any public benefit corporation or public authority estab-
2 lished pursuant to the laws of New York or any agency of New York state
3 which is empowered to construct and operate an intermunicipal water
4 quality infrastructure project, or any two or more of the foregoing
5 which are acting jointly in connection with an intermunicipal water
6 quality infrastructure project.

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

18 (b) Intermunicipal water quality infrastructure projects shall serve
19 multiple municipalities and may include a shared water quality infras-
20 tructure project or interconnection of multiple municipal water quality
21 infrastructure projects and shall be awarded only to water quality
22 infrastructure projects for:

23 (i) replacement or repair of infrastructure; or

24 (ii) compliance with environmental and public health laws and regu-
25 lations related to water quality.

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

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

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

38 (f) In awarding such state intermunicipal water infrastructure grants,
39 the environmental facilities corporation shall consider and give prefer-
40 ence to municipalities that meet the hardship criteria established by
41 the environmental facilities corporation pursuant to section twelve
42 hundred eighty-five-m of this article and projects that result in the
43 greatest water quality improvement or greatest reduction in serious risk
44 to public health. For the purposes of this section, the hardship crite-
45 ria of section twelve hundred eighty-five-m of this article shall also
46 apply to sewage treatment works defined in section 17-1903 of the envi-
47 ronmental conservation law.

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

55 § 8. Article 27 of the environmental conservation law is amended by
56 adding a new title 31 to read as follows:

TITLE 31CLOSED, ILLEGAL OR ABANDONED DISPOSAL SITESSection 27-3101. Definitions.27-3103. Identification of sites.27-3105. Registry of sites.27-3107. Use and reporting of closed, illegal or abandoned disposal site response account.27-3109. Regulations.27-3111. Municipal grants.§ 27-3101. Definitions.As used in this title, the following terms shall mean:

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

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

§ 27-3103. Identification of sites.

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

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

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

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

§ 27-3105. Registry of sites.

1. The department shall maintain and make available for public inspection, at each of its regional offices and regional sub-offices, at



1 the office of the county clerk or register for each county and at the
2 office of the town clerk for each town in Suffolk and Nassau counties,
3 and on its homepage on the internet, a registry of any closed, illegal
4 or abandoned disposal sites in such region or, with respect to the
5 office of the county clerk or register, in such county. The department
6 shall provide a written copy upon requests by any person. The department
7 shall take all necessary action to ensure that the registry provides a
8 complete and up-to-date listing of all such sites within the region. The
9 department shall, on or before January first, two thousand nineteen, and
10 annually thereafter, transmit the updated registry to the legislature
11 and the governor. A notice of the availability of the updated registry
12 shall be sent to the department of health and the chief executive offi-
13 cer of every county. Upon identification of a closed, illegal or aban-
14 doned disposal site not included in the registry for the immediately
15 preceding year, the department shall notify in writing the chief execu-
16 tive officer of each county, city, town and village and the public water
17 supplier which services the area in which such site is located that such
18 site has been so identified. For the purposes of this section, "water
19 supplier" shall mean any public water system as such term is defined for
20 the purposes of the sanitary code of the state of New York as authorized
21 by section two hundred twenty-five of the public health law. Such regis-
22 try shall include but need not be limited to those items among the
23 following which the commissioner determines to be necessary:

- 24 a. A description of the sites consisting of:
25 (i) a general description of the site, which shall include the name,
26 if any, of the site, the address of the site, the type and quantity of
27 the known types of waste disposed of at the site and the name of the
28 current owners of the site;
29 (ii) an assessment by the department of any significant environmental
30 problems at and near the site;
31 (iii) an assessment prepared by the department of health of any seri-
32 ous health problems in the immediate vicinity of the site and any health
33 problems deemed by the department of health to be related to conditions
34 at the site;
35 (iv) the status of any testing, monitoring or remedial actions in
36 progress or recommended by the department;
37 (v) the status of any pending legal actions and any federal, state or
38 local government permits or approvals concerning the site; and
39 (vi) an assessment of the relative priority of the need for action at
40 each site to remedy environmental and health problems resulting from the
41 presence of wastes at such site;
42 b. Address and site boundaries including tax map parcel numbers or
43 section, block and lot numbers;
44 c. Time period of use for disposal of waste;
45 d. Name of the current owner and operator and names of any past and
46 reported owners and operators during the time period of use for waste
47 disposal;
48 e. Names of persons responsible for the generation and transportation
49 of waste disposed of;
50 f. Type and quantity of known types of waste disposed of;
51 g. Manner of disposal of such waste;
52 h. Nature of soils at the site;
53 i. Depth of water table at the site;
54 j. Location, nature and size of aquifers at the site;
55 k. Direction of present and historic groundwater flows at the site;



1 1. Location, nature and size of all surface waters at and near the
2 site;

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

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

12 o. Proximity of the site to private residences, public buildings or
13 property, school facilities, places of work or other areas where indi-
14 viduals may be present; and

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

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

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

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

44 (2) Significant threat to the public health or environment--action
45 required;

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

48 (4) Site properly closed--requires continued management;

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

51 c. (1) Any owner or operator of a site listed pursuant to this section
52 may petition the commissioner for deletion of such site, modification of
53 the site classification, or modification of any information regarding
54 such site by submitting a written statement in such form as the commis-
55 sioner may require setting forth the grounds of the petition.

1 (2) Within ninety days after the submittal of such petition, the
2 commissioner may convene an administrative hearing to determine whether
3 a particular site should be deleted from the registry, receive a modi-
4 fied site classification or whether any information regarding the site
5 should be modified. In any such hearing the burden of proof shall be on
6 the petitioner. No less than thirty days prior to the hearing the
7 commissioner shall cause a notice of hearing to be published in the next
8 available environmental notice bulletin and in a newspaper of general
9 circulation in the county in which the site is located. The commissioner
10 shall also notify in writing any owner or operator of the site no less
11 than thirty days prior to the hearing. The cost of any such hearing,
12 including the cost of any public notification, shall be at the
13 petitioner's expense.

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

23 (4) The commissioner may not delete any site from the registry without
24 providing public notice no less than sixty days prior to the proposed
25 deletion. Such notice of deletion shall be published in the next avail-
26 able environmental notice bulletin and in a newspaper of general circu-
27 lation in the county in which the site is located. The commissioner
28 shall also notify in writing any owner or operator of the site, if
29 applicable, no less than sixty days prior to the proposed deletion. The
30 commissioner shall provide a thirty-day period for submission of written
31 comments and may provide an opportunity for submission of oral comments
32 at a public meeting at or near the site. The commissioner shall summa-
33 riize any comments received and make the summary available to the public.
34 The commissioner may convene an administrative hearing to determine
35 whether a particular site should be deleted from the registry, receive a
36 modified site classification or whether any information regarding the
37 site should be modified.

38 (5) The department shall notify, as soon as possible and within avail-
39 able resources all public repositories of the registry of any modifica-
40 tions or deletions to such registry. The department shall also note any
41 such deletions or modifications in the next annual report and publica-
42 tion of the registry.

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

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

55 e. The department shall, in consultation with the department of
56 health, evaluate existing site evaluation systems and shall develop a

1 system to select and prioritize sites for remedial action. Such system
2 shall incorporate environmental, natural resource and public health
3 concerns.

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

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

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

21 b. Make any subsurface borings and any analyses or tests of samples
22 taken as may be necessary or desirable to effectuate the field investi-
23 gations of sites as required under this section subject to the require-
24 ments of this title.

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

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

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

36 f. Estimate, with reasonable specificity, based upon the field inves-
37 tigations, assessments, analyses, document reviews and other appropriate
38 data gathering, the costs of remedial action for sites included in the
39 plan, considering the appropriate methods and techniques as currently
40 exist in the field of waste management and any such estimates or recom-
41 mendations shall reflect such costs as are reasonably necessary to
42 contain, alleviate or end the threat to life or health or to the envi-
43 ronment.

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

54 a. monies expended or encumbered for the purpose of conducting site
55 investigations;

1 b. monies expended or encumbered for the purpose of conducting remedi-
2 al investigations and feasibility studies;

3 c. monies expended or encumbered for the purpose of conducting remedi-
4 al design studies;

5 d. monies expended or encumbered for the purpose of conducting remedi-
6 al construction activities;

7 e. monies expended or encumbered for operation, maintenance, and moni-
8 toring activities;

9 f. monies expended or encumbered for interim remedial measures;

10 g. monies expended or encumbered for administrative personnel costs
11 associated with activities conducted at closed, illegal or abandoned
12 disposal sites;

13 h. monies expended or encumbered for oversight activities;

14 i. monies expended or encumbered in stand-by contracts entered into
15 pursuant to section 3-0309 of this chapter and the purposes for which
16 these stand-by contracts were entered into; and

17 j. an accounting of payments received and payments obligated to be
18 received pursuant to this title, and a report of the department's
19 attempts to secure such obligations.

20 § 27-3107. Use and reporting of closed, illegal or abandoned disposal
21 site response account.

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

26 1. enumeration and assessment of closed, illegal or abandoned disposal
27 sites;

28 2. investigation and environmental characterization of closed, illegal
29 or abandoned disposal sites, including environmental sampling; and

30 3. mitigation and cleanup of closed, illegal or abandoned disposal
31 sites.

32 § 27-3109. Regulations.

33 The department shall implement rules and regulations necessary and
34 appropriate to carry out the purposes of this title and shall at a mini-
35 mum include such provisions for requisite due process and meaningful
36 public participation as are appropriate to any action undertaken pursu-
37 ant to this title, taking into consideration the nature and degree of
38 any public health impacts and the urgency of any need for investigation
39 or remediation of contamination.

40 § 27-3111. Municipal grants.

41 When a municipality develops and implements pursuant to an agreement
42 with the department a closed, illegal or abandoned disposal site remedi-
43 al program as approved by the department for a site which is owned or
44 has been operated by such municipality or when the department, pursuant
45 to an agreement with a municipality, develops and implements such a
46 remedial program, the commissioner shall, in the name of the state,
47 agree in such agreement to provide from the closed, illegal or abandoned
48 disposal site response account fund, within the limitations of appropri-
49 ations therefor, seventy-five percent of the eligible design and
50 construction costs of such remedial program for which such municipality
51 is liable solely because of its ownership and/or operation of such site
52 and which are not recovered from or reimbursed or paid by a responsible
53 party or the federal government.

54 § 9. Section 3 of part G of chapter 60 of the laws of 2015, constitut-
55 ing the New York State water infrastructure act of 2015, is amended by
56 adding a new subdivision 6 to read as follows:

1 6. Water quality infrastructure projects financed with state assist-
2 ance made available pursuant to this section shall be subject to the
3 requirements of article eight of the labor law, the requirements of
4 article seventeen-B of the executive law, and the requirements and
5 provisions of all applicable minority- and women-owned business mandates
6 including, but not limited to article fifteen-A of the executive law.

7 § 10. Subdivision 9 of section 97-b of the state finance law is
8 REPEALED.

9 § 11. The opening paragraph, and paragraphs i and j of subdivision 4
10 of section 27-1305 of the environmental conservation law, as amended by
11 section 3 of part E of chapter 1 of the laws of 2003, are amended to
12 read as follows:

13 On or before July first, nineteen hundred eighty-six and July first of
14 each succeeding year, the department shall prepare a status report on
15 the implementation of the plan, and an update of the policies, program
16 objectives, methods and strategies as outlined in the plan which guide
17 the overall inactive hazardous waste site remediation program and the
18 closed, illegal or abandoned disposal response site and drinking water
19 contamination response programs. Such status report shall reflect infor-
20 mation available to the department as of March thirty-first of each
21 year, and shall include an accounting of all [monies] moneys expended or
22 encumbered from the environmental quality bond act of nineteen hundred
23 eighty-six or the hazardous waste remedial fund during the preceding
24 fiscal year, such accounting to separately list:

25 i. [monies] moneys expended or encumbered in stand-by contracts
26 entered into pursuant to section 3-0309 of this chapter and the purposes
27 for which these stand-by contracts were entered into; [and]

28 j. moneys expended or encumbered pursuant to title twelve of this
29 article;

30 k. moneys expended or encumbered pursuant to title thirty-one of this
31 article; and

32 l. an accounting of payments received and payments obligated to be
33 received pursuant to this title and title twelve of this article, and a
34 report of the department's attempts to secure such obligations.

