

**FY 2021 NEW YORK STATE EXECUTIVE BUDGET**

**TRANSPORTATION, ECONOMIC DEVELOPMENT AND  
ENVIRONMENTAL CONSERVATION  
ARTICLE VII LEGISLATION**

**MEMORANDUM IN SUPPORT**

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CONSERVATION  
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**MEMORANDUM IN SUPPORT**

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## MEMORANDUM IN SUPPORT

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

AN ACT AN ACT amend the highway law and the transportation law, in relation to consolidated local highway assistance payments (Part A); to amend the vehicle and traffic law in relation to penalties for commercial vehicles on parkways and penalties for over-height vehicles (Part B); to amend the vehicle and traffic law, in relation to the display of amber and blue lights on safety service patrol vehicles (Part C); to amend the penal law and the vehicle and traffic law, in relation to highway worker safety (Subpart A); to amend the vehicle and traffic law and the highway law, in relation to highway clearance (Subpart B); and to amend the vehicle and traffic law, in relation to increased fines for injury to pedestrians (Subpart C) (Part D); to amend the vehicle and traffic law, in relation to the maximum dimension of certain vehicles proceeding to and from the New York state thruway authority (Part E); to amend the public authorities law, in relation to agreements for fiber optics (Part F); to amend the public authorities law and the highway law, in relation to consolidation of the New York state bridge authority with the New York state thruway authority; and to repeal title 2 of article 3 of the public authorities law relating thereto (Part G); to amend the vehicle and traffic law, in relation to penalties for unlicensed operation of ground transportation to and from airports (Part H); to amend the public authorities law, in relation to setting the aggregate principal amount of bonds the Metropolitan transit authority, the Triborough bridge and tunnel authority and the New York city

transit authority can issue (Part I); to amend the public authorities law, in relation to procurements conducted by the New York City transit authority and the metropolitan transportation authority; to amend part OO of chapter 54 of the laws of 2016, amending the public authorities law relating to procurements by the New York City transit authority and the metropolitan transportation authority, in relation to the effectiveness thereof; and to repeal certain provisions of the public authorities law relating thereto (Part J); to amend chapter 54 of the laws of 2016 amending the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending authorization for tax increment financing for the metropolitan transportation authority (Part K); to amend the public authorities law, in relation to providing the metropolitan transit authority the right to enter private property to trim trees and vegetation for safety purposes (Part L); to amend the penal law, in relation to including the intentional use of any toll highway, parkway, road, bridge or tunnel or entry into or remaining in a tolled central business district without payment of the lawful toll or charge as a theft of services; and to amend the vehicle and traffic law, in relation to the penalty imposed upon the operator of a vehicle with an altered or obscured license plate while on a toll highway, bridge or tunnel (Part M); to amend the penal law, in relation to assaulting certain employees of a transit agency or authority (Part N); to amend the penal law, in relation to harassing certain employees of a transit agency or authority (Part O); to amend the penal law and the public authorities law, in relation to transit crimes and prohibition orders relating to such crimes (Part P); to amend the business corporation law, the

cooperative corporations law, the executive law, the general associations law, the general business law, the limited liability company law, the not-for-profit corporation law, the partnership law, the private housing finance law, the arts and cultural affairs law, the real property law and the tax law, in relation to streamlining the process by which service of process is served against a corporate or other entity with the secretary of state; and to repeal certain provisions of the real property law relating thereto (Part Q); 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 effectiveness thereof (Part R); to amend the general business law, in relation to prohibiting gender discrimination within the pricing of consumer goods and services (Part S); to amend the general business law, in relation to telemarketing and to provide for caller identification transparency, call authentication, and call blocking services; and to repeal certain provisions of such law relating thereto (Part T); to amend the state law, in relation to making changes to the arms of the state (Part U); to amend the executive law, the real property law and the general business law, in relation to qualifications for appointment and employment (Part V); to amend the real property law, in relation to home inspection professional licensing (Part W); to amend the business corporation law, the executive law, the limited liability company law, the not-for-profit corporation law, and the partnership law, in relation to filing of certificates with the department of state; and repealing provisions of the business corporation law, the limited liability



company law and the tax law related thereto (Part X); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues (Part Y); to amend the public service law, in relation to strengthening the oversight and enforcement mechanisms of the public service commission (Part Z); to amend the public service law, the state finance law, the public authorities law and the general business law, in relation to prohibiting internet service providers from preventing access to certain internet content or applications or requiring users to pay to access certain internet content or applications (Part AA); to amend the general municipal law, in relation to authorizing municipal corporations to charge for use and occupancy of fiber-optic lines on municipally owned rights of way and establish a uniform process for the siting of small cell wireless facilities; and to amend the highway law, in relation to statewide master license agreements (Part BB); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part CC); to amend the infrastructure investment act, in relation to requiring certain contracts to comply with service-disabled veteran-owned business enterprises, negotiating prices in certain lump-sum contracts, referencing certain sections of law and providing for a date of repeal (Part DD); to amend the New York state urban development

corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part EE); to amend chapter 393 of the laws of 1994 amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to extending the general loan powers of the New York state urban development corporation (Part FF); to amend the economic development law, in relation to economic transformation program eligibility (Part GG); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part HH); to amend the labor law, in relation to the definitions of employer and immediate family member (Part II); to amend the general municipal law, in relation to discretionary spending and procurement procedures for school districts in relation to New York state products (Part JJ); to amend the public authorities law, in relation to the water pollution control revolving fund and the drinking water revolving fund (Part KK); to amend the banking law and the civil practice law and rules, in relation to licensing consumer debt collectors (Part LL); to amend the financial services law, in relation to licensing student debt relief consultants; and to amend the banking law, in relation to requiring fingerprinting for applications for a student loan servicer license (Part MM); to amend the financial services law and

the insurance law, in relation to protecting New York consumers from unfair and abusive practices (Part NN); to amend the banking law, in relation to fighting elder financial fraud (Part OO); to amend the environmental conservation law, in relation to expanded polystyrene foam container and polystyrene loose fill packaging ban (Part PP); authorizing the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2020 "restore mother nature" for the purposes of environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change by restoring habitats and reducing flood risk; improving water quality; protecting open space and investing in recreational infrastructure; expanding the use of renewable energy to mitigate climate change; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2020 (Part QQ); to amend the environmental conservation law and the state finance law, in relation to the implementation of the environmental bond act of 2020 "restore mother nature" (Part RR); to amend the environmental conservation law, in relation to a product stewardship program; and to amend the state finance law, in relation to establishing the stewardship organization fund (Part SS); to amend the environmental conservation law, in relation to freshwater wetlands; and to repeal certain provisions of such law relating thereto (Part TT); to authorize the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart A); to authorize the village of East Rockaway, county of Nassau, to permanently and temporarily convey

certain easements and to temporarily alienate certain parklands (Subpart B); and to authorize the village of Rockville Centre, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart C) (Part UU); to amend the environmental conservation law, in relation to financial security for the plugging and site reclamation of regulated wells (Part VV); to amend the environmental conservation law, in relation to banning fracking (Part WW); to amend the vehicle and traffic law, in relation to bicycles with electric assist (Part XX); to amend chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part YY); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to extending the effectiveness thereof (Part ZZ); to amend the vehicle and traffic law, in relation to the regulation of the use of electric scooters (Part AAA); to amend the public authorities law, in relation to the centers for advanced technology program; and to repeal section 410 of the economic development law relating to the centers for excellence program (Part BBB); to amend the insurance law, the public authorities law and the tax law, in relation to authorizing the power authority of the state of New York to form a pure captive insurance company (Part CCC); to amend the Hudson river park act, in relation to Pier 76 (Part DDD); to amend the New

York Buy American Act, in relation to the report to be provided and to making such provisions permanent (Part EEE); to amend the labor law, in relation to prevailing wage requirements (Part FFF); and to amend the labor law, in relation to classification of digital marketplace workers; and to establish the New York digital marketplace worker classification task force (Part GGG)

**PURPOSE:**

This bill contains provisions needed to implement the Transportation, Economic Development and Environmental Conservation portion of the FY 2021 Executive Budget.

This memorandum describes Parts A through GGG of the bill which are described wholly within the parts listed below.

