

# STATE OF NEW YORK

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S. 2508

A. 3008

## SENATE - ASSEMBLY

January 20, 2021

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IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the vehicle and traffic law and the general business law, in relation to penalties for commercial vehicles on parkways and penalties for overheight vehicles and to preventing bridge strikes (Part A); to amend the penal law and the vehicle and traffic law, in relation to transportation worker safety (Subpart A); to amend the vehicle and traffic law and the highway law, in relation to highway clearance (Subpart B); to amend the vehicle and traffic law, in relation to increased fines for injury to pedestrians (Subpart C); and to amend the vehicle and traffic law, in relation to work zone safety and outreach (Subpart D) (Part B); to amend the public authorities law, in relation to electronic bidding (Part C); to amend the public authorities law, in relation to the minimum amount for a procurement contract (Part D); to amend the penal law, in relation to including the intentional use of any toll highway, parkway, road, bridge or tunnel or entry into or remaining in a tolled central business district without payment of the lawful toll or charge as a theft of services; and to amend the vehicle and traffic law, in relation to the penalty imposed upon the operator of a vehicle with an altered or obscured license plate while on a toll highway, bridge or tunnel (Part E); to amend the public authorities law, in relation to procurements conducted by the New York City transit authority and the metropolitan transportation authority; to amend part 00 of chapter 54 of the laws of 2016, amending the public authorities law relating to procurements by the New York City transit authority and the metropolitan transportation authority, in relation to the effectiveness thereof; and to repeal certain provisions of the public authorities law relating thereto (Part F); to amend the public authorities law, in relation to metropolitan transportation authority capital projects and utility relocations (Part G); to amend the public authorities law, in relation to the use and occupancy of streets for transportation projects (Part

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

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H); to amend the penal law, in relation to assaulting or harassing certain employees of a transit agency or authority (Part I); to amend chapter 393 of the laws of 1994 amending the New York state urban development corporation act relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part J); to amend the urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part K); to amend the multiple dwelling law, in relation to temporary rules for certain multiple dwelling units used as joint living-work quarters; and providing for the repeal of such provisions upon expiration thereof (Part L); to amend section 3 of part S of chapter 58 of the laws of 2016, relating to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation, in relation to the effectiveness thereof (Part M); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to the effectiveness thereof (Part N); to amend the business corporation law, the general associations law, the limited liability company law, the not-for-profit corporation law, the partnership law and the real property law, in relation to service of process (Part O); to amend the executive law, in relation to authorizing remote notarization (Part P); to amend the environmental conservation law, the executive law, and the public service law, in relation to making technical amendments related to the office of renewable energy siting (Part Q); in relation to the eligibility of certain renewable energy credits for purposes of compliance with local building emissions requirements; and providing for the repeal of such provisions upon the expiration thereof (Part R); to amend the public authorities law, in relation to powers of the New York convention center operating corporation (Part S); to amend part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, in relation to the utility debt securitization authority; and in relation to permitting the issuance of securitized restructuring bonds to finance system resiliency costs (Part T); to amend the economic development law, in relation to recharge New York power for eligible small businesses and not-for-profit corporations (Part U); to amend the insurance law, the public authorities law and the tax law, in relation to authorizing the power authority of the state of New York to form a pure captive insurance company (Part V); to authorize the energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part W); to amend the environmental conservation law and the state finance law, in relation to hunting; and to repeal certain provisions of the environmental conservation law relating thereto (Part X); to amend the environmental conservation law, in relation to prohibiting plastic carryout bags (Part Y); to authorize the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain



parklands (Subpart A); to authorize the village of East Rockaway, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart B); and to authorize the village of Rockville Centre, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart C) (Part Z); to amend the tax law, in relation to extending certain brownfield credit periods that expire on or after 3/20/20 and before 12/31/21 for two years (Part AA); to authorize the grant of certain easements to AlleCatt Wind Energy LLC on a proportion of real property within the Farmersville State Forest, Swift Hill State Forest, and Lost Nation State Forest in the county of Allegany; and providing for the repeal of such provisions upon the expiration thereof (Part BB); to amend chapter 58 of the laws of 2013 amending the environmental conservation law and the state finance law relating to the "Cleaner, Greener NY Act of 2013", in relation to the effectiveness thereof (Part CC); in relation to establishing the "rail advantaged housing act" (Part DD); to amend the public authorities law, in relation to the clean energy resources development and incentives program (Part EE); to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; and to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee (Part FF); to amend the vehicle and traffic law, in relation to requiring persons to use one hand while operating a motor vehicle, unless such vehicle is engaged to perform steering function; and to amend part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the required submission of a report on the demonstrations and tests of motor vehicles equipped with autonomous vehicle technology; and in relation to the effectiveness thereof (Part GG); to amend the vehicle and traffic law and the state finance law, in relation to temporarily requiring the department of motor vehicles to collect a one dollar convenience fee for modernization of information technology used by the department; and providing for the repeal of such provisions upon expiration thereof (Part HH); to amend chapter 58 of the laws of 2012, amending the public health law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part II); to amend the insurance law, in relation to unauthorized providers of health services; and to authorize the superintendent of financial services to convene a motor vehicle insurance task force to examine alternatives to the no-fault insurance system and deliver a report relating thereto (Part JJ); to repeal section 410 of the economic development law; and to amend the public authorities law, in relation to authorizing the department of economic development to designate centers for advanced technology program (Part KK); to amend the banking law, in relation to the forbearance of residential mortgage payments (Part LL); establishing the COVID-19 emergency eviction and foreclosure prevention for tenants and owners of commercial real property act of 2021; relating to a temporary stay of eviction proceedings of commercial tenants; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); and relating to a temporary stay of mortgage foreclosure proceedings for commercial or multi-family real property; and providing for the repeal of certain provisions upon expiration thereof (Subpart B) (Part MM); to



amend subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, in relation to funding to local government entities from the urban development corporation (Part NN); to amend chapter 108 of the laws of 2020, amending the public service law relating to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies, in relation to making such provisions permanent; to amend the public service law, the public authorities law and the general business law, in relation to issuing a moratorium on utility termination of services; and providing for the repeal of certain provisions of the public service law relating thereto (Part OO); to amend the general obligations law, in relation to the discontinuance of the London interbank offered rate (Part PP); to amend the general business law, in relation to broadband service for low-income consumers (Part QQ); to amend the public authorities law, in relation to authorizing the dormitory authority of the state of New York to enter into certain loans (Part RR); to amend the New York state medical care facilities finance agency act, in relation to the ability to issue certain bonds and notes (Part SS); and to amend the economic development law and the tax law, in relation to establishing the small business return-to-work tax credit program (Subpart A); to amend the economic development law and the tax law, in relation to establishing the restaurant return-to-work tax credit program (Subpart B); and to amend the tax law and the state finance law, in relation to establishing the New York city musical and theatrical production tax credit (Subpart C) (Part TT)

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

1 Section 1. This act enacts into law major components of legislation  
2 necessary to implement the state transportation, economic development  
3 and environmental conservation budget for the 2021-2022 state fiscal  
4 year. Each component is wholly contained within a Part identified as  
5 Parts A through TT. The effective date for each particular provision  
6 contained within such Part is set forth in the last section of such  
7 Part. Any provision in any section contained within a Part, including  
8 the effective date of the Part, which makes a reference to a section "of  
9 this act", when used in connection with that particular component, shall  
10 be deemed to mean and refer to the corresponding section of the Part in  
11 which it is found. Section three of this act sets forth the general  
12 effective date of this act.

13 PART A

14 Section 1. Subdivisions (h) and (i) of section 1800 of the vehicle and  
15 traffic law, as amended by section 1 of part B of chapter 58 of the laws  
16 of 2020, are amended to read as follows:

17 (h) Notwithstanding the provisions of subdivisions (b) and (c) of this  
18 section, a person convicted of a traffic infraction for a violation of  
19 any ordinance, order, rule, regulation or local law adopted pursuant to  
20 one or more of the following provisions of this chapter: paragraphs two  
21 and nine of subdivision (a) of section sixteen hundred twenty-one;  
22 subdivision three of section sixteen hundred thirty; or subdivision five  
23 of section seventy-one of the transportation law, prohibiting the opera-



tion on a highway or parkway of a motor vehicle registered as a commercial vehicle and having a gross vehicle weight rating of at least ten thousand pounds but no more than twenty-six thousand pounds shall, for a first conviction thereof, be punished by a fine of not more than [three hundred fifty] one thousand dollars or by imprisonment of not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than [seven] one thousand five hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than [one] two thousand five hundred dollars or by imprisonment of not more than ninety days or by both such fine and imprisonment; provided, however, the provisions of this subdivision shall not apply to a commercial motor vehicle as such term is defined in paragraph (a) of subdivision four of section five hundred one-a of this chapter.

(i) Notwithstanding the provisions of subdivisions (b) and (c) of this section, a person convicted of a traffic infraction for a violation of any ordinance, order, rule, regulation or local law adopted pursuant to one or more of the following provisions of this chapter: paragraphs two and nine of subdivision (a) of section sixteen hundred twenty-one; subdivision three of section sixteen hundred thirty; or subdivision five of section seventy-one of the transportation law, prohibiting the operation on a highway or parkway of a commercial motor vehicle as defined in paragraph (a) of subdivision four of section five hundred one-a of this chapter, for a first conviction thereof, be punished by a fine of not more than [seven hundred] five thousand dollars or by imprisonment of not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than [one] seven thousand five hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than [two] ten thousand dollars or by imprisonment of not more than ninety days or by both such fine and imprisonment. In addition to the penalties provided for in this subdivision, the registration of the vehicle may be suspended for a period not to exceed one year whether at the time of the violation the vehicle was in charge of the owner or his agent. The provisions of section five hundred ten of this chapter shall apply to such suspension except as otherwise provided herein.

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

18-a. A violation of the provisions of [subdivisions] subdivision two or fourteen of this section, where the violation relates to the height of the vehicle, including a violation related to the operation, within a city not wholly included within one county, of a vehicle which exceeds the limitations provided for in the rules and regulations of the city department of transportation of such city, shall be punishable by a fine of not more than [one] five thousand dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment, for the first offense; by a fine of not more than [two] seven thousand five



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

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

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

23 (b) It shall be unlawful to operate or cause to be operated a stretch  
24 limousine or commercial motor vehicle registered in this state on any  
25 public highway or private road open to public motor vehicle traffic  
26 unless such stretch limousine or commercial motor vehicle is equipped  
27 with commercial global positioning system (GPS) technology as required  
28 by this subdivision and such commercial global positioning system (GPS)  
29 technology is used. The presence in such stretch limousine or commercial  
30 motor vehicle of commercial global positioning system (GPS) technology  
31 connected to a power source and in an operable condition is presumptive  
32 evidence of its use by any person operating such stretch limousine or  
33 commercial motor vehicle. Such presumption may be rebutted by any credi-  
34 ble and reliable evidence which tends to show that such commercial  
35 global positioning system (GPS) technology was not in use.

36 (c) For the purposes of this subdivision:

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

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

46 (iii) "Commercial global positioning system (GPS) technology" shall  
47 mean global positioning system (GPS) technology which has been specif-  
48 ically designed to assist in the navigation of commercial motor vehi-  
49 cles.

50 § 4. The vehicle and traffic law is amended by adding a new section  
51 509-vv to read as follows:

52 § 509-vv. The use of non-commercial global positioning systems. One  
53 year following the date upon which the national highway traffic safety  
54 administration promulgates final regulations establishing standards for  
55 commercial global positioning systems (GPS), the use of non-commercial  
56 global positioning systems (GPS) by any commercial driver or commercial



1 motor carrier, while engaged in the operation or directing the operation  
2 of any commercial vehicle, is prohibited. For purposes of this section,  
3 non-commercial global positioning system (GPS) shall mean any global  
4 positioning technology which has not been specifically designed to  
5 assist in the navigation of commercial vehicles.

6 § 5. The vehicle and traffic law is amended by adding a new section  
7 509-vvv to read as follows:

8 § 509-vvv. Parkways notification. Commercial carriers must notify, in  
9 writing, all commercial drivers in their employ of the prohibition  
10 against operating commercial motor vehicles on parkways.

11 § 6. The vehicle and traffic law is amended by adding a new section  
12 509-ii to read as follows:

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

23 § 7. The vehicle and traffic law is amended by adding a new section  
24 509-iii to read as follows:

25 § 509-iii. Parkways notification. Motor carriers must notify, in writ-  
26 ing, all bus drivers in their employ of the prohibition against operat-  
27 ing commercial motor vehicles on parkways.

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

30 § 396-zz. Commercial vehicle owner notifications of parkway prohibi-  
31 tions. (a) All rental vehicle companies, as defined in section three  
32 hundred ninety-six-z of this article, must notify in writing all author-  
33 ized drivers or renters, as defined in section three hundred  
34 ninety-six-z of this article, of the prohibition against commercial  
35 motor vehicles operating on parkways for any rentals or leases of  
36 commercial motor vehicles. For purposes of this section "commercial  
37 motor vehicle" shall mean a motor vehicle or combination of vehicles  
38 having a gross combination weight rating of more than ten thousand  
39 pounds used to transport property or persons and shall include a tow  
40 truck with a gross vehicle weight rating of at least eighty-six hundred  
41 pounds.

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

44 § 9. Severability. If any clause, sentence, subdivision, paragraph,  
45 section or part of this act be adjudged by any court of competent juris-  
46 diction to be invalid, or if any federal agency determines in writing  
47 that this act would render New York state ineligible for the receipt of  
48 federal funds, such judgment or written determination shall not affect,  
49 impair or invalidate the remainder thereof, but shall be confined in its  
50 operation to the clause, sentence, subdivision, paragraph, section or  
51 part thereof directly involved in the controversy in which such judgment  
52 or written determination shall have been rendered.

53 § 10. This act shall take effect on the one hundred eightieth day  
54 after it shall have become a law; provided, however, that this act shall  
55 be deemed repealed if any federal agency determines in writing that this  
56 act would render New York state ineligible for the receipt of federal

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

14

## PART B

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

27

## SUBPART A

28 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,  
29 subdivision 3 as amended by chapter 267 of the laws of 2016, and subdi-  
30 vision 11 as separately amended by chapters 268 and 281 of the laws of  
31 2016, are amended to read as follows:

32 3. With intent to prevent a peace officer, a police officer, prosecu-  
33 tor as defined in subdivision thirty-one of section 1.20 of the criminal  
34 procedure law, registered nurse, licensed practical nurse, public health  
35 sanitarian, New York city public health sanitarian, sanitation enforce-  
36 ment agent, New York city sanitation worker, a firefighter, including a  
37 firefighter acting as a paramedic or emergency medical technician admin-  
38 istering first aid in the course of performance of duty as such fire-  
39 fighter, an emergency medical service paramedic or emergency medical  
40 service technician, or medical or related personnel in a hospital emer-  
41 gency department, a city marshal, a school crossing guard appointed  
42 pursuant to section two hundred eight-a of the general municipal law, a  
43 traffic enforcement officer, traffic enforcement agent, a highway worker  
44 as defined in section one hundred eighteen-a of the vehicle and traffic  
45 law, a motor vehicle inspector and motor carrier investigator as defined  
46 in section one hundred eighteen-b of the vehicle and traffic law,  
47 employee of the New York state department of motor vehicles or a county  
48 clerk performing motor vehicle transactions on behalf of such depart-  
49 ment, or employee of any entity governed by the public service law in  
50 the course of performing an essential service, from performing a lawful  
51 duty, by means including releasing or failing to control an animal under  
52 circumstances evincing the actor's intent that the animal obstruct the





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

29 11. With intent to cause physical injury to a train operator, ticket  
30 inspector, conductor, signalperson, bus operator, station agent, station  
31 cleaner or terminal cleaner employed by any transit agency, authority or  
32 company, public or private, whose operation is authorized by New York  
33 state or any of its political subdivisions, a city marshal, a school  
34 crossing guard appointed pursuant to section two hundred eight-a of the  
35 general municipal law, a traffic enforcement officer, traffic enforce-  
36 ment agent, a highway worker as defined in section one hundred eigh-  
37 teen-a of the vehicle and traffic law, a motor vehicle inspector and  
38 motor carrier investigator as defined in section one hundred eighteen-b  
39 of the vehicle and traffic law, employee of the New York state depart-  
40 ment of motor vehicles or a county clerk performing motor vehicle trans-  
41 actions on behalf of such department, prosecutor as defined in subdivi-  
42 sion thirty-one of section 1.20 of the criminal procedure law,  
43 sanitation enforcement agent, New York city sanitation worker, public  
44 health sanitarian, New York city public health sanitarian, registered  
45 nurse, licensed practical nurse, emergency medical service paramedic, or  
46 emergency medical service technician, he or she causes physical injury  
47 to such train operator, ticket inspector, conductor, signalperson, bus  
48 operator, station agent, station cleaner or terminal cleaner, city  
49 marshal, school crossing guard appointed pursuant to section two hundred  
50 eight-a of the general municipal law, traffic enforcement officer, traf-  
51 fic enforcement agent, highway worker as defined in section one hundred  
52 eighteen-a of the vehicle and traffic law, motor vehicle inspector and  
53 motor carrier investigator as defined in section one hundred eighteen-b  
54 of the vehicle and traffic law, employee of the New York state depart-  
55 ment of motor vehicles or a county clerk performing motor vehicle trans-  
56 actions on behalf of such department, prosecutor as defined in subdivi-



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

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

22 § 120.19 Menacing a highway worker.

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

29 Menacing a highway worker is a class E felony.

30 § 3. The vehicle and traffic law is amended by adding two new sections  
31 118-a and 118-b to read as follows:

32 § 118-a. Highway worker. Any person employed by or on behalf of the  
33 state, a county, city, town or village, a public authority, a local  
34 authority, or a public utility company, or the agent or contractor of  
35 any such entity, who has been assigned to perform work on a highway,  
36 including maintenance, repair, flagging, utility work, construction,  
37 reconstruction or operation of equipment on public highway infrastruc-  
38 ture and associated rights-of-way in highway work areas, and shall also  
39 include any flagperson as defined in section one hundred fifteen-b of  
40 this article.

41 § 118-b. Motor vehicle inspector and motor carrier investigator. Any  
42 person employed by the New York state department of transportation who  
43 has been assigned to perform inspections of any motor vehicles or inves-  
44 tigation of any carriers regulated by the commissioner of the New York  
45 state department of transportation.

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

50 (xii) of a second or subsequent conviction of a violation of section  
51 twelve hundred twenty-five-c or section twelve hundred twenty-five-d of  
52 this chapter committed where such person is the holder of a probationary  
53 license, as defined in subdivision four of section five hundred one of  
54 this title, at the time of the commission of such violation and such  
55 second or subsequent violation was committed within six months following  
56 the restoration or issuance of such probationary license; [or]

(xiii) of a second or subsequent conviction of a violation of section twelve hundred twenty-five-c or section twelve hundred twenty-five-d of this chapter committed where such person is the holder of a class DJ or MJ learner's permit or a class DJ or MJ license at the time of the commission of such violation and such second or subsequent violation was committed within six months following the restoration of such permit or license; or

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

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

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

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

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

#### SUBPART B

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

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

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

2. The commissioner [of transportation], a police officer, or any person acting at the direction of the commissioner or a police officer shall have the power to cause the immediate removal, from the right of way of any state highway, of any vehicle, cargo, or debris which obstructs or interferes with the use of such a highway for public travel; or which obstructs or interferes with the construction, reconstruction or maintenance of such a highway; or which obstructs or interferes with the clearing or removal of snow or ice from such a highway; or which obstructs or interferes with any operation of the department of transportation during a public emergency. The commissioner, or a police officer, or any person acting at the direction of the commissioner or a police officer, shall not be liable for any damage to such vehicle, cargo, or debris, unless such removal was carried out in a reckless or grossly negligent manner.