35 § 12. Subdivisions 1, 2 and 6 and the opening paragraph and paragraphs
36 (i) and (j) of subdivision 3 of section 97-b of the state finance law,
37 subdivision 1 and the opening paragraph of subdivision 3, as amended and
38 paragraph (j) of subdivision 3 as added by section 4 of part I of chap-
39 ter 1 of the laws of 2003, subdivision 2 as amended by section 5 of part
40 X of chapter 58 of the laws of 2015, paragraph (i) of subdivision 3 as
41 amended by section 1 of part R of chapter 59 of the laws of 2007, subdi-
42 vision 6 as amended by chapter 38 of the laws of 1985, are amended and a
43 new paragraph (k) is added to subdivision 3 to read as follows:

44 1. There is hereby established in the custody of the state comptroller
45 a nonlapsing revolving fund to be known as the "hazardous waste remedial
46 fund", which shall consist of a "site investigation and construction
47 account", an "industry fee transfer account", an "environmental restora-
48 tion project account", "hazardous waste cleanup account", [and] a
49 "hazardous waste remediation oversight and assistance account", "closed,
50 illegal or abandoned disposal site account" and a "drinking water
51 contamination response account".

52 2. Such fund shall consist of all of the following:

53 (a) moneys appropriated for transfer to the fund's site investigation
54 and construction account; (b) all fines and other sums accumulated in
55 the fund prior to April first, nineteen hundred eighty-eight pursuant to
56 section 71-2725 of the environmental conservation law for deposit in the

1 fund's site investigation and construction account; (c) all moneys
2 collected or received by the department of taxation and finance pursuant
3 to section 27-0923 of the environmental conservation law for deposit in
4 the fund's industry fee transfer account; (d) all moneys paid into the
5 fund pursuant to section 72-0201 of the environmental conservation law
6 which shall be deposited in the fund's industry fee transfer account;
7 (e) all moneys paid into the fund pursuant to paragraph (b) of subdivi-
8 sion one of section one hundred eighty-six of the navigation law which
9 shall be deposited in the fund's industry fee transfer account; (f) all
10 monies recovered under sections 56-0503, 56-0505 and 56-0507 of the
11 environmental conservation law into the fund's environmental restoration
12 project account; (g) all fees paid into the fund pursuant to section
13 72-0402 of the environmental conservation law which shall be deposited
14 in the fund's industry fee transfer account; (h) payments received for
15 all state costs incurred in negotiating and overseeing the implementa-
16 tion of brownfield site cleanup agreements pursuant to title fourteen of
17 article twenty-seven of the environmental conservation law shall be
18 deposited in the hazardous waste remediation oversight and assistance
19 account; (i) all moneys recovered pursuant to title twelve of article
20 twenty-seven of the environmental conservation law into the fund's
21 drinking water contamination response account; and [(i)] (j) other
22 moneys credited or transferred thereto from any other fund or source for
23 deposit in the fund's site investigation and construction account.

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

29 (i) with respect to moneys in the hazardous waste remediation over-
30 sight and assistance account, non-bondable costs associated with hazard-
31 ous waste remediation projects. Such costs shall be limited to agency
32 staff costs associated with the administration of state assistance for
33 brownfield opportunity areas pursuant to section nine hundred seventy-r
34 of the general municipal law, agency staff costs associated with the
35 administration of technical assistance grants pursuant to titles thir-
36 teen and fourteen of article twenty-seven of the environmental conserva-
37 tion law, and costs of the department of environmental conservation
38 related to the geographic information system required by section 3-0315
39 of the environmental conservation law; [and]

40 (j) with respect to moneys in the hazardous waste remediation over-
41 sight and assistance account, technical assistance grants pursuant to
42 titles thirteen and fourteen of article twenty-seven of the environ-
43 mental conservation law[.]; and

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

48 6. The commissioner of the department of environmental conservation
49 shall make all reasonable efforts to recover the full amount of any
50 funds expended from the fund pursuant to paragraph (a) of subdivision
51 three and subdivision sixteen of this section through litigation or
52 cooperative agreements with responsible persons. Any and all moneys
53 recovered or reimbursed pursuant to this section through voluntary
54 agreements or court orders shall be deposited with the comptroller and
55 credited to the account of such fund from which such expenditures were
56 made.

1 § 13. Section 97-b of the state finance law is amended by adding two
2 new subdivisions 16 and 17 to read as follows:

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

7 17. The closed, illegal or abandoned disposal site account, estab-
8 lished pursuant to subdivision one of this section, is for purposes
9 pursuant to title thirty-one of article twenty-seven of the environ-
10 mental conservation law.

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

14 4. Eligible costs that may be funded pursuant to this section are
15 architectural and engineering services, plans and specifications,
16 including watershed based or individual agricultural nonpoint source
17 pollution assessments, consultant and legal services, conservation ease-
18 ments specific to title thirty-three of article fifteen of the environ-
19 mental conservation law and other direct expenses related to project
20 implementation.

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

27 § 16. This act shall take effect immediately.

28 PART JJ

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

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

37 § 2. Subdivision 5 of section 27-1012 of the environmental conserva-
38 tion law, as amended by section 6 of part F of chapter 58 of the laws of
39 2013, is amended to read as follows:

40 5. All monies collected or received by the department of taxation and
41 finance pursuant to this title shall be deposited to the credit of the
42 comptroller with such responsible banks, banking houses or trust compa-
43 nies as may be designated by the comptroller. Such deposits shall be
44 kept separate and apart from all other moneys in the possession of the
45 comptroller. The comptroller shall require adequate security from all
46 such depositories. Of the total revenue collected, the comptroller shall
47 retain the amount determined by the commissioner of taxation and finance
48 to be necessary for refunds out of which the comptroller must pay any
49 refunds to which a deposit initiator may be entitled. After reserving
50 the amount to pay refunds, the comptroller must, by the tenth day of
51 each month, pay into the state treasury to the credit of the general
52 fund the revenue deposited under this subdivision during the preceding
53 calendar month and remaining to the comptroller's credit on the last day
54 of that preceding month; provided, however, that, beginning April first,

1 two thousand thirteen, and all fiscal years thereafter, [~~fifteen~~] twen-
2 ty-three million dollars plus all funds received from the payments due
3 each fiscal year pursuant to subdivision four of this section in excess
4 of the greater of the amount received from April first, two thousand
5 twelve through March thirty-first, two thousand thirteen or one hundred
6 twenty-two million two hundred thousand dollars, shall be deposited to
7 the credit of the environmental protection fund established pursuant to
8 section ninety-two-s of the state finance law.

9 § 2-a. Subdivision 3 of section 92-s of the state finance law, as
10 amended by section 11 of part F of chapter 58 of the laws of 2013, is
11 amended to read as follows:

12 3. Such fund shall consist of the amount of revenue collected within
13 the state from the amount of revenue, interest and penalties deposited
14 pursuant to section fourteen hundred twenty-one of the tax law, the
15 amount of fees and penalties received from easements or leases pursuant
16 to subdivision fourteen of section seventy-five of the public lands law
17 and the money received as annual service charges pursuant to section
18 four hundred [~~four-1~~] four-n of the vehicle and traffic law, all moneys
19 required to be deposited therein from the contingency reserve fund
20 pursuant to section two hundred ninety-four of chapter fifty-seven of
21 the laws of nineteen hundred ninety-three, all moneys required to be
22 deposited pursuant to section thirteen of chapter six hundred ten of the
23 laws of nineteen hundred ninety-three, repayments of loans made pursuant
24 to section 54-0511 of the environmental conservation law, all moneys to
25 be deposited from the Northville settlement pursuant to section one
26 hundred twenty-four of chapter three hundred nine of the laws of nine-
27 teen hundred ninety-six, provided however, that such moneys shall only
28 be used for the cost of the purchase of private lands in the core area
29 of the central Suffolk pine barrens pursuant to a consent order with the
30 Northville industries signed on October thirteenth, nineteen hundred
31 ninety-four and the related resource restoration and replacement plan,
32 the amount of penalties required to be deposited therein by section
33 71-2724 of the environmental conservation law, all moneys required to be
34 deposited pursuant to article thirty-three of the environmental conser-
35 vation law, all fees collected pursuant to subdivision eight of section
36 70-0117 of the environmental conservation law, all moneys collected
37 pursuant to title thirty-three of article fifteen of the environmental
38 conservation law, beginning with the fiscal year commencing on April
39 first, two thousand thirteen, and all fiscal years thereafter, [~~fifteen~~]
40 twenty-three million dollars plus all funds received by the state each
41 fiscal year in excess of the greater of the amount received from April
42 first, two thousand twelve through March thirty-first, two thousand
43 thirteen or one hundred twenty-two million two hundred thousand dollars,
44 from the payments collected pursuant to subdivision four of section
45 27-1012 of the environmental conservation law and all funds collected
46 pursuant to section 27-1015 of the environmental conservation law,
47 provided such funds shall not be less than four million dollars for the
48 fiscal year commencing April first, two thousand thirteen, and not less
49 than eight million dollars for all fiscal years thereafter and all other
50 moneys credited or transferred thereto from any other fund or source
51 pursuant to law. All such revenue shall be initially deposited into the
52 environmental protection fund, for application as provided in subdivi-
53 sion five of this section.

54 § 2-b. Section 12 of part F of chapter 58 of the laws of 2013 amending
55 the environmental conservation law and the state finance law relating to

1 the "Cleaner, Greener NY Act of 2013", as amended by section 1 of part
2 DD of chapter 58 of the laws of 2015, is amended to read as follows:

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

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

10

PART KK

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

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

TITLE 22FOOD DONATION AND FOOD SCRAPS RECYCLING

25
26
27 Section 27-2201. Definitions.

28 27-2203. Designated food scraps generator responsibilities.

29 27-2205. Waste transporter responsibilities.

30 27-2207. Transfer station.

31 27-2209. Food scraps disposal prohibition.

32 27-2211. Department responsibilities.

33 27-2213. Regulations.

34 27-2215. Exclusions.

35 27-2217. Annual Report.

36 27-2219. Severability.

37 § 27-2201. Definitions.

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

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

50 3. "Food scraps" means inedible food, trimmings from the preparation
51 of food, food-soiled paper, and edible food that is not donated. Food
52 scraps shall not include any food identified in regulations promulgated
53 by the department in consultation with the department of agriculture and
54 markets or any food which is subject to a recall or seizure due to the



1 presence of pathogens, including but not limited to: Listeria Monocyto-
2 genes, confirmed Clostridium Botulinum, E. coli 0157:H7 and all salmo-
3 nella in ready-to-eat foods.

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

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

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

18 7. "Incinerator" shall have the same meaning as provided in section
19 72-0401 of this chapter.

20 8. "Landfill" shall have the same meaning as provided in section
21 72-0401 of this chapter.

22 9. "Transfer station" means a solid waste management facility, whether
23 owned or operated by a private or public entity, other than a recyc-la-
24 bles handling and recovery facility, used oil facility, or a
25 construction and demolition debris processing facility, where solid
26 waste is received for the purpose of subsequent transfer to another
27 solid waste management facility for processing, treating, disposal,
28 recovery, or further transfer.

29 § 27-2203. Designated food scraps generator responsibilities.

30 1. Effective January first, two thousand twenty-one:

31 (a) all designated food scraps generators shall separate their excess
32 food for donation for human consumption to the maximum extent practica-
33 ble, and in accordance with applicable laws, rules and regulations
34 related to food donation; and

35 (b) except as provided in paragraph (c) of this subdivision, each
36 designated food scraps generator that is within fifteen miles of an
37 organics recycler, to the extent that the recycler has capacity to
38 accept all of such generator's food scraps based on the department's
39 yearly estimate of an organic recyclers' capacity pursuant to section
40 27-2211 of this title, shall:

41 (i) separate its remaining food scraps from other solid waste;

42 (ii) ensure proper storage for food scraps on site which shall
43 preclude such materials from becoming odorous or attracting vectors,
44 such as a container that has a lid and a latch that keeps the lid closed
45 and is resistant to tampering by rodents or other wildlife and has
46 sufficient capacity;

47 (iii) have information available and provide training for employees
48 concerning the proper methods to separate and store food scraps; and

49 (iv) obtain a transporter that will deliver food scraps to an organics
50 recycler, self-haul its food scraps to an organics recycler, or provide
51 for organics recycling on-site via in vessel composting, aerobic or
52 anaerobic digestion or any other method of processing organic waste that
53 the department approves by regulation, for some or all of the food waste
54 it generates on its premises, provided that the remainder is delivered
55 to an organics recycler.



1 (c) The provisions of paragraph (b) of this subdivision shall not
2 apply to any designated food scraps generator that has all of its solid
3 waste processed in a mixed solid waste composting or mixed solid waste
4 anaerobic digestion facility.

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

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

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

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

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

20 (d) the unique circumstances of the generator.

21 A waiver shall be no longer than one year in duration provided, howev-
22 er, the department may renew such waiver.

23 § 27-2205. Waste transporter responsibilities.

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

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

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

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

38 § 27-2207. Transfer station.

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

46 § 27-2209. Food scraps disposal prohibition.

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

54 § 27-2211. Department responsibilities.