**PART A – CHIPS Bidding Threshold Increase**

Purpose:

This bill would amend the highway law and the transportation law, in relation to consolidated local highway assistance payments.

Summary of Provisions and Statement in Support:

The bill amends highway law to increase the Consolidated Local Street and Highway Improvement Program (CHIPS) competitively bid threshold from \$250,000 to \$750,000.

The increase in the minimum competitive bid threshold is intended to mitigate the inflationary impacts on materials, labor, equipment and other construction related costs.

The existing threshold was last adjusted in 2011.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because it will allow more flexibility for municipalities.

Effective Date:

This bill would take effect immediately.

**PART B – Penalties for Oversized and Unauthorized Vehicles**

Purpose:

This bill would increase the penalties for commercial vehicles on parkways and overweight vehicles in violation of height restrictions.

Summary of Provisions and Statement in Support:

This bill would amend section 1800 of the Vehicle and Traffic Law by amending and adding a new subdivision to increase penalties for commercial vehicles on parkways, and would amend section 385 of the Vehicle and Traffic law by adding a new subdivision to increase penalties for vehicles exceeding legal height or posted clearance height. Owners and operators in violation of these restrictions would face significant monetary penalties and the suspension of vehicle registrations.

The New York State Department of Transportation estimates that there are approximately 150 vehicle bridge hits every year in the State. The related congestion, towing and cleanup and required incident personnel associated with these bridge hits results in an estimated total cost of \$30 million per year

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget to limit the significant financial impact over height vehicles can have on the state highway and bridge system when they are operated in violation of law.

Effective Date:

This bill would take effect immediately.

**PART C – HELP Trucks - Rear Facing Blue Lights**

Purpose:

This bill would allow safety service patrol vehicles to display rear-facing blue lights.

Summary of Provisions and Statement in Support:

This legislation would permit safety service patrol vehicles to display rear-facing blue lights thereby increasing their visibility.

Increased visibility of these vehicles will enhance highway safety and mobility for all users of the highway.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because it will increase highway safety.

Effective Date:

This bill would take effect 180 days after it becomes law.

## **PART D – Slow Down and Look Out for Highway Workers and Pedestrians Act of 2020 (The SLOW Act)**

### Purpose:

This bill would enhance highway worker safety.

### Summary of Provisions and Statement in Support:

This legislation would:

- Impose tougher criminal penalties for perpetrators of violence against highway workers, motor vehicle inspectors and motor carrier investigators
- Require the immediate suspension of a perpetrator's driver's license for a period of no less than six months upon conviction
- Establish new criminal penalties for intrusion into an active work zone
- Directs the Governor's Traffic Safety Committee in consultation with relevant agencies, authorities, and local law enforcement, to design and implement a public outreach and awareness program designed to reduce incursions, accidents, and improve work zone safety
- Enhance pedestrian safety by increasing fines for drivers that cause injury to pedestrians and bicyclists.
- Clarify a citizen's responsibility to move his or her vehicle out of the flow of traffic if involved in a minor accident and allow for a broader range of responders who could remove vehicles and debris from the roadway.

In recent years, the number of reported highway worker assaults and motorist intrusions in work zones established by the New York State Department of Transportation (NYSDOT) has escalated. More than 900 work zone intrusions and incidents of violence towards highway workers in work zones established by NYSDOT have been reported over the past five years.

### Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget because it would enhance highway worker safety on state roads and bridges.

### Effective Date:

This bill would take effect:



Subpart A - 180 days after being signed into law  
Subpart B - Immediately  
Subpart C - 180 days after being signed into law

## **PART E – Tandem Truck Access Routes - Thruway Cashless Tolling (AET/ORT)**

### Purpose:

This bill would allow tandem trailers to operate on various routes proximate to the Thruway System in order to access Thruway tandem lots.

### Summary of Provisions and Statement in Support:

This bill would designate certain portions of roads adjacent to the Thruway for use by tandem trucks, allowing tandem trucks to enter, exit, and change direction, while eliminating tandem truck incursions near the Open Road Tolling gantries.

This avoids more expensive solutions such as new dedicated truck lanes, flyover ramps, and tandem truck lot reconfigurations.

### Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because it implements the Thruway's conversion to All Electronic Tolling.

### Effective Date:

This bill would take effect immediately.

## **PART F – Thruway Fiber Leases**

### Purpose:

This bill would authorize the Thruway Authority to enter into agreements for use of its fiber optic system without requiring a public auction of the asset.

### Summary of Provisions and Statement in Support:

This legislation would authorize the Thruway Authority to enter into agreements for use of its fiber optic system provided that certain conditions are met.

This bill allows Thruway control of the leasing of its own Fiber Optics assets, rather than requiring the use of a third party to auction off different parts of the Fiber network.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because it will allow Thruway to better utilize its Fiber Optic infrastructure.

Effective Date:

This bill would take effect immediately.

**PART G – Thruway and Bridge Authority Merger**

Purpose:

This bill would merge the New York State Bridge Authority and the New York State Thruway, creating a single toll collection and financing entity.

The Thruway and Bridge Authority are similarly responsible for the development, operation and management of certain publicly-owned tolled highways and bridge facilities serving the State of New York.

Summary of Provisions and Statement in Support:

The bill transfers all assets, liabilities, and responsibilities of the New York State Bridge Authority to the Thruway Authority.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because it allows for a greater degree of efficiency and coordination of effort in the public's best interest.

Effective Date:

This bill would take effect immediately and upon all Bridge Authority covenants, agreements, and obligations to bond holders being satisfied

**PART H – Airport Safety**

Purpose:

This bill imposes penalties for persons who unlawfully solicit or attempt to solicit unlicensed ground transportation services at an airport.

Summary of Provisions and Statement in Support:

- Amends Vehicle and Traffic Law to establish penalties for persons who solicit or attempt to solicit unlicensed ground transportation services.
- Authorizes the Port Authority of New York and New Jersey (PANYNJ) and its police officers to enforce local laws, rules and regulations related to unlawful solicitation of ground transportation services at airports leased by the Port within New York City.
- Authorizes the Commissioner of the Department of Motor Vehicles (DMV) to establish rules and regulations related to the ground transportation services at an airport.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget by improving safety for customers at all New York airports.

Effective Date:

This bill would take effect immediately.

**PART I – MTA Bond Cap Increase**

Purpose:

This bill amends Public Authorities Law to increase the Metropolitan Transportation Authority's (MTA) statutory bonding capacity and extends bonding authority for four years (through 2024).

Summary of Provisions and Statement in Support:

This bill amends Public Authorities Law to increase the MTA's statutory bonding capacity to \$90.1 billion and extends their bonding authority until 2024. Increasing the MTA's bonding capacity is necessary to meet the MTA's funding commitment for the 2020-2024 Capital Program, including the \$25 billion in new revenue sources enacted in 2019.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget to ensure the MTA has bonding capacity to fund its 2020-2024 Capital Program.

Effective Date:

This bill would take effect immediately.

## **PART J – Metropolitan Transportation Authority Procurement Reform**

### Purpose:

This bill makes permanent certain existing procurement provisions; reforms the MTA and NYCT's bidding processes; reforms procurement processes to allow the authorities to award contracts for new technology without a formal bidding process; alters advertisement procedures for bids; permits the use of existing contracts awarded by governments; and allows a once-yearly review of the Qualified Products Lists.

### Summary of Provisions and Statement in Support:

Makes permanent certain provisions currently subject to sunset between April 2021 and June 2023 and eliminates the now-dormant provisions that would have replaced them. The provisions being made permanent:

- Allow NYCT and MTA to include a preference for New York State content in locally-funded rolling stock procurements;
- Provide needed flexibility in public interest RFPs for rolling stock, construction and technology contracts;
- Allow for awards to MWBEs and SDVOBs up to \$1 million using an informal competitive process;
- Establish the formal sealed bid threshold at \$1 million (which would revert to \$10,000 for NYCT and \$15,000 for MTA).

Allows NYCT and the MTA to use the request for proposal process for design-build pursuant to a process established by the MTA Board;

Amends the process that the MTA and NYCT must follow when they receive no bids or a single bid, or if the specifications change after bid opening, or if they receive bids containing errors or non-conformances.