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

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

#### PART C

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

1. On assuming jurisdiction of a thruway section or connection or any part thereof, or of a highway connection, the authority shall proceed with the construction, reconstruction or improvement thereof. All such work shall be done pursuant to a contract or contracts which shall be let to the lowest responsible bidder, by sealed proposals publicly opened, or by electronically secure proposal submission as permitted by the authority and electronically posted for public view, after public advertisement and upon such terms and conditions as the authority shall require; provided, however, that the authority may reject any and all proposals and may advertise for new proposals, as herein provided, if in its opinion, the best interests of the authority will thereby be promoted; provided further, however, that at the request of the authority, all or any portion of such work, together with any engineering required by the authority in connection therewith, shall be performed by the commissioner and his subordinates in the department of transportation as agents for, and at the expense of, the authority.

§ 2. This act shall take effect immediately.

#### PART D

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

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

§ 2. This act shall take effect immediately.

#### PART E

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

3. With intent to obtain railroad, subway, bus, air, taxi or any other public transportation service or to use any toll highway, parkway, road, bridge or tunnel or to enter or remain in the tolled central business district described in section seventeen hundred four of the vehicle and



1 traffic law without payment of the lawful charge or toll therefor, or to  
2 avoid payment of the lawful charge or toll for such transportation  
3 service which has been rendered to him or her or for such use of any  
4 toll highway, parkway, road, bridge or tunnel or for such entering or  
5 remaining in such tolled central business district, he or she obtains or  
6 attempts to obtain such service or to use any toll highway, parkway,  
7 road, bridge or tunnel or to enter or remain in a tolled central busi-  
8 ness district or avoids or attempts to avoid payment therefor by force,  
9 intimidation, stealth, deception or mechanical tampering, or by unjusti-  
10 fiable failure or refusal to pay; or

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

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

25 (c) It shall be unlawful for any person to operate, drive or park a  
26 motor vehicle on a toll highway, bridge and/or tunnel facility or enter  
27 or remain in the tolled central business district described in section  
28 seventeen hundred four of this chapter, under the jurisdiction of the  
29 tolling authority, if such number plate is not easily readable, nor  
30 shall any number plate be covered by glass or any plastic material, and  
31 shall not be knowingly covered or coated with any artificial or synthe-  
32 tic material or substance that conceals or obscures such number plates,  
33 or that distorts a recorded or photographic image of such number plates,  
34 and the view of such number plates shall not be obstructed by any part  
35 of the vehicle or by anything carried thereon, except for a receiver-  
36 transmitter issued by a publicly owned tolling authority in connection  
37 with electronic toll collection when such receiver-transmitter is  
38 affixed to the exterior of a vehicle in accordance with mounting  
39 instructions provided by the tolling authority. For purposes of this  
40 paragraph, "tolling authority" shall mean every public authority which  
41 operates a toll highway, bridge and/or tunnel or a central business  
42 district tolling program as well as the Port Authority of New York and  
43 New Jersey, a bi-state agency created by compact set forth in chapter  
44 one hundred fifty-four of the laws of nineteen hundred twenty-one, as  
45 amended.

46 § 3. Subdivision 8 of section 402 of the vehicle and traffic law, as  
47 amended by chapter 61 of the laws of 1989 and as renumbered by chapter  
48 648 of the laws of 2006, is amended to read as follows:

49 8. The violation of this section shall be punishable by a fine of not  
50 less than twenty-five nor more than two hundred dollars except for  
51 violations of paragraph (c) of subdivision one of this section which  
52 shall be punishable by a fine of not less than one hundred nor more than  
53 five hundred dollars.

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



1

## PART F

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

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

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

29 (b) Section twenty-eight hundred seventy-nine of this chapter shall  
30 apply to the authority's acquisition of goods or services of any kind,  
31 in the actual or estimated amount of fifteen thousand dollars or more,  
32 provided that (i) a contract for services in the actual or estimated  
33 amount of one million dollars or less shall not require approval by the  
34 board of the authority regardless of the length of the period over which  
35 the services are rendered, and provided further that a contract for  
36 services in the actual or estimated amount in excess of one million  
37 dollars shall require approval by the board of the authority regardless  
38 of the length of the period over which the services are rendered unless  
39 such a contract is awarded to the lowest responsible bidder after  
40 obtaining [sealed] bids and (ii) the board of the authority may by  
41 resolution adopt guidelines that authorize the award of contracts to  
42 small business concerns, to service disabled veteran owned businesses  
43 certified pursuant to article seventeen-B of the executive law, or  
44 minority or women-owned business enterprises certified pursuant to arti-  
45 cle fifteen-A of the executive law, or purchases of goods or technology  
46 that are recycled or remanufactured, in an amount not to exceed one  
47 million dollars without a formal competitive process and without further  
48 board approval. The board of the authority shall adopt guidelines which  
49 shall be made publicly available for the awarding of such contract with-  
50 out a formal competitive process.

51 § 3. Paragraphs (a) and (b) of subdivision 8 of section 1209 of the  
52 public authorities law, paragraph (a) as amended by chapter 725 of the  
53 laws of 1993 and paragraph (b) as added by chapter 929 of the laws of  
54 1986, are amended to read as follows:



(a) Advertisement for bids, when required by this section, shall be published at least once in [a newspaper of general circulation in the area served by the authority and in] the procurement opportunities newsletter published pursuant to article four-C of the economic development law provided that, notwithstanding the provisions of article four-C of the economic development law, an advertisement shall only be required when required by this section. Publication in [a newspaper of general circulation in the area served or in] the procurement opportunities newsletter shall not be required if bids for contracts for supplies, materials or equipment are of a type regularly purchased by the authority and are to be solicited from a list of potential suppliers, if such list is or has been developed consistent with the provisions of subdivision eleven of this section. Any such advertisement shall contain a statement of: (i) the time [and place where] by which bids received pursuant to any notice requesting [sealed] bids [will be publicly opened and read] shall be submitted; (ii) the name of the contracting agency; (iii) the contract identification number; (iv) a brief description of the public work, supplies, materials, or equipment sought, the location where work is to be performed, goods are to be delivered or services provided and the contract term; (v) the [address where] manner in which bids or proposals are to be submitted; (vi) the date when bids or proposals are due; (vii) a description of any eligibility or qualification requirement or preference; (viii) a statement as to whether the contract requirements may be fulfilled by a subcontracting, joint venture, or co-production arrangement; (ix) any other information deemed useful to potential contractors; and (x) the name, address, and telephone number of the person to be contacted for additional information. At least [fifteen] ten business days shall elapse between the first publication of such advertisement or the solicitation of bids, as the case may be, and the date of opening and reading of bids.

(b) The authority may designate any officer or employee to [open the bids at the time and place bids are to be opened and may designate an officer to] award the contract to the lowest responsible bidder. [Such designee shall make a record of all bids in such form and detail as the authority shall prescribe.] All bids [received] shall be received either through an electronic bidding platform and electronically posted for public view, or publicly opened and read, in either case at the time [and], place and in the manner specified in the advertisement or specified at the time of solicitation, or to which the opening and reading or posting have been adjourned by the authority. All bidders shall be notified of the time and place of any such adjournment. The authority's designated officer or employee shall make a record of all bids in such form and detail as the authority shall prescribe.

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

(e) the item is available through an existing contract between a vendor and [(i) another public authority provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contract or (ii) the state of New York or the city of New York,] any department, agency or instrumentality of the United States government and/or any department, agency, office, political subdivision or instrumentality of any state or states provided that in any case when the authority under this paragraph determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The authori-





ty shall accept sole responsibility for any payment due the vendor as a result of the authority's order; or

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

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

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

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

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

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

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

(ii) The authority may award a contract pursuant to this paragraph only after a resolution approved by a vote of not less than two-thirds of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify



1 their proposals, and (C) setting forth the criteria upon which the  
2 selection was made.

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

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

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

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

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

32 (a) Except as otherwise provided in this section, all purchase  
33 contracts for supplies, materials or equipment involving an estimated  
34 expenditure in excess of one million dollars and all contracts for  
35 public work involving an estimated expenditure in excess of one million  
36 dollars shall be awarded by the authority to the lowest responsible  
37 bidder after obtaining [sealed] bids in the manner hereinafter set  
38 forth. For purposes hereof, contracts for public work shall exclude  
39 contracts for personal, engineering and architectural, or professional  
40 services. The authority may reject all bids and obtain new bids in the  
41 manner provided by this section when it is deemed in the public interest  
42 to do so or, in cases where two or more responsible bidders submit iden-  
43 tical bids which are the lowest bids, award the contract to any of such  
44 bidders or obtain new bids from such bidders. Nothing in this paragraph  
45 shall obligate the authority to seek new bids after the rejection of  
46 bids or after cancellation of an invitation to bid. Nothing in this  
47 section shall prohibit the evaluation of bids on the basis of costs or  
48 savings including life cycle costs of the item to be purchased,  
49 discounts, and inspection services so long as the invitation to bid  
50 reasonably sets forth the criteria to be used in evaluating such costs  
51 or savings. Life cycle costs may include but shall not be limited to  
52 costs or savings associated with installation, energy use, maintenance,  
53 operation and salvage or disposal.

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



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

20 § 10. Paragraphs (a) and (b) of subdivision 3 of section 1265-a of the  
21 public authorities law, paragraph (a) as amended by chapter 494 of the  
22 laws of 1990 and paragraph (b) as added by chapter 929 of the laws of  
23 1986, are amended to read as follows:

24 (a) Advertisement for bids, when required by this section, shall be  
25 published at least once in [a newspaper of general circulation in the  
26 area served by the authority and in] the procurement opportunities news-  
27 letter published pursuant to article four-C of the economic development  
28 law provided that, notwithstanding the provisions of article four-C of  
29 the economic development law, an advertisement shall only be required  
30 for a purchase contract for supplies, materials or equipment when  
31 required by this section. Publication in [a newspaper of general circu-  
32 lation in the area served or in] the procurement opportunities newslet-  
33 ter shall not be required if bids for contracts for supplies, materials  
34 or equipment are of a type regularly purchased by the authority and are  
35 to be solicited from a list of potential suppliers, if such list is or  
36 has been developed consistent with the provisions of subdivision six of  
37 this section. Any such advertisement shall contain a statement of: (i)  
38 the time [and place where] by which bids received pursuant to any notice  
39 requesting [sealed] bids [will be publicly opened and read] shall be  
40 submitted; (ii) the name of the contracting agency; (iii) the contract  
41 identification number; (iv) a brief description of the public work,  
42 supplies, materials, or equipment sought, the location where work is to  
43 be performed, goods are to be delivered or services provided and the  
44 contract term; (v) the [address where] manner in which bids or proposals  
45 are to be submitted; (vi) the date when bids or proposals are due; (vii)  
46 a description of any eligibility or qualification requirement or prefer-  
47 ence; (viii) a statement as to whether the contract requirements may be  
48 fulfilled by a subcontracting, joint venture, or co-production arrange-  
49 ment; (ix) any other information deemed useful to potential contractors;  
50 and (x) the name, address, and telephone number of the person to be  
51 contacted for additional information. At least [fifteen] ten business  
52 days shall elapse between the first publication of such advertisement or  
53 the solicitation of bids, as the case may be, and the date of opening  
54 and reading of bids.

55 (b) The authority may designate any officer or employee to [open the  
56 bids at the time and place bids are to be opened and may designate an



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

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

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

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

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

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

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

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

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



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

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

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

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

35     5. Upon the adoption of a resolution by the authority stating, for  
36 reasons of efficiency, economy, compatibility or maintenance reliabil-  
37 ity, that there is a need for standardization, the authority may estab-  
38 lish procedures whereby particular supplies, materials or equipment are  
39 identified on a qualified products list. Such procedures shall provide  
40 for products or vendors to be added to or deleted from such list and  
41 shall include provisions for public advertisement of the manner in which  
42 such lists are compiled. The authority shall review such list no less  
43 than [twice] once a year for the purpose of making such modifications.  
44 Contracts for particular supplies, materials or equipment identified on  
45 a qualified products list may be awarded by the authority to the lowest  
46 responsible bidder after obtaining [sealed] bids in accordance with this  
47 section or without competitive [sealed] bids in instances when the item  
48 is available from only a single source, except that the authority may  
49 dispense with advertising provided that it mails copies of the invita-  
50 tion to bid to all vendors of the particular item on the qualified  
51 products list.

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

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

3 § 16. This act shall take effect immediately.

4 PART G

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

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

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

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

26 (c) The authority may opt to perform some or all of the required util-  
27 ity work on its own or by a contract or other arrangement. If the  
28 authority opts to perform some or all of the required utility work, the  
29 authority may also opt to provide the design for such work. If the  
30 authority opts to perform some or all of the required utility work, the  
31 public service corporation shall perform the portion of the utility work  
32 not performed by the authority and shall reimburse the authority for the  
33 authority's actual cost to perform the utility work, including the cost  
34 of the design done by the authority. If the authority designs some or  
35 all of the required utility work, such design shall be subject to the  
36 review and approval of the public service corporation, which shall not  
37 be unreasonably withheld. Such review and approval shall be completed  
38 within twenty-one calendar days, or within such other period of time as  
39 may be determined by the authority after consultation with the public  
40 service corporation.

41 12-c. Whenever in connection with the improvement, construction,  
42 reconstruction or rehabilitation of a transportation facility or transit  
43 facility the authority determines that the water or sewer infrastruc-  
44 ture, including pipes or mains, street lighting, traffic signal systems,  
45 emergency call boxes and associated infrastructure of the city of New  
46 York and any fixtures and appliances connected therewith or attached  
47 thereto must be removed, relocated, or otherwise protected or replaced,  
48 either temporarily or permanently, hereinafter referred to as "the  
49 required city work", the following provisions shall apply:

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



1 (b) The authority shall pay the cost of the required city work and the  
2 cost of upgrading the water or sewer infrastructure to comply with the  
3 current standards of the city of New York for materials and capacity as  
4 determined by the current service being provided; provided, however,  
5 that the city of New York shall not demand that the authority provide  
6 for anticipated future service increases or any other betterments with-  
7 out the authority's agreement.

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

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

20 § 2. This act shall take effect immediately.

21 PART H

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

25 12. The authority may, for itself or upon request of the New York city  
26 transit authority, upon suitable notice to and an offer to consult with  
27 an officer designated by the city of New York, occupy the streets of the  
28 city of New York for the purpose of doing, as a beneficial owner of such  
29 project via contract, easement agreement or other such agreement, any  
30 work over or under the same in connection with the improvement,  
31 construction, reconstruction or rehabilitation of a transportation  
32 facility without the consent of or payment to such city[.], notwith-  
33 standing that the city has previously permitted any such portion of such  
34 streets to be occupied by another. For the purposes of this subdivi-  
35 sion, a "transportation facility" shall include a stairway entrance,  
36 elevator, escalator or other vertical transportation connecting to a  
37 subway station or any other transit improvement that is being renovated,  
38 relocated or constructed under a contract, easement agreement or other  
39 agreement with the authority or the New York city transit authority  
40 pursuant to the zoning resolution of the city of New York.

41 § 2. This act shall take effect immediately.

42 PART I

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

46 11. With intent to cause physical injury to a train operator, ticket  
47 inspector, conductor, signalperson, bus operator, station agent, station  
48 cleaner [or], terminal cleaner, station customer assistant; person whose  
49 official duties include the sale or collection of tickets, passes,  
50 vouchers, or other fare payment media for use on a train or bus; a  
51 person whose official duties include the maintenance, repair,  
52 inspection, troubleshooting, testing or cleaning of a transit signal



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

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

45 3-a. Strikes, shoves, kicks, or otherwise subjects another person to  
46 physical contact, which includes spitting on such other person, and such  
47 other person is an on-duty train operator; ticket inspector; conductor;  
48 signalperson; bus operator; station agent; station cleaner; terminal  
49 cleaner; station customer assistant; person whose official duties  
50 include the sale or collection of tickets, passes, vouchers or other  
51 fare payment media for use on a train or bus; person whose official  
52 duties include the maintenance, repair, inspection, troubleshooting,  
53 testing or cleaning of a transit signal system, elevated or underground  
54 subway tracks, transit station structure, train yard, revenue train in  
55 passenger service, or train or bus station or terminal, or a supervisor  
56 of such personnel, employed by any transit agency, authority or company,





1 public or private, whose operation is authorized by New York state or  
2 any of its political subdivisions; or  
3 § 3. This act shall take effect on the ninetieth day after it shall  
4 have become a law.

5 PART J

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

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

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

21 PART K

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

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

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

31 PART L

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

34 § 277-a. Temporary rules upon legislative finding of special state  
35 interest. 1. Application of rule. This section shall apply to building  
36 permits lawfully issued, or for which a completed application has been  
37 filed as defined by local law, on or before December thirty-first, two  
38 thousand twenty-six.

39 2. Applicability. Notwithstanding any other provision of this chapter  
40 or other state law to the contrary, no local zoning law ordinance,  
41 resolution or regulation addressing the minimum light and air standards  
42 for joint living-work quarters for artists or general residential  
43 portions of lofts or manufacturing and commercial buildings altered to  
44 residential use shall limit the applicability of this article to: (a)  
45 buildings erected prior to January first, nineteen hundred seventy-sev-  
46 en; or (b) specific locations or districts within the municipality, but  
47 shall apply this article uniformly throughout. Notwithstanding any  
48 state law, other local zoning law, ordinance, resolution, or regulation  
49 to the contrary, the conversions described in subdivisions three and  
50 four of this section are hereby authorized.



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

32     4. Commercial office buildings. The provisions of this section shall  
33 apply to any conversion of or alteration or improvement to any commer-  
34 cial office building which is graded based upon its market rate price as  
35 "class B or class C" properties within the area between 9th avenue on  
36 the westerly side, and Park avenue on the easterly side, utilizing 60th  
37 street as a northerly border and 14th street to the south, together  
38 encompassing a central business district provided that upon conversion  
39 or alteration or improvement such new use is either: (a) part of a state  
40 affordable housing plan or agreement with the department of homes and  
41 community renewal to provide a minimum of twenty percent of such housing  
42 units created as affordable housing, or (b) to operate as a supportive  
43 housing facility that is under a contract with any state or city agency  
44 to provide housing and supportive services for any population, or (c) to  
45 provide an amount necessary to support the creation or preservation of  
46 affordable housing or prevent homelessness as determined by the commis-  
47 sioner of the department of homes and community renewal.

48     § 2. This act shall take effect immediately and shall expire December  
49 31, 2026 when upon such date the provisions of this act shall be deemed  
50 repealed, provided however, that no variance shall be required to obtain  
51 a certificate of occupancy if such building satisfied the provisions of  
52 this act upon commencement, nor shall any other administrative action be  
53 required upon completion should this provision have otherwise expired.