55 1. The department shall, following public hearings after promulgating
56 regulations, publish on its website: (a) the methodology the department

1 will use to determine who is a designated food scrap generator; (b) the
2 waiver process; (c) procedures to minimize odors and vectors; and (d) a
3 list of all designated food scraps generators, organics recyclers, and
4 all waste transporters that manage source-separated organics.

5 2. No later than June first, two thousand twenty and annually there-
6 after, the department shall assess the capacity of each organic recycler
7 and notify designated food scraps generators if they are required to
8 comply with the provisions of paragraph (b) of subdivision one of
9 section 27-2203 of this title.

10 3. The department shall develop and make available educational materi-
11 als to assist designated food scraps generators with compliance with
12 this title. The department shall also develop education materials on
13 food waste minimization and encourage municipalities to disseminate
14 these materials both on their municipal websites and in any such future
15 mailings to their residents as they may distribute.

16 4. The department shall regulate organics recyclers to ensure that
17 their activities do not impair water quality or otherwise harm human
18 health and the environment.

19 § 27-2213. Regulations.

20 The department shall promulgate rules and regulations necessary to
21 implement the provisions of this title including how designated food
22 scraps generators shall comply with the provisions of paragraph (a) and
23 subparagraph (i) of paragraph (b) of subdivision one of section 27-2203
24 of this title.

25 § 27-2215. Exclusions.

26 1. This title shall not apply to any designated food scraps generators
27 located in a city with a population of one million or more which has a
28 local law, ordinance or regulation in place which requires the diversion
29 of excess food and food scraps from disposal.

30 2. This title does not apply to hospitals, elementary and secondary
31 schools.

32 § 27-2217. Annual report.

33 No later than January first, two thousand twenty-two, and on an annual
34 basis thereafter, the department shall submit an annual report to the
35 governor and legislature describing the operation of the food donation
36 and food scraps recycling program including amount of excess food
37 donated, amount of food scraps recycled, sample educational materials,
38 and number of waivers provided.

39 § 27-2219. Severability.

40 The provisions of this title shall be severable and if any portion
41 thereof or the applicability thereof to any person or circumstance is
42 held invalid, the remainder of this title and the application thereof
43 shall not be affected thereby.

44 § 3. This act shall take effect immediately.

45 PART LL

46 Intentionally Omitted

47 PART MM

48 Section 1. Expenditures of moneys by the New York state energy
49 research and development authority for services and expenses of the
50 energy research, development and demonstration program, including
51 grants, the energy policy and planning program, the zero emissions vehi-
52 cle and electric vehicle rebate program, and the Fuel NY program shall

1 be subject to the provisions of this section. Notwithstanding the
2 provisions of subdivision 4-a of section 18-a of the public service law,
3 all moneys committed or expended in an amount not to exceed \$19,700,000
4 shall be reimbursed by assessment against gas corporations, as defined
5 in subdivision 11 of section 2 of the public service law and electric
6 corporations as defined in subdivision 13 of section 2 of the public
7 service law, where such gas corporations and electric corporations have
8 gross revenues from intrastate utility operations in excess of \$500,000
9 in the preceding calendar year, and the total amount which may be
10 charged to any gas corporation and any electric corporation shall not
11 exceed one cent per one thousand cubic feet of gas sold and .010 cent
12 per kilowatt-hour of electricity sold by such corporations in their
13 intrastate utility operations in calendar year 2015. Such amounts shall
14 be excluded from the general assessment provisions of subdivision 2 of
15 section 18-a of the public service law. The chair of the public service
16 commission shall bill such gas and/or electric corporations for such
17 amounts on or before August 10, 2017 and such amounts shall be paid to
18 the New York state energy research and development authority on or
19 before September 10, 2017. Upon receipt, the New York state energy
20 research and development authority shall deposit such funds in the ener-
21 gy research and development operating fund established pursuant to
22 section 1859 of the public authorities law. The New York state energy
23 research and development authority is authorized and directed to: (1)
24 transfer \$1 million to the state general fund for services and expenses
25 of the department of environmental conservation and to transfer \$750,000
26 to the University of Rochester laboratory for laser energetics from the
27 funds received; and (2) commencing in 2017, provide to the chair of the
28 public service commission and the director of the budget and the chairs
29 and secretaries of the legislative fiscal committees, on or before
30 August first of each year, an itemized record, certified by the presi-
31 dent and chief executive officer of the authority, or his or her desig-
32 nee, detailing any and all expenditures and commitments ascribable to
33 moneys received as a result of this assessment by the chair of the
34 department of public service pursuant to section 18-a of the public
35 service law. This itemized record shall include an itemized breakdown
36 of the programs being funded by this section and the amount committed to
37 each program. The authority shall not commit for any expenditure, any
38 moneys derived from the assessment provided for in this section, until
39 the chair of such authority shall have submitted, and the director of
40 the budget shall have approved, a comprehensive financial plan encom-
41 passing all moneys available to and all anticipated commitments and
42 expenditures by such authority from any source for the operations of
43 such authority. Copies of the approved comprehensive financial plan
44 shall be immediately submitted by the chair to the chairs and secre-
45 taries of the legislative fiscal committees. Any such amount not
46 committed by such authority to contracts or contracts to be awarded or
47 otherwise expended by the authority during the fiscal year shall be
48 refunded by such authority on a pro-rata basis to such gas and/or elec-
49 tric corporations, in a manner to be determined by the department of
50 public service.

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

1 Section 1. Subdivision 18-a of section 1261 of the public authorities
2 law is REPEALED.

3 § 2. This act shall take effect immediately.

4 PART OO

5 Section 1. The public authorities law is amended by adding a new
6 section 569-e to read as follows:

7 § 569-e. Prohibition on certain lighting. No ornamental roadway light-
8 ing, as such term is defined by section one hundred forty-three of the
9 public buildings law, shall be installed or operated on any bridge or
10 tunnel of the authority.

11 § 2. This act shall take effect immediately.

12 PART PP

13 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting
14 the New York state urban development corporation act, is amended by
15 adding a new section 32-a to read as follows:

16 § 32-a. Special provisions relating to economic development entities.

17 (1) For the purposes of this section, an "economic development entity"
18 shall mean any entity created by the executive branch, including the
19 executive chamber of the governor and lieutenant governor, and any state
20 agency whose function includes providing advice, recommendations or
21 determinations to or on behalf of the executive branch or any state
22 agency, as defined in paragraph (b) of subdivision one of section seven-
23 ty-three-a of the public officers law, on the allocation or disbursement
24 of state or federal monies or tax credits and/or benefits.

25 (2) (a) The provisions of article seven of the public officers law
26 applicable to public bodies shall apply to an economic development enti-
27 ty.

28 (b) The provisions of article six of the public officers law applica-
29 ble to agencies shall apply to an economic development entity. In addi-
30 tion to the requirements of subdivision three of section eighty-seven of
31 the public officers law, an economic development entity shall maintain
32 and make available for public inspection and copying any and all
33 proposals submitted to it through a centralized application process,
34 including the consolidated funding applications process, except that an
35 economic development entity may redact or withhold portions of a
36 proposal if such portion would be exempt from disclosure pursuant to
37 article six of the public officers law.

38 (c) For the purpose of section seventy-three-a of the public officers
39 law, any member of an economic development entity shall be deemed a
40 state officer or employee and shall be deemed a policy maker and shall
41 file an annual statement of financial disclosure set forth in subdivi-
42 sion three of section seventy-three-a of the public officers law.

43 (d) The provisions of section seventy-four of the public officers law
44 applicable to an officer or employee of a state agency shall apply to
45 any member of an economic development entity.

46 § 2. This act shall take effect immediately; provided, however, that
47 those incumbents who have not filed a disclosure form for the calendar
48 year 2016 shall have thirty days from the effective date of this act to
49 file such form with the joint commission on public ethics.

50 PART QQ

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

4 § 52. Reporting. (1) Definitions. For the purposes of this section,
5 the following terms shall have the following meanings:

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

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

17 (2) Report. Commencing on June first, two thousand seventeen and annu-
18 ally thereafter, a qualified participant shall provide a report to the
19 corporation for the prior state fiscal year in the form prescribed here-
20 under with regard to projected and actual jobs created and retained in
21 connection with any related economic development benefits. To the extent
22 that a qualified participant is required to report the same and/or simi-
23 lar information as required hereunder, the president of the empire state
24 development corporation may deem such qualified participant to be in
25 compliance with the requirements of this section upon such reporting.
26 The report shall contain for the prior state fiscal year, the following
27 information:

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

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

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

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

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

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

53 (g) for the current reporting year, the total actual number of employ-
54 ees at all sites covered by the project, including the number of perma-
55 nent full-time jobs, the number of permanent part-time jobs, the number

1 of contract jobs, the number of jobs filled by minorities or women, and
2 salaries for all employees;

3 (h) whether the employer offers health benefits to all full-time
4 employees and to all part-time employees; and

5 (i) a statement of compliance indicating whether, during the current
6 reporting year, the corporation has reduced, cancelled or recaptured
7 economic development benefits for such qualified participant, and, if
8 so, the total amount of the reduction, cancellation or recapture, and
9 any penalty assessed and the reasons therefor.

10 (3) Searchable state subsidy and benefits database. Notwithstanding
11 any laws to the contrary, the corporation, in cooperation with the
12 commissioner of economic development, shall create or modify an existing
13 searchable database for the consolidation and public reporting of infor-
14 mation collected through the reporting requirement as defined in subdi-
15 vision two of this section. Beginning on October first, two thousand
16 seventeen, the corporation shall make all reported data on the searcha-
17 ble database available to the public on its website. Such database shall
18 be updated on a quarterly basis with qualified participants added to any
19 programs and any new data provided by existing qualified participants.

20 (4) Certification regarding reporting. The corporation shall certify
21 to the New York state authorities budget office and post to its website
22 that it has fulfilled all of its reporting requirements as required by
23 law, rules, regulations, or executive orders. The corporation shall
24 provide a list of all reports, the due dates of such reports, and certi-
25 fy to the New York state authorities budget office that each report has
26 been submitted to the individual, office, or entity as prescribed by
27 applicable laws, rules, and regulations.

28 (5) Oversight. (a) The empire state development corporation shall
29 maintain files on all applicants and qualified participants that have
30 requested or received economic development benefits through a project,
31 program or fund administered, coordinated, or utilized by such corpo-
32 ration, including projects submitted through a consolidated funding
33 application. Such files must include the specific, objective, and quan-
34 tifiable criteria for scoring applications submitted for consideration
35 for economic development benefits. Such corporation shall make all such
36 files available for inspection and auditing by the office of the state
37 comptroller.

38 (b) The empire state development corporation shall provide written
39 notice thirty days prior to the announcement of all awards for economic
40 benefit to the chair of the senate finance committee and the chair of
41 the assembly ways and means committee. Such notice must include the
42 intent to distribute such funds for a project, program or fund adminis-
43 tered, coordinated, or utilized by such corporation. Such notice shall
44 include, but not be limited to, the methodology used in determining the
45 availability of funding resources for projects, information on the
46 criteria used to evaluate projects, any project specific descriptions or
47 requirements for receiving such funds, any project specific plan for the
48 distribution and disbursement of such funds, and the availability and
49 amount of federal or private sector matching funds. The commissioner
50 shall provide written notice when a previously approved project with
51 allocated funds will no longer go forward, including the necessary
52 reporting requirements for any substitute projects.

53 Within sixty days of the effective date of this subdivision, the commis-
54 sioner shall provide a written report to the chair of the senate finance
55 committee and the chair of the assembly ways and means committee on all
56 awards made pursuant to this section prior to the effective date of this

1 subdivision, including all information that is required to be included
2 in the notice requirements of this subdivision.

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

5 18-j. to establish, in cooperation with the urban development corpo-
6 ration and other state entities, and in a manner consistent with the
7 provisions of section fifty-two of the urban development corporation
8 act:

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

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

15 § 3. This act shall take effect immediately.

16

PART RR

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

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

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

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

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

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

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

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

52 (i) centers for advanced technology established pursuant to section
53 thirty-one hundred two-b of the public authorities law;

1 (ii) technology development corporations established pursuant to
2 section thirty-one hundred two-d of the public authorities law;

3 (iii) state university of New York engineering schools that administer
4 the strategic partnership for industrial resurgence program; and

5 (iv) centers of excellence established pursuant to section 3 of part T
6 of chapter 84 of the laws of 2002 and section four hundred ten of the
7 economic development law.

8 (b) Preference for receiving funds under this section shall be given
9 to entities that partner with other eligible entities to provide the
10 full range of technical assistance services as specified in subdivision
11 two of this section.

12 (c) Entities receiving funds under this section shall match such funds
13 on a one-to-one basis. Such match shall consist of actual cash, sala-
14 ries, staff time, or expenses directly attributable to the purposes of
15 this section. Overhead costs may not be included in the match.