Allows NYCT and MTA to award contracts up to \$5 million for the development, testing and adopting of new and innovative technology without a formal competitive process. Requires that bids be advertised on MTA and NYCT's website; eliminates the requirement to advertise bids in a newspaper and in the procurement opportunities newsletter. This section will also reduce from 15 business days to 5 days the period between first advertising or soliciting a bid and the bid opening date.

Permits MTA and NYCT to use existing contracts awarded by states, municipalities, and the federal government consistent with laws already applicable to state agency and New York City procurements.

Allows MTA and NYCT to review its Qualified Products List (QPL) once per year, rather than twice.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget by providing procurement reforms that will allow the MTA to operate more effectively and efficiently, including delivery of the 2020-2024 Capital Plan.

Effective Date:

This bill would take effect immediately.

**PART K – Metropolitan Transportation Authority Tax Increment Financing**

Purpose:

This bill amends General Municipal Law to extend the authority of municipalities within the Metropolitan Commuter Transportation District to share with the MTA the property tax revenues that are generated by the increase in real estate values resulting from mass transportation capital projects.

Summary of Provisions and Statement in Support:

This bill provides that this authority be repealed as of December 31, 2024 rather than April 1, 2021.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget to allow the MTA to take advantage of revenue sources throughout the 2020-2024 Capital Plan.

Effective Date:

This bill would take effect immediately.

**PART L – Right of Way Clearance**

Purpose:

This bill authorizes the Metropolitan Transportation Authority's (MTA) two commuter railroads (Long Island Rail Road and Metro-North Railroad) to enter upon private property abutting their rights of way to remove or trim trees and vegetation to preserve the safety and efficiency of rail operations.

Summary of Provisions and Statement in Support:

The bill adds a new section of the Public Authorities Law, authorizing the MTA's commuter railroads to enter upon private property abutting their rights of way to trim trees and vegetation.

Commuter railroads are experiencing more frequent service disruptions caused by excess vegetation. This bill addresses those concerns while allowing just compensation to property owners for any actual damages incurred.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget by improving MTA operations and reducing the risk of service disruption to the commuter railroads.

Effective Date:

This bill would take effect immediately.

**PART M – Toll Enforcement**

Purpose:

This bill maximizes the collection of tolls owed to public authorities such as MTA Bridges and Tunnels and others with toll facilities in New York State.

Summary of Provisions and Statement in Support:

This bill amends the Penal Law to make the intentional use of any toll facility without payment a theft-of-services crime.

Additionally, it amends the Vehicle and Traffic Law to prohibit drivers from operating motor vehicles with altered or obscured license plates while on toll facilities and in the tolled central business district, and imposes fines for such obstruction.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget by deterring toll evasion.

Effective Date:

This bill would take effect 90 days after it becomes law.

**PART N – Metropolitan Transportation Authority Worker Assault**

Purpose:

This bill adds transit employee titles to section 120.05 of the Penal Law, making it a felony to attack and physically injure such workers.

Summary of Provisions and Statement in Support:

The bill expands the list of transit worker positions listed in subdivision 11 of which it is a felony to attack and physically injure. This bill will provide further protections to transit workers, who perform a vital function in transit operations.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget by improving the overall safety of riders using the MTA system.

Effective Date:

This bill would take effect 90 days after it becomes law.

**PART O – Metropolitan Transportation Authority Worker Harassment**

Purpose:

This bill will increase the safety of MTA employees by creating the new crime of aggravated harassment of a transit worker in the second degree, for on-duty public-facing transit workers.

Summary of Provisions and Statement in Support:

The bill amends the Penal Law to better protect on-duty transit workers by providing that a person is guilty of aggravated harassment in the second degree when they subject various transit employees to physical contact, including spitting on them. It would be a class A misdemeanor, punishable by imprisonment up to one year.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget by improving the overall safety of riders of the MTA system.

Effective Date:

This bill would take effect 90 days after it becomes law.

**PART P – Subway Sex Offender Ban**

Purpose:

This bill amends Penal Law and Public Authorities Law to prohibit repeat sex offenders and those who attack MTA workers from using MTA services.

Summary of Provisions and Statement in Support:

The bill allows courts to issue temporary orders of protection against individuals with pending criminal actions involving unlawful sexual conduct in MTA facilities against any MTA passenger, customer or employee or assault related crimes and offenses against an MTA employee, prohibiting them from using transit services until the final disposition of the case. After a conviction, the court may issue an order of protection with a duration of three years.

The bill also allows the MTA to administratively issue Prohibition Orders, also for three years, for individuals committing three or more Code of Conduct violations related to sexual offenses against any MTA passenger, customer or employee or assault related crimes and offenses against an MTA employee.

It also creates the crime of Transit Trespass which consists of violating either a court-imposed or MTA-imposed transit protection order. This bill would support the recent efforts of the MTA to increase security within its system.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because it will protect subway riders and employees as they use the MTA system.

Effective Date:

This bill would take effect 90 days after enactment.

**PART Q – Place Responsibility for Mailing a Copy of Service of Process on Plaintiffs Rather Than the Department of State**



Purpose:

Under existing law, persons or entities suing corporations may serve the attendant legal papers upon the Secretary of State (Secretary) as an agent for the defendant corporate entity. The Secretary must then mail a copy of the process documents to the defendant entity. This bill would require that plaintiffs serve these papers on the Secretary and the defendant entity at the same time.

Summary of Provisions and Statement in Support:

Requiring the plaintiff to serve copies of process documents on the defendant entity directly, rather than through the Secretary, removes an unnecessary administrative and fiscal burden on DOS.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget as the State Financial Plan assumes \$600,000 in recurring savings resulting from no longer mailing paper copies of process to defendants.

Effective Date:

This bill would take effect 120 days following enactment.

**PART R – Extend for One Year the Authority of the Secretary of State to Charge Increased Fees for Expedited Handling of Documents**

Purpose:

This bill would extend for one year provisions of law permitting the Secretary of State to charge increased fees from the expedited handling of documents issued by, or requested from, the Department's Division of Corporations. The increased fees for expedited handling are necessary to reimburse the Department of State for increased administrative costs associated with this service.

Summary of Provisions and Statement in Support:

The Executive Law currently authorizing the Secretary of State to charge such fees expires on March 31, 2020. Historically, this statute has been extended annually to coincide with the enactment of the Budget.

Budget Implications:

The FY 2021 Executive Budget assumes that expedited handling fees will be enacted since the costs associated with this service are more expensive than traditional

requests. Failure to enact this legislation will result in annual revenue losses of approximately \$4.5 million, forcing the Department to bear the additional costs related to expedited services without supporting revenues.

Effective Date:

This bill would take effect immediately.

**PART S – Pink Tax**

Purpose:

This bill would prohibit gender-based pricing discrimination for substantially similar or like kind goods and services.

Summary of Provisions and Statement in Support:

This bill prohibits any person or entity from selling substantially similar goods and services to different genders for different prices. This bill also amends General Business Law to require certain service providers to post price lists for standard services . These select businesses would also have to post notice that gender-based price discrimination is prohibited under state law. Businesses that violate the law would be subject to civil penalties.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as it provides a framework to prohibit gender-based price discrimination.

Effective Date:

This bill shall take effect on the one hundred eightieth day after it is signed into law; provided, however, that effective immediately the Department of State may add, amend, or repeal, any rule or regulation necessary for implementing this act.

**PART T – Robocalls**

Purpose:

This bill proposes nation-leading legislation to unmask and fight back against telemarketers, spoofing, and robocalls.

Summary of Provisions and Statement in Support:

This bill amends General Business law to require telephone providers to offer call blocking services to their customers free of charge. A provider that fails to comply with the provisions of this law can face penalties of up to one hundred thousand dollars. This bill would also place new restrictions upon the use of automatic dialing systems. Finally, this bill would require a person to receive a certificate of registration from the Department of State before they could act as a telemarketer.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as it provides a framework for stopping nuisance calls in New York State.

Effective Date:

This bill would take effect immediately.

**PART U – Add “E Pluribus Unum” to the Arms of the State**

Purpose:

This bill would add E Pluribus Unum, “Out of Many, One”, to the Arms of the State.