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

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

11 § 2. This act shall take effect immediately.

12 PART N

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

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

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

24 PART O

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

27 (d) Any designated [post-office] post office address to which the  
28 secretary of state shall mail a copy of process served upon him or her  
29 as agent of a domestic corporation or a foreign corporation, shall  
30 continue until the filing of a certificate or other instrument under  
31 this chapter directing the mailing to a different [post-office] post  
32 office address and any designated email address to which the secretary  
33 of state shall email notice of the fact that process has been electron-  
34 ically served upon him or her as agent of a domestic corporation or  
35 foreign corporation shall continue until the filing of a certificate or  
36 other instrument under this chapter changing or deleting the email  
37 address.

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

41 (1) Service of process on the secretary of state as agent of a domes-  
42 tic or authorized foreign corporation shall be made [by personally] in  
43 the manner provided by clause (i) or (ii) of this subparagraph. (i)  
44 Personally delivering to and leaving with the secretary of state or a  
45 deputy, or with any person authorized by the secretary of state to  
46 receive such service, at the office of the department of state in the  
47 city of Albany, duplicate copies of such process together with the stat-  
48 utory fee, which fee shall be a taxable disbursement. Service of process  
49 on such corporation shall be complete when the secretary of state is so  
50 served. The secretary of state shall promptly send one of such copies by  
51 certified mail, return receipt requested, to such corporation, at the  
52 post office address, on file in the department of state, specified for



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

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

22 Service of such process upon the secretary of state shall be made [by  
23 personally] in the manner provided by subparagraph one or two of this  
24 paragraph. (1) Personally delivering to and leaving with him or his  
25 deputy, or with any person authorized by the secretary of state to  
26 receive such service, at the office of the department of state in the  
27 city of Albany, a copy of such process together with the statutory fee,  
28 which fee shall be a taxable disbursement. (2) Electronically submitting  
29 a copy of the process to the department of state together with the stat-  
30 utory fee, which fee shall be a taxable disbursement, through an elec-  
31 tronic system operated by the department of state. Such service shall be  
32 sufficient if notice thereof and a copy of the process are:

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

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

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

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

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

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

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

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

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

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

29 (8) If the surviving or resulting entity is a foreign corporation or  
30 other business entity, a designation of the secretary of state as its  
31 agent upon whom process against it may be served in the manner set forth  
32 in paragraph (b) of section three hundred six of this chapter, in any  
33 action or special proceeding, and a post office address, within or with-  
34 out this state, to which the secretary of state shall mail a copy of any  
35 process against it served upon him or her. The corporation may include  
36 an email address to which the secretary of state shall email a notice of  
37 the fact that process against it has been electronically served upon him  
38 or her. Such post office address shall supersede any prior address  
39 designated as the address to which process shall be mailed and such  
40 email address shall supersede any prior email address designated as the  
41 email address to which a notice shall be sent;

42 § 9. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of  
43 the business corporation law, as amended by chapter 494 of the laws of  
44 1997, is amended to read as follows:

45 (G) A designation of the secretary of state as its agent upon whom  
46 process against it may be served in the manner set forth in paragraph  
47 (b) of section 306 (Service of process), in any action or special  
48 proceeding, and a post office address, within or without this state, to  
49 which the secretary of state shall mail a copy of any process against it  
50 served upon him or her. The corporation may include an email address to  
51 which the secretary of state shall email a notice of the fact that proc-  
52 ess against it has been electronically served upon him or her. Such  
53 post office address shall supersede any prior address designated as the  
54 address to which process shall be mailed and such email address shall  
55 supersede any prior email address designated as the email address to  
56 which a notice shall be sent.

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

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

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

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

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

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

23 (c) A certificate of change of application for authority which changes  
24 only the post office address to which the secretary of state shall mail  
25 a copy of any process against an authorized foreign corporation served  
26 upon him or her, and/or the email address to which the secretary of  
27 state shall email a notice of the fact that process against it has been  
28 electronically served upon the secretary of state and/or which changes  
29 the address of its registered agent, provided such address is the  
30 address of a person, partnership or other corporation whose address, as  
31 agent, is the address to be changed [or], and/or the email address being  
32 changed is the email address of a person, partnership or corporation  
33 whose email address, as agent, is the email address to be changed,  
34 and/or who has been designated as registered agent for such authorized  
35 foreign corporation, may be signed and delivered to the department of  
36 state by such agent. The certificate of change of application for  
37 authority shall set forth the statements required under subparagraphs  
38 (1), (2), (3) and (4) of paragraph (b) of this section; that a notice of  
39 the proposed change was mailed by the party signing the certificate to  
40 the authorized foreign corporation not less than thirty days prior to  
41 the date of delivery to the department and that such corporation has not  
42 objected thereto; and that the party signing the certificate is the  
43 agent of such foreign corporation to whose address the secretary of  
44 state is required to mail copies of process [or], and/or the agent of  
45 such foreign corporation to whose email address the secretary of state  
46 is required to mail a notice of the fact that process against it has  
47 been electronically served on the secretary of state and/or the regis-  
48 tered agent, if such be the case. A certificate signed and delivered  
49 under this paragraph shall not be deemed to effect a change of location  
50 of the office of the corporation in whose behalf such certificate is  
51 filed.

52 § 13. Subparagraph 6 of paragraph (a) and paragraph (d) of section  
53 1310 of the business corporation law, the opening paragraph of paragraph  
54 (d) as amended by chapter 172 of the laws of 1999, are amended to read  
55 as follows:

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

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

(1) The name of the foreign corporation.

(2) The jurisdiction of its incorporation.

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

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

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

§ 1311. Termination of existence.

When an authorized foreign corporation is dissolved or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation or when such foreign corporation is merged into or consolidated with another foreign corporation, a certificate of the secretary of state, or official performing the equivalent function as to corporate records, of the jurisdiction of incorporation of such foreign corporation attesting to the occurrence of any such event or a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign corporation, the termination of its existence or the cancellation of its authority shall be delivered to the department of state. The filing of the certificate, order or decree shall have the same effect as the filing of a certificate of surrender of authority under section 1310 (Surrender of authority). The secretary of state shall continue as agent of the foreign corporation upon whom process against it may be served in the manner set forth in paragraph (b) of section 306 (Service of process), in any action or special proceeding based upon any liability or obligation incurred by the foreign corporation within this state prior to the filing of such certificate, order or decree and he or she shall promptly cause a copy of any such process to be mailed by [registered] certified mail, return receipt requested, to such foreign corporation at the post office address on file in his or her office specified for such purpose or a notice of the fact that process against such foreign corporation has been served on him or her to be emailed to the foreign corporation at the email address on file in his or her office specified for such purpose. The post office address and/or email address may be changed by signing and delivering to the department of state a certificate of change setting forth the statements required under section 1309-A (Certificate of change; contents) to effect a change in the post office address and/or email address under subparagraph (a) [(4)] (7) or (10) of section 1308 (Amendments or changes).



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

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

18     (a) the names and places of residence of its officers and trustees

19     (b) its principal place of business

20     (c) the place where its office within this state is located and if  
21 such place be in a city, the location thereof by street and number or  
22 other particular description.

23     3. Any association, from time to time, may change the address to which  
24 the secretary of state is directed to mail copies of process or specify,  
25 change or delete the email address to which the secretary of state shall  
26 email a notice of the fact that process against the association has been  
27 electronically served upon him or her, by filing a statement to that  
28 effect, executed, signed and acknowledged in like manner as a certifi-  
29 cate of designation as herein provided.

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

32     § 19. Service of process. Service of process against an association  
33 upon the secretary of state shall be made [by personally] in the manner  
34 provided by subdivision one or two of this section. (1) Personally  
35 delivering to and leaving with him [or a deputy secretary of state or an  
36 associate attorney, senior attorney or attorney in the corporation divi-  
37 sion of the department of state] or her or with a person authorized by  
38 the secretary of state to receive such service, duplicate copies of such  
39 process at the office of the department of state in the city of Albany.  
40 At the time of such service the plaintiff shall pay a fee of forty  
41 dollars to the secretary of state which shall be a taxable disbursement.  
42 [If the cost of registered mail for transmitting a copy of the process  
43 shall exceed two dollars, an additional fee equal to such excess shall  
44 be paid at the time of the service of such process.] The secretary of  
45 state shall [forthwith] promptly send by [registered] certified mail one  
46 of such copies to the association at the address fixed for that purpose,  
47 as herein provided. (2) Electronically submitting a copy of the process  
48 to the department of state together with the statutory fee, which fee  
49 shall be a taxable disbursement, through an electronic system operated  
50 by the department of state, provided the association has an email  
51 address on file in the department of state to which the secretary of  
52 state shall email a notice of the fact that process has been served  
53 electronically on the secretary of state. Service of process on such  
54 association shall be complete when the secretary of state has reviewed  
55 and accepted service of such process. The secretary of state shall  
56 promptly send a notice of the fact that process against such association





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

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

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

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

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

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

29 § 211-A. Certificate of change. (a) A limited liability company may  
30 amend its articles of organization from time to time to (i) specify or  
31 change the location of the limited liability company's office; (ii)  
32 specify or change the post office address to which the secretary of  
33 state shall mail a copy of any process against the limited liability  
34 company served upon him or her; [and] (iii) specify, change or delete  
35 the email address to which the secretary of state shall email a notice  
36 of the fact that process against the limited liability company has been  
37 electronically served upon him or her; and (iv) make, revoke or change  
38 the designation of a registered agent, or specify or change the address  
39 of the registered agent. Any one or more such changes may be accom-  
40 plished by filing a certificate of change which shall be entitled  
41 "Certificate of Change of ..... (name of limited liability company)  
42 under section 211-A of the Limited Liability Company Law" and shall be  
43 signed and delivered to the department of state. It shall set forth:

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

46 (2) the date the articles of organization were filed by the department  
47 of state; and

48 (3) each change effected thereby.

49 (b) A certificate of change which changes only the post office address  
50 to which the secretary of state shall mail a copy of any process against  
51 a limited liability company served upon him or her, and/or the email  
52 address to which the secretary of state shall email a notice of the fact  
53 that process against it has been electronically served upon the secre-  
54 tary of state and/or the address of the registered agent, provided such  
55 address being changed, and/or the email address being changed is the  
56 email address of a person, partnership or other corporation whose email

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

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

22 (c) Any designated post office address to which the secretary of state  
23 shall mail a copy of process served upon him or her as agent of a domes-  
24 tic limited liability company or a foreign limited liability company  
25 shall continue until the filing of a certificate or other instrument  
26 under this chapter directing the mailing to a different post office  
27 address and any designated email address to which the secretary of state  
28 shall email a notice of the fact that process has been electronically  
29 served upon him or her as agent of a domestic limited liability company  
30 or foreign limited liability company, shall continue until the filing of  
31 a certificate or other instrument under this chapter changing or delet-  
32 ing such email address.

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

36 (a) Service of process on the secretary of state as agent of a domes-  
37 tic limited liability company or authorized foreign limited liability  
38 company shall be made [by personally] in the manner provided by para-  
39 graph one or two of this subdivision. (1) Personally delivering to and  
40 leaving with the secretary of state or his or her deputy, or with any  
41 person authorized by the secretary of state to receive such service, at  
42 the office of the department of state in the city of Albany, duplicate  
43 copies of such process together with the statutory fee, which fee shall  
44 be a taxable disbursement. Service of process on such limited liability  
45 company shall be complete when the secretary of state is so served. The  
46 secretary of state shall promptly send one of such copies by certified  
47 mail, return receipt requested, to such limited liability company at the  
48 post office address on file in the department of state specified for  
49 that purpose. (2) Electronically submitting a copy of the process to the  
50 department of state together with the statutory fee, which fee shall be  
51 a taxable disbursement, through an electronic system operated by the  
52 department of state, provided the domestic or authorized foreign limited  
53 liability company has an email address on file in the department of  
54 state to which the secretary of state shall email a notice of the fact  
55 that process has been served electronically on the secretary of state.  
56 Service of process on such limited liability company shall be complete



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

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

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

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

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

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

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

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

34 § 804-A. Certificate of change. (a) A foreign limited liability compa-  
35 ny may amend its application for authority from time to time to (i)  
36 specify or change the location of the limited liability company's  
37 office; (ii) specify or change the post office address to which the  
38 secretary of state shall mail a copy of any process against the limited  
39 liability company served upon him or her; [and] (iii) specify, change or  
40 delete the email address to which the secretary of state shall email a  
41 notice of the fact that process against the limited liability company  
42 has been electronically served upon him or her; and (iv) to make, revoke  
43 or change the designation of a registered agent, or to specify or change  
44 the address of a registered agent. Any one or more such changes may be  
45 accomplished by filing a certificate of change which shall be entitled  
46 "Certificate of Change of ..... (name of limited liability company)  
47 under section 804-A of the Limited Liability Company Law" and shall be  
48 signed and delivered to the department of state. It shall set forth:

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

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

54 (3) each change effected thereby,

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

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

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

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

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

36 § 807. Termination of existence. When a foreign limited liability  
37 company that has received a certificate of authority is dissolved or its  
38 authority to conduct its business or existence is otherwise terminated  
39 or canceled in the jurisdiction of its formation or when such foreign  
40 limited liability company is merged into or consolidated with another  
41 foreign limited liability company, (a) a certificate of the secretary of  
42 state or official performing the equivalent function as to limited  
43 liability company records in the jurisdiction of organization of such  
44 limited liability company attesting to the occurrence of any such event  
45 or (b) a certified copy of an order or decree of a court of such juris-  
46 diction directing the dissolution of such foreign limited liability  
47 company, the termination of its existence or the surrender of its  
48 authority shall be delivered to the department of state. The filing of  
49 the certificate, order or decree shall have the same effect as the  
50 filing of a certificate of surrender of authority under section eight  
51 hundred six of this article. The secretary of state shall continue as  
52 agent of the foreign limited liability company upon whom process against  
53 it may be served in the manner set forth in article three of this chap-  
54 ter, in any action or proceeding based upon any liability or obligation  
55 incurred by the foreign limited liability company within this state  
56 prior to the filing of such certificate, order or decree. The post

1 office address and/or email address may be changed by filing with the  
2 department of state a certificate of amendment under section eight  
3 hundred four of this article.

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

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

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

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

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

29 (d) Any designated post-office address to which the secretary of state  
30 shall mail a copy of process served upon him or her as agent of a domes-  
31 tic corporation formed under article four of this chapter or foreign  
32 corporation, shall continue until the filing of a certificate or other  
33 instrument under this chapter directing the mailing to a different post-  
34 office address and any designated email address to which the secretary  
35 of state shall email a notice of the fact that process has been elec-  
36 tronically served upon him or her as agent of a domestic corporation or  
37 foreign corporation, shall continue until the filing of a certificate or  
38 other instrument under this chapter changing or deleting the email  
39 address.

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

43 (b) Service of process on the secretary of state as agent of a domes-  
44 tic corporation formed under article four of this chapter or an author-  
45 ized foreign corporation shall be made [by personally] in the manner  
46 provided by subparagraph one or two of this paragraph. (1) Personally  
47 delivering to and leaving with the secretary of state or his or her  
48 deputy, or with any person authorized by the secretary of state to  
49 receive such service, at the office of the department of state in the  
50 city of Albany, duplicate copies of such process together with the stat-  
51 utory fee, which fee shall be a taxable disbursement. Service of process  
52 on such corporation shall be complete when the secretary of state is so  
53 served. The secretary of state shall promptly send one of such copies  
54 by certified mail, return receipt requested, to such corporation, at the  
55 post office address, on file in the department of state, specified for  
56 the purpose. If a domestic corporation formed under article four of this



chapter or an authorized foreign corporation has no such address on file in the department of state, the secretary of state shall so mail such copy to such corporation at the address of its office within this state on file in the department. (2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the domestic or authorized foreign corporation has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such corporation shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such corporation has been served electronically on him or her to such corporation at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such corporation.

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

(b) (1) Service of such process upon the secretary of state shall be made [by personally] in the manner provided by items (i) or (ii) of this subparagraph. (i) Personally delivering to and leaving with him or his deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, a copy of such process together with the statutory fee, which fee shall be a taxable disbursement. [Such service] (ii) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state.

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

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

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

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

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

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



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

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

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

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

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

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

22     (b) A certificate of change which changes only the post office address  
23 to which the secretary of state shall mail a copy of any process against  
24 the corporation served upon him or her, and/or the email address to  
25 which the secretary of state shall email a notice of the fact that proc-  
26 ess against it has been electronically served upon the secretary of  
27 state, and/or the address of the registered agent, provided such address  
28 being changed is the address of a person, partnership or other corpo-  
29 ration whose address, as agent, is the address to be changed [or],  
30 and/or the email address being changed is the email address of a person,  
31 partnership or other corporation, whose email address, as agent, is the  
32 email address to be changed, and/or who has been designated as regis-  
33 tered agent for such corporation, may be signed and delivered to the  
34 department of state by such agent. The certificate of change shall set  
35 forth the statements required under subparagraphs (1), (2) and (3) of  
36 paragraph (a) of this section; that a notice of the proposed change was  
37 mailed to the corporation by the party signing the certificate not less  
38 than thirty days prior to the date of delivery to the department and  
39 that such corporation has not objected thereto; and that the party sign-  
40 ing the certificate is the agent of such corporation to whose address  
41 the secretary of state is required to mail copies of any process against  
42 the corporation served upon him or her, and/or the agent of the corpo-  
43 ration to whose the email address the secretary of state is required to  
44 email a notice of the fact that process against the corporation has been  
45 electronically served upon him or her, and/or the registered agent, if  
46 such be the case. A certificate signed and delivered under this para-  
47 graph shall not be deemed to effect a change of location of the office  
48 of the corporation in whose behalf such certificate is filed.

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

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

55     (c) A certificate of change of application for authority which changes  
56 only the post office address to which the secretary of state shall mail

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

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

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

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

36 § 1312. Termination of existence.

37 When an authorized foreign corporation is dissolved or its authority  
38 or existence is otherwise terminated or cancelled in the jurisdiction of  
39 its incorporation or when such foreign corporation is merged into or  
40 consolidated with another foreign corporation, a certificate of the  
41 secretary of state, or official performing the equivalent function as to  
42 corporate records, of the jurisdiction of incorporation of such foreign  
43 corporation attesting to the occurrence of any such event or a certified  
44 copy of an order or decree of a court of such jurisdiction directing the  
45 dissolution of such foreign corporation, the termination of its exist-  
46 ence or the cancellation of its authority shall be delivered to the  
47 department of state. The filing of the certificate, order or decree  
48 shall have the same effect as the filing of a certificate of surrender  
49 of authority under section 1311 (Surrender of authority). The secretary  
50 of state shall continue as agent of the foreign corporation upon whom  
51 process against it may be served in the manner set forth in paragraph  
52 (b) of section 306 (Service of process), in any action or special  
53 proceeding based upon any liability or obligation incurred by the  
54 foreign corporation within this state prior to the filing of such  
55 certificate, order or decree and he shall promptly cause a copy of any  
56 such process to be mailed by [registered] certified mail, return receipt





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

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

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

24 § 41. Subdivision (a) and the opening paragraph of subdivision (b) of  
25 section 121-109 of the partnership law, as added by chapter 950 of the  
26 laws of 1990 and as relettered by chapter 341 of the laws of 1999, are  
27 amended to read as follows:

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

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

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

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

42 (2) Electronically submitting a copy of the process to the department  
43 of state together with the statutory fee, which fee shall be a taxable  
44 disbursement, through an electronic system operated by the department of  
45 state, provided the domestic or authorized foreign limited partnership  
46 has an email address on file in the department of state to which the  
47 secretary of state shall email a notice of the fact that process has  
48 been served electronically on the secretary of state as agent of such  
49 domestic or authorized foreign limited partnership. Service of process  
50 on such limited partnership or authorized foreign limited partnership  
51 shall be complete when the secretary of state has reviewed and accepted  
52 service of such process. The secretary of state shall promptly send a  
53 notice of the fact that process has been served to such limited partner-  
54 ship at the email address on file in the department of state, specified  
55 for the purpose and shall make a copy of the process available to such  
56 limited partnership or authorized foreign limited partnership.