16 5. Use of funds. (a) Funds can be used for costs related to conducting
17 outreach to small businesses to promote awareness of SBIR/STTR program
18 solicitations, grant preparation and review, and printing costs and
19 supplies associated with the submission of grants.

20 (b) From such funds as may be appropriated for this purpose by the
21 legislature, the corporation shall make competitive awards annually in
22 amounts of up to two hundred thousand dollars to providers of assistance
23 pursuant to this section.

24 6. Reporting requirements. (a) Entities receiving funds shall annually
25 provide to the corporation details on the following:

26 (i) description of small businesses served, including technology
27 focus, business size and location;

28 (ii) SBIR and STTR grants applied for and received as a result of
29 assistance provided; and

30 (iii) any other information deemed appropriate by the corporation.

31 (b) The corporation shall include the information provided pursuant to
32 subdivision five of this section in the annual report filed pursuant to
33 section four hundred four of the economic development law.

34 (c) On or before February first, two thousand eighteen, the corpo-
35 ration shall evaluate the effectiveness of the SBIR/STTR technical
36 assistance program and report such findings to the governor and legisla-
37 ture. The corporation shall also make recommendations as to the appro-
38 priateness of expanding the program to provide assistance to SBIR/STTR
39 phase II applicants.

40 § 2. Section 3102-c of the public authorities law is REPEALED.

41 § 3. This act shall take effect immediately.

42

PART SS

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

47 Section 1. Contingent upon available funding, and not to exceed
48 \$30,000,000, moneys from the urban development corporation shall be
49 available for a local government entity, which for the purposes of this
50 section shall mean a county, city, town, village, school district or
51 special district, where (i) on or after June 25, 2015, an electric
52 generating facility located within such local government entity has
53 ceased operations, and (ii) the closing of such facility has caused a
54 reduction in the real property tax collections or payments in lieu of

1 taxes of at least twenty percent owed by such electric generating facil-
 2 ity. Such moneys attributable to the cessation of operations, shall be
 3 paid annually on a first come, first served basis by the urban develop-
 4 ment corporation to such local government entity within a reasonable
 5 time upon confirmation from the state office of real property tax
 6 services or the local industrial development authority established
 7 pursuant to titles eleven and fifteen of article eight of the public
 8 authorities law, or the local industrial development agency established
 9 pursuant to article eighteen-A of the general municipal law that such
 10 cessation has resulted in a reduction in the real property tax
 11 collections or payments in lieu of taxes, provided, however, that the
 12 urban development corporation shall not provide assistance to such local
 13 government entity for more than [five] seven years, and shall [not]
 14 award [in the first year more than eighty percent of] payments reflect-
 15 ing the loss of revenues due to the cessation of operations[.] as
 16 follows:

17	<u>Award Year</u>	<u>Maximum Potential Award</u>
18	<u>1</u>	<u>no more than eighty percent of loss of revenues</u>
19	<u>2</u>	<u>no more than seventy percent of loss of revenues</u>
20	<u>3</u>	<u>no more than sixty percent of loss of revenues</u>
21	<u>4</u>	<u>no more than fifty percent of loss of revenues</u>
22	<u>5</u>	<u>no more than forty percent of loss of revenues</u>
23	<u>6</u>	<u>no more than thirty percent of loss of revenues</u>
24	<u>7</u>	<u>no more than twenty percent of loss of revenues</u>

25 A local government entity shall be eligible for only one payment of
 26 funds hereunder per year. A local government entity may seek assistance
 27 under the electric generation facility cessation mitigation fund once a
 28 generator has submitted its notice to the federally designated electric
 29 bulk system operator (BSO) serving the state of New York of its intent
 30 to retire the facility or of its intent to voluntarily remove the facil-
 31 ity from service subject to any return-to-service provisions of any
 32 tariff, and that the facility also is ineligible to participate in the
 33 markets operated by the BSO. The date of submission of a local govern-
 34 ment entity's application for assistance shall establish the order in
 35 which assistance is paid to program applicants, except that in no event
 36 shall assistance be paid to a local government entity until such time
 37 that an electric generating facility has retired or become ineligible to
 38 participate in the markets operated by the BSO. For purposes of this
 39 section, any local government entity seeking assistance under the elec-
 40 tric generation facility cessation mitigation fund must submit an attes-
 41 tation to the department of public service that a facility is no longer
 42 producing electricity and is no longer participating in markets operated
 43 by the BSO. After receipt of such attestation, the department of public
 44 service shall confirm such information with the BSO. In the case that
 45 the BSO confirms to the department of public service that the facility
 46 is no longer producing electricity and participating in markets operated
 47 by such BSO, it shall be deemed that the electric generating facility
 48 located within the local government entity has ceased operation. The
 49 department of public service shall provide such confirmation to the
 50 urban development corporation upon receipt. The determination of the
 51 amount of such annual payment shall be determined by the president of
 52 the urban development corporation based on the amount of the differen-
 53 tial between the annual real property taxes and payments in lieu of
 54 taxes imposed upon the facility, exclusive of interest and penalties,

1 during the last year of operations and the current real property taxes
 2 and payments in lieu of taxes imposed upon the facility, exclusive of
 3 interest and penalties. The total amount awarded from this program shall
 4 not exceed \$30,000,000.

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

9

PART TT

10 Section 1. Declaration of legislative intent and findings. The legis-
 11 lature finds and declares that it is in the public interest of the state
 12 of New York for architectural paint producers to finance and manage an
 13 environmentally sound, cost-effective architectural paint stewardship
 14 program, undertaking responsibility for the development and implementa-
 15 tion of strategies to reduce the generation of post-consumer architec-
 16 tural paint, promote the reuse of post-consumer architectural paint and
 17 collect, transport and process post-consumer architectural paint for
 18 end-of-product-life management, including reuse and recycling.

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

21

TITLE 20

22

PAINT STEWARDSHIP PROGRAM

23

Section 27-2001. Short title.

24

27-2003. Declaration of policy.

25

27-2005. Definitions.

26

27-2007. Producer collection.

27

27-2009. Producer registration and responsibilities.

28

27-2011. Retailer requirements.

29

27-2013. Department responsibilities.

30

27-2015. Reporting requirements.

31

27-2017. Collective participation.

32

§ 27-2001. Short title.

33

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

35

§ 27-2003. Declaration of policy.

36

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

42

§ 27-2005. Definitions.

43

When used in this title:

44

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

47

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

52

3. "distributor" means a company that has a contractual relationship
 53 with one or more producers to market and sell architectural paint to
 54 retailers in this state.



1 4. "post-consumer architectural paint" means architectural paint not
2 used and no longer wanted by its purchaser.

3 5. "producer" means a person that manufactures architectural paint
4 that is sold or offered for sale in this state.

5 6. "recycling" means any process by which discarded products, compo-
6 ponents and by-products are transformed into new usable or marketable
7 materials in a manner in which the products may lose their original
8 composition. Recycling does not include energy recovery or energy gener-
9 ation by means of combusting discarded products, components and by-pro-
10 ducts with or without other waste products from post-consumer architec-
11 tural paint.

12 7. "retailer" means any person that sells or offers for sale architec-
13 tural paint at retail in this state.

14 8. "reuse" means the return of a product into the economic stream for
15 use in the same kind of application intended for the use of the product,
16 without a change in the product's original composition.

17 9. "sell" or "sale" means any transfer of title for consideration,
18 including remote sales conducted through sales outlets, catalogs or the
19 internet or through any other similar electronic means.

20 § 27-2007. Producer collection.

21 Beginning December thirty-first, two thousand eighteen, a producer
22 shall accept for disposal and recycling or reuse post-consumer architec-
23 tural paint.

24 § 27-2009. Producer registration and responsibilities.

25 1. A producer shall individually or cooperatively with one or more
26 other producers, submit a registration to the department by July first,
27 two thousand eighteen, along with a registration fee of five thousand
28 dollars. Such registration shall include:

29 (a) the producer's name, address, and telephone number;

30 (b) the name and title of an officer, director, or other individual
31 designated as the producer's contact for purposes of this title;

32 (c) a list identifying the producer's brands;

33 (d) a general description of the manner in which the producer will
34 comply with section 27-2007 of this title, including specific informa-
35 tion on the producer's architectural paint acceptance program in the
36 state, intended treatment, storage, transportation and disposal options
37 and a current list of locations within the state where consumers may
38 return architectural paint;

39 (e) targeted annual collection rates;

40 (f) educational and outreach program that will be implemented to
41 inform consumers and retailers of the program and how to participate;
42 and

43 (g) any other information as the department may require.

44 2. A producer's registration shall be updated within thirty days of
45 any material change to the information required by the registration.

46 3. Any person who becomes a producer on or after January first, two
47 thousand nineteen shall register with the department prior to selling or
48 offering for sale in the state any architectural paint, and must comply
49 with the requirements of this title.

50 4. No later than January first, two thousand nineteen, a producer
51 shall not sell or offer for sale architectural paint in the state unless
52 the producer has registered with the department and maintains an archi-
53 tectural paint acceptance program through which the producer, either
54 directly or through an agent or designee, accepts architectural paint
55 from consumers in the state for disposal, reuse or recycling. The
56 producer shall ensure that retailers are notified of such registration.

1 The producer shall not impose a fee on consumers for the collection,
2 handling and recycling or reuse of architectural paint.

3 5. The architectural paint acceptance program shall include, at a
4 minimum:

5 (a) collection, disposal and recycling or reuse of architectural paint
6 produced by the producer and offered for return by any consumer in this
7 state, free of cost and in a manner convenient to consumers. The follow-
8 ing acceptance methods shall be considered reasonably convenient: (i)
9 collection or acceptance events conducted by the producer or the produc-
10 er's agent or designee, including events conducted through local govern-
11 ments or private parties; (ii) fixed acceptance locations such as dedi-
12 cated acceptance sites operated by the producer or its agent or
13 designee; (iii) agreements with local governments, retail stores, sales
14 outlets and not-for-profit organizations which have agreed to provide
15 facilities for the collection of architectural paint; (iv) community
16 collection events; and (v) any combination of these or other acceptance
17 methods which effectively provide for the acceptance of architectural
18 paint for recycling or reuse through means that are available and
19 reasonably convenient to consumers in the state. At a minimum, the
20 producer shall ensure that all counties of the state and all municipi-
21 palities which have a population of ten thousand or greater have at
22 least one permanent collection site and one additional permanent
23 collection site for every thirty thousand people located in those areas,
24 unless otherwise approved by the department, or unless the producer is a
25 small business taxpayer as defined in paragraph (f) of subdivision one
26 of section two hundred ten of the tax law. Such producers shall conduct
27 no less than one collection event annually. The department may estab-
28 lish additional requirements to ensure convenient collection from
29 consumers;

30 (b) a public education program to inform consumers about the produc-
31 er's architectural paint acceptance program, including at a minimum an
32 internet website and a toll-free telephone number and written informa-
33 tion included in the package for, or at the time of sale of, architec-
34 tural paint that provides sufficient information to allow a consumer of
35 architectural paint to learn how to return such paint for disposal,
36 recycling or reuse; and

37 (c) any other information as required by the department in accordance
38 with regulations promulgated pursuant to this article.

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

42 7. A producer may satisfy the architectural paint collection require-
43 ments of this section by agreeing to participate in a collective archi-
44 tectural paint acceptance program with other producers. Any such collec-
45 tive architectural paint acceptance program shall meet the same
46 requirements as an individual producer. Any architectural acceptance
47 program shall include a list of producers that are participating in such
48 program along with other identifying information as may be required by
49 the department. Such program shall submit a registration to the depart-
50 ment along with a registration fee of ten thousand dollars.

51 8. A producer shall be responsible for all costs associated with the
52 implementation of the architectural paint acceptance program.
53 § 27-2011. Retailer requirements.

54 1. At the location of sale of architectural paint, a retailer shall
55 provide purchasers of architectural paint with information about oppor-

1 tunities for the return of architectural paint that has been provided to
2 the retailer by a producer.

3 2. No later than July first, two thousand nineteen no retailer shall
4 sell or offer for sale in the state any architectural paint unless the
5 producer and the producer's brands are registered with the department
6 pursuant to section 27-2009 of this title.

7 § 27-2013. Department responsibilities.

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

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

14 § 27-2015. Reporting requirements.