Summary of Provisions and Statement in Support:

This bill amends State Law to incorporate *E Pluribus Unum* into the Arms of the State. Additionally, State Law is amended to require the Secretary of State to begin using the new seal (which incorporates the Arms of the State) as of the effective date, and any electronic depiction of the Arms shall be updated within 60 days of the effective date of this act.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as it provides for the implementation of changes to the Arms of the State.

Effective Date:

This act shall take effect 180 days after it becomes law. Effective immediately the Department of State is authorized to take any action, including entering into contracts, that is necessary for the timely implementation of this act on its effective date.

**PART V – Removing Unnecessary Barriers to Obtaining Occupational Licensing**

Purpose:

This bill would remove the requirement that prospective occupational licensees need to be either U.S. citizens or green card holders. The existing requirement restricts job opportunities for qualified immigrants who are legally permitted to reside and work in the United States.

Summary of Provisions and Statement in Support:

This bill amends General Business Law, Executive Law and Real Property Law to remove the requirement that prospective occupational licensees – including licensing for jobs such as security guards, notaries, and real estate brokers be either U.S. citizens or green card holders.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as it provides a framework to prohibit restrictive occupational licensing requirements.

Effective Date:

This bill would take effect immediately.

**PART W – Home Inspector Examination**

Purpose:

This bill provides the option for individuals to become licensed as a home inspector through New York State testing standards.

Summary of Provisions and Statement in Support:

This bill amends Real Property Law to provide the option for individuals seeking licensure as a home inspector to take a test administered by the Secretary of State.

Under existing law, the only option for those seeking licensure is the National Home Inspector exam.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as it includes funding in support of DOS licensing staff.

Effective Date:

This bill shall take effect immediately and shall apply to applications for a license as a

home inspector received on or after November 25,2019.

## **PART X – Nuisance Fee Elimination**

### Purpose:

This bill eliminates the biennial fee associated with filing business statements with the Department of State.

### Summary of Provisions and Statement in Support:

This bill amends Business Corporation law, Executive Law, the Limited Liability Company Law, the Not-For-Profit Corporation Law, the Partnership Law and Tax Law to facilitate the planned elimination of the biennial fee associated with the filing of certificates with the Department of State.

### Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget, which reflects both costs and revenues associated with corporate filings at the Department of State.

### Effective Date:

This bill shall take effect immediately.

## **PART Y – To Authorize Utility and Cable Television Assessments that Provide Funds to the Department of Health from Cable Television Assessment Revenues and to the Departments of Agriculture and Markets, Environmental Conservation, and State, and the Office of Parks, Recreation and Historic Preservation from Utility Assessment Revenues**

### Purpose:

This bill would authorize certain state agencies to finance public health campaigns and utility oversight related costs from assessments on cable television companies and public utilities, respectively.

### Summary of Provisions and Statement in Support:

Sections one through four would authorize utility oversight related expenditures of the departments of Agriculture and Markets, Environmental Conservation, State, and the Office of Parks, Recreation and Historic Preservation as eligible expenses of utility assessment revenues.

Section five would authorize certain expenditures of the Department of Health as eligible expenses for cable television assessment revenues.

Section 18-a of the Public Service Law (PSL) authorizes the Department of Public Service (DPS) to assess public utilities for costs associated with the regulation of utilities. PSL § 217 authorizes the DPS to assess cable television companies for costs associated with the regulation of cable television companies.

This bill would ensure that the affected agencies will continue to be able to expend utility assessment funds on agency activities related to utility oversight and public health initiatives. Chapter 58 of the Laws of 2019 provided similar authorizations.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget as its provisions ensure the recovery of public health and utility oversight related expenses incurred by the departments of Health, Agriculture and Markets, Environmental Conservation, State, and the Office of Parks, Recreation and Historic Preservation.

Effective Date:

This bill would take effect immediately.

**PART Z – To Authorize the Department of Public Service to Undertake Administrative Investigations of and Commence Enforcement Proceedings Against All Regulated Public Utility Corporations**

Purpose:

This bill would strengthen the oversight and enforcement mechanisms of the Public Service Commission.

Summary of Provisions and Statement in Support:

This bill amends section 25-a of Public Service Law (PSL) to authorize the Department of Public Service to undertake administrative investigations of and commence enforcement proceedings against combination gas and electric corporations. The bill also adds a new section 25-b of PSL to apply the administrative provisions of section 25-a to all regulated public utility corporations.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget because it would create investigative efficiencies within the agency and would allow for

streamlined oversight to ensure that all regulated public utilities are held accountable and to the same standard.

Effective Date:

This bill would take effect immediately.

**PART AA – Establish Internet Neutrality Principles, Enforcement and Compliance Provisions in Public Service Law and Incorporate Internet Neutrality Principles into the State's Procurement Process**

Purpose:

This bill would establish Internet neutrality principles for all broadband, fixed and mobile service providers (internet service providers) in Public Service Law (PSL), and would require all state entities to contract only with ISPs that adhere to net neutrality principles.

Summary of Provisions and Statement in Support:

This bill would amend PSL by adding a new Article 12 establishing Internet neutrality principles, enforcement duties of the Department of Public Service, and annual certification requirements of ISPs.

This bill would also amend State Finance Law and Public Authorities Law to require all state agencies and authorities to contract only with ISPs that adhere to Internet neutrality principles.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as it establishes Internet neutrality principles and incorporates these requirements into the procurement process for Internet services at agencies and authorities.

Effective Date:

This bill would take effect immediately.

**PART BB – Small Wireless Facilities Deployment**

Purpose:

This bill would establish a uniform process for the statewide siting of small cell wireless facilities by authorizing municipal corporations to impose fees on wireless providers for

the use of municipally owned rights of way and for the installation of small cell wireless facilities on municipally owned utility poles.

Summary of Provisions and Statement in Support:

This bill would authorize municipal corporations to impose application and occupancy fees on wireless providers for the use of municipally owned rights of way or utility poles for the installation of small cell wireless facilities.

This bill would also authorize the commissioner of the Department of Transportation to enter into statewide master license agreements with wireless providers for the use and occupancy of State owned right of ways for the installation of communications facilities.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget because municipal corporations would realize additional revenue through the established fees.

Effective Date:

This bill would take effect 30 days after becoming law.

**PART CC – Extend the Authorization of the Dormitory Authority of the State of New York to Form Subsidiaries**

Purpose:

This bill would extend for an additional four years until July 1, 2024, the authorization of the Dormitory Authority of the State of New York (DASNY) to create subsidiaries to take title to the property of borrowers regulated under Public Health Law Article 28, who have defaulted on loan agreements or mortgages with DASNY.

Summary of Provisions and Statement in Support:

Chapter 584 of the laws of 2011 authorizes DASNY to create subsidiaries to take title to the property of borrowers regulated under Public Health Law Article 28, who have defaulted on loan agreements or mortgages with DASNY. This authorization has been renewed four times since 2011 and is currently set to expire on July 1, 2020. Absent enactment of this bill, DASNY would open itself up to unnecessary risk when attempting to pursue remedies against a hospital that has defaulted on a DASNY loan or mortgage. By forming a subsidiary to take title to the property of the defaulted borrower, DASNY limits its exposure to potential liability including for injuries occurring because of the condition of the property.

Budget Implications:



Enactment of this bill is necessary to implement the FY 2021 Executive Budget, which assumes that DASNY will continue to be a financing vehicle for not-for-profit hospitals and health care facilities across the State.

Effective Date:

This bill would take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2020.

**PART DD – Make the Infrastructure Investment Act Permanent**

Purpose:

This bill would make the Infrastructure Investment Act (the Act) permanent, expand design-build authorization to other alternative project delivery methods, and expand the current list of authorized entities that may utilize design-build contracts to include the Dormitory Authority of the State of New York (DASNY), the New York State Urban Development Corporation (UDC), New York State Office of General Services (OGS), the State University Construction Fund, the Battery Park City Authority, and the New York State Olympic Regional Development Authority (ORDA).

Summary of Provisions and Statement in Support:

This bill would expand the provisions of the Act to enable DASNY, UDC, OGS, the State University Construction Fund, the Battery Park City Authority, and ORDA to be added to the list of entities that are currently authorized to use design-build in order to optimize quality, cost and efficiency. The bill would expand the types of contract that may be utilized under the Infrastructure Investment Act to also include construction manager-build and construction manager at risk.