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

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

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

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

32 (4) a change in the name of the limited partnership, or a change in  
33 the post office address to which the secretary of state shall mail a  
34 copy of any process against the limited partnership served on him or  
35 her, a change in the email address to which the secretary of state shall  
36 email a notice of the fact that process against the limited partnership  
37 has been electronically served upon him or her, or a change in the name  
38 or address of the registered agent, if such change is made other than  
39 pursuant to section 121-104 or 121-105 of this article.

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

43 A certificate of limited partnership may be changed by filing with the  
44 department of state a certificate of change entitled "Certificate of  
45 Change of ..... (name of limited partnership) under Section 121-202-A of  
46 the Revised Limited Partnership Act" and shall be signed and delivered  
47 to the department of state. A certificate of change may (i) specify or  
48 change the location of the limited partnership's office; (ii) specify or  
49 change the post office address to which the secretary of state shall  
50 mail a copy of process against the limited partnership served upon him;  
51 [and] (iii) specify, change or delete the email address to which the  
52 secretary of state shall email a notice of the fact that process against  
53 the limited partnership has been electronically served upon him or her;  
54 and (iv) make, revoke or change the designation of a registered agent,  
55 or to specify or change the address of its registered agent. It shall  
56 set forth:

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a limited partnership served upon him or her, the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the address to be changed, and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed, or who has been designated as registered agent for such limited partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subdivision (a) of this section; that a notice of the proposed change was mailed to the domestic limited partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such domestic limited partnership has not objected thereto; and that the party signing the certificate is the agent of such limited partnership to whose address the secretary of state is required to mail copies of process [or], and/or the agent to whose email address the secretary of state is required to email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited partnership in whose behalf such certificate is filed.

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

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

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

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

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

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

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

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

34 § 48. Section 121-906 of the partnership law, as amended by chapter  
35 172 of the laws of 1999, is amended to read as follows:

36 § 121-906. Termination of existence. When a foreign limited partner-  
37 ship which has received a certificate of authority is dissolved or its  
38 authority to conduct its business or existence is otherwise terminated  
39 or cancelled in the jurisdiction of its organization or when such  
40 foreign limited partnership is merged into or consolidated with another  
41 foreign limited partnership, (i) a certificate of the secretary of  
42 state, or official performing the equivalent function as to limited  
43 partnership records, in the jurisdiction of organization of such limited  
44 partnership attesting to the occurrence of any such event, or (ii) a  
45 certified copy of an order or decree of a court of such jurisdiction  
46 directing the dissolution of such foreign limited partnership, the  
47 termination of its existence or the surrender of its authority, shall be  
48 delivered to the department of state. The filing of the certificate,  
49 order or decree shall have the same effect as the filing of a certif-  
50 icate of surrender of authority under section 121-905 of this article.  
51 The secretary of state shall continue as agent of the foreign limited  
52 partnership upon whom process against it may be served in the manner set  
53 forth in section 121-109 of this article, in any action or proceeding  
54 based upon any liability or obligation incurred by the foreign limited  
55 partnership within this state prior to the filing of such certificate,  
56 order or decree. The post office address and/or email address may be



1 changed by filing with the department of state a certificate of amend-  
2 ment under section 121-903 or a certificate of change under section  
3 121-903-A of this article.

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

7 (7) A designation of the secretary of state as its agent upon whom  
8 process against it may be served in the manner set forth in section  
9 121-109 of this article in any action or special proceeding, and a post  
10 office address, within or without this state, to which the secretary of  
11 state shall mail a copy of any process served upon him or her. The  
12 limited partnership may include an email address to which the secretary  
13 of state shall email a notice of the fact that process against it has  
14 been electronically served upon him or her. Such post office address or  
15 email address shall supersede any prior address designated as the  
16 address to which process shall be mailed or a notice emailed.

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

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

30 (j-1) A certificate of change which changes only the post office  
31 address to which the secretary of state shall mail a copy of any process  
32 against a registered limited liability partnership served upon him or  
33 her, and/or the email address to which the secretary of state shall  
34 email a notice of the fact that process against it has been electron-  
35 ically served upon the secretary of state, and/or the address of the  
36 registered agent, provided such address being changed is the address of  
37 a person, partnership or corporation whose address, as agent, is the  
38 address to be changed [or], and/or the email address being changed is  
39 the email address of a person, partnership or other corporation whose  
40 email address, as agent, is the email address to be changed, and/or who  
41 has been designated as registered agent for such registered limited  
42 liability partnership shall be signed and delivered to the department of  
43 state by such agent. The certificate of change shall set forth: (i) the  
44 name of the registered limited liability partnership and, if it has been  
45 changed, the name under which it was originally filed with the depart-  
46 ment of state; (ii) the date of filing of its initial registration or  
47 notice statement; (iii) each change effected thereby; (iv) that a notice  
48 of the proposed change was mailed to the limited liability partnership  
49 by the party signing the certificate not less than thirty days prior to  
50 the date of delivery to the department of state and that such limited  
51 liability partnership has not objected thereto; and (v) that the party  
52 signing the certificate is the agent of such limited liability partner-  
53 ship to whose address the secretary of state is required to mail copies  
54 of process [or], and/or to whose email address the secretary of state is  
55 required to mail a notice of the fact that process against it has been  
56 electronically served upon the secretary of state, and/or the registered

1 agent, if such be the case. A certificate signed and delivered under  
2 this subdivision shall not be deemed to effect a change of location of  
3 the office of the limited liability partnership in whose behalf such  
4 certificate is filed. The certificate of change shall be accompanied by  
5 a fee of five dollars.

6 § 51. Paragraph (v) of subdivision (a) and subdivision (i-1) of  
7 section 121-1502 of the partnership law, paragraph (v) of subdivision  
8 (a) as amended by chapter 470 of the laws of 1997 and subdivision (i-1)  
9 as added by chapter 448 of the laws of 1998, are amended to read as  
10 follows:

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

18 (i-1) A certificate of change which changes only the post office  
19 address to which the secretary of state shall mail a copy of any process  
20 against a New York registered foreign limited liability partnership  
21 served upon him or her, and/or the email address to which the secretary  
22 of state shall email a notice of the fact that process against it has  
23 been electronically served upon the secretary of state, and/or the  
24 address of the registered agent, provided such address being changed is  
25 the address of a person, partnership or corporation whose address, as  
26 agent, is the address to be changed [or], and/or the email address being  
27 changed is the email address of a person, partnership or other corpo-  
28 ration whose email address, as agent, is the email address to be  
29 changed, and/or who has been designated as registered agent of such  
30 registered foreign limited liability partnership shall be signed and  
31 delivered to the department of state by such agent. The certificate of  
32 change shall set forth: (i) the name of the New York registered foreign  
33 limited liability partnership; (ii) the date of filing of its initial  
34 registration or notice statement; (iii) each change effected thereby;  
35 (iv) that a notice of the proposed change was mailed to the limited  
36 liability partnership by the party signing the certificate not less than  
37 thirty days prior to the date of delivery to the department of state and  
38 that such limited liability partnership has not objected thereto; and  
39 (v) that the party signing the certificate is the agent of such limited  
40 liability partnership to whose address the secretary of state is  
41 required to mail copies of process [or], and/or to whose email address  
42 the secretary of state is required to mail a notice of the fact that  
43 process against it has been electronically served upon the secretary of  
44 state, and/or the registered agent, if such be the case. A certificate  
45 signed and delivered under this subdivision shall not be deemed to  
46 effect a change of location of the office of the limited liability part-  
47 nership in whose behalf such certificate is filed. The certificate of  
48 change shall be accompanied by a fee of five dollars.

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

51 (a) Service of process on the secretary of state as agent of a regis-  
52 tered limited liability partnership or New York registered foreign  
53 limited liability partnership under this article shall be made [by  
54 personally] in the manner provided by paragraph one or two of this  
55 subdivision. (1) Personally delivering to and leaving with the secretary  
56 of state or a deputy, or with any person authorized by the secretary of



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

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

33 7. A designation of the secretary of state as agent of the corporation  
34 or board of managers upon whom process against it may be served and the  
35 post office address within or without this state to which the secretary  
36 of state shall mail a copy of any process against it served upon him or  
37 her. The designation may include an email address to which the secretary  
38 of state shall email a notice of the fact that process against it has  
39 been electronically served upon him or her. Service of process on the  
40 secretary of state as agent of such corporation or board of managers  
41 shall be made [personally] in the manner provided by paragraph (a) or  
42 (b) of this subdivision. (a) Personally delivering to and leaving with  
43 him or her or his or her deputy, or with any person authorized by the  
44 secretary of state to receive such service, at the office of the depart-  
45 ment of state in the city of Albany, duplicate copies of such process  
46 together with the statutory fee, which shall be a taxable disbursement.  
47 Service of process on such corporation or board of managers shall be  
48 complete when the secretary of state is so served. The secretary of  
49 state shall promptly send one of such copies by certified mail, return  
50 receipt requested, to such corporation or board of managers, at the post  
51 office address, on file in the department of state, specified for such  
52 purpose. (b) Electronically submitting a copy of the process to the  
53 department of state together with the statutory fee, which fee shall be  
54 a taxable disbursement, through an electronic system operated by the  
55 department of state, provided the corporation or board of managers has  
56 an email address on file in the department of state to which the secre-



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

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

18 PART P

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

21 § 142-b. Remote notarization. 1. Definitions. As used in this section,  
22 the following terms have the following meanings:

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

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

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

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

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

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

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

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

47 (iii) provides output of the credential analysis to the notary public;  
48 and

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

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



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

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

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

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

14 (i) "Principal" means an individual:

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

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

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

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

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

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

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

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

38 (a) The notary public must verify the identity of the principal in a  
39 manner consistent with the requirements of subdivision three of this  
40 section. A notary public may require an individual to provide additional  
41 information or identification credentials necessary to assure the notary  
42 public of the identity of the principal.

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

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

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

50 (e) The notary public must take reasonable steps to ensure that a  
51 backup of the recording of the remote notarization exists and is secured  
52 from unauthorized use. A notary public may authorize a third party to  
53 retain such recordings on behalf of the notary, provided that all  
54 recordings retained by a third party be made available to the secretary  
55 upon request.

1 (f) If a notarial act is performed under this section, the certifi-  
2 icates of an acknowledgment must conform substantially with the language  
3 in this paragraph that corresponds to the type of transaction at issue,  
4 the blanks being properly filled.

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

7 State of New York }ss.:

8 County of .....}

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

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

26 State of New York }ss.:

27 County of .....}

28 On the ..... day of ..... in the year ..... before me, the  
29 undersigned, appeared through use of audio and video communi-  
30 cation....., personally known to me or proved to me on the basis of  
31 satisfactory evidence to be the individual(s) whose name(s) is (are)  
32 subscribed to the within instrument and acknowledged to me that  
33 he/she/they executed the same in his/her/their capacity(ies), and that  
34 by his/her/their signature(s) on the instrument, the individual(s), or  
35 the person upon behalf of which the individual(s) acted, executed the  
36 instrument. (Signature and office of individual taking acknowledgement.)

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

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

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

49 (1) Be made contemporaneously with the performance of the notarial  
50 act;

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

52 (3) Indicate the name of the principal;

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

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

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



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

4     (a) The notary public's personal knowledge of the principal; or  
5     (b) Identification of the principal who appears remotely before the  
6 notary by means of audio-video communication by each of the following:  
7     (i) Remote presentation by the principal of a credential;  
8     (ii) Credential analysis; and  
9     (iii) Identity proofing of the principal; or

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

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

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

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

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

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

42    9. Notarial signature.

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

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

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

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

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

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

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

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

17 State of New York }ss.:

18 County of .....}

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

28 (Signature and office of individual taking acknowledgement.)

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

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

36 State, District of Columbia, Territory, Possession, or Foreign Country

37 ) ss.:

38 On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the  
39 undersigned, either (i) personally appeared or (ii) appeared remotely by  
40 audio and video technology \_\_\_\_\_, personally known to me or  
41 proved to me on the basis of satisfactory evidence to be the  
42 individual(s) whose name(s) is (are) subscribed to the within instrument  
43 and acknowledged to me that he/she/they executed the same in  
44 his/her/their capacity(ies), and that by his/her/their signature(s) on  
45 the instrument, the individual(s), or the person upon behalf of which  
46 the individual(s) acted, executed the instrument.

47 (Signature and office of individual taking acknowledgement.)

48 § 4. This act shall take effect immediately.

49 PART Q

50 Section 1. Paragraph (b) of subdivision 5 of section 8-0111 of the  
51 environmental conservation law, as amended by chapter 388 of the laws of  
52 2011, is amended to read as follows:



(b) Actions subject to the provisions requiring a certificate of environmental compatibility and public need in articles seven, ten and the former article eight of the public service law or requiring a siting permit under section ninety-four-c of the executive law; or

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

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

(d) In addition to the fees established pursuant to paragraph (a) of this subdivision, the office, pursuant to regulations adopted pursuant to this section, may assess a fee for the purpose of recovering [the] costs the office incurs [related to reviewing and processing an application submitted under this section].

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

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

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

#### PART R

Section 1. Notwithstanding any provision of law to the contrary, general, special or local, (1) a building owner is authorized pursuant to sections 28-320-3.6 and 28-320-3.6.1 of the administrative code of the city of New York to deduct from the reported annual building emissions the number of renewable energy credits purchased by or on behalf of such owner associated with energy produced by a renewable energy resource that is eligible under tier 2 of the renewable energy standard (RES) adopted by the public service commission, or qualifying renewable energy credits made available through contracts with the New York state



1 energy research and development authority and associated with energy  
2 produced by offshore wind energy resources delivering into the zone J  
3 load zone or energy resources subject to tier 4 of the RES; provided,  
4 however, that such building owner may only use tier 2 renewable energy  
5 credits for the purposes of this subdivision in the absence of the  
6 availability of such offshore wind or tier 4 renewable energy credits;  
7 and (2) renewable energy credits associated with energy produced by such  
8 offshore wind, tier 2 and tier 4 energy resources shall be treated the  
9 same with respect to the conversion of such credits into emissions that  
10 may be deducted by such building owner.

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

13 PART S

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

16 § 2564-a. Additional powers of the corporation. 1. For the purposes of  
17 this section, the following terms shall have the following meanings:

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

23 (b) "New York city codes" means the New York city construction codes  
24 of two thousand fourteen, including but not limited to the building,  
25 mechanical, plumbing, fuel gas, and energy conservation codes; the New  
26 York city construction and maintenance code of nineteen hundred sixty-  
27 eight; the New York city fire code of two thousand fourteen; the New  
28 York city electrical code; the New York city energy code; title one of  
29 the rules of the city of New York, department of buildings; title two of  
30 the rules of the city of New York board of standards and appeals; and  
31 title three of the rules of the city of New York fire department.

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

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

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

39 2. In connection with the operations and ongoing events and other  
40 activities at any building or structure constituting all or any part of  
41 a premises, the corporation may, for purposes of such premises, act as  
42 the construction-permitting agency pursuant to article eighteen of the  
43 executive law and the regulations promulgated thereunder, as amended.  
44 Notwithstanding any other provision of any other state or local law,  
45 rule or regulation to the contrary:

46 (a) when the corporation acts as the construction-permitting agency  
47 for the premises or any portion thereof, the corporation may elect, if  
48 deemed feasible and appropriate, to subject all or any part of such  
49 premises and all buildings and structures constituting all or any part  
50 of the premises to the requirements of the New York city codes, as  
51 amended, instead of the requirements of the uniform code and the NYS  
52 energy code, as amended, for such premises; and

53 (b) Notwithstanding the fact that such premises and all buildings and  
54 structures constituting all or any part of such premises shall be

1 subject to the requirements of the New York city codes instead of the  
2 requirements of the uniform code and NYS energy code:

3 (i) the corporation shall be authorized to:

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

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

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

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

21 (E) employ such experts and consultants as shall reasonably be  
22 required to fulfill its responsibilities as the construction-permitting  
23 agency; and

24 (ii) the corporation shall continue to act as the construction-permit-  
25 ting agency for such premises and for all buildings and structures  
26 constituting all or any part of such premises, and shall determine that  
27 the design of any such building and structure, or, if applicable, the  
28 design of any phase or portion of any such building or structure,  
29 complies with the requirements of the New York city codes before issuing  
30 a construction permit for such building or structure, or phase or  
31 portion thereof, and shall determine that such building or structure,  
32 or, if applicable, any phase or portion thereof, complies with the  
33 requirements of the New York city codes before issuing a code compliance  
34 certificate or temporary approval for occupancy for such building or  
35 structure, or phase or portion thereof; and

36 (iii) upon written request of the corporation or any other interested  
37 party for a variance or modification of any provision or requirement of  
38 any one or more of the New York city codes, the department of state  
39 shall be authorized to consider the evidence offered and such other  
40 reports, studies and other information the department of state may deem  
41 appropriate, arrange for the review of the request by other state agen-  
42 cies or internal or external experts and consultants, make findings of  
43 fact and conclusions of law, and render a decision in writing on such  
44 request, granting or denying, in whole or in part, the requested vari-  
45 ance or modification, provided, however, that:

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

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

53 (iv) such premises and all buildings and structures constituting all  
54 or any part of such premises shall continue to be subject to the  
55 provisions of part twelve hundred four; provided, however, that for the  
56 purposes of applying part twelve hundred four, all references in part

1 twelve hundred four to the uniform code shall be deemed to be references  
2 to the New York city codes; and

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

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

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

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

34 § 2. This act shall take effect immediately.

35 PART T

36 Section 1. Legislative Findings. The legislature hereby finds and  
37 determines that the establishment of the utility debt securitization  
38 authority under part B of chapter 173 of the laws of 2013, as amended,  
39 permitted the issuance of securitized restructuring bonds on favorable  
40 terms which resulted in lower aggregate distribution, transmission and  
41 transition charges to Long Island ratepayers, compared to other avail-  
42 able alternatives, and the purposes of such act will be further advanced  
43 by amending such act to permit the issuance of additional such bonds  
44 subject to a limit on the outstanding principal amount thereof and to  
45 allow such bonds to be issued to refund bonds of the utility debt secu-  
46 ritization authority. The legislature hereby further finds and deter-  
47 mines that improvements to the transmission and distribution system of  
48 the Long Island Power Authority to increase resiliency and better with-  
49 stand the effects of climate change are necessary, and that issuance of  
50 securitized restructuring bonds by the Utility Debt Securitization  
51 Authority may allow the funding of such improvements on more favorable  
52 terms than if such bonds were issued by the Long Island Power Authority.