15 1. Beginning March first, two thousand twenty, for the previous calen-
16 dar year and annually thereafter, a producer that offers architectural
17 paint for sale in this state shall submit a report to the department on
18 a form prescribed by the department that includes the following:

19 (a) the quantity of architectural paint collected for disposal, recy-
20 cling or reuse in this state during the preceding calendar year and the
21 methods used to accept such paint and the approximate weight and volume
22 of architectural paint accepted by each method used to the extent known;

23 (b) information detailing the acceptance methods made available to
24 consumers;

25 (c) a brief description of its public education program and samples of
26 any materials, the number of visits to the internet website and calls to
27 the toll-free telephone number provided by the producer as required by
28 section 27-2009 of this title;

29 (d) any other information as required by the department; and

30 (e) a signature by an officer, director, or other individual affirming
31 the accuracy of the report.

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

34 3. The department shall submit a report regarding the implementation
35 of this title in this state to the governor and legislature by April
36 first, two thousand twenty and every two years thereafter. The report
37 must include, at a minimum, an evaluation of:

38 (a) the architectural paint stream in the state;

39 (b) disposal, recycling and reuse rates in the state for architectural
40 paint;

41 (c) a discussion of compliance and enforcement related to the require-
42 ments of this title; and

43 (d) recommendations for any changes to this title.

44 § 27-2017. Collective participation.

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

53 § 3. This act shall take effect immediately.

1 Section 1. Article 54 of the environmental conservation law is amended
2 by adding a new title 17 to read as follows:

3 TITLE 17

4 NEW YORK STATE ENVIRONMENTAL JUSTICE ACT AND GRANTS

5 Section 54-1701. Definitions.

6 54-1702. Implementation of environmental justice policies.

7 54-1703. Environmental justice task force.

8 54-1705. Environmental justice grants.

9 § 54-1701. Definitions.

10 For purposes of this title "environmental justice" means the fair
11 treatment of people of all races, cultures and incomes in the develop-
12 ment, adoption, implementation and enforcement of environmental laws and
13 policies.

14 § 54-1702. Implementation of environmental justice policies.

15 1. All state agencies, boards, commissions and other bodies involved
16 in decisions that may affect environmental quality shall adopt and
17 implement environmental justice policies providing meaningful opportu-
18 nities for involvement to all people, regardless of race, color, ethnic-
19 ity, religion, income or education level.

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

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

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

40 § 54-1703. Environmental justice task force.

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

53 2. Any community may file a petition with the task force that asserts
54 that residents and workers in the community are subject to dispropor-
55 tionate adverse exposure to environmental health risks, or dispropor-

1 tionate adverse effects resulting from the implementation of laws
2 affecting public health or the environment.

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

8 4. The task force shall develop an action plan for each of the
9 selected communities after consultation with the citizens, as well as
10 local and county government as relevant, that will address environmental
11 factors that affect community health. The action plan shall clearly
12 delineate the steps that will be taken in each of the selected communi-
13 ties to reduce existing environmental burdens and avoid or reduce the
14 imposition of additional environmental burdens through allocations of
15 resources, exercise of regulatory discretion, and development of new
16 standards and protections. The action plan, which shall be developed in
17 consultation with the environmental justice advisory council, will spec-
18 ify community deliverables, a timeframe for implementation, and the
19 justification and availability of financial and other resources to
20 implement the plan. The task force shall present the action plan to the
21 relevant departments, recommending its implementation.

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

27 § 54-1705. Environmental justice grants.

28 1. For the purpose of this section, environmental justice projects
29 shall take place in environmental justice, inner city, and underserved
30 areas and mean:

31 (a) improvements to environmental quality;

32 (b) projects that address exposure to multiple harms and risks,
33 including lead exposure;

34 (c) environmental job training;

35 (d) studies, including air monitoring, to investigate the environment,
36 or related public health issues of the community; and,

37 (e) research that will be used to expand the knowledge or understand-
38 ing of the affected community, including ways to improve resiliency
39 provided that the results of any such investigation shall be dissem-
40 inated to the members of the affected community.

41 2. The commissioner, after consultation with the environmental justice
42 advisory council, and a not-for-profit corporation may enter into a
43 contract for the undertaking by the not-for-profit corporation of an
44 environmental justice project. Such project shall be recommended to the
45 commissioner by the governing body of a not-for-profit corporation which
46 demonstrates to the satisfaction of the commissioner that such projects
47 address the environmental and/or related public health issues of the
48 residents of the affected community. Upon approval by the commissioner,
49 such project shall be undertaken pursuant to the provisions of this
50 title and any other applicable provision of law.

51 3. The commissioner, after consultation with the environmental justice
52 advisory council, and a municipality may enter into a contract for the
53 undertaking by the municipality of an environmental justice project.
54 Such project shall be recommended to the commissioner by the governing
55 body of a municipality which demonstrates to the satisfaction of the
56 commissioner that such projects address the environmental and/or related



1 public health issues of the residents of the affected community. Upon
2 approval by the commissioner, such project shall be undertaken pursuant
3 to the provisions of this title and any other applicable provision of
4 law.

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

8

PART VV

9 Section 1. Indian Point closure task force. 1. (a) There is hereby
10 established, within the department of public service, an Indian Point
11 closure task force ("task force") whose members shall be appointed as
12 follows:

13 (i) The chairperson of the public service commission or his or her
14 designee;

15 (ii) The commissioner of environmental conservation or his or her
16 designee;

17 (iii) The secretary of state or his or her designee;

18 (iv) The commissioner of taxation and finance or his or her designee;

19 (v) The commissioner of labor or his or her designee;

20 (vi) The commissioner of economic development or his or her designee;

21 (vii) The commissioner of the division of homeland security and emer-
22 gency services or his or her designee;

23 (viii) The president of the New York energy research and development
24 authority or his or her designee;

25 (ix) The chairperson of the New York power authority or his or her
26 designee;

27 (x) The mayor of the village of Buchanan or his or her designee;

28 (xi) The superintendent of the Hendrick Hudson school district or his
29 or her designee;

30 (xii) The supervisor of the town of Cortlandt or his or her designee;

31 (xiii) One member to be appointed by the temporary president of the
32 senate;

33 (xiv) One member to be appointed by the speaker of the assembly;

34 (xv) One member, to be appointed by the governor, upon the recommenda-
35 tion of the speaker of the assembly, shall be a representative of a
36 labor union whose members are employed at the Indian Point nuclear
37 generating facility;

38 (xvi) One member, to be appointed by the governor, upon the recommen-
39 dation of the temporary president of the senate, shall be a represen-
40 tative of a labor union whose members are employed at the Indian Point
41 nuclear generating facility through contracted service providers;

42 (xvii) One member, to be appointed by the governor, shall be a repre-
43 sentative of a labor union whose members are public employees in the
44 impacted geographical region; and

45 (xviii) The chairperson of the task force may appoint local elected
46 officials and municipal officers, as defined by section 800 of the
47 general municipal law, from the impacted geographical region.

48 (b) The members appointed to the task force established by the gover-
49 nor prior to the effective date of this act shall: (i) satisfy the
50 initial appointment requirements of subparagraphs (i) through (xiv) of
51 paragraph a of this subdivision; and (ii) be ex-officio members of the
52 task force established pursuant to this section.

1 (c) Local elected officials and municipal officers from the impacted
2 geographical region may petition the chairperson for membership on the
3 task force.

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

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

10 4. Vacancies for task force members appointed pursuant to subpara-
11 graphs (i) through (xvii) of paragraph a of subdivision one of this
12 section shall be filled in the manner provided for in the initial
13 appointment.

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

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

21 7. The department of public service shall provide the task force with
22 such facilities, assistance and data as will enable the task force to
23 carry out its powers and duties. Additionally, all other agencies of
24 the state or subdivisions thereof may, at the request of the chair-
25 person, provide the task force with such facilities, assistance, and
26 data as will enable the task force to carry out its powers and duties.

27 8. The purpose of the task force shall be to assess the impacts of the
28 Indian Point nuclear generating facility closure on the state and local
29 municipalities and evaluate ways of addressing and mitigating antic-
30 ipated impacts, including, but not limited to those on electric reli-
31 ability and rates, real property tax collections or payments in lieu of
32 taxes, public safety, labor and the future use of the land where the
33 facility is located.

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

39 a. an assessment of:

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

44 (ii) all sources and potential sources of generating capacity, includ-
45 ing transmission upgrades, energy efficiency, fossil fuel derived ener-
46 gy, and renewable energy;

47 (iii) workforce retention; and

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

53 b. an assessment of compliance with:

54 i. any and all federal, state and local laws, regulations and rules
55 related to the closure and decommissioning of a nuclear generating
56 facility;

- 1 ii. the agreement related to Indian Point entered into by the state of
2 New York on January 9, 2017, including:
- 3 1. the cessation of operations of nuclear generating units by April
4 30, 2020 and April 30, 2021;
 - 5 2. the submission of all required notices, concurrences, certif-
6 ications, and permits; and
 - 7 3. any other requirement of such agreement; and
- 8 iii. any other agreements regarding the closure and decommissioning of
9 the Indian Point nuclear generating facility;
- 10 c. a listing of any enforcement actions initiated for any actual or
11 alleged condition at the nuclear generating facility;
 - 12 d. a review of impacts resulting from the closure and decommissioning
13 of any nuclear generating facility in the surrounding region;
 - 14 e. recommendations for the projects to be selected pursuant to the
15 community fund established in the agreement related to Indian Point
16 entered into by the state of New York on January 9, 2017, and an assess-
17 ment of the progress and effectiveness of projects selected;
 - 18 f. recommendations related to short term and long term programs the
19 state of New York could establish to provide support and guidance to the
20 affected local municipalities, and the implementation of such programs;
21 and
 - 22 g. any information or data the task force deems appropriate.
- 23 § 2. This act shall take effect immediately and shall expire and be
24 deemed repealed April 1, 2027.

25

PART WW

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

29 § 52. Strategic investment in workforce development. 1. Pursuant to
30 this section there is hereby established within the corporation, the
31 strategic investment in workforce development program to identify and
32 address workforce needs throughout the state. The corporation shall
33 collaborate with the department of labor, the department of economic
34 development, the state university of New York, the city university of
35 New York, and the state education department to provide support to
36 eligible applicants within amounts available for the strategic invest-
37 ments in workforce development program and shall identify the training
38 needs of employers, employees and prospective employees; identify areas
39 of the state or specific industries where a shortage of a skilled work-
40 force is impacting the ability of those areas of the state or industries
41 to remain competitive and innovative; identify methods and models to
42 train and employ youth workers; and identify ways to serve prospective
43 employees that are currently unemployed or underemployed. The strategic
44 investment in workforce development program shall utilize the informa-
45 tion gathered to target workforce training activities, employment
46 credentials or certificate opportunities, and skill development programs
47 to meet the identified needs and to provide necessary training and skill
48 development to youth and individuals who are unemployed or underem-
49 ployed.

50 2. Eligible applicants shall include an employer or consortium of
51 employers in conjunction with a labor organization, a not-for-profit, an
52 educational entity or a program or network that provides training and
53 skill development for youth or individuals who are unemployed or under-
54 employed. An entity that works directly with employers to provide



1 training or retraining, particularly in high-skill occupations or indus-
2 tries, or an entity that seeks to promote and foster economic develop-
3 ment and job growth shall also be considered an eligible applicant.
4 Eligible applicants shall demonstrate a relationship with educational
5 programs or entities that address the needs of employers, employees or
6 prospective employees, particularly youth, unskilled workers, unemployed
7 individuals or underemployed workers.

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

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

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

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

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

32

PART XX

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

36 1. Climate change is adversely affecting economic well-being, public
37 health, natural resources, and the environment of New York. The adverse
38 impacts of climate change include:

39 a. an increase in the severity and frequency of extreme weather
40 events, such as storms, flooding, and heat waves, which can cause direct
41 injury or death, property damage, and ecological damage (e.g., through
42 the release of hazardous substances into the environment);

43 b. rising sea levels, which exacerbate damage from storm surges and
44 flooding, contribute to coastal erosion and saltwater intrusion, and
45 inundate low-lying areas, leading to the displacement of or damage to
46 coastal habitat, property, and infrastructure;

47 c. a decline in freshwater and saltwater fish populations;

48 d. increased average temperatures, which increase the demand for air
49 conditioning and refrigeration among residents and businesses;

50 e. exacerbation of air pollution; and

51 f. an increase in the incidences of infectious diseases, asthma
52 attacks, heart attacks, and other negative health outcomes. These
53 impacts are having a detrimental effect on some of New York's largest
54 industries, including agriculture, commercial shipping, forestry, tour-



1 ism, and recreational and commercial fishing. These impacts also place
2 additional strain on the physical infrastructure that delivers critical
3 services to the citizens of New York, including the state's energy,
4 transportation, stormwater, and wastewater infrastructure.