Since its initial authorization in 2011, design-build has been used by state agencies and authorities to procure contracts for vital infrastructure projects totaling \$1.37 billion.

The Act is currently set to expire in 2021; this bill would extend its authorization until July 1, 2023.

Budget Implications:

Enactment of this bill is necessary to implement the 2021 Executive Budget because the alternative project delivery contracting processes authorized by this bill will foster enhanced quality and allow for additional process and procedural efficiencies relative to the construction of State infrastructure projects. These benefits will result in lower initial construction costs as well as reduced long-term maintenance and rehabilitation costs for projects constructed using alternative project delivery methods.

Effective Date:

This bill would take effect immediately.

**PART EE – Extend the Authorization of the New York State Urban Development Corporation to Administer the Empire State Economic Development Fund**

Purpose:

This bill would extend the authorization of the New York State Urban Development Corporation (UDC) to administer the Empire State Economic Development Fund (EDF) for an additional year.

Summary of Provisions and Statement in Support:

Section 16-m of the UDC Act authorizes the UDC to provide financial assistance through the EDF. This authorization has been renewed annually since 2012 and is currently set to expire on July 1, 2020.

The bill would provide for the continued administration of the EDF, the UDC's primary economic development program. Extending the sunset date until July 1, 2021 will permit the UDC to fulfill prior commitments made through the EDF, and to make new assistance available to businesses and other stakeholders throughout the State without interruption.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget, which includes new appropriations and reappropriations to support the EDF.

Effective Date:

This bill would take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2020.

**PART FF – Extend the General Loan Powers of the New York State Urban Development Corporation**

Purpose:

This bill would extend the general loan powers of the New York State Urban Development Corporation (UDC) for an additional year.

Summary of Provisions and Statement in Support:

Chapter 393 of the Laws of 1994 provides UDC with the general power to make loans. This authorization has been renewed annually since 1997 and is currently set to expire on July 1, 2020.

Absent enactment of this bill, UDC would be authorized to make loans only in connection with certain State-funded economic development programs that grant statutory loan authorization.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget, which assumes that UDC would provide certain economic development assistance through loans. Absent this legislation, the UDC could not fund approved loans made through economic programs lacking specific statutory authorization.

Effective Date:

This bill would take effect April 1, 2020.

**PART GG – Amend Economic Transformation Program Eligibility**

Purpose:

This bill amends eligibility for the Economic Transformation Program by removing the March 31, 2012 cut-off date related to a prison's closure for inclusion in the program.

Summary of Provisions and Statement in Support:

Chapter 61 of the laws of 2011 established eligibility requirements for access to funding made available under the Economic Transformation Program to assist communities affected by prison closures. These eligibility requirements mandated that communities affected by prison closure between April 1, 2011 and March 31, 2012 would qualify for economic development assistance funding. By eliminating the March 31, 2012 deadline, all communities affected by prison closures since April 1, 2011 can now qualify for the Economic Transformation Program.

Budget Implications:

This bill is necessary to implement the FY 2021 Budget, which includes reappropriations for the Economic Transformation Program.

Effective Date:

This bill would take effect immediately.

**PART HH – Authorize the New York State Energy Research and Development Authority to Finance a Portion of its Energy Research, Development and Demonstration Program, and its Energy Policy and Planning Program, as well as Climate Change Related Expenses of the Department of Environmental Conservation and the Department of Agriculture and Markets’ Fuel NY Program, From an Assessment on Gas and Electric Corporations**

Purpose:

This bill would authorize the New York State Energy Research and Development Authority (NYSERDA) to support certain programs through a special assessment on gas and electric corporations.

Summary of Provisions and Statement in Support:

The bill would authorize NYSERDA to finance its energy research, development and demonstration program, its energy policy and planning program, climate change related expenses of the Department of Environmental Conservation (DEC) and the Department of Agriculture and Markets’ (AGM) Fuel NY program, from a special assessment on gas and electric corporations. This special assessment is in addition to the special assessment under Section 18-a of the Public Service Law which authorizes the Department of Public Service to assess gas and electric corporations for expenses related to administering Public Service Law programs.

A similar bill has been proposed annually as an Article VII provision and was last enacted as Part W of Chapter 58 of the Laws of 2019. Without this authorization, NYSERDA, DEC and AGM would not be able to continue to implement necessary programs in the 2021 State Fiscal Year.

Budget Implications:

Enactment of this bill is necessary to implement the 2021 Executive Budget because it authorizes the collection of assessments in an amount not to exceed \$22.7 million that would fund NYSERDA’s energy research, development and demonstration program and its energy policy and planning program, climate change related expenses of DEC and AGM’s Fuel NY program.

Effective Date:

This bill would take effect immediately.

## **PART II – Expand the Definition of "Immediate Family Member" in Farm Labor Statute**

### Purpose:

This bill would amend Labor Law to expand the definition of "immediate family member" in farm labor statute to include family related to the third degree of consanguinity or affinity.

### Summary of Provisions and Statement in Support:

Current definitions of "employee" and "farm laborer" in farm labor statute include the 'employer's immediate family', which includes the spouse, parent or child of the farm owner. The definition does not include extended family members such as nieces, nephews, cousins, and siblings of the farm owner. Extended family members are very often involved in the management of family owned farms and, as such, should not be considered hourly employees or farm laborers. Extended family members are also offered other forms of compensation such as equity stake in the farm. Excluding these family members from the definition of "employer's immediate family" makes them farm laborers and employees and provides them with collective bargaining rights and other provisions of The Farm Laborers Fair Labor Practices Act (The Act). Expanding the definition of "employer's immediate family" in the Labor Law is more reflective of the current ownership structures of many family owned farms and would serve to mute the impacts of The Act, particularly on small, family operated farms.

### Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as its provisions would ensure the continued viability of New York's agriculture industry.

### Effective Date:

This bill would take effect immediately.

## **PART JJ – Amend General Municipal Law to Apply Federal Procurement Procedures and Discretionary Limits to Child Nutrition Programs as a Way to Increase the Purchase of Locally Produced Foods in New York Schools**

### Purpose:

This bill would amend the General Municipal Law (GMU) to streamline procurement processes and increase the discretionary spending threshold to encourage school districts to purchase more New York state food products.

### Summary of Provisions and Statement in Support:

Current law sets a discretionary limit of \$50,000 for a board of education, on behalf of its school district, or a board of cooperative educational services to purchase food from New York state producers or growers. For purchases of over \$50,000, school districts need to obtain permission from the Commissioner of the State Education Department and go through a formal bid process. This bill would amend GMU to apply federal procurement procedures and discretionary limits to child nutrition programs in New York State school districts. For purchases of \$10,000 or less, school districts will not need to obtain quotes from producers and growers, while purchases up to \$250,000, will require school districts to obtain three quotes from producers and growers in lieu of a formal bid process.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as its provisions will enable school districts to support farmers and growers by purchasing additional New York state products.

Effective Date:

This bill would take effect immediately.

**PART KK – Assisting Low-Income Communities with Financing Water Infrastructure Improvements**

Purpose:

This bill would allow the Environmental Facilities Corporation (EFC) to offer municipalities 40-year financing through the Clean Water State Revolving Fund and/or Drinking Water State Revolving Fund for projects which qualify for zero-percent interest rates due to financial hardship.

Summary of Provisions and Statement in Support:

Section 1 of the bill would amend Public Authorities Law to increase the maximum maturity on municipal bonds for the purpose of financing a clean water project, which qualifies for a zero percent interest rate due to financial hardship. The maximum maturity of such municipal bonds would not exceed 40 years.

Section 2 of the bill would amend Public Authorities Law to increase the maximum maturity on municipal bonds for the purpose of financing a drinking water project that qualifies for a zero percent interest rate due to financial hardship. The maximum maturity of such municipal bonds would not exceed 40 years.

Section 3 provides that this bill will take effect immediately.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget because it will allow EFC to be more responsive to the water infrastructure needs of certain lower income municipalities across New York State.

Enactment of this bill would lower the annual debt service costs to municipalities and make infrastructure projects more affordable for local governments and their ratepayers.