53 § 2. Subdivision 2 of section 2 of part B of chapter 173 of the laws  
54 of 2013 relating to the issuance of securitized restructuring bonds to



1 refinance the outstanding debt of the Long Island power authority, is  
2 amended to read as follows:

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

17 § 3. Subdivision 11 of section 2 of part B of chapter 173 of the laws  
18 of 2013 relating to the issuance of securitized restructuring bonds to  
19 refinance the outstanding debt of the Long Island power authority, as  
20 amended by section 2-a of part W of chapter 58 of the laws of 2015, is  
21 amended to read as follows:

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

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

36 17-a. "System resiliency costs" means, to the extent approved as such  
37 under a restructuring cost financing order, costs of rebuilding, improv-  
38 ing or constructing transmission and distribution system assets to  
39 increase resiliency of such assets, better withstand changes in climate,  
40 absorb impacts from outage-inducing events, and recover quickly from  
41 outages including but not limited to, improvements to and replacement of  
42 poles and wires, moving power lines underground, raising substations,  
43 constructing flood barriers, and system automation and costs of purchas-  
44 ing, redeeming or defeasing debt of the authority incurred to finance  
45 such costs or reimbursing the authority for amounts already spent on  
46 such costs.

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

51 1. Standard. The authority may prepare a restructuring cost financing  
52 order (a) for the purpose of issuing restructuring bonds to refinance  
53 outstanding debt of the authority or the restructuring bond issuer based  
54 on a finding that such bond issuance is expected to result in savings to  
55 consumers of electric transmission and distribution services in the  
56 service area on a net present value basis; or (b) for the purpose of

1 issuing restructuring bonds to finance system resiliency costs based on  
2 a finding that funding of such system resiliency costs by the issuer  
3 would result in lower costs to consumers of electric transmission and  
4 distribution services in the service area on a net present value basis  
5 than funding of such costs by the authority.

6 § 6. Paragraph (a) of subdivision 1 of section 4 of part B of chapter  
7 173 of the laws of 2013 relating to the issuance of securitized restruc-  
8 turing bonds to refinance the outstanding debt of the Long Island power  
9 authority, as amended by section 3 of part W of chapter 58 of the laws  
10 of 2015, is amended to read as follows:

11 (a) For the purpose of effectuating the purposes declared in section  
12 one of this act, there is hereby created a special purpose corporate  
13 municipal instrumentality of the state to be known as "utility debt  
14 securitization authority", which shall be a body corporate and politic,  
15 a political subdivision of the state, and a public benefit corporation,  
16 exercising essential governmental and public powers for the good of the  
17 public. Such restructuring bond issuer shall not be created or organ-  
18 ized, and its operations shall not be conducted, for the purpose of  
19 making a profit. No part of the revenues or assets of such restructuring  
20 bond issuer shall inure to the benefit of or be distributable to its  
21 trustees or officers or any other private persons, except as herein  
22 provided for actual services rendered. [The aggregate principal amount  
23 of restructuring bonds authorized to be issued by restructuring bond  
24 issuers created pursuant to this act shall not exceed] No more than four  
25 billion five hundred million dollars aggregate principal amount of  
26 restructuring bonds issued by restructuring bond issuers created pursu-  
27 ant to this act shall be outstanding at any time. For the purposes of  
28 this section, restructuring bonds shall not be deemed to be outstanding  
29 if they have matured or if they have been paid or redeemed or provision  
30 for payment or redemption of such bonds shall have been made.

31 § 7. Subparagraphs (i) and (iv) of paragraph (a) of subdivision 2 of  
32 section 4 of part B of chapter 173 of the laws of 2013 relating to the  
33 issuance of securitized restructuring bonds to refinance the  
34 outstanding debt of the Long Island power authority, subparagraph (i) as  
35 amended and subparagraph (iv) as added by section 4 of part W of chapter  
36 58 of the laws of 2015, are amended to read as follows:

37 (i) issue the restructuring bonds contemplated by a restructuring cost  
38 financing order, and use the proceeds thereof to purchase or acquire,  
39 and to own, hold and use restructuring property or to pay or fund  
40 upfront financing costs [provided, however, that the restructuring bond  
41 issuer shall not issue restructuring bonds for the purpose of refunding  
42 other restructuring bond];

43 (iv) [only] issue restructuring bonds of which the final scheduled  
44 maturity date of any series of restructuring bonds shall be no later  
45 than [the final scheduled maturity date of the authority bonds to be  
46 purchased, redeemed or defeased with the proceeds of such restructuring  
47 bonds] thirty years from the date of issuance of such restructuring  
48 bonds.

49 § 8. This act shall take effect immediately.

50 PART U

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

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

§ 2. This act shall take effect immediately.

#### PART V

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

(e) "Industrial insured" means an insured:

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

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

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

(4) who is the power authority of the state of New York and any statutory subsidiary or affiliate thereof. When filing an application to form a pure captive insurance company the power authority shall submit written notice of such filing to the governor, the temporary president of the senate and the speaker of the assembly; or

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

(g) "Industrial insured group" means any group of unaffiliated industrial insureds that are engaged in similar or related businesses or activities, however, the metropolitan transportation authority, the power authority of the state of New York and any statutory subsidiary or affiliate thereof and cities with a population of one million or more shall not be a member of an industrial insured group, and that collectively:

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

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

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

28. The authority may establish a subsidiary corporation for the purpose of forming a pure captive insurance company as provided in section seven thousand two of the insurance law. The members of such



1 subsidiary corporation of the authority shall be the same persons hold-  
2 ing the offices of members of the authority. Such subsidiary corporation  
3 shall have all of the privileges, immunities, tax exemptions and other  
4 exemptions of the authority and of the authority's property, functions  
5 and activities. The subsidiary corporation of the authority shall be  
6 subject to suit in accordance with section one thousand seventeen of  
7 this title. The employees of any such subsidiary corporation, except  
8 those who are also employees of the authority, shall not be deemed  
9 employees of the authority.

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

13 (a) The term "insurance corporation" includes a corporation, associ-  
14 ation, joint stock company or association, person, society, aggregation  
15 or partnership, by whatever name known, doing an insurance business,  
16 and, notwithstanding the provisions of section fifteen hundred twelve of  
17 this article, shall include (1) a risk retention group as defined in  
18 subsection (n) of section five thousand nine hundred two of the insur-  
19 ance law, (2) the state insurance fund and (3) a corporation, associ-  
20 ation, joint stock company or association, person, society, aggregation  
21 or partnership doing an insurance business as a member of the New York  
22 insurance exchange described in section six thousand two hundred one of  
23 the insurance law. The definition of the "state insurance fund"  
24 contained in this subdivision shall be limited in its effect to the  
25 provisions of this article and the related provisions of this chapter  
26 and shall have no force and effect other than with respect to such  
27 provisions. The term "insurance corporation" shall also include a  
28 captive insurance company doing a captive insurance business, as defined  
29 in subsections (c) and (b), respectively, of section seven thousand two  
30 of the insurance law; provided, however, "insurance corporation" shall  
31 not include the metropolitan transportation authority, the power author-  
32 ity of New York or any statutory subsidiary or affiliate thereof, or a  
33 public benefit corporation or not-for-profit corporation formed by a  
34 city with a population of one million or more pursuant to subsection (a)  
35 of section seven thousand five of the insurance law, each of which is  
36 expressly exempt from the payment of fees, taxes or assessments, whether  
37 state or local; and provided further "insurance corporation" does not  
38 include any combinable captive insurance company. The term "insurance  
39 corporation" shall also include an unauthorized insurer operating from  
40 an office within the state, pursuant to paragraph five of subsection (b)  
41 of section one thousand one hundred one and subsection (i) of section  
42 two thousand one hundred seventeen of the insurance law. The term  
43 "insurance corporation" also includes a health maintenance organization  
44 required to obtain a certificate of authority under article forty-four  
45 of the public health law.

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

49 (a) In lieu of the taxes and tax surcharge imposed by sections fifteen  
50 hundred one, fifteen hundred two-a, fifteen hundred five-a, and fifteen  
51 hundred ten of this article, every captive insurance company licensed by  
52 the superintendent of financial services pursuant to the provisions of  
53 article seventy of the insurance law, other than the metropolitan trans-  
54 portation authority, the power authority of New York or any statutory  
55 subsidiary or affiliate thereof, and a public benefit corporation or  
56 not-for-profit corporation formed by a city with a population of one



1 million or more pursuant to subsection (a) of section seven thousand  
2 five of the insurance law, each of which is expressly exempt from the  
3 payment of fees, taxes or assessments whether state or local, and other  
4 than combinable captive insurance company, shall, for the privilege of  
5 exercising its corporate franchise, pay a tax on (1) all gross direct  
6 premiums, less return premiums thereon, written on risks located or  
7 resident in this state and (2) all assumed reinsurance premiums, less  
8 return premiums thereon, written on risks located or resident in this  
9 state. The rate of the tax imposed on gross direct premiums shall be  
10 four-tenths of one percent on all or any part of the first twenty  
11 million dollars of premiums, three-tenths of one percent on all or any  
12 part of the second twenty million dollars of premiums, two-tenths of one  
13 percent on all or any part of the third twenty million dollars of premi-  
14 ums, and seventy-five thousandths of one percent on each dollar of  
15 premiums thereafter. The rate of the tax on assumed reinsurance premiums  
16 shall be two hundred twenty-five thousandths of one percent on all or  
17 any part of the first twenty million dollars of premiums, one hundred  
18 and fifty thousandths of one percent on all or any part of the second  
19 twenty million dollars of premiums, fifty thousandths of one percent on  
20 all or any part of the third twenty million dollars of premiums and  
21 twenty-five thousandths of one percent on each dollar of premiums there-  
22 after. The tax imposed by this section shall be equal to the greater of  
23 (i) the sum of the tax imposed on gross direct premiums and the tax  
24 imposed on assumed reinsurance premiums or (ii) five thousand dollars.  
25 § 5. This act shall take effect immediately.

26

## PART W

27 Section 1. Expenditures of moneys by the New York state energy  
28 research and development authority for services and expenses of the  
29 energy research, development and demonstration program, including  
30 grants, the energy policy and planning program, the zero emissions vehi-  
31 cle and electric vehicle rebate program, and the Fuel NY program shall  
32 be subject to the provisions of this section. Notwithstanding the  
33 provisions of subdivision 4-a of section 18-a of the public service law,  
34 all moneys committed or expended in an amount not to exceed \$22,700,000  
35 shall be reimbursed by assessment against gas corporations, as defined  
36 in subdivision 11 of section 2 of the public service law and electric  
37 corporations as defined in subdivision 13 of section 2 of the public  
38 service law, where such gas corporations and electric corporations have  
39 gross revenues from intrastate utility operations in excess of \$500,000  
40 in the preceding calendar year, and the total amount assessed shall be  
41 allocated to each electric corporation and gas corporation in proportion  
42 to its intrastate electricity and gas revenues in the calendar year  
43 2019. Such amounts shall be excluded from the general assessment  
44 provisions of subdivision 2 of section 18-a of the public service law.  
45 The chair of the public service commission shall bill such gas and/or  
46 electric corporations for such amounts on or before August 10, 2021 and  
47 such amounts shall be paid to the New York state energy research and  
48 development authority on or before September 10, 2021. Upon receipt, the  
49 New York state energy research and development authority shall deposit  
50 such funds in the energy research and development operating fund estab-  
51 lished pursuant to section 1859 of the public authorities law. The New  
52 York state energy research and development authority is authorized and  
53 directed to: (1) transfer up to \$4 million to the state general fund for  
54 climate change related services and expenses of the department of envi-



1 environmental conservation, \$150,000 to the state general fund for services  
2 and expenses of the department of agriculture and markets, and \$825,000  
3 to the University of Rochester laboratory for laser energetics from the  
4 funds received; and (2) commencing in 2016, provide to the chair of the  
5 public service commission and the director of the budget and the chairs  
6 and secretaries of the legislative fiscal committees, on or before  
7 August first of each year, an itemized record, certified by the presi-  
8 dent and chief executive officer of the authority, or his or her desig-  
9 nee, detailing any and all expenditures and commitments ascribable to  
10 moneys received as a result of this assessment by the chair of the  
11 department of public service pursuant to section 18-a of the public  
12 service law. This itemized record shall include an itemized breakdown  
13 of the programs being funded by this section and the amount committed to  
14 each program. The authority shall not commit for any expenditure, any  
15 moneys derived from the assessment provided for in this section, until  
16 the chair of such authority shall have submitted, and the director of  
17 the budget shall have approved, a comprehensive financial plan encom-  
18 passing all moneys available to and all anticipated commitments and  
19 expenditures by such authority from any source for the operations of  
20 such authority. Copies of the approved comprehensive financial plan  
21 shall be immediately submitted by the chair to the chairs and secre-  
22 taries of the legislative fiscal committees. Any such amount not commit-  
23 ted by such authority to contracts or contracts to be awarded or other-  
24 wise expended by the authority during the fiscal year shall be refunded  
25 by such authority on a pro-rata basis to such gas and/or electric corpo-  
26 rations, in a manner to be determined by the department of public  
27 service, and any refund amounts must be explicitly lined out in the  
28 itemized record described above.  
29 § 2. This act shall take effect immediately and shall be deemed to  
30 have been in full force and effect on and after April 1, 2021.

31 PART X

32 Section 1. Section 11-0701 of the environmental conservation law, as  
33 amended by section 1-a of part R of chapter 58 of the laws of 2013,  
34 paragraph a of subdivision 1 as amended by section 21 and subdivision 9  
35 as amended by section 17 of part EE of chapter 55 of the laws of 2014,  
36 is amended to read as follows:  
37 § 11-0701. Definitions of licenses and privileges of licensees.  
38 1. A hunting license[:  
39 a.] entitles a holder who is twelve [or], thirteen, fourteen or  
40 fifteen years of age to hunt wildlife[, except big game,] as provided in  
41 title 9 of this article subject, specifically, to the provisions of  
42 section 11-0929 of this article. It entitles such holder to possess  
43 firearms as provided in section 265.05 of the penal law. [A holder who  
44 is twelve or thirteen years of age shall not hunt with a crossbow.  
45 b. entitles a holder who is fourteen or fifteen years of age to hunt  
46 wildlife, including wild deer and bear, as provided in title 9 of this  
47 article, subject, specifically, to the provisions of section 11-0929 of  
48 this article. It entitles such holder to possess firearms as provided in  
49 section 265.05 of the penal law.]  
50 2. a. A hunting license entitles the holder to hunt wildlife subject  
51 to the following:  
52 (1) a holder who is eighteen years of age or older may hunt wildlife  
53 as provided in title 9 of this article,

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

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

A] , and

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

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

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

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

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

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

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

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

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

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

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

9. A muzzle-loading privilege when included on a hunting license entitles a holder who is [fourteen] twelve years of age or older to hunt



1 wild deer and bear with a muzzle-loading firearm or crossbow, as  
2 provided in title 9 of this article, in a special muzzle-loading firearm  
3 season.

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

7 b. Except as provided in section 11-0707 and section 11-0709 of this  
8 title, no person shall (1) hunt wild deer or bear unless such person  
9 holds and is entitled to exercise the privileges of a hunting license,  
10 and meets the requirements of this article; (2) hunt wild deer or bear  
11 with a longbow or crossbow in a special [longbow] archery season unless  
12 such person holds and is entitled to exercise the privileges of a hunt-  
13 ing license with a bowhunting privilege and meets the requirements of  
14 this article; or (3) hunt wild deer or bear with a muzzle-loading  
15 firearm in a special muzzle-loading firearm season unless such person is  
16 at least [fourteen] twelve years old and holds a hunting license with a  
17 muzzle-loading privilege and meets the requirements of this article.

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

20 § 4. Paragraph c of subdivision 3 of section 11-0901 of the environ-  
21 mental conservation law, as amended by section 19 of part EE of chapter  
22 55 of the laws of 2014, is amended to read as follows:

23 c. Wild small game and wild upland game birds shall be taken only by  
24 longbow, crossbow or gun, or by the use of raptors as provided in title  
25 10 of this article, except that:

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

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

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

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

36 (9) with a crossbow unless such crossbow shall consist of a bow and  
37 string, either compound or recurve, that launches a minimum fourteen  
38 inch [bolt] arrow, not including point, mounted upon a stock with a  
39 trigger that holds the string and limbs under tension until released.  
40 The trigger unit of such crossbow must have a working safety. [The mini-  
41 mum limb width of such crossbow shall be seventeen inches,] The crossbow  
42 shall have a minimum peak draw weight of one hundred pounds [and a maxi-  
43 mum peak draw weight of two hundred pounds. The] and the minimum overall  
44 length of such crossbow from buttstock to front of limbs shall be twen-  
45 ty-four inches.

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

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





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

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

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

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

12 12. Notwithstanding any inconsistent provision of this article, the  
13 department is authorized to adopt regulations which authorize the taking  
14 of wildlife by the use of crossbow. A summary of regulations adopted  
15 pursuant to this subdivision shall be published each year in the hunting  
16 syllabus issued pursuant to section 11-0323 of this article.

17 § 9. Subdivision 10 of section 11-0907 of the environmental conserva-  
18 tion law, as added by section 14 of part EE of chapter 55 of the laws of  
19 2014, is amended to read as follows:

20 10. Notwithstanding any provision of this chapter, or any prior  
21 notwithstanding language in this article, the department may, by regu-  
22 lation, authorize the taking of big game by the use of a crossbow by any  
23 licensed person in any big game season [in any area designated in items  
24 (a), (b), (c), (d), (e), (f), (i), (k) and (l) of paragraph a of subdi-  
25 vision two of this section in which a shotgun or muzzle loader is  
26 permitted provided however, that any crossbow use during an archery-only  
27 season shall only take place during the last fourteen consecutive days  
28 of such archery-only season in the southern zone provided that such  
29 archery-only season shall consist of not less than forty-five days and  
30 only during the last ten consecutive days of any archery-only season in  
31 the northern zone provided that such archery-only season shall consist  
32 of no less than twenty-three days. Any muzzle loading season which  
33 occurs at the same time as a special archery season may only occur  
34 during times when crossbows are authorized to be used].

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

38 1. A licensee who is twelve or thirteen years of age shall not hunt  
39 wildlife with a gun, or a crossbow or a longbow unless he or she is  
40 accompanied by his or her parent or legal guardian, or by a person twen-  
41 ty-one years of age or older designated in writing by his or her parent  
42 or legal guardian on a form prescribed by the department, who holds a  
43 hunting license. [A licensee who is twelve or thirteen years of age  
44 shall not hunt with a crossbow.]

45 § 11. Subparagraph 5 of paragraph b of subdivision 2 of section  
46 11-0929 of the environmental conservation law is REPEALED and subpara-  
47 graph 6 of paragraph b of subdivision 2 is renumbered subparagraph 5.

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

51 § 11-0933. Taking small game by crossbow.

52 Notwithstanding any provision of this chapter, or any prior notwith-  
53 standing language in this article, the department may, by regulation,  
54 authorize the taking of small game and wild upland game birds by the use  
55 of a crossbow by any licensed person [fourteen years of age or older],  
56 in any small game season[, in any area designated in items (a), (b),



(c), (d), (e), (f), (i), (k), and (l) of paragraph a of subdivision two of section 11-0907 of this title in which a shotgun or muzzle loader is permitted].