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

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

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

32 5. Although substantial emissions reductions are necessary to avoid
33 the most severe impacts of climate change, complementary adaptation
34 measures will also be needed to address those risks that cannot be
35 avoided. Some of the impacts of climate change are already observable in
36 New York state and the northeastern United States. Annual average
37 temperatures are on the rise, winter snow cover is decreasing, heat
38 waves and precipitation are intensifying, and sea levels along New
39 York's coastline are approximately one foot higher than they were in
40 1900. New York has also experienced an increasing number of extreme and
41 unusual weather events, like Hurricanes Irene and Lee and the
42 unprecedented Superstorm Sandy in 2012, which caused at least 53 deaths
43 and \$32 billion in damage in New York state.

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

49 7. Climate change especially heightens the vulnerability of disadvan-
50 taged communities, which bear environmental and socioeconomic burdens as
51 well as legacies of racial and ethnic discrimination. Actions undertaken
52 by New York state to mitigate greenhouse gas emissions should prioritize
53 the safety and health of disadvantaged communities, control potential
54 regressive impacts of future climate change mitigation and adaptation
55 policies on these communities, and prioritize the allocation of public
56 investments in these areas.



1 8. Creating good jobs and a thriving economy is a core concern of New
2 York state. Shaping the ongoing transition in our energy sector to
3 ensure that it creates good jobs and protects workers and communities
4 that may lose employment in the current transition must be key concerns
5 of our climate policy. Setting clear standards for job quality and
6 training standards encourages not only high-quality work but positive
7 economic impacts.

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

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

30 11. The complexity of the ongoing energy transition, the uneven
31 distribution of economic opportunity, and the disproportionate cumula-
32 tive economic and environmental burdens on communities mean that there
33 is a strong state interest in setting a floor statewide for labor stand-
34 ards, but allowing and encouraging individual agencies and local govern-
35 ments to raise standards.

36 12. By exercising a global leadership role on greenhouse gas miti-
37 gation and climate change adaptation, New York will position its econo-
38 my, technology centers, financial institutions, and businesses to bene-
39 fit from national and international efforts to address climate change.
40 New York state has already demonstrated leadership in this area by
41 undertaking efforts such as:

42 a. executive order no. 24 (2009), establishing a goal to reduce green-
43 house gas emissions 80% by the year 2050, creating a climate action
44 council, and calling for preparation of a climate action plan;

45 b. chapter 433 of the laws of 2009, establishing a state energy plan-
46 ning board and requiring the board to adopt a state energy plan;

47 c. chapter 388 of the laws of 2011, directing the department of envi-
48 ronmental conservation to promulgate rules and regulations limiting
49 emissions of carbon dioxide by newly constructed major generating facil-
50 ities;

51 d. the adoption of a state energy plan establishing clean energy goals
52 for the year 2030 aimed at reducing greenhouse gas emission levels by
53 40% from 1990 levels, producing 50% of electricity from renewable sourc-
54 es, and increasing energy efficiency from 2012 levels by 23%;

55 e. collaboration with other states on the Regional Greenhouse Gas
56 Initiative, and the development of a regional low carbon fuel standard;

1 f. creation of new offices and task forces to address climate change,
2 including the New York state office of climate change, the renewable
3 energy task force, and the sea level rise task force; and

4 g. the enactment of the Community Risk and Resiliency Act (CRRRA),
5 which requires agencies to consider sea level rise and other climate-re-
6 lated events when implementing certain state programs.

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

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

13 ARTICLE 75

14 CLIMATE CHANGE

15 Section 75-0101. Definitions.

16 75-0103. New York state climate action council.

17 75-0105. Greenhouse gas reporting.

18 75-0107. Statewide greenhouse gas emissions limits.

19 75-0109. Scoping plan for statewide greenhouse gas emissions
20 reductions.

21 75-0111. Promulgation of regulations to achieve statewide green-
22 house gas emissions reductions.

23 75-0113. Disadvantaged communities working group.

24 75-0115. Implementation reporting.

25 § 75-0101. Definitions.

26 For the purposes of this article the following terms shall have the
27 following meanings:

28 1. "Allowance" means an authorization to emit, during a specified
29 year, up to one ton of carbon dioxide equivalent.

30 2. "Alternative compliance mechanism" means an action undertaken by a
31 greenhouse gas emission source that achieves the equivalent reduction of
32 greenhouse gas emissions over the same time period as a direct emission
33 reduction, and that is approved by the department. Such mechanisms may
34 include but are not limited to a flexible compliance schedule, alterna-
35 tive control technology, a process change, or a product substitution.

36 3. "Carbon dioxide equivalent" means the amount of carbon dioxide by
37 mass that would produce the same global warming impact as a given mass
38 of another greenhouse gas over an integrated twenty-year time frame
39 after emission, based on the best available science.

40 4. "Co-pollutants" means hazardous air pollutants produced by green-
41 house gas emissions sources.

42 5. "Council" means the New York state climate action council estab-
43 lished pursuant to section 75-0103 of this article.

44 6. "Direct emission reduction" means a greenhouse gas emission
45 reduction action made by a greenhouse gas emission source at the source.

46 7. "Disadvantaged communities" means communities that bear burdens of
47 negative public health effects, environmental pollution, impacts of
48 climate change, and possess certain socioeconomic criteria, as identi-
49 fied pursuant to section 75-0113 of this article.

50 8. "Emissions reduction measures" means programs, measures, standards,
51 and alternative compliance mechanisms authorized pursuant to this chap-
52 ter, applicable to sources or categories of sources, that are designed
53 to reduce emissions of greenhouse gases.

54 9. "Greenhouse gas" means carbon dioxide, methane, nitrous oxide,
55 hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other



1 substance emitted into the air that may be reasonably anticipated to
2 cause or contribute to anthropogenic climate change.

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

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

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

12 13. "Major greenhouse gas emission source" or "major source" means any
13 source whose emissions are at a level of significance, as determined by
14 the department, that its participation in the program established under
15 this article will enable the department to effectively reduce greenhouse
16 gas emissions and monitor compliance with the statewide greenhouse gas
17 emissions limits as established in section 75-0107 of this article. Such
18 sources shall include, at minimum:

19 a. Manufacturers, producers, and/or distributors of fossil fuels,
20 including but not limited to oil refineries, oil storage facilities,
21 natural gas storage facilities, compressor stations, natural gas meter-
22 ing and regulator stations, and natural gas pipelines;

23 b. Any electric generating facility of 25 megawatts or more that burns
24 fossil fuels;

25 c. Any stationary source of greenhouse gas emissions that emits 25,000
26 metric tons or more of carbon dioxide equivalent per year;

27 d. Any other source, capable of being measured, that the department
28 deems to be a major contributor to greenhouse gas emissions in this
29 state.

30 14. "Market-based compliance mechanism" means any of the following:

31 a. A price on greenhouse gas emissions from regulated sources,
32 expressed as a fee per ton of carbon dioxide equivalent released in a
33 given year.

34 b. A system of market-based declining annual aggregate emissions limi-
35 tations for sources or categories of sources that emit greenhouse gases.

36 c. Greenhouse gas emissions exchanges, banking, credits, and other
37 transactions, governed by rules and regulations established by the
38 department, following approval by the legislature and after no less than
39 two public hearings, that result in the same greenhouse gas emission
40 reduction, over the same time period, as direct compliance with a green-
41 house gas emission limit or emission reduction measure adopted by the
42 department pursuant to this article.

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

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

54 17. "Environmental justice advisory group" shall mean the permanent
55 environmental justice advisory group established by a chapter of the
56 laws of two thousand sixteen amending the environmental conservation law

1 relating to establishing a permanent environmental justice advisory
2 group and an environmental justice interagency coordinating council, as
3 proposed in legislative bills numbers S.1525 and A.3063, relating to
4 establishing a permanent environmental justice advisory group and an
5 environmental justice interagency coordinating council.

6 § 75-0103. New York state climate action council.

7 1. There is hereby established, within the department, the New York
8 state climate action council ("council") which shall consist of the
9 following twenty-three members:

10 a. the commissioners of transportation, health, economic development,
11 agriculture and markets, housing and community renewal, general
12 services, labor, environmental conservation, homeland security and emer-
13 gency services, the superintendent of financial services, the presidents
14 of the New York state energy research and development; New York power
15 authority; Long Island power authority; New York power authority and
16 dormitory of the state of New York, or their designee.

17 b. two members appointed by the governor;

18 c. two members to be appointed by the temporary president of the
19 senate;

20 d. two members to be appointed by the speaker of the assembly;

21 e. one member to be appointed by the minority leader of the senate;

22 and

23 f. one member to be appointed by the minority leader of the assembly.

24 2. The at large members shall include at all times individuals with
25 expertise in environmental issues related to climate change, environ-
26 mental justice, labor, and regulated industries.

27 3. Council members shall receive no compensation for their services
28 but shall be reimbursed for actual and necessary expenses incurred in
29 the performance of their duties.

30 4. The chairperson of the council shall be the commissioner of envi-
31 ronmental conservation or his or her designee.

32 5. A majority of the members of the council shall constitute a quorum.

33 6. Any vacancies on the council shall be filled in the manner provided
34 for in the initial appointment.

35 7. The council shall be authorized to convene advisory panels to
36 assist or advise it in areas requiring special expertise or knowledge.

37 8. The department shall provide the council with such facilities,
38 assistance and data as will enable the council to carry out its powers
39 and duties. Additionally, all other agencies of the state or subdivi-
40 sions thereof may, at the request of the chairperson, provide the coun-
41 cil with such facilities, assistance, and data as will enable the coun-
42 cil to carry out its powers and duties.

43 9. The council shall consult with the disadvantaged communities work-
44 ing group established in section 75-0113 of this article, the department
45 of state utility intervention unit, and the federally designated elec-
46 tric bulk system operator.

47 10. The council shall advise the department on:

48 a. The development of statewide greenhouse gas emissions limit rules
49 and regulations, pursuant to section 75-0107 of this article, and
50 reduced greenhouse gas emissions regulations, pursuant to section
51 75-0111 of this article.

52 b. The preparation of a scoping plan for reducing greenhouse gas emis-
53 sions, pursuant to the procedures set forth in section 75-0109 of this
54 article.

55 § 75-0105. Greenhouse gas reporting.

1 1. No later than one year after the effective date of this article,
2 the department shall, after at least two public hearings, promulgate
3 rules and regulations requiring annual greenhouse gas emissions report-
4 ing from major greenhouse gas emission sources. The regulations shall:

5 a. Establish a greenhouse gas emissions registry and reporting system
6 for greenhouse gas emission sources, which includes greenhouse gas emis-
7 sions from all major greenhouse gas emission sources, expressed in tons
8 of carbon dioxide equivalents;

9 b. Account for both direct and indirect greenhouse gas emissions,
10 including emissions from all electricity consumed in the state, regard-
11 less of whether such electricity was generated within the state or
12 imported from outside the state, and accounting for transmission and
13 distribution line losses;

14 c. Ensure rigorous and consistent accounting of emissions and provide
15 reporting tools and formats to ensure collection of necessary data; and

16 d. Ensure that greenhouse gas emission sources maintain comprehensive
17 records of any greenhouse gas emissions reported for at least five
18 years.

19 2. The department shall:

20 a. Review and update emission reporting requirements at least every
21 five years;

22 b. Make reasonable efforts to make its reporting regulations consist-
23 ent with international, federal, and other states' greenhouse gas emis-
24 sions reporting programs; and

25 c. Provide compliance assistance to small businesses pursuant to the
26 provisions of sections 19-0313 and 19-0315 of this chapter.

27 3. No later than two years after the effective date of this article,
28 and each year thereafter, the department shall issue a report on:

29 a. The annual greenhouse gas emissions from all major greenhouse gas
30 emission sources, including the relative contribution of each major
31 greenhouse gas emission source to the statewide greenhouse gas emis-
32 sions; and

33 b. The progress made by the department in achieving the requirements
34 of this section.

35 § 75-0107. Statewide greenhouse gas emissions limits.

36 1. No later than six months after the effective date of this article,
37 the department shall determine what the statewide greenhouse gas emis-
38 sions level was in 1990, and, pursuant to rules and regulations promul-
39 gated after at least one public hearing, establish a statewide green-
40 house gas emissions limit as a percentage of 1990 emissions, for the
41 following years as follows:

42 a. 2020: 100% of 1990 emissions.

43 b. 2025: 75% of 1990 emissions.

44 c. 2030: 50% of 1990 emissions.

45 d. 2035: 40% of 1990 emissions.

46 e. 2040: 30% of 1990 emissions.

47 f. 2045: 20% of 1990 emissions.

48 g. 2050: 0% of 1990 emissions.

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

55 § 75-0109. Scoping plan for statewide greenhouse gas emissions
56 reductions.

1 1. On or before two years of the effective date of this article, the
2 department shall prepare and approve a scoping plan outlining the
3 department's recommendations for attaining the statewide greenhouse gas
4 emissions limits in accordance with the schedule established in section
5 75-0107 of this article.