Effective Date:

This bill would take effect immediately.

**PART LL – License Debt Collection Entities**

Purpose:

This bill would authorize the Department of Financial Services (DFS) to license debt collection entities, and empower DFS to examine and investigate suspected abuses.

Summary of Provisions and Statement in Support:

This bill sets the framework regarding the process of a consumer debt collector obtaining a license from DFS, the examination process of these entities by DFS, and specific actions that would cause violations and their associated repercussions.

Budget Implications:

Enactment of this bill is necessary to implement the FY 21 Executive Budget. Nefarious practices by consumer debt collectors put the financial well-being of New Yorkers in jeopardy. Allowing the Superintendent to license debt collection entities would discourage fraudulent activity. Protecting the assets of all New Yorkers safeguards the economic interests of the State.

Effective Date:

This bill would take effect on October 1, 2020 provided however that section 4 shall be effective immediately and provided further that the superintendent of financial services may promulgate any rules or regulations related to this part immediately.

**PART MM – Stop Abuse and Deceptive Practices from Student Loan Debt Relief Companies**

Purpose:

This bill would empower the Department of Financial Services to create minimum standards for student debt consultants to curtail harmful practices.

Summary of Provisions and Statement in Support:

Student debt consultants provide services related to repayment of debt from student loans. This industry is currently unregulated and is replete with inconsistent standards placing student consumers at risk for misapplied payments, lost paperwork, and inaccessibility to affordable payment options to avoid default.

This bill would authorize the Department of Financial Services to establish minimum operating standards and practices for student debt consultants. This will create homogeneity and accountability in both industries to ensure protections for all consumers with student loan debt in New York State.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget. Volatile and opaque student loan marketplaces and penalties for those in default put the financial well-being of all student borrowers at risk, which can be a costly burden to the State.

Effective Date:

This bill would take effect on October 1, 2020, provided however that section five of this action shall take effect immediately.

**PART NN – Protecting New York Consumers from Unfair and Abusive Practices by Strengthening New York’s Consumer Protection Law**

Purpose:

This bill would amend the Financial Services Law to give DFS the authority to proceed directly against unlicensed entities using the same administrative hearing procedures DFS uses for adjudicating infractions by licensed entities.

Summary of Provisions and Statement in Support:

This bill expands upon the definition of a financial product or service and small business. It also sets the regulatory framework regarding restitution and the penalties associated with unlicensed actors and increases the financial penalty for unscrupulous acts from five thousand dollars per offense to the greater of five thousand dollars for



each offense or a multiple of two times the aggregate damages, or two times the aggregate economic gain attributable to the offense.

Budget Implications:

Enactment of this bill is necessary to implement the FY 21 Executive Budget. Malfeasance in the Insurance and Banking Industries can be hazardous to all New York consumers. Fraudulent activity creates uncertainty in the markets, which is reflected in higher costs for consumers of Financial Services.

Effective Date:

This bill would take effect immediately

**PART OO – Fighting Elder Financial Fraud**

Purpose:

This proposal would amend the Banking Law to place a hold on the bank account of a vulnerable adult if there is a reasonable basis to believe that the adult is a victim of actual or attempted financial exploitation.

Summary of Provisions and Statement in Support:

This bill would establish a framework for banking institutions to quickly respond to financial exploitation. Specifically, the bill would authorize banks to deploy a transaction hold on the account of an elder adult when there is reasonable basis to suspect financial exploitation and a transaction hold appears necessary for asset protection. During the course of the transaction hold, the account holder would have access to account funds to meet ongoing housing, living, and emergency expenses. The bill would also provide a banking institution with immunity from civil, criminal, and administrative sanctions for good faith actions relating to application of these new provisions. Additionally, it would allow the Department of Financial Services to develop a financial exploitation certification program for banking institutions to bolster training and education in financial exploitation.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget. Financial exploitation can be devastating to consumers, but is particularly harmful to seniors, many of whom live on fixed incomes without the ability to offset significant financial losses. This proposal would help protect a vulnerable population, while mitigating costly burdens to the State.

Effective Date:

This bill would take effect on October 1, 2020 provided however that the superintendent of financial services may promulgate any rules or regulations related to this act immediately.

## **PART PP – Ban Single-Use and Loose-fill Polystyrene Products**

### Purpose:

This bill would ban the sale, use, or distribution of disposable food service containers made of expanded polystyrene, and the sale, use, or distribution of polystyrene loose fill packaging.

### Summary of Provisions and Statement in Support:

Beginning January 1, 2022, no covered food service provider or store would be allowed to sell, offer for sale, use, or distribute disposable food service containers (commonly known as Styrofoam) used to hold prepared food or beverages that contain expanded polystyrene foam. Beginning January 1, 2022, no covered food service provider, manufacturer, or store would be allowed to sell, offer for sale, use, or distribute polystyrene loose fill packaging (commonly known as packing peanuts).

The bill would exempt prepackaged food filled or sealed prior to receipt at a covered food service provider, as well as raw meat or raw fish sold for the purpose of cooking or preparing off premises by the customer. In addition, covered food service providers that demonstrate undue financial hardship, as determined by the department, would be exempted from the polystyrene container ban, provided that food service providers with ten or more locations would not be eligible for an exemption.

In addition, the bill would authorize DEC to: undertake a review of additional product packaging, and, based on the environmental impacts of such products promulgate regulations to limit the sale, use, or distribution of such products; conduct education and outreach in multiple languages to covered food service providers, manufacturers, and stores to inform them of the polystyrene ban; and, promulgate rules and regulations necessary to implement the act.

The bill would preempt local laws which are inconsistent with the act but would not preempt local laws or ordinances that are at least as comprehensive as the provisions set forth in the bill.

With respect to penalties, any person who violates the ban would be liable for a civil penalty of up to \$250 for the first violation, up to \$500 for the second violation, up to \$1,000 for the third violation, and up to \$2,000 for the fourth and subsequent violations. Any fines collected by the State through enforcement would be credited to the Environmental Protection Fund.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as it aligns with the Governor's environmental priorities and fines for violations would generate revenue to the Environmental Protection Fund.

Effective Date:

This bill would take effect immediately.

**PART QQ – Authorize the \$3 billion Environmental Bond Act of 2020 "Restore Mother Nature" to be submitted for voter approval in November of 2020**

Purpose:

This bill would authorize issuance of \$3 billion of general obligation bonds to preserve, enhance, and restore the quality of the state's environment through the Environmental Bond Act of 2020 "Restore Mother Nature," subject to voter approval in November of 2020.

Summary of Provisions and Statement in Support:

This legislation, the Environmental Bond Act of 2020 "Restore Mother Nature," would authorize the issuance of \$3 billion of bonds to finance environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change.

The Act would authorize the State to incur \$3 billion of debt in the form of tax-exempt general obligation bonds to be sold by the State Comptroller to finance capital projects to restore habitats and reduce flood risk; improve water quality; protect open space and invest in recreational infrastructure; expand the use of renewable energy to mitigate climate change; and other such projects that preserve, enhance, and restore the quality of the state's environment.

Bond proceeds would support the cost of approved projects for such purposes in accordance with separate legislation adopted to implement the Act.

Budget Implications:

Enactment of this bill is necessary to implement the FY21 Executive Budget because it authorizes issuance of bonds required to finance "Restore Mother Nature" projects.

Effective Date:

This bill takes effect immediately, except that section 1 of the bill does not take effect until approved by voters at the November 2020 general election.

## **PART RR – Implement the Environmental Bond Act of 2020 "Restore Mother Nature"**

### Purpose:

This bill would establish the \$3 billion Environmental Bond Act of 2020 "Restore Mother Nature" to be submitted to voters in November 2020.

### Summary of Provisions and Statement in Support:

This bill would allocate funding for approved projects to finance environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change throughout the State.

The funds received by the state for the sale of bonds would be used for projects to: restore habitats and reduce flood risk; improve water quality; protect open space and invest in recreational infrastructure; expand the use of renewable energy to mitigate climate change; and other such projects that preserve, enhance, and restore the quality of the state's environment. These projects, would be financed with the \$3 billion of general obligation bonds authorized by the separate Environmental Bond Act of 2020 "Restore Mother Nature."