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

(i) There is hereby created a special account within the conservation fund to be known as the state fish and game trust account to consist of all moneys received by the state from the sale of lifetime hunting, fishing, and trapping licenses, and lifetime archery and muzzle-loading privileges pursuant to section 11-0702 of the environmental conservation law except those moneys deposited in the habitat conservation and access account pursuant to section eighty-three-a of this chapter. The state comptroller shall invest the moneys in such account in securities as defined by section ninety-eight-a of this article or, within the discretion of the comptroller to maximize income for the account, in investments authorized by section one hundred seventy-seven of the retirement and social security law or consistent with the provisions of subdivision b of section thirteen of the retirement and social security law. Any income earned by the investment of such moneys, except income transferred to the conservation fund pursuant to subparagraph (iii) of this paragraph, shall be added to and become a part of, and shall be used for the purposes of such account.

§ 14. This act shall take effect immediately.

#### PART Y

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

§ 27-2701. Definitions.

As used in this title:

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

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

3. "Operator" means a person in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner of the store.

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

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

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

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



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

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

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

12 6. "Store" means a retail establishment that [provides] provided plas-  
13 tic carryout bags to its customers as a result of the sale of a product  
14 any time prior to March first, two thousand twenty and (a) has over ten  
15 thousand square feet of retail space, or (b) such retail establishment  
16 is part of a chain engaged in the same general field of business which  
17 operates five or more units of over five thousand square feet of retail  
18 space in this state under common ownership and management.

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

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

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

30 § 27-2703. Store operator responsibilities.

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

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

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

42 § 27-2705. Recycling program requirements.

43 An at-store recycling program provided by the operator of a store  
44 shall require:

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

53 2.] a collection bin that is visible, easily accessible to the consum-  
54 er, and clearly marked that the collection bin is available for the  
55 purpose of collecting and recycling plastic carryout bags and other film  
56 plastic. This subdivision shall apply to stores not within an enclosed

1 shopping mall and stores of at least fifty thousand square feet within  
2 an enclosed shopping mall. In the case of an enclosed shopping mall, the  
3 owner of the enclosed mall shall place bins at reasonable intervals  
4 throughout the enclosed mall area;

5 [3.] 2. all plastic carryout bags and other film plastic collected by  
6 the store to be collected, transported and recycled along with any other  
7 in-store plastic recycling, except for film plastic bags that are not  
8 sufficiently free of foreign material to enter the recycling stream.  
9 Plastic carryout bags and other film plastic collected by the store or  
10 the manufacturer, which are free of foreign material, shall not be  
11 disposed of in any solid waste disposal facility permitted or authorized  
12 pursuant to title seven of this article;

13 [4.] 3. the store or its agent to maintain, for a minimum of three  
14 years, records describing the collection, transport and recycling of  
15 plastic carryout bags and other film plastic collected by weight,  
16 provided however that stores or its agents may weigh such plastic bags,  
17 film plastic and any other in-store plastic recycling at a regional  
18 collection center. Such records shall be made available to the depart-  
19 ment upon request, to demonstrate compliance with this title; and

20 [5.] 4. the operator of the store to (a) make reusable bags available  
21 to customers within the store for purchase, and (b) permit a [reusable]  
22 reusable bag to be used in lieu of a [plastic carryout bag or] paper  
23 carryout bag.

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

27 § 27-2707. Manufacturer responsibilities.

28 1. When the manufacturer accepts plastic carryout bags and other film  
29 plastic for return, it or its agent shall maintain, for a minimum of  
30 three years, records describing the collection, transport and recycling  
31 of plastic carryout bags and other film plastic collected by weight,  
32 provided that the manufacturer or its agents may weigh such bags, film  
33 plastic and any other plastic resins at a regional collection center.  
34 Such records shall be made available to the department upon request, to  
35 demonstrate compliance with this title.

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

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

44 § 27-2709. Department responsibility.

45 1. The department shall develop educational materials to encourage the  
46 reduction, reuse and recycling of plastic carryout bags and other film  
47 plastic and shall make those materials available to stores required to  
48 comply with this article.

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

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

55 § 27-2713. Preemption.



1 Jurisdiction in all matters pertaining to plastic carryout bag and  
2 other film plastic recycling is by this article vested exclusively in  
3 the state. Any provision of any local law or ordinance, or any rule or  
4 regulation promulgated thereto, governing the recycling of plastic  
5 carryout bags and other film plastic shall, upon the effective date of  
6 this title, be preempted. Provided however, nothing in this section  
7 shall preclude a person from coordinating for recycling or reuse the  
8 collection of plastic carryout bags or other film plastic.

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

12 § 27-2801. Definitions.

13 As used in this title:

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

28 2. "Plastic carryout bag" means any film plastic bag, other than an  
29 exempt bag, that is provided to a customer by a person required to  
30 collect tax to be used by the customer to [carry] transport tangible  
31 personal property, regardless of whether such person required to collect  
32 tax sells any tangible personal property or service to the customer, and  
33 regardless of whether any tangible personal property or service sold is  
34 exempt from tax under article twenty-eight of the tax law. A bag that  
35 meets the requirements of a reusable bag, as defined in subdivision four  
36 of this section, is not a plastic carryout bag.

37 3. "Paper carryout bag" means a paper bag, other than an exempt bag,  
38 that is provided to a customer by a person required to collect tax to be  
39 used by the customer to carry tangible personal property, regardless of  
40 whether such person required to collect tax sells any tangible personal  
41 property or service to the customer, and regardless of whether any  
42 tangible personal property or service sold is exempt from tax under  
43 article twenty-eight of the tax law.

44 4. "Reusable bag" means a bag designed and manufactured for multiple  
45 reuse that: (a) is either made of [cloth] (i) hand washable or [other]  
46 machine washable cloth or fabric [that has handles]; or [(b) a durable  
47 bag with handles that is specifically designed and manufactured for  
48 multiple reuse.] (ii) other non-film plastic washable material; and

49 (b) has at least one strap or handle that does not stretch and allows  
50 the bag to meet the strength and durability standards in paragraphs (c)  
51 and (d) of this subdivision;

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

55 (d) has a minimum fabric weight of eighty grams per square meter  
56 ("GSM") or equivalent for bags made of any non-film plastic of natural,



1 synthetic, petroleum based, or non-petroleum-based origin, including  
2 woven or nonwoven polypropylene (PP), polyethylene-terephthalate (PET),  
3 cotton, jute, or canvas.

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

10 [5.] 6. "Person required to collect tax" means any vendor of tangible  
11 personal property subject to the tax imposed by subdivision (a) of  
12 section eleven hundred five of the tax law.

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

16 § 27-2803. Plastic carryout bag ban.

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

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

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

30 § 9. This act shall take effect immediately.

## 31 PART Z

32 Section 1. This act enacts into law components of legislation which  
33 are necessary to implement legislation relating to the Bay Park Convey-  
34 ance Project. Each component is wholly contained within a Subpart iden-  
35 tified as Subparts A through C. The effective date for each particular  
36 provision contained within such Subpart is set forth in the last section  
37 of such Subpart. Any provision in any section contained within a  
38 Subpart, including the effective date of the Subpart, which makes a  
39 reference to a section "of this act", when used in connection with that  
40 particular component, shall be deemed to mean and refer to the corre-  
41 sponding section of the Subpart in which it is found. Section three of  
42 this act sets forth the general effective date of this act.

## 43 SUBPART A

44 Section 1. Subject to the provisions of this act, the county of  
45 Nassau, acting by and through the county legislature of such county, is  
46 hereby authorized to (a) discontinue permanently the use as parkland the  
47 subsurface lands described in sections five, seven, eight and eleven of  
48 this act and establish permanent easements on such lands for the purpose  
49 of constructing, operating, maintaining and repairing a subsurface sewer  
50 main, and (b) discontinue temporarily the use as parkland the lands  
51 described in sections three, six and nine of this act and establish  
52 temporary easements on such lands for the purpose of constructing a

1 subsurface sewer main. Authorization for the temporary easements  
2 described in sections three, four, six, nine and ten of this act shall  
3 cease upon the completion of the construction of such sewer main, at  
4 which time the department of environmental conservation shall restore  
5 the surface of the parklands disturbed and the parklands shall continue  
6 to be used for park purposes as they were prior to the establishment of  
7 such temporary easements. Authorization for the permanent easements  
8 described in sections five, seven, eight and eleven of this act shall  
9 require that the department of environmental conservation restore the  
10 surface of the parklands disturbed and the parklands shall continue to  
11 be used for park purposes as they were prior to the establishment of the  
12 permanent easements.

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

18 § 3. TEMPORARY EASEMENT - Force main shaft construction area. Park-  
19 land upon and under which a temporary easement may be established pursu-  
20 ant to subdivision (b) of section one of this act is described as all  
21 that certain plot, piece or parcel of land with buildings and improve-  
22 ments thereon erected, situate, lying and being located at Bay Park,  
23 Town of Hempstead, County of Nassau and State of New York being more  
24 particularly bounded and described as follows: beginning at a point on  
25 the northerly line of the Nassau County Sewage Treatment Plant property,  
26 said Point of Beginning being South 68°06'12" East, as measured along  
27 northerly line of said sewage treatment plant, 535.50 feet plus or  
28 minus, from the intersection of the northerly line Nassau County Sewage  
29 Treatment Plant with the westerly side of Compton Street; running thence  
30 South 68°06'12" East, along the northerly line of said sewage treatment  
31 plant, 249.60 feet plus or minus; thence South 07°20'58" West 198.58  
32 feet plus or minus; thence North 78°30'32" West 35.88 feet plus or  
33 minus; thence North 06°10'23" East 89.20 feet plus or minus; thence  
34 North 33°17'21" West 78.28 feet plus or minus; thence North 66°13'52"  
35 West 173.72 feet plus or minus; thence North 19°56'50" East 62.50 feet  
36 plus or minus, to the northerly line of the Nassau County Sewage Treat-  
37 ment Plant, at the Point of Beginning. Containing within said bounds  
38 23,089 square feet plus or minus. The above described temporary easement  
39 is for the construction of a fifty-foot diameter access shaft. The  
40 location of said temporary access shaft is more particularly described  
41 in section four of this act. Said parcel being part of property desig-  
42 nated as Section: 42 Block: A Lots: 50, 57 on the Nassau County Land and  
43 Tax Map.

44 § 4. TEMPORARY SUBSURFACE EASEMENT - Access shaft. Parkland upon and  
45 under which a temporary easement may be established pursuant to subdivi-  
46 sion (a) of section one of this act is described as all that certain  
47 plot, piece or parcel of land with buildings and improvements thereon  
48 erected, situate, lying and being located at Bay Park, Town of Hemp-  
49 stead, County of Nassau and State of New York being more particularly  
50 bounded and described as follows: a circular easement with a radius of  
51 25 feet, the center of said circle being the following three (3) courses  
52 from the intersection of the northerly line of the Nassau County Sewage  
53 Treatment Plant with the westerly side of Compton Street: South  
54 68°06'12" East, along the northerly line of said sewage treatment plant,  
55 573.10 feet plus or minus to the centerline of the permanent easement  
56 for a force main described in section five of this act; thence South



1 22°24'56" West, along said centerline, 19.74 feet plus or minus; thence  
2 South 22°24'56" West, along the production of said centerline, 5.25  
3 feet, to the center of the herein described circular easement. Contain-  
4 ing within said bound 1,963 square feet plus or minus. Said temporary  
5 easement is for an access shaft that extends from the surface of the  
6 ground to an approximate depth of 70 feet. Any permanent surface  
7 improvements for cathodic protection, if necessary, would be flush with  
8 the ground surface or integrated into site landscaping. Said parcel  
9 being part of property designated as Section: 42 Block: A Lots: 50, 57  
10 on the Nassau County Land and Tax Map.

11 § 5. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and  
12 under which a permanent easement may be established pursuant to subdivi-  
13 sion (a) of section one of this act is described as all that certain  
14 plot, piece or parcel of land with buildings and improvements thereon  
15 erected, situate, lying and being located at Bay Park, Town of Hemp-  
16 stead, County of Nassau and State of New York being a 20-foot wide strip  
17 of land more particularly bounded and described as follows: Beginning at  
18 a point on the northerly line of the Nassau County Sewage Treatment  
19 Plant property, said Point of Beginning being South 68°06'12" East, as  
20 measured along northerly line of said sewage treatment plant, 563.10  
21 feet plus or minus, from the intersection of the northerly line Nassau  
22 County Sewage Treatment Plant with the westerly side of Compton Street;  
23 running thence South 68°06'12" East, along the northerly line of said  
24 sewage treatment plant, 20.00 feet plus or minus; thence South 22°24'56"  
25 West 19.15 feet plus or minus; thence South 14°35'11" West 1,446.44 feet  
26 plus or minus; thence North 75°24'49 West 20.00 feet plus or minus;  
27 thence North 14°35'11" East 1,447.81 feet plus or minus; thence North  
28 22°24'56" East 20.34 feet plus or minus, to the northerly line of the  
29 Nassau County Sewage Treatment Plant, at the Point of Beginning.  
30 Containing within said bounds 29,337 square feet. The above described  
31 permanent easement is for the construction and operation of a six-foot  
32 diameter force main at a minimum depth of fifteen feet below the ground  
33 surface. Said parcel being part of property designated as Section: 42  
34 Block: A Lots: 50, 57 on the Nassau County Land and Tax Map.

35 § 6. TEMPORARY EASEMENT - Force main shaft construction area. Park-  
36 land upon and under which a temporary easement may be established pursu-  
37 ant to subdivision (b) of section one of this act is described as all  
38 that certain plot, piece or parcel of land with buildings and improve-  
39 ments thereon erected, situate, lying and being located at the hamlet of  
40 Wantagh, Town of Hempstead, County of Nassau and State of New York being  
41 more particularly bounded and described as follows: beginning at a point  
42 on the northwesterly line of the herein described temporary easement for  
43 the force main shaft construction area, said Point of Beginning being  
44 North 44°03'41" East 50.26 feet plus or minus, from the intersection of  
45 the northerly line of lands licensed to the County of Nassau, as  
46 described in deed dated December 5, 1977, recorded on January 13, 1978,  
47 at the Nassau County Clerk's Office in Liber 9088 of Deeds at page 567,  
48 and as shown on map entitled Department of Public Works Nassau County,  
49 N.Y., Map Showing Lands under the Jurisdiction of the Long Island State  
50 Park Commission in Wantagh State Park to be Licensed to the County of  
51 Nassau for Park and Recreational Purposes in the Vicinity of Wantagh,  
52 Town of Hempstead, dated September 1976, and on file at the New York  
53 State Office of Parks, Recreation and Historic Preservation as Map No.  
54 21R-1860-1, with the southeasterly side of Lakeview Road, formerly known  
55 as Old Mill Road; running thence along the southeasterly side of Lake-  
56 view Road, North 44°03'41" East 237.63 feet plus or minus; thence South





1 50°48'50" East 70.10 feet plus or minus; thence partly through the  
2 aforementioned lands licensed to the County of Nassau by the State of  
3 New York (Long Island State Park Commission), South 43°39'59" West  
4 239.51 feet; thence partially through a permanent drainage easement  
5 granted from the City of New York to the County of Nassau, as shown on  
6 Map of Real Property to be Acquired for the Improvement of Bellmore  
7 Creek from Wilson Avenue to Lakeview Road, Filed February 8, 1979, at  
8 the Nassau County Clerk's Office as Map No. H-1841, and also through the  
9 aforementioned licensed lands, North 49°12'28" West 71.62 feet plus or  
10 minus; to the southeasterly side of Lakeview Road, at the Point of  
11 Beginning. Containing within said bounds 16,864 square feet plus or  
12 minus. The above described temporary easement is for the construction of  
13 a forty-four-foot diameter permanent access shaft. The location of said  
14 permanent access shaft is more particularly described in section seven  
15 of this act. Said parcel being part of property designated as Section:  
16 56 Block: Y Lot: 259 on the Nassau County Land and Tax Map.

17 § 7. PERMANENT SUBSURFACE EASEMENT - Access shaft. Parkland upon and  
18 under which a permanent easement may be established pursuant to subdivi-  
19 sion (a) of section one of this act is described as all that certain  
20 plot, piece or parcel of land with buildings and improvements thereon  
21 erected, situate, lying and being located at Hamlet of Wantagh, Town of  
22 Hempstead, County of Nassau and State of New York being more particular-  
23 ly bounded and described as follows: Beginning at a point on the south-  
24 easterly side of Lakeview Road, said Point of Beginning being North  
25 44°03'41" East 170.39 feet plus or minus, from the intersection of the  
26 northerly line of lands licensed to the County of Nassau, as described  
27 in deed dated December 5, 1977, recorded on January 13, 1978, at the  
28 Nassau County Clerk's Office in Liber 9088 of Deeds at page 567, and as  
29 shown on map entitled Department of Public Works Nassau County, N.Y.,  
30 Map Showing Lands under the Jurisdiction of the Long Island State Park  
31 Commission in Wantagh State Park to be Licensed to the County of Nassau  
32 for Park and Recreational Purposes in the Vicinity of Wantagh, Town of  
33 Hempstead, dated September 1976, and on file at the New York State  
34 Office of Parks, Recreation and Historic Preservation as Map No.  
35 21R-1860-1, with the southeasterly side of Lakeview Road, formerly known  
36 as Old Mill Road; running thence, along the southeasterly side of Lake-  
37 view Road, North 44°03'41" East 25.04 feet plus or minus, to the begin-  
38 ning of a non-tangent curve; thence 111.59 feet plus or minus along said  
39 non-tangent circular curve to the right that has a radius of 22.00 feet,  
40 subtends an angle of 290°37'31", and has a chord that bears South  
41 44°03'41" West 25.04 feet, to the Point of Beginning.

42 Containing within said bounds a surface area of 1,454 square feet plus  
43 or minus. Said permanent easement is for an access shaft that extends  
44 from the surface of the ground to an approximate depth of 70 feet. The  
45 permanent easement allows vehicular and personnel access to the shaft  
46 and within the shaft for inspection, maintenance, repair and recon-  
47 struction. Any permanent surface improvements for a manhole or for  
48 cathodic protection, if necessary, would be flush with the ground  
49 surface or integrated into site landscaping. Said parcel being part of  
50 property designated as Section: 56 Block: Y Lot: 259 on the Nassau Coun-  
51 ty Land and Tax Map.