6 2. The draft scoping plan shall be developed in consultation with the
7 council, environmental justice advisory group, and the disadvantaged
8 communities working group established pursuant to section 75-0113 of
9 this article and other stakeholders.

10 a. The department and the council shall hold at least six regional
11 public comment hearings on the draft scoping plan, including three meet-
12 ings in the upstate region and three meetings in the downstate region,
13 and shall allow at least one hundred twenty days for the submission of
14 public comment.

15 b. The department shall provide meaningful opportunities for public
16 comment from all persons who will be impacted by the plan, including
17 persons living in disadvantaged communities as identified pursuant to
18 section 75-0113 of this article.

19 c. On or before thirty months of the effective date of this article,
20 the department shall submit the final scoping plan to the governor, the
21 speaker of the assembly and the temporary president of the senate and
22 post such plan on its website.

23 3. The scoping plan shall identify and make recommendations on regula-
24 tory measures and other state actions that will ensure the attainment of
25 the statewide greenhouse gas emissions limits established pursuant to
26 section 75-0107 of this article. The measures and actions considered in
27 such scoping plan shall at a minimum include:

28 a. Performance-based standards for sources of greenhouse gas emis-
29 sions, including but not limited to sources in the transportation,
30 building, industrial, commercial, and agricultural sectors.

31 b. Market-based mechanisms to reduce statewide greenhouse gas emis-
32 sions or emissions from a particular source category, including an exam-
33 ination of: the imposition of fees per unit of carbon dioxide equivalent
34 emitted and the imposition of emissions caps accompanied by a system of
35 tradable emission allowances.

36 c. Measures to reduce emissions from the electricity sector by
37 displacing fossil-fuel fired electricity with renewable electricity or
38 energy efficiency.

39 d. Land-use and transportation planning measures aimed at reducing
40 greenhouse gas emissions from motor vehicles.

41 e. Measures to achieve long-term carbon sequestration and/or promote
42 best management practices in land use, agriculture and forestry.

43 f. Verifiable, enforceable and voluntary emissions reduction measures.

44 4. In developing such plan the department shall:

45 a. Consider all relevant information pertaining to greenhouse gas
46 emissions reduction programs in other states, regions, localities, and
47 nations.

48 b. Evaluate, using the best available economic models, emission esti-
49 mation techniques and other scientific methods, the total potential
50 costs and potential economic and non-economic benefits of the plan for
51 reducing greenhouse gases, and make such evaluation publicly available.
52 In conducting this evaluation, the department shall quantify:

53 i. The economic and social benefits of greenhouse gas emissions
54 reductions, taking into account the federal social cost of carbon, any
55 other tools that the department deems useful and pertinent for this
56 analysis, and any environmental, economic and public health co-benefits

1 (such as the reduction of co-pollutants and the diversification of ener-
2 gy sources); and

3 ii. The costs of implementing proposed emissions reduction measures,
4 and the emissions reductions that the department anticipates achieving
5 through these measures.

6 c. Take into account the relative contribution of each source or
7 source category to statewide greenhouse gas emissions, and the potential
8 for adverse effects on small businesses, and recommend a de minimis
9 threshold of greenhouse gas emissions below which emission reduction
10 requirements will not apply.

11 d. Identify measures to maximize reductions of both greenhouse gas
12 emissions and co-pollutants in disadvantaged communities as identified
13 pursuant to section 75-0113 of this article.

14 5. The department shall update its plan for achieving the statewide
15 greenhouse gas emissions limits at least once every five years and shall
16 make such updates available to the governor, the speaker of the assembly
17 and the temporary president of the senate and post such updates on its
18 website.

19 § 75-0111. Promulgation of regulations to achieve statewide greenhouse
20 gas emissions reductions.

21 1. No later than three years after the effective date of this article,
22 the department, after public workshops and consultation with the coun-
23 cil, the environmental justice advisory group, and the disadvantaged
24 communities working group established pursuant to section 75-0113 of
25 this article, representatives of regulated entities, community organiza-
26 tions, environmental groups, health professionals, labor unions, municip-
27 al corporations, trade associations and other stakeholders, shall,
28 after no less than two public hearings, promulgate rules and regulations
29 to ensure compliance with the statewide emissions reduction limits.

30 2. The regulations promulgated by the department pursuant to this
31 section shall:

32 a. Ensure that the aggregate emissions of greenhouse gases from major
33 and minor sources will not exceed the statewide greenhouse gas emissions
34 limits established in section 75-0107 of this article.

35 b. Include legally enforceable emissions limits, performance stand-
36 ards, or other requirements to control emissions from major sources.

37 c. Include measures to reduce emissions from minor sources that have a
38 cumulatively significant impact on statewide greenhouse gas emissions,
39 such as motor vehicles and electric generating facilities of less than
40 25 megawatts.

41 3. In promulgating these regulations, the department shall:

42 a. Design and implement all regulations in a manner that seeks to be
43 equitable, to minimize costs and to maximize the total benefits to New
44 York, and encourages early action to reduce greenhouse gas emissions.

45 b. Ensure that greenhouse gas emissions reductions achieved are real,
46 permanent, quantifiable, verifiable, and enforceable by the department.

47 c. Ensure that activities undertaken to comply with the regulations do
48 not result in a net increase in co-pollutant emissions or otherwise
49 disproportionately burden disadvantaged communities as identified pursu-
50 ant to section 75-0113 of this article.

51 d. Prioritize measures to maximize net reductions of greenhouse gas
52 emissions and co-pollutants in disadvantaged communities as identified
53 pursuant to section 75-0113 of this article and encourage early action
54 to reduce greenhouse gas emissions and co-pollutants.

55 e. Minimize leakage.

56 4. Market-based compliance mechanisms.



1 a. The department may, with the approval of the legislature, include
2 in the regulations provisions for the use of market-based compliance
3 mechanisms to comply with the regulations.

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

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

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

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

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

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

35 § 75-0113. Disadvantaged communities working group.

36 1. There is hereby created within the department, no later than six
37 months after the effective date of this article, a "disadvantaged commu-
38 nities working group." Such working group will be comprised of represen-
39 tatives from: environmental justice communities, the department, the
40 department of health and the department of labor.

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

49 b. The working group, in cooperation with the department, the depart-
50 ments of health and labor, and the environmental justice advisory group,
51 will establish criteria to identify disadvantaged communities for the
52 purposes of co-pollutant reductions, greenhouse gas emissions
53 reductions, regulatory impact statements, and the allocation of invest-
54 ments related to this article.



1 c. Disadvantaged communities shall be identified based on geographic,
2 public health, environmental hazard, and socioeconomic criteria, which
3 shall include but are not limited to:

4 (1) areas burdened by cumulative environmental pollution and other
5 hazards that can lead to negative public health effects;

6 (2) areas with concentrations of people that are of low income, high
7 unemployment, high rent burden, low levels of home ownership, low levels
8 of educational attainment, or members of groups that have historically
9 experienced discrimination on the basis of race or ethnicity; and

10 (3) areas vulnerable to the impacts of climate change such as flood-
11 ing, storm surges, and urban heat island effects.

12 2. Before finalizing the criteria for identifying disadvantaged commu-
13 nities and identifying disadvantaged communities pursuant to subdivision
14 one of this section, the department shall publish draft criteria and a
15 draft list of disadvantaged communities and make such information avail-
16 able on its website.

17 a. The department shall hold at least six regional public hearings on
18 the draft criteria and the draft list of disadvantaged communities,
19 including three meetings in the upstate region and three meetings in the
20 downstate region, and shall allow at least one hundred twenty days for
21 the submission of public comment.

22 b. The department shall also ensure that there are meaningful opportu-
23 nities for public comment for all persons who will be impacted by the
24 criteria, including persons living in areas that may be identified as
25 disadvantaged communities under the proposed criteria.

26 3. The group will meet no less than annually to review the criteria
27 and methods used to identify disadvantaged communities and may modify
28 such methods to incorporate new data and scientific findings. The disad-
29 vantaged communities working group shall review identities of disadvan-
30 taged communities and modify such identities as needed.
31 § 75-0115. Implementation reporting.

32 1. The department shall, not less than every four years, publish a
33 report which shall include recommendations regarding the implementation
34 of greenhouse gas reduction measures.

35 2. The report shall, at minimum, include:

36 a. Whether the state is on track to meet the statewide greenhouse gas
37 emissions limits established in section 75-0107 of this article.

38 b. An assessment of existing regulations and whether modifications are
39 needed to ensure fulfillment of the statewide greenhouse gas emissions
40 limits.

41 c. An overview of social benefits from the regulations or other meas-
42 ures, including reductions in greenhouse gas emissions and copollutants,
43 diversification of energy sources, and other benefits to the economy,
44 environment, and public health, including women's health.

45 d. An overview of compliance costs for regulated entities and for the
46 department and other state agencies.

47 e. Whether regulations or other greenhouse gas reduction measures
48 undertaken are equitable, minimize costs and maximize the total benefits
49 to the state, and encourage early action.

50 f. Whether activities undertaken to comply with state regulations
51 disproportionately burden disadvantaged communities as identified pursu-
52 ant to section 75-0113 of this article.

53 g. An assessment of local benefits and impacts of any reductions in
54 copollutants related to reductions in statewide and local greenhouse gas
55 emissions.

1 h. An assessment of disadvantaged communities' access to or community
2 ownership of the services and commodities identified in section eight of
3 the chapter of the laws of two thousand sixteen which added this arti-
4 cle.

5 i. Whether entities that have voluntarily reduced their greenhouse gas
6 emissions prior to the implementation of this article receive appropri-
7 ate credit for early voluntary reductions.

8 j. Recommendations for future regulatory and policy action.

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

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

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

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

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

21 § 66-o. Establishment of a renewable energy program. 1. As used in
22 this section:

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

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

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

34 2. No later than January first, two thousand eighteen, the commission
35 shall establish a program to require that a minimum of fifty percent of
36 the statewide electric capacity served by electric distribution compa-
37 nies regulated by the commission in two thousand thirty shall be gener-
38 ated by renewable energy systems.

39 (a) The program shall achieve the following incremental minimum
40 percentage capacity levels of renewable energy systems within the areas
41 served by the electric distribution companies regulated by the commis-
42 sion:

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

44 (ii) thirty percent by two thousand twenty;

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

46 (iv) fifty percent by two thousand thirty.

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

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

54 (i) be cost-effective; (ii) encourage the deployment of renewable energy
55 systems at the bulk electric system level and behind-the-meter; (iii)

56 allow for diversity in the size and geographic location of renewable

1 energy systems; (iv) enable the participation of residential and non-re-
2 sidential customers, including special consideration to low-to-moderate
3 income customers; (v) ensure that renewable energy systems will be stra-
4 tegically located to minimize peak load in constrained areas; (vi)
5 support electric system reliability and security; and (vii) achieve any
6 other objectives the commission may establish.

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

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

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

37 4. The commission may suspend or terminate the program established
38 under this section or suspend an electric distribution company's obli-
39 gations under such program provided that the commission, after conduct-
40 ing a hearing as provided in section twenty of this chapter, makes a
41 finding that the program impedes the provision of safe and adequate
42 electric service or that there is a significant increase in arrears or
43 utility service disconnections that the commission determines is related
44 to the program.

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

1 § 5. Section 1005 of the public authorities law is amended by adding a
2 new subdivision 26 to read as follows:

3 26. a. For the purposes of this subdivision, the following terms shall
4 have the following meanings:

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

8 (2) "Renewable energy systems" means systems that generate electricity
9 or thermal energy through use of the following technologies: solar ther-
10 mal, photovoltaics, wind, hydroelectric, geothermal electric, geothermal
11 ground source heat, tidal energy, wave energy, ocean thermal, offshore
12 wind and fuel cells which do not utilize a fossil fuel resource in the
13 process of generating electricity.

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

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

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

24 (ii) thirty percent by two thousand twenty;

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

26 (iv) fifty percent by two thousand thirty.

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

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

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

54 e. The authority may suspend or terminate the program established
55 under this section after a finding that the program impedes the authori-

1 ty's duty to obtain and maintain a continuous and adequate supply of
2 dependable electric power and energy.

3 f. Every contractor employed pursuant to this subdivision, not other-
4 wise required to pay laborers, workers or mechanics the prevailing rate
5 of wages pursuant to article eight of the labor law, shall pay employees
6 under contract for the development of renewable energy systems rated at
7 two hundred fifty kilowatts or more a wage of not less than the prevail-
8 ing rate of wages for such work in the locality where such installation
9 occurs. This requirement shall be in effect for the duration of the
10 receipt by the contractor of the incentives established pursuant to this
11 subdivision and in no event shall such requirement extend beyond the
12 availability of such incentives. Every contractor subject to the
13 provisions of this paragraph shall maintain payroll records in accord-
14 ance with section two hundred twenty of the labor law.