The bill also amends the State Finance Law, by establishing a new fund, the Restore Mother Nature Bond Fund, to hold the bond proceeds and directing the Comptroller to issue the bonds based on the projects' weighted average life.

### Budget Implications:

Enactment of this bill is necessary to implement the FY21 Executive Budget because it authorizes the Environmental Bond Act of 2020 "Restore Mother Nature" initiative to be financed with \$3 billion of bond proceeds.

### Effective Date:

This bill would take effect upon voter approval of the Bond Act in November 2020.

## **PART SS – Product Stewardship Program**

### Purpose:

This bill would create a new Product Stewardship Program for the recycling of carpets and mattresses as well as develop the framework for future stewardship programs.

Summary of Provisions and Statement in Support:

Stewardship programs help reduce costs and the environmental impacts of products at the end of their useful life. By placing the responsibility for end-of-life management on the producer, these programs ensure that end-of-life impacts of the product or packaging are considered during the earliest stages of design and incentivize manufacturers to redesign products and packaging to be less toxic, less bulky and lighter, as well as more recyclable. Reducing material use and toxicity and increasing recycling results in significant environmental, economic, energy, and greenhouse gas reduction benefits.

This bill would add a new title to the Environmental Conservation Law that would create a product stewardship program for the recycling of carpets and mattresses. Furthermore, it would develop the framework to create future stewardship programs. The program would require any producer who manufactures or renovates a covered product that is sold, offered for sale, or distributed in the state under the manufacturer's own name, to be represented by a stewardship organization. Each stewardship organization would operate a stewardship program for the purposes of complying with this title, and the program would be financed and implemented by producers, individually or collectively through a stewardship organization. The program would provide for, but would not be limited to, the collection, transportation, reuse, recycling, or proper management through combustion or disposal, or an appropriate combination thereof, of unwanted products.

On or before July 1, 2021, a stewardship organization representing the producer of a covered product must submit a stewardship plan to the Department of Environmental Conservation (DEC) on behalf of the producer and receive approval of the plan. Beginning January 1, 2022, each producer would be required, either individually or collectively through a stewardship organization, to implement and finance a statewide stewardship program. An annual report on the effectiveness of the program would need to be submitted by all producer responsibility organizations by July 1, 2023 and each year after. Beginning January 1, 2023, no retailer or distributor would be authorized to sell or offer for sale covered products in the state unless the producer of such covered product is participating in a stewardship program. By November 2022, and bi-annually thereafter, DEC would be required to submit a report about stewardship programming to the legislature which DEC would be required to post for 30 days to its website for public comment.

This bill would provide DEC the authority to promulgate rules and regulations necessary to implement this title. DEC would be responsible for establishing an administrative fee in regulations that each stewardship organization would be responsible for paying. Additionally, a one-time fee upon submission of an initial stewardship plan of \$5,000 for a plan covering one producer, or \$10,000 for a plan for producers acting collectively

would be required and would be deposited to the credit of the "Stewardship Organization Fund." Any fines collected from enforcement of this title would be deposited to the credit of the environmental protection fund.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as it aligns with the Governor's environmental priorities. This bill would have minimal implications for the State as administrative costs of the program for DEC would be borne by the stewardship organization and deposited to the credit of the "Stewardship Organization Fund." Any monies derived from enforcement of the provisions in this title would be deposited to the credit of the Environmental Protection Fund.

Effective Date:

This bill would take effect immediately.

**PART TT – Improvements to the Freshwater Wetlands Regulatory Program**

Purpose:

The purpose of this bill is to facilitate implementation of the Governor's Restore Mother Nature initiative by updating and improving New York's Freshwater Wetlands Act to provide better public service by making outdated maps educational and focusing conservation attention on critically important wetlands.

Summary of Provisions and Statement in Support:

This bill would make strategic changes to update and improve the State's freshwater wetlands program and will support efforts to conserve and restore critically important natural resources, including at risk species and the wetlands that provide habitat for these species. In addition, climate change has become the generational crisis of our time and the proposed changes will allow Article 24 to better provide protections to wetlands that help New York adapt to the increased flooding risk from a changing climate.

A central piece of this proposal is to reform wetland maps. Inaccurate maps consistently cause confusion and thwart goals described in other legislative efforts to address climate risks identified in the Community Risk and Resiliency Act and the recently signed Climate Leadership and Community Protection Act. This bill would result in cost savings, provide greater clarity to the state's freshwater wetland regulatory program and lead to greater and more efficient protection of wetlands.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget because it aligns with the Governor's environmental priorities and would result in reduced costs associated with implementation of the wetlands program.

Effective Date:

This bill would take effect immediately, except that sections one through seven would take effect on January 1, 2022.

**PART UU – Statutory Changes Necessary to Complete the Bay Park Conveyance Project**

Purpose:

This bill would authorize the establishment of temporary and permanent easements to construct a sewer main beneath certain parklands in Nassau County necessary to complete the Bay Park Conveyance Project. The Department of Environmental Conservation is partnering with the Nassau County Department of Public Works to carry out the project, which will convey treated effluent from the Bay Park Sewage Treatment Plant to the Cedar Creek Water Pollution Control Plant in an effort to effectively eliminate nitrogen loading into the Western Bays.

Summary of Provisions and Statement in Support:

This bill would authorize the establishment of temporary and permanent easements to construct a sewer main beneath certain parklands owned by Nassau County, East Rockaway, and the Village of Rockville Centre.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as it aligns with the Governor's environmental priorities.

Effective Date:

This bill would take effect immediately.

**PART VV – Financial Security for the Plugging and Site Reclamation of Regulated Wells**

Purpose:

This bill would amend the environmental conservation law (ECL) to provide authority to adopt regulations specifying the amount of financial security required for the plugging

and site reclamation of regulated wells and to provide authority within the ECL for the state to classify a well and affected land as abandoned or orphaned.

Summary of Provisions and Statement in Support:

Currently, when wells are abandoned by operators without proper plugging and site reclamation, the existing amounts of financial security specified, and enacted in 1981, are inadequate to have this work performed. The difference between the financial security posted by the operator and the true cost to properly plug and abandon is often borne by the state. In addition, the cost to properly plug and abandon wells varies according to the age, condition, and type of well, and the financial security requirements should not be a one size fits all approach but should instead be specified in regulations. Further, the ECL does not provide explicit authority for the state to classify a well and affected land as “abandoned” or “orphaned,” and this authority is needed for enforcement purposes, and timely and efficient plugging and reclamation of any abandoned or orphaned well including affected land by the state, when no responsible party exists.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget because it aligns with the Governor's environmental priorities and would generate revenue to the Financial Security Account of the Miscellaneous Capital Projects Fund.

Effective Date:

This bill would take effect on April 1, 2021, provided that, effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such date.

**PART WW – Amending the Environmental Conservation Law Relating to Ban Fracking**

Purpose:

This bill would permanently ban fracking in New York.

Summary of Provisions and Statement in Support:

This bill would permanently ban fracking by amending environmental conservation law to restrict the Department of Environmental Conservation from approving permits that would authorize an applicant to drill, deepen, plug back, or convert wells that use high-volume hydraulic fracturing to complete or recomplete natural gas resources. High-volume hydraulic fracturing is the stimulation of a well using 300,000 or more gallons of



water as the base fluid for hydraulic fracturing for all stages in a well completion, regardless of whether the well is vertical, directional, or horizontal.

Budget Implications:

Enactment of this bill is necessary to implement the FY21 Executive Budget as it aligns with the Governor's environmental priorities.

Effective Date:

This bill would take effect immediately.

**PART XX – E-Bikes**

Purpose:

This bill would provide local governments with the ability to authorize the use of certain lower speed motorized bicycles within their jurisdiction.

Summary of Provisions and Statement in Support:

Section 1 of the bill defines a locally authorized motorized bicycle by providing dimensions and descriptions, including maximum speed.

Section 2 amends the definition of "motor vehicles" to include locally authorized motorized bicycles.

Section 3 adds a new Article 34-E within the VTL which delineates the operational requirements of a locally authorized motorized bicycle categorized as a type of motorcycle. This includes provisions related to applicable traffic laws, operating requirements, safety requirements, infractions, violations and applicable penalties.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect immediately.