52 § 8. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and  
53 under which a permanent easement may be established pursuant to subdivi-  
54 sion (a) of section one of this act is described as all that certain  
55 plot, piece or parcel of land with buildings and improvements thereon  
56 erected, situate, lying and being located at the Hamlet of Wantagh, Town



1 of Hempstead, County of Nassau and State of New York being a 20-foot  
2 wide strip of land more particularly bounded and described as follows:  
3 Beginning at the intersection of the southerly side of the Wantagh State  
4 Parkway, also being the same as the southerly line of a permanent ease-  
5 ment granted by the State of New York (Long Island State Park Commis-  
6 sion) to the Town of Hempstead for Highway purposes shown as Parcel E on  
7 Map No. 21R-1651, dated September 30, 1935 and on file at the New York  
8 State Office of Parks, Recreation and Historic Preservation, with the  
9 easterly side of Linden Street, also being the westerly side of Wantagh  
10 State Parkway; running thence South 87°54'31" West 16.42 feet plus or  
11 minus, along the southerly side of the Wantagh State Parkway; thence  
12 through the aforementioned easement, North 49°40'30" West 172.07 feet  
13 plus or minus; thence partially through lands licensed to the County of  
14 Nassau by the State of New York (Long Island State Park Commission), as  
15 described in deed dated December 5, 1977, recorded on January 13, 1978,  
16 at the Nassau County Clerk's Office in Liber 9088 of Deeds at page 567,  
17 also as shown on map entitled Department of Public Works Nassau County,  
18 N.Y., Map Showing Lands under the Jurisdiction of the Long Island State  
19 Park Commission in Wantagh State Park to be Licensed to the County of  
20 Nassau for Park and Recreational Purposes in the Vicinity of Wantagh,  
21 Town of Hempstead, dated September 1976, and on file at the New York  
22 State Office of Parks, Recreation and Historic Preservation as Map No.  
23 21R-1860-1, North 32°14'44" West 1,935.06 feet; thence North 60°00'15"  
24 West 18.68 feet plus or minus, to the southeasterly side of Lakeview  
25 Road; thence along the southeasterly side of Lakeview Road, North  
26 44°03'41" East 20.62 feet plus or minus; thence South 60°00'15" East  
27 18.61 feet plus or minus; thence through the aforementioned licensed  
28 lands, South 32°14'44" East 1,936.94 feet; thence South 49°40'30" East  
29 294.48 feet plus or minus, to the westerly side of the Wantagh State  
30 Parkway, also being the same as the easterly side of Linden Street;  
31 thence northwesterly along the westerly side of the Wantagh State Park-  
32 way, being also the easterly side of Linden Street, 113.74 feet plus or  
33 minus along the arc of a non-tangent curve, bearing to the left, having  
34 a radius of 1,233.00', a chord that bears North 54°10'34" West 113.70  
35 feet plus or minus, to the southerly side of the Wantagh State Parkway,  
36 at the Point of Beginning. Containing within said bounds 43,088 square  
37 feet plus or minus. The above described permanent easement is for the  
38 construction and operation of a six-foot diameter force main at a mini-  
39 mum depth of fifteen feet below the ground surface. Said parcel being  
40 part of property designated as Section: 56 Block: Y Lots: 259 on the  
41 Nassau County Land and Tax Map.

42 § 9. TEMPORARY EASEMENT - Force main shaft construction area. Park-  
43 land upon and under which a temporary easement may be established pursu-  
44 ant to subdivision (b) of section one of this act is described as all  
45 that certain plot, piece or parcel of land with buildings and improve-  
46 ments thereon erected, situate, lying and being located at the hamlet of  
47 Wantagh, Town of Hempstead, County of Nassau and State of New York being  
48 more particularly bounded and described as follows: Beginning at a point  
49 on the northerly line of the herein described temporary easement for  
50 construction staging, said Point of Beginning being more particularly  
51 described as commencing at the intersection of the southerly side of  
52 Byron Street with the easterly side of Wantagh Parkway; running thence  
53 South 02°05'40" East, along the easterly side of Wantagh Parkway, 392.77  
54 feet plus or minus, to the centerline of the permanent subsurface ease-  
55 ment for force main, described in section 11 of this act; thence South  
56 19°14'42" East, along said centerline, 166.40 feet plus or minus, to the



1 northerly line of the temporary easement for construction staging, at  
2 the Point of Beginning. Running thence North 87°24'47" East 122.41 feet  
3 plus or minus; thence South 33°56'04" East 67.89 feet plus or minus;  
4 thence South 04°43'16" East 53.69 feet plus or minus; thence South  
5 86°37'33" West 78.30 feet plus or minus; thence South 02°20'25" East  
6 83.22 feet plus or minus; thence South 47°03'34" West 102.51 feet plus  
7 or minus; thence South 86°22'25" West 27.76 feet plus or minus; thence  
8 North 07°01'12" West 263.59 feet plus or minus; thence North 87°24'47"  
9 East 45.17 feet plus or minus, to the Point of Beginning. Containing  
10 within said bounds 35,505 square feet plus or minus. The above described  
11 temporary easement is for the construction of a forty-four-foot diameter  
12 access shaft. The location of said temporary access shaft is more  
13 particularly described in section ten of this act. Said parcel being  
14 part of property designated as Section: 63 Block: 261 Lots: 765G, 765H,  
15 818A (Part of Cedar Creek Park) on the Nassau County Land and Tax Map.

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

38 § 11. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and  
39 under which a permanent easement may be established pursuant to subdivi-  
40 sion (a) of section one of this act is described as all that certain  
41 plot, piece or parcel of land with buildings and improvements thereon  
42 erected, situate, lying and being located at the Hamlet of Wantagh, Town  
43 of Hempstead, County of Nassau and State of New York being a 20-foot  
44 wide strip of land more particularly bounded and described as follows:  
45 beginning at a point on the easterly side of the Wantagh State Parkway,  
46 said Point of Beginning being South 02°05'40" East 358.86 feet plus or  
47 minus from the intersection of the southerly side of Byron Street with  
48 the easterly side of Wantagh Parkway; running thence South 19°14'42"  
49 East 258.49 feet plus or minus; thence South 02°16'58" East 1,725.93  
50 feet plus or minus; thence southwesterly 43.40 feet plus or minus along  
51 the arc of a curve to the left having a radius of 1,075.00 feet and a  
52 chord that bears South 25°09'48" West 43.39 feet plus or minus; thence  
53 North 02°16'58" West 1,761.45 feet plus or minus; thence North 19°14'42"  
54 West 190.70 feet plus or minus, to the easterly side of Wantagh Parkway;  
55 thence North 02°05'40" West, along the easterly side of Wantagh Parkway,  
56 67.82 feet plus or minus, to the Point of Beginning. Containing within



1 said bounds 39,359 square feet plus or minus. The above described perma-  
2 nent easement is for the construction and operation of a six-foot diam-  
3 eter force main at a minimum depth of fifteen feet below the ground  
4 surface. Said parcel being part of property designated as Section: 63  
5 Block: 261 Lots: 765G, 818A (Part of Cedar Creek Park) on the Nassau  
6 County Land and Tax Map.

7 § 12. Should the lands described in sections five, seven, eight and  
8 eleven of this act cease to be used for the purposes described in  
9 section one of this act, the permanent easements established pursuant to  
10 section one of this act shall cease and such lands shall be restored and  
11 dedicated as parklands.

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

24 § 14. This act shall take effect immediately.

25 SUBPART B

26 Section 1. Subject to the provisions of this act, the village of East  
27 Rockaway, in the county of Nassau, acting by and through the village  
28 board of such village, is hereby authorized to (a) discontinue perma-  
29 nently the use as parkland the subsurface lands described in sections  
30 four and five of this act and to grant permanent easements on such lands  
31 to the State of New York or county of Nassau for the purpose of  
32 constructing, operating, maintaining and repairing a subsurface sewer  
33 main, and (b) discontinue temporarily the use as parkland the lands  
34 described in section three of this act and grant temporary easements on  
35 such lands to the county of Nassau for the purpose of constructing a  
36 subsurface sewer main. Authorization for the temporary easement  
37 described in section three of this act shall cease upon the completion  
38 of the construction of the sewer main, at which time the department of  
39 environmental conservation shall restore the surface of the parklands  
40 disturbed and the parklands shall continue to be used for park purposes  
41 as they were prior to the grant of the temporary easement. Authorization  
42 for the permanent easements described in sections four and five of this  
43 act shall require that the department of environmental conservation  
44 restore the surface of the parklands disturbed and the parklands shall  
45 continue to be used for park purposes as they were prior to the estab-  
46 lishment of the permanent easements.

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

52 § 3. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Park-  
53 land upon and under which a temporary easement may be granted pursuant  
54 to subdivision (b) of section one of this act is described as follows:



1 all that certain plot, piece or parcel of land with buildings and  
2 improvements thereon erected, situate, lying and being located at Incorporated Village of East Rockaway, and the Hamlet of Oceanside, Town of  
3 Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows: Beginning at a point on the  
4 westerly line of the herein described temporary easement for the force  
5 main shaft construction area, said Point of Beginning being more particularly described as commencing at the northeast corner of property  
6 described in deed dated September 16, 1964 from Mary T. Caretto to The  
7 Incorporated Village of East Rockaway, recorded September 18, 1964 at  
8 the Nassau County Clerk's Office in Liber 7317 Deeds at page 494,  
9 running thence South 76°23'40" East, on the northerly property line  
10 produced, of property described in the aforesaid Liber 7317 page 494, a  
11 distance of 53.41 feet plus or minus, to the westerly line of the herein  
12 described temporary easement at the Point of Beginning. Running thence  
13 North 14°03'08" East 42.21 feet plus or minus; thence South 67°25'43"  
14 East 237.47 feet plus or minus; thence South 04°13'09" West 35.58 feet  
15 plus or minus; thence South 86°58'21" West 165.83 feet plus or minus;  
16 thence South 64°59'21" West 106.15 feet; thence North 14°03'08" East  
17 143.63 feet plus or minus, to the Point of Beginning. Containing within  
18 said bounds 23,103 square feet plus or minus. The above described temporary easement is for the construction of a forty-four-foot diameter  
19 access shaft. The location of said permanent access shaft is more  
20 particularly described in section four of this act. Said parcel being  
21 part of property designated as Section: 38, Block: E, Lots: 12, 14, 21A,  
22 21B on the Nassau County Land and Tax Map.

23 § 4. PERMANENT SUBSURFACE EASEMENT - Access Shaft. Parkland upon and  
24 under which a permanent easement may be granted pursuant to subdivision  
25 (a) of section one of this act is described as all that certain plot,  
26 piece or parcel of land with buildings and improvements thereon erected,  
27 situate, lying and being located at Incorporated Village of East Rockaway, and the Hamlet of Oceanside, Town of Hempstead, County of Nassau  
28 and State of New York being more particularly bounded and described as  
29 follows: a circular easement with a radius of 22 feet, the center of  
30 said circle being the following two(2) courses from the northeast corner  
31 of property described in deed dated September 16, 1964 from Mary T.  
32 Caretto to The Incorporated Village of East Rockaway, recorded September  
33 18, 1964 at the Nassau County Clerk's Office in Liber 7317 of Deeds at  
34 page 494; South 76°23'40" East, on the northerly property line produced,  
35 of property described in the aforesaid Liber 7317 page 494, a distance  
36 of 185.51 feet plus or minus; to the centerline of the permanent subsurface easement for force main, described in section 5 of this act; thence  
37 along said easement centerline South 19°04'18" West 22.47 feet plus or  
38 minus, to the center of the herein described circular easement. Containing within said bounds a surface area of 1,521 square feet plus or  
39 minus. Said permanent easement is for an access shaft that extends from  
40 the surface of the ground to an approximate depth of 70 feet. The  
41 permanent easement allows vehicular and personnel access to the shaft  
42 and within the shaft for inspection, maintenance, repair and reconstruction. Any permanent surface improvements for a manhole or for  
43 cathodic protection, if necessary, would be flush with the ground  
44 surface or integrated into site landscaping. Said parcel being part of  
45 property designated as Section: 38, Block: E, Lots: 12, 14, 21A, 21B on  
46 the Nassau County Land and Tax Map.

47 § 5. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and  
48 under which a permanent easement may be granted pursuant to subdivision



(a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Incorporated Village of East Rockaway, and the Hamlet of Oceanside, County of Nassau and State of New York being a 20-foot wide strip of land more particularly bounded and described as follows: Beginning at a point on the westerly line of the herein described permanent subsurface easement, said Point of Beginning being more particularly described as commencing at the northeast corner of property described in deed dated September 16, 1964 from Mary T. Caretto to The Incorporated Village of East Rockaway, recorded September 18, 1964 at the Nassau County Clerk's Office in Liber 7317 of Deeds at page 494; running thence South 76°23'40" East, on the northerly property line produced, of property described in the aforesaid Liber 7317 page 494, a distance of 175.47 feet plus or minus, to the westerly line of the herein described permanent easement, at the Point of Beginning. Running thence North 19°04'18" East 31.11 feet plus or minus, to the southerly side of Mill River; thence South 67°42'35" East, along the southerly side of Mill River, 20.03 feet plus or minus; thence South 19°04'18" West 48.37 feet plus or minus; thence South 15°40'03" East 55.00 feet plus or minus, to the northerly side of Mill River; thence North 84°40'35" West, along the northerly side of Mill River, 20.33 feet plus or minus; thence North 15°40'03" West 57.60 feet plus or minus; thence North 19°04'18" East 24.64 feet plus or minus, to the Point of Beginning. Containing within said bounds 2,167 square feet plus or minus. The above described permanent easement is for the construction and operation of a six-foot diameter force main at a minimum depth of fifteen feet below the ground surface. Said parcel being part of property designated as Section: 38, Block: E, Lots: 12, 14, 21A, 21B on the Nassau County Land and Tax Map.

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

§ 7. In the event that the village of East Rockaway received any funding support or assistance from the federal government for the purchase, maintenance, or improvement of the parklands set forth in sections three through five of this act, the discontinuance and alienation of such parklands authorized by the provisions of this act shall not occur until the village of East Rockaway has complied with any applicable federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and usefulness to the lands being alienated or converted.

§ 8. This act shall take effect immediately.

#### SUBPART C

Section 1. Subject to the provisions of this act, the village of Rockville Centre, in the county of Nassau, acting by and through the village board of such village, is hereby authorized to (a) discontinue permanently the use as parkland the subsurface lands described in sections three and six of this act and to grant permanent easements on such lands to the State of New York or county of Nassau for the purpose of constructing, operating, maintaining and repairing a subsurface sewer



1 main, and (b) discontinue temporarily the use as parkland the lands  
2 described in sections four, five and seven of this act and grant tempo-  
3 rary easements on such lands to the county of Nassau for the purpose of  
4 constructing a subsurface sewer main. Authorization for the temporary  
5 easements described in sections four, five and seven of this act shall  
6 cease upon the completion of the construction of the sewer main, at  
7 which time the department of environmental conservation shall restore  
8 the surface of the parklands disturbed and the parklands shall continue  
9 to be used for park purposes as they were prior to the grant of the  
10 temporary easements. Authorization for the permanent easements described  
11 in sections three and six of this act shall require that the department  
12 of environmental conservation restore the surface of the parklands  
13 disturbed and the parklands shall continue to be used for park purposes  
14 as they were prior to the establishment of the permanent easements.

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

20 § 3. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and  
21 under which a permanent easement may be established pursuant to subdivi-  
22 sion (a) of section one of this act is described as all that certain  
23 plot, piece or parcel of land with buildings and improvements thereon  
24 erected, situate, lying and being located at Incorporated Village of  
25 East Rockaway, and the Incorporated Village of Rockville Centre, Town of  
26 Hempstead, County of Nassau and State of New York, being a 20-foot wide  
27 strip of land more particularly bounded and described as follows:  
28 Beginning at a point on the northerly side of Mill River Avenue, said  
29 Point of Beginning being South 74°20'24" East, as measured along the  
30 northerly side of Mill River Avenue, 60.73 feet plus or minus from the  
31 intersection of the northerly side of Mill River Avenue with the easterly  
32 side of Riverside Road; running thence North 10°26'55" East 461.31  
33 feet plus or minus; to the southerly side of South Park Avenue; thence  
34 along the southerly side of South Park Avenue, South 79°11'54" East  
35 20.00 feet plus or minus, thence South 10°26'55" West 463.01 feet plus  
36 or minus, to the northerly side of Mill River Avenue, thence along the  
37 northerly side of Mill River Avenue, North 74°20'24" West 20.08 feet  
38 plus or minus, to the Point of Beginning. Containing within said bounds  
39 9,243 square feet plus or minus. The above described permanent easement  
40 is for the construction and operation of a six-foot diameter force main  
41 at a minimum depth of fifteen feet below the ground surface. Said parcel  
42 being part of property designated as Section: 38 Block: 136 Lots: 231 on  
43 the Nassau County Land and Tax Map.

44 § 4. TEMPORARY SUBSURFACE EASEMENT - Access Shaft. Parkland upon and  
45 under which a temporary easement may be established pursuant to subdivi-  
46 sion (a) of section one of this act is described as all that certain  
47 plot, piece or parcel of land with buildings and improvements thereon  
48 erected, situate, lying and being located at Incorporated Village of  
49 Rockville Centre, Incorporated Village of East Rockaway, and Incorpo-  
50 rated Village of Lynbrook, Town of Hempstead, County of Nassau and State  
51 of New York being more particularly bounded and described as a circular  
52 easement with a radius of 22 feet, the center of said circle being the  
53 following two (2) courses from the intersection of the northerly side of  
54 South Park Avenue with the easterly side of Chester Road: South  
55 79°24'16" East, along the northerly side of South Park Avenue, 247.33  
56 feet plus or minus, to the centerline of the permanent subsurface ease-



1 ment for force main described in section 6 of this subpart of this act;  
2 North 10°26'55" East, along said centerline, 953.71 feet plus or minus,  
3 to the center of the herein described circular easement. Containing  
4 within said bounds a surface area of 1,521 square feet plus or minus.  
5 Said temporary easement is for an access shaft that extends from the  
6 surface of the ground to an approximate depth of 70 feet. Any permanent  
7 surface improvements for cathodic protection, if necessary, would be  
8 flush with the ground surface or integrated into site landscaping. Said  
9 parcel being part of property designated as Section: 38 Block: F Lot:  
10 50F on the Nassau County Land and Tax Map.

11 § 5. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Park-  
12 land upon and under which a temporary easement may be established pursu-  
13 ant to subdivision (b) of section one of this act is described as all  
14 that certain plot, piece or parcel of land with buildings and improve-  
15 ments thereon erected, situate, lying and being located at Incorporated  
16 Village of Rockville Centre, Incorporated Village of East Rockaway, and  
17 Incorporated Village of Lynbrook, Town of Hempstead, County of Nassau  
18 and State of New York being more particularly bounded and described as  
19 follows: Beginning at a point on the southerly side of the herein  
20 described temporary easement for construction staging, said Point of  
21 Beginning being more particularly described as commencing at the inter-  
22 section of the northerly side of South Park Avenue with the easterly  
23 side of Chester Road; running thence South 79°24'16" East along the  
24 northerly side of South Park Avenue, 247.33 feet plus or minus, to the  
25 centerline of the permanent subsurface easement for force main described  
26 in section 6 of this act; thence North 10°26'55" East, along said  
27 centerline, 920.41 feet plus or minus, to the southerly line of the  
28 temporary easement, at the Point of Beginning. Running thence North  
29 76°19'09" West 185.92 feet plus or minus; thence North 14°49'03" East  
30 31.83 feet plus or minus; thence South 76°28'34" East 65.98 feet plus or  
31 minus; thence North 36°46'43" East 60.84 feet plus or minus; thence  
32 North 78°41'29" East 145.19 feet plus or minus; thence South 65°54'19"  
33 East 45.62 feet plus or minus; thence South 29°38'55" West 146.71 feet  
34 plus or minus; thence North 76°19'09" West 40.66 feet plus or minus, to  
35 the Point of Beginning. Containing within said bounds 22,827 square feet  
36 plus or minus. The above described temporary easement is for the  
37 construction of a forty-four-foot diameter access shaft. The location of  
38 said temporary access shaft is more particularly described in section  
39 four of this act. Said parcel being part of property designated as  
40 Section: 38 Block: F, Lot: 50F and part of Merton Avenue (not open) on  
41 the Nassau County Land and Tax Map.