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

19 § 1020-ii. Establishment of a renewable energy program. 1. As used in
20 this section:

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

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

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

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

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

39 (ii) thirty percent by two thousand twenty;

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

41 (iv) fifty percent by two thousand thirty.

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

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

1 3. No later than July first, two thousand eighteen, and every two
2 years thereafter, the authority shall, after notice and provision for
3 the opportunity to comment, issue a comprehensive review of the program
4 established pursuant to this section. The authority shall determine,
5 among other matters: (a) progress in meeting its minimum capacity levels
6 for deployment of renewable energy systems; (b) distribution of systems
7 by size and load zone; and (c) annual incentive commitments and expendi-
8 tures. The authority shall evaluate the reasonableness of the future
9 minimum capacity levels established pursuant to paragraph (a) of subdi-
10 vision two of this section and determine whether the minimum capacity
11 levels should be accelerated, increased or extended. The authority shall
12 also review the incentive structures and make adjustments as necessary
13 in a manner that is cost-effective.

14 4. The authority may suspend or terminate the program established
15 under this section after a finding that there is a significant increase
16 in arrears or utility service disconnections that the authority deter-
17 mines is related to the program or that the program impedes the authori-
18 ty's duty to obtain and maintain a continuous and adequate supply of
19 dependable electric power and energy.

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

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

34 ARTICLE 8-B

35 LABOR AND JOB STANDARDS AND WORKER PROTECTION

36 Section 228. Labor and job standards and worker protection.

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

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

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

55 a. the payment of no less than prevailing wages for all employees in
56 construction and building, consistent with article eight of the this



1 chapter, and building services, consistent with article nine of this
2 chapter;

3 b. the inclusion of contract language requiring contractors to estab-
4 lish labor harmony policies; dispute resolution mechanisms; prevailing
5 wage compliance; safety policies; workers compensation insurance
6 (including review of contractor experience rating and other factors);
7 and apprenticeship program appropriate for crafts employed. Procurement
8 rules should encourage bundling of small contracts and projects to
9 improve the efficiency of compliance;

10 c. apprenticeship utilization:

11 i. that all contractors and subcontractors, including those that
12 participate in power purchase agreements, energy performance contracts,
13 or other similar programs, participate in apprenticeship programs in the
14 trades in which they are performing work;

15 ii. maximum use of apprentices as per department of labor approved
16 ratios;

17 iii. encouragement of affiliated pre-apprentice direct entry programs,
18 including but not limited to EJM Construction Skills; NYC Helmets to
19 Hardhats, and Nontraditional Employment for Women (NEW) for the recruit-
20 ment of local and/or disadvantaged workers;

21 iv. existing workforce development programs, including those at the
22 New York state energy research and development authority, should be made
23 to conform to these standards.

24 3. The commissioner, the fiscal officer and other relevant agencies
25 shall promulgate such regulations as are necessary to implement and
26 administer compliance with the provisions of this section. The depart-
27 ment and the fiscal officer shall coordinate with organized labor and
28 local and county level governments to implement a system to track
29 compliance, accept reports of non-compliance for enforcement action, and
30 report annually on the adoption of these standards to the legislature
31 starting one year from the effective date of this section.

32 a. For the purposes of this section, "fiscal officer" shall mean the
33 industrial commissioner, except for construction and building service
34 work performed by or on behalf of a city, in which case "fiscal officer"
35 shall mean the comptroller or other analogous officer of such city.

36 b. The provisions of the contract by the recipient of financial
37 assistance pertaining to prevailing wages are to be considered a
38 contract for the benefit of construction and building service workers,
39 upon which such workers shall have the right to maintain action for the
40 difference between the prevailing wage rate of pay, benefits, and paid
41 leave and the rates of pay, benefits, and paid leave actually received
42 by them, and including attorney's fees.

43 c. i. Where a recipient of financial assistance contracts building
44 service work to a building service contractor, the contractor is held to
45 the same obligations with respect to prevailing wages as the recipient.
46 The recipient must include terms establishing this obligation within any
47 contract signed with a contractor.

48 ii. Where a recipient of financial assistance contracts for
49 construction, excavation, demolition, rehabilitation, repair, reno-
50 vation, alteration or improvement to a subcontractor, the subcontractor
51 is held to the same obligations with respect to prevailing wages as the
52 recipient. The recipient must include terms establishing this obligation
53 within any contract signed with a subcontractor.

54 4. For the purposes of this section "financial assistance" means any
55 provision of public funds to any person, individual, proprietorship,
56 partnership, joint venture, corporation, limited liability company,

1 trust, association, organization, or other entity that receives finan-
2 cial assistance, or any assignee or successor in interest of real prop-
3 erty improved or developed with financial assistance, for economic
4 development within the state, including but not limited to cash payments
5 or grants, bond financing, tax abatements or exemptions, including but
6 not limited to abatements or exemptions from real property, mortgage
7 recording, sales, and use taxes, or the difference between any payments
8 in lieu of taxes and the amount of real property or other taxes that
9 would have been due if the property were not exempted from such taxes,
10 tax increment financing, filing fee waivers, energy cost reductions,
11 environmental remediation costs, write-downs in the market value of
12 buildings or land, or the cost of capital improvements related to real
13 property for which the state would not pay absent the development
14 project, and includes both discretionary and as of right assistance. The
15 provisions of this section shall only apply to projects receiving more
16 than one hundred thousand dollars in total financial assistance, or to
17 projects with a total project value of more than ten million dollars.

18 5. The commissioner shall evaluate whether there are additional stand-
19 ards that could be applied to increase wage and benefit standards or to
20 encourage a safe, well-trained, and adequately compensated workforce.

21 6. Nothing set forth in this section shall be construed to impede,
22 infringe, or diminish the rights and benefits which accrue to employees
23 through bona fide collective bargaining agreements, or otherwise dimin-
24 ish the integrity of the existing collective bargaining relationship.

25 7. Nothing set forth in this section shall preclude a local government
26 from setting additional standards that expand on these state-wide stand-
27 ards.

28 § 8. Report on barriers to, and opportunities for, community ownership
29 of services and commodities in disadvantaged communities. 1. On or
30 before two years of the effective date of this act, the department of
31 environmental conservation, with input from relevant state agencies, the
32 environmental justice advisory group as defined in section 75-0101 of
33 the environmental conservation law, the disadvantaged communities work-
34 ing group as defined in section 75-0113 of the environmental conserva-
35 tion law and Climate Action Council established in article 75 of the
36 environmental conservation law, and following at least two public hear-
37 ings, shall prepare a report on barriers to, and opportunities for,
38 access to or community ownership of the following services and commod-
39 ities in disadvantaged communities as identified in article 75 of the
40 environmental conservation law:

- 41 a. Distributed renewable energy generation.
- 42 b. Energy efficiency and weatherization investments.
- 43 c. Zero-emission and low-emission transportation options.
- 44 d. Adaptation measures to improve the resilience of homes and local
45 infrastructure to the impacts of climate change including but not limit-
46 ed to microgrids.
- 47 e. Other services and infrastructure that can reduce the risks associ-
48 ated with climate-related hazards, including but not limited to:
 - 49 i. Shelters and cool rooms during extreme heat events;
 - 50 ii. Shelters during flooding events; and
 - 51 iii. Medical treatment for asthma and other conditions that could be
52 exacerbated by climate-related events.

53 2. The report, which shall be submitted to the governor, the speaker
54 of the assembly and the temporary president of the senate and posted on
55 the department of environmental conservation website, shall include

1 recommendations on how to increase access to the services and commod-
2 ities.

3 3. The department of environmental conservation shall amend the scop-
4 ing plan for statewide greenhouse gas emissions reductions in accordance
5 with the recommendations included in the report.

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

9 2. In considering and issuing permits, licenses, and other administra-
10 tive approvals and decisions, including but not limited to the execution
11 of grants, loans, and contracts, all state agencies, offices, authori-
12 ties, and divisions shall consider whether such decisions are inconsis-
13 tent with or will interfere with the attainment of the statewide green-
14 house gas emissions limits established in article 75 of the
15 environmental conservation law. Where such decisions are deemed to be
16 inconsistent with or will interfere with the attainment of the statewide
17 greenhouse gas emissions limits, each agency, office, authority, or
18 division shall, provide a detailed statement of justification as to why
19 such limits/criteria may not be met, and, to the maximum extent practi-
20 cable, identify alternatives or greenhouse gas mitigation measures to be
21 required where such project is located.

22 3. In considering and issuing permits, licenses, and other administra-
23 tive approvals and decisions, including but not limited to the execution
24 of grants, loans, and contracts, pursuant to article 75 of the environ-
25 mental conservation law, all state agencies, offices, authorities, and
26 divisions shall not disproportionately burden disadvantaged communities
27 as identified pursuant to subdivision 7 of section 75-0101 of the envi-
28 ronmental conservation law. All state agencies, offices, authorities,
29 and divisions shall also prioritize reductions of greenhouse gas emis-
30 sions and co-pollutants in disadvantaged communities as identified
31 pursuant to such subdivision 7 of section 75-0101 of the environmental
32 conservation law.

33 § 10. Authorization for other state agencies to promulgate greenhouse
34 gas emissions regulations. 1. The public service commission, the New
35 York State energy research and development authority, the department of
36 health, the department of transportation, the department of state, the
37 department of economic development, the department of agriculture and
38 markets, the department of financial services, the office of general
39 services, the division of housing and community renewal, the public
40 utility authorities established pursuant to titles 1, 1-A, 1-B, 11,
41 11-A, 11-B, 11-C and 11-D of article 5 of the public authorities law and
42 any other state agency may promulgate regulations to contribute to
43 achieving the statewide greenhouse gas emissions limits established in
44 article 75 of the environmental conservation law. Provided, however, any
45 such regulations shall not limit the department of environmental conser-
46 vation's authority to regulate and control greenhouse gas emissions
47 pursuant to article 75 of the environmental conservation law.

48 § 11. Chapter 355 of the laws of 2014, constituting the "community
49 risk and resiliency act", is amended by adding two new sections 17-a and
50 17-b to read as follows:

51 § 17-a. The department of environmental conservation shall take
52 actions to promote adaptation and resilience, including:

53 (a) actions to help state agencies and other entities assess the
54 reasonably foreseeable risks of climate change on any proposed projects,
55 taking into account issues such as: sea level rise, tropical and extra-
56 tropical cyclones, storm surges, flooding, wind, changes in average and



1 peak temperatures, changes in average and peak precipitation, public
2 health impacts, and impacts on species and other natural resources.

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

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

8 § 17-b. Major permits for the regulatory programs of subdivision three
9 of section 70-0107 of the environmental conservation law shall require
10 applicants to demonstrate that future physical climate risk has been
11 considered. In reviewing such information the department may require the
12 applicant to mitigate significant risks to public infrastructure and/or
13 services, private property not owned by the applicant, adverse impacts
14 on disadvantaged communities, and/or natural resources in the vicinity
15 of the project.

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

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

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

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

40

PART YY

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

44 § 33-0705. Fee for registration.

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

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

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



1 c. After July 1, [2017] 2020, fifty dollars for each pesticide
2 proposed to be registered.

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

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

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

12 PART ZZ

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

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

21 § 2. This act shall take effect immediately.

22 PART AAA

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

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

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

37 PART BBB

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

48 (a) the public purpose for the ZEC, including, but not limited, to the
49 impacts on local economies;

1 (b) the methodology used to determine the necessity and pricing of the
2 ZEC;

3 (c) the determination to allow load serving entities to recover ZEC
4 costs from all ratepayers;

5 (d) the disproportionate impact of the ZEC on low and fixed income
6 ratepayers;

7 (e) all benefits, financial and otherwise, received by the Fitzpa-
8 trick, Ginna and Nine Mile Point generating facilities in association
9 with reforming the energy vision program;

10 (f) the consumer cost of the ZEC, throughout the compliance period of
11 twelve years;

12 (g) all burdens, financial and mechanical, imposed on load serving
13 entities and ratepayers;

14 (h) a description of the steps taken to promote public participation
15 and transparency prior to the approval of the order; and

16 (i) the reasons for the proportional share purchase requirements for
17 load serving entities.

18 2. Such interim chairperson or chairperson and president shall be
19 required to appear before such joint public hearing of the senate and
20 assembly held pursuant to subdivision one of this section no later than
21 thirty days after the effective date of this act.

22 § 2. This act shall take effect immediately.

23 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
24 sion, section or part of this act shall be adjudged by any court of
25 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 or part thereof directly involved in the controversy in which such judg-
29 ment shall have been rendered. It is hereby declared to be the intent of
30 the legislature that this act would have been enacted even if such
31 invalid provisions had not been included herein.

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