**PART YY – Extend Authorization of Revenues and Costs for the DHBTF**

Purpose:

This bill would permanently extend authorization of revenues to and costs from the Dedicated Highway and Bridge Trust Fund.

Summary of Provisions and Statement in Support:

The Vehicle and Traffic Law currently authorizes the Department of Motor Vehicles to collect various document fees from dealers and transporters, which expires on April 1, 2020. Additionally, Vehicle and Traffic Law also directed receipts of such revenue to the Dedicated Highway and Bridge Trust Fund, which would also expire on April 1, 2020.

This bill would also extend the authorization for costs of the Department of Motor Vehicles to be spent from the Dedicated Highway and Bridge Trust Fund. Historically, this statute has been extended to coincide with the enactment of the Budget.

Budget Implications:

Enactment of this bill is necessary to implement the FY 21 Executive Budget. Failure to enact this legislation will result in annual revenue losses in the Dedicated Highway and Bridge Trust Fund.

Effective Date:

This bill would take effect immediately.

**PART ZZ – I-PIRP Extender**

Purpose:

This bill would extend the New York State Point & Insurance Reduction Program (IPIRP).

Summary of Provisions and Statement in Support:

The Vehicle and Traffic Law currently authorizing the New York State Point & Insurance Reduction Program expires on April 1, 2020. This bill would extend these provisions until April 1, 2022. Historically, this statute has been extended to coincide with the enactment of the Budget.

Budget Implications:

Enactment of this bill is necessary to implement the FY 21 Executive Budget. Failure to enact this legislation will result in annual revenue losses.

Effective Date:

This bill would take effect immediately.

### **PART AAA – E-Scooters**

#### Purpose:

This bill would provide local governments with the ability to authorize the use of certain lower speed scooters within their jurisdiction.

#### Summary of Provisions and Statement in Support:

Section 1 of the bill defines a locally authorized scooter by providing dimensions and descriptions, including maximum speed.

Section 2 amends the definition of "motor vehicles" to include locally authorized scooters.

Section 3 adds a new Article 34-D within the vehicle and traffic law (VTL) which delineates the operational requirements of a locally authorized scooter. This includes provisions related to applicable traffic laws, operating requirements, safety requirements, infractions, violations and applicable penalties.

#### Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

#### Effective Date:

This bill would take effect immediately.

### **PART BBB – Consolidation of the Centers of Excellence into the Centers for Advanced Technology Program**

#### Purpose:

This bill would allow Centers of Excellence to apply for designation as Centers for Advanced Technology to allow for a revamped Innovation Centers program, which will combine the Centers of Advanced Technology (CATs) and Centers of Excellence (CoEs) into a more competitive program.

#### Summary of Provisions and Statement in Support:

This bill would repeal section 410 of the Economic Development Law, relating to the Centers of Excellence program, effective June 30, 2021.

This bill would also amend section 3102-b of the Public Authorities Law to allow designated Centers of Excellence to apply for designation as Centers for Advanced Technology.

Migrating Centers of Excellence to the Centers for Advanced Technology structure along with the creation of a new Statewide Innovation Hub would allow New York State to better capitalize on the Centers with the highest performance that promote priority markets and job creation.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as it establishes the means to continue funding Centers of Excellence as Centers for Advanced Technology.

Effective Date:

This bill would take effect immediately.

**PART CCC – Authorize the New York Power Authority to Form a Pure Captive Insurance Company**

Purpose:

This bill would authorize the New York Power Authority (NYPA) to create a pure captive insurance company to manage risk and provide insurance coverage for risks that are not currently insured, not insurable on the traditional commercial markets, or prohibitively expensive to insure through commercial markets.

Summary of Provisions and Statement in Support:

Section 1 of the bill would amend Insurance Law to authorize NYPA to form a pure captive insurance company, and to require NYPA to give notice of any application to form a captive to the Governor and legislative leaders.

Section 2 of the bill would amend Public Authorities Law to add a new subdivision authorizing NYPA to form a pure captive insurance company.

Sections 3 and 4 of the bill would amend Tax Law to exempt a captive insurance company formed by NYPA from payment of certain fees, taxes or assessments, which are the same exemptions currently in place for the Metropolitan Transportation Authority and the City of New York.

Section 5 of the bill provides for an immediate effective date.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as it would result in cost savings to NYPA by reducing the need for commercial insurance and allowing NYPA to create an efficient and effective claims handling process.

Effective Date:

This bill would take effect immediately.

**PART DDD – Transfer of Pier 76 Tow Pound to the Hudson River Park**

Purpose:

This bill would require the City of New York, by December 31, 2020, to vacate Pier 76 and transfer a possessory interest in Pier 76 to the Hudson River Park Trust.

Summary of Provisions and Statement in Support:

Section 1 of the bill contains legislative findings and intent.

Section 2 of the bill would amend the Hudson River Park Act to require the City of New York, by December 31, 2020, to vacate Pier 76, which is currently used as a tow pound, and transfer a possessory interest in the pier to the Hudson River Park Trust. Should the city of New York continue to occupy Pier 76 after December 31, 2020, the bill would provide for compensation. Upon completion of the transfer, this bill also sets requirements and limitations on redevelopment as it relates to open space uses and park and commercial uses.

Section 3 provides that this bill will take effect immediately.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget because it will effectuate a transfer of Pier 76 into the park and provide for compensation for use of a park resource. Upon redevelopment of the pier for park and commercial use, Hudson River Park Trust has the potential to receive revenues, which pays for their operations.

Effective Date:

This bill would take effect immediately.

## **PART EEE – Make Permanent the New York Buy American Act**

### Purpose:

This bill would make the New York Buy American Act permanent.

### Summary of Provisions and Statement in Support:

The New York Buy American Act was enacted in 2017 and is set to expire on April 15, 2020. This bill would make the Act permanent by removing the expiration date.

### Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because it ensures that certain surface roads and bridges are constructed with American made iron and steel.

### Effective Date:

This bill would take effect immediately.

## **PART FFF - Require Prevailing Wage to be Paid on Certain Private Construction Projects**

### Purpose:

This bill would require prevailing wage to be paid on construction projects that receive a substantial public subsidy, to ensure that public dollars going to construction projects support fair wages for workers on those projects.

### Summary of Provisions and Statement in Support:

This bill would add a new section of the Labor Law, §224-a, to require prevailing wage to be paid on certain construction projects that are funded with with public funds. This includes projects that are paid for with at least 30 percent public funds.

A stop work order may be issued for failure to comply with or intentionally evade the provisions of the prevailing wage requirements.

A public subsidy board would be empowered to examine and make any necessary adjustments to thresholds included in the bill, as well as determinations related to applicability of this section to projects undertaken with benefits stemming from certain programs.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because DOL's Bureau of Public Work assumes the enactment of this initiative and responsibility for administration and enforcement.

Effective Date:

This bill would be effective July 1, 2021 and shall not apply to any appropriations of public funds made prior to such date or any projects commenced prior to such date.

**PART GGG – Establish the New York Digital Marketplace Worker Classification Task Force**

Purpose:

This bill would establish the New York Digital Marketplace Worker Classification Task Force, to provide recommendations for addressing the employment conditions and classification of workers in the modern on-demand economy.

Summary of Provisions and Statement in Support:

The bill would establish a task force to consist of nine members, including seven members appointed by the Governor, one member appointed by the Temporary President of the Senate, and one member appointed by the Speaker of the Assembly. The members of the task force would be comprised of representatives of businesses impacted, labor groups, and workers.

The task force would be required to submit legislative recommendations to the Governor, the Temporary President of the Senate, and the Speaker of the Assembly on or before May 1, 2020. The task force would issue recommendations related to wages, classification, employment criteria, safety and health regulations, collective bargaining, and anti-discrimination protections for on-demand workers.

Finally, the bill would authorize the Commissioner of Labor to promulgate regulations related to the classification of workers in the on-demand economy.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because it would ensure that on-demand workers are appropriately classified.

Effective Date:

This bill would take effect immediately; provided, however, that the ability of the Commissioner of Labor to promulgate regulations would take effect May 1, 2020.

The provisions of this act shall take effect immediately, provided, however, that the applicable effective date of each part of this act shall be as specifically set forth in the last section of such part.