42 § 6. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and  
43 under which a permanent easement may be established pursuant to subdivi-  
44 sion (a) of section one of this act is described as all that certain  
45 plot, piece or parcel of land with buildings and improvements thereon  
46 erected, situate, lying and being located at Incorporated Village of  
47 Rockville Centre, Incorporated Village of East Rockaway, and Incorpo-  
48 rated Village of Lynbrook, Town of Hempstead, County of Nassau and State  
49 of New York being a 20-foot wide strip of land more particularly bounded  
50 and described as follows: Beginning at a point on the northerly side of  
51 South Park Avenue, said point being South 79°24'16" East, along the  
52 northerly side of South Park Avenue, 237.33 feet plus or minus, from the  
53 intersection of the northerly side of South Park Avenue with the easterly  
54 side of Chester Road; running thence North 10°26'55" East 956.35 feet  
55 plus or minus; thence North 40°12'27" East 464.95 feet plus or minus, to  
56 the westerly side of Mill River; thence along the westerly side of Mill





1 River the following five (5) courses South 10°54'32" East 4.49 feet plus  
2 or minus; South 08°32'16" West 6.44 feet plus or minus; South 17°55'44"  
3 West 8.24 feet plus or minus; South 10°55'50" West 4.90 feet plus or  
4 minus; South 07°44'20" West 14.16 feet plus or minus; thence South  
5 40°12'27" West 427.49 feet plus or minus; thence South 10°26'55" West  
6 951.08 feet plus or minus to the northerly side of South Park Avenue;  
7 thence North 79°24'16" West, along the northerly side of South Park  
8 Avenue, 20.00 feet plus or minus, to the Point of Beginning. Containing  
9 within said bounds 28,014 square feet plus or minus. The above described  
10 permanent easement is for the construction and operation of a six-foot  
11 diameter force main at a minimum depth of fifteen feet below the ground  
12 surface. Said parcel being part of property designated as Section: 38  
13 Block: F Lot: 50F and Section: 38, Block: T, Lot: 50A, on the Nassau  
14 County Land and Tax Map.

15 § 7. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Park-  
16 land upon and under which a temporary easement may be established pursu-  
17 ant to subdivision (b) of section one of this act is described as all  
18 that certain plot, piece or parcel of land with buildings and improve-  
19 ments thereon erected, situate, lying and being located at Incorporated  
20 Village of Rockville Centre, Town of Hempstead, County of Nassau and  
21 State of New York being more particularly bounded and described as  
22 follows: Beginning at a point on the northerly side of Sunrise Highway  
23 (New York State Route 27), said point being distant 82.57 feet westerly  
24 along the northerly side of Sunrise Highway from the extreme westerly  
25 end of an arc of a curve connecting the northerly side of Sunrise High-  
26 way with the westerly side of North Forest Avenue. Running thence along  
27 the northerly side of Sunrise Highway the following three (3) courses:  
28 Southwesterly 250.24 feet plus or minus along the arc of a curve bearing  
29 to the left having a radius of 862.00 feet and a chord that bears South  
30 77°03'07" West 249.36 feet plus or minus, South 68°43'30" West 161.85  
31 feet plus or minus; Southwesterly 20.44 feet plus or minus along the arc  
32 of a curve bearing to the right having a radius of 592.00 feet and a  
33 chord that bears South 69°00'05" West 20.44 feet plus or minus; thence  
34 North 14°30'46" West 215.45 feet plus or minus, to the southerly side of  
35 Long Island Rail Road; thence along the southerly side of the Long  
36 Island Rail Road, South 87°41'41" East 469.93 feet plus or minus; thence  
37 South 02°13'26" West 67.80 feet plus or minus, to the northerly side of  
38 Sunrise Highway, at the Point of Beginning. Containing within said  
39 bounds 57,506 square feet plus or minus. The above described temporary  
40 easement is necessary for the construction of temporary access to the  
41 aqueduct below Sunrise Highway area. Said parcel being part of property  
42 designated as Section: 38 Block: 291 Lot: 17 on the Nassau County Land  
43 and Tax Map.

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

48 § 9. In the event that the village of Rockville Centre received any  
49 funding support or assistance from the federal government for the  
50 purchase, maintenance, or improvement of the parklands set forth in  
51 sections three through seven of this act, the discontinuance and alien-  
52 ation of such parklands authorized by the provisions of this act shall  
53 not occur until the village of Rockville Centre has complied with any  
54 applicable federal requirements pertaining to the alienation or conver-  
55 sion of parklands, including satisfying the secretary of the interior  
56 that the alienation or conversion complies with all conditions which the



1 secretary of the interior deems necessary to assure the substitution of  
2 other lands shall be equivalent in fair market value and usefulness to  
3 the lands being alienated or converted.

4 § 10. This act shall take effect immediately.

5 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
6 sion, section, subpart or part of this act shall be adjudged by a court  
7 of competent jurisdiction to be invalid, such judgment shall not affect,  
8 impair, or invalidate the remainder thereof, but shall be confined in  
9 its operation to the clause, sentence, paragraph, subdivision, section,  
10 subpart or part thereof directly involved in the controversy in which  
11 such judgment shall have been rendered. It is hereby declared to be the  
12 intent of the legislature that this act would have been enacted even if  
13 such invalid provisions had not been included herein.

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

17 PART AA

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

21 (i) The tangible property credit component shall be equal to the  
22 applicable percentage of the cost or other basis for federal income tax  
23 purposes of tangible personal property and other tangible property,  
24 including buildings and structural components of buildings, which  
25 constitute qualified tangible property and may include any related party  
26 service fee paid; provided that in determining the cost or other basis  
27 of such property, the taxpayer shall exclude the acquisition cost of any  
28 item of property with respect to which a credit under this section was  
29 allowable to another taxpayer. A related party service fee shall be  
30 allowed only in the calculation of the tangible property credit compo-  
31 nent and shall not be allowed in the calculation of the site preparation  
32 credit component or the on-site groundwater remediation credit compo-  
33 nent. The portion of the tangible property credit component which is  
34 attributable to related party service fees shall be allowed only as  
35 follows: (A) in the taxable year in which the qualified tangible proper-  
36 ty described in subparagraph (iii) of this paragraph is placed in  
37 service, for that portion of the related party service fees which have  
38 been earned and actually paid to the related party on or before the last  
39 day of such taxable year; and (B) with respect to any other taxable year  
40 for which the tangible property credit component may be claimed under  
41 this subparagraph and in which the amount of any additional related  
42 party service fees are actually paid by the taxpayer to the related  
43 party, the tangible property credit component for such amount shall be  
44 allowed in such taxable year. The credit component amount so determined  
45 shall be allowed for the taxable year in which such qualified tangible  
46 property is first placed in service on a qualified site with respect to  
47 which a certificate of completion has been issued to the taxpayer, or  
48 for the taxable year in which the certificate of completion is issued if  
49 the qualified tangible property is placed in service prior to the issu-  
50 ance of the certificate of completion. This credit component shall only  
51 be allowed for up to one hundred twenty months after the date of the  
52 issuance of such certificate of completion, provided, however, that for  
53 qualified sites to which a certificate of completion is issued on or  
54 after March twentieth, two thousand ten, but prior to January first, two



1 thousand twelve, the credit component shall be allowed for up to one  
2 hundred forty-four months after the date of such issuance.

3 § 2. This act shall take effect immediately.

4 PART BB

5 Section 1. Notwithstanding the contrary provisions of section 9-0501  
6 of the environmental conservation law and the contrary provisions of the  
7 public lands law, the department of environmental conservation is  
8 authorized to grant easements for buried cables on real property within  
9 the Farmersville State Forest, Lost Nation State Forest, and Swift Hill  
10 State Forest, which meet the following conditions:

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

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

18 (1) located underground for approximately 500 feet between turbines  
19 101 and 102 (which are sited on private land), and passing below a  
20 section of Farmersville State Forest in Cattaraugus County;

21 (2) located underground for approximately 1,600 feet on the south side  
22 of Hess Road along the Farmersville State Forest boundary in Cattaraugus  
23 County, turning southwest to follow an existing track for approximately  
24 420 feet, and continuing west along the northern parcel boundary for  
25 approximately 1,300 feet to the property line, to connect turbines 100  
26 and 104 (both sited on private land);

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

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

35 (c) The easements will be conveyed by the department of environmental  
36 conservation and take effect only in the event the underground cables  
37 proposed to be on such easement lands are certified and approved as part  
38 of a wind powered electric generation facility pursuant to article 10 of  
39 the public service law.

40 (d) The easements shall terminate when the associated wind powered  
41 electric generation project ceases to operate for 18 months as set forth  
42 in the easements and the easements shall then revert to the state to be  
43 managed by the department of environmental conservation as state forest  
44 land.

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

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

53 (b) An amount, not less than fair market value plus twenty percent of  
54 the value of the easements plus one hundred thousand dollars shall be

1 used to obtain for the state an interest in real property for open space  
2 purposes in region 9 of the department of environmental conservation  
3 from the regional priority conservation projects list in region 9 as  
4 part of this state's open space conservation plan. The total payment for  
5 such acquisition or acquisitions shall not be less than the value of the  
6 easements to be conveyed by the state plus twenty percent of the value  
7 of such easements plus one hundred thousand dollars.

8 (c) Any monies received by the department of environmental conserva-  
9 tion from Alle-Catt Wind Energy LLC in consideration of these easements  
10 shall be deposited into the state environmental protection fund, as  
11 established in section 92-s of the state finance law, until such time as  
12 they can be used towards the purchase of the real property as contem-  
13 plated in subdivision (b) of this section.

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

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

24 (f) Compensation for the stumpage value of trees to be felled by the  
25 entity shall be deposited in the same manner as in subdivision (b) of  
26 this section with the felled trees to become the property of Invenergy  
27 LLC. Stumpage value is to be determined by the department of environ-  
28 mental conservation forester based on the most recent department of  
29 environmental conservation stumpage price report at the time the trees  
30 are felled.

31 § 3. The commissioner of environmental conservation may prescribe  
32 additional terms for such exchange of real property. Such contract shall  
33 not become binding upon the state until approved by the state comp-  
34 troller. Title to the land to the people of the state of New York pursu-  
35 ant to the provisions of such contract shall be approved by the attorney  
36 general, and the deed to the state shall be approved by him or her as to  
37 form and manner of execution and recordability before such deed shall be  
38 accepted on behalf of the state. Notwithstanding the contrary provisions  
39 of the public lands law, the conveyance of the state-owned easements  
40 pursuant to such contract shall be without reservation or exception,  
41 except as provided for in such contract. Upon certification by the  
42 commissioner of environmental conservation to the commissioner of gener-  
43 al services of a copy of the contract, and certification that Alle-Catt  
44 Wind Energy LLC has complied with all terms and conditions of the  
45 contract upon their part to be kept and performed, together with a  
46 description of any of the easements to be exchanged, conveyed and/or  
47 payments to be made, the commissioner of general services shall convey  
48 the easements described in section one of this act in accordance with  
49 the provisions of the contract.

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



1

## PART CC

2 Section 1. Section 12 of part F of chapter 58 of the laws of 2013  
3 amending the environmental conservation law and the state finance law  
4 relating to the "Cleaner, Greener NY Act of 2013", as amended by chapter  
5 65 of the laws of 2019, is amended to read as follows:

6 § 12. This act shall take effect immediately and shall be deemed to  
7 have been in full force and effect on and after April 1, 2013; provided,  
8 however, that the amendments to subdivision 5-a of section 27-1015 of  
9 the environmental conservation law, as added by section nine of this  
10 act, shall expire and be deemed repealed on April 1, [2021] 2023.

11 § 2. This act shall take effect immediately.

12

## PART DD

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

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

17 (a) Chapter 106 of the laws of 2019 enacted the New York state climate  
18 leadership and community protection act (the "CLCPA"). The CLCPA  
19 directed the department of environmental conservation to establish a  
20 statewide greenhouse gas emissions limit for 2030 equal to 60% of 1990  
21 emissions, and a statewide greenhouse gas emissions limit for 2050 equal  
22 to 15% of 1990 emissions (the "CLCPA limits").

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

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

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

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

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

40 § 3. Definitions.

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

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

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

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

52 (e) "Incremental population increase" shall mean, with respect to a  
53 rail advantaged housing rezoning proposal, the percentage by which the



1 population of a local jurisdiction including the property subject to  
2 such rezoning proposal would increase if: (1) such rezoning proposal  
3 were to become effective; (2) all of the housing permitted to be built  
4 as a result of such rezoning proposal were to be built; and (3) all of  
5 such housing were to be fully occupied.

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

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

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

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

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

18 (k) "Rail advantaged housing rezoning proposal" shall mean a proposal  
19 for rezoning which, if effective, (1) would increase the rail advantaged  
20 housing envelope in the area proposed for rezoning, and (2) would not  
21 affect zoning regulations applicable outside a commuter rail station  
22 area.

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

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

27 § 4. Uniform standards and conditions.

28 (a) The commissioner shall establish a set of uniform standards and  
29 conditions for rail advantaged housing rezoning proposals that are  
30 common for all rail advantaged housing rezoning proposals or for partic-  
31 ular classes and categories of rail advantaged housing rezoning  
32 proposals.

33 (b) The uniform standards and conditions established under paragraph  
34 (a) of this section shall include:

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

39 2. A standard establishing a maximum incremental parking decrease the  
40 exceedance of which by a rail advantaged housing rezoning proposal would  
41 cause such rezoning proposal to be deemed to have an environmental  
42 impact;

43 3. A formula to determine, by reference to any, all, or any combina-  
44 tion of the following factors, the amount which, if paid to a local  
45 agency zoning mitigation account, would mitigate the impact of housing  
46 construction on the quality of a jurisdiction's environment and on a  
47 local agency's ability to provide essential public services: such local  
48 agency's expenses for public education; such local agency's expenses for  
49 maintenance and improvement of roads, bicycle paths, pedestrian walkways  
50 and parks; such local agency's expenses to provide drinking water and to  
51 manage water quality; and other factors determined by the commissioner  
52 to be relevant; and

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

54 § 5. Expedited zoning review. Whenever a county legislature has  
55 adopted a local law to permit rail advantaged housing as defined in  
56 section three of this act, the uniform standards established pursuant to

1 section four of this act shall apply to such project if the project is  
2 approved. Approval by a rezoning entity of a rail advantaged housing  
3 rezoning proposal is contingent upon the approval of the chief executive  
4 officer of any town, village or city and shall be deemed to not have a  
5 significant effect on the environment under subparagraph (ii) of para-  
6 graph (c) of subdivision 2 of section 8-0113 of the environmental  
7 conservation law if prior to such approval:

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

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

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

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

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

23 § 6. This act shall take effect immediately.

#### 24 PART EE

25 Section 1. Subdivision 5 of section 1902 of the public authorities  
26 law, as added by section 6 of part JJJ of chapter 58 of the laws of  
27 2020, is amended to read as follows:

28 5. Notwithstanding title five-A of article nine of this chapter, or  
29 any law to the contrary, establish a build-ready program, including  
30 eligibility and other criteria, pursuant to which the authority would,  
31 through a competitive and transparent bidding process, and using single  
32 purpose project holding companies established by or on behalf of the  
33 authority and having no separate and independent operational control,  
34 acquire, sell and transfer rights and other interests in build-ready  
35 sites and development rights to developers for the purpose of facilitat-  
36 ing the development of renewable energy facilities on such build-ready  
37 sites. Such transactions may include the transfer of rights, interests  
38 and obligations existing under agreements providing for host community  
39 benefits negotiated by the authority pursuant to programs established  
40 pursuant to subdivision six of this section on such terms and conditions  
41 as the authority deems appropriate;

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

#### 46 PART FF

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

51 (p) The amendments to section 1809 of the vehicle and traffic law made  
52 by sections three hundred thirty-seven and three hundred thirty-eight of



1 this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of  
2 this act shall take effect immediately and shall expire November 1, 1993  
3 at which time it shall be deemed repealed; sections three hundred  
4 forty-five and three hundred forty-six of this act shall take effect  
5 July 1, 1991; sections three hundred fifty-five, three hundred fifty-  
6 six, three hundred fifty-seven and three hundred fifty-nine of this act  
7 shall take effect immediately and shall expire June 30, 1995 and shall  
8 revert to and be read as if this act had not been enacted; section three  
9 hundred fifty-eight of this act shall take effect immediately and shall  
10 expire June 30, 1998 and shall revert to and be read as if this act had  
11 not been enacted; section three hundred sixty-four through three hundred  
12 sixty-seven of this act shall apply to claims filed on or after such  
13 effective date; sections three hundred sixty-nine, three hundred seven-  
14 ty-two, three hundred seventy-three, three hundred seventy-four, three  
15 hundred seventy-five and three hundred seventy-six of this act shall  
16 remain in effect until September 1, [2021] 2023, at which time they  
17 shall be deemed repealed; provided, however, that the mandatory  
18 surcharge provided in section three hundred seventy-four of this act  
19 shall apply to parking violations occurring on or after said effective  
20 date; and provided further that the amendments made to section 235 of  
21 the vehicle and traffic law by section three hundred seventy-two of this  
22 act, the amendments made to section 1809 of the vehicle and traffic law  
23 by sections three hundred thirty-seven and three hundred thirty-eight of  
24 this act and the amendments made to section 215-a of the labor law by  
25 section three hundred seventy-five of this act shall expire on September  
26 1, [2021] 2023 and upon such date the provisions of such subdivisions  
27 and sections shall revert to and be read as if the provisions of this  
28 act had not been enacted; the amendments to subdivisions 2 and 3 of  
29 section 400.05 of the penal law made by sections three hundred seventy-  
30 seven and three hundred seventy-eight of this act shall expire on July  
31 1, 1992 and upon such date the provisions of such subdivisions shall  
32 revert and shall be read as if the provisions of this act had not been  
33 enacted; the state board of law examiners shall take such action as is  
34 necessary to assure that all applicants for examination for admission to  
35 practice as an attorney and counsellor at law shall pay the increased  
36 examination fee provided for by the amendment made to section 465 of the  
37 judiciary law by section three hundred eighty of this act for any exam-  
38 ination given on or after the effective date of this act notwithstanding  
39 that an applicant for such examination may have prepaid a lesser fee for  
40 such examination as required by the provisions of such section 465 as of  
41 the date prior to the effective date of this act; the provisions of  
42 section 306-a of the civil practice law and rules as added by section  
43 three hundred eighty-one of this act shall apply to all actions pending  
44 on or commenced on or after September 1, 1991, provided, however, that  
45 for the purposes of this section service of such summons made prior to  
46 such date shall be deemed to have been completed on September 1, 1991;  
47 the provisions of section three hundred eighty-three of this act shall  
48 apply to all money deposited in connection with a cash bail or a  
49 partially secured bail bond on or after such effective date; and the  
50 provisions of sections three hundred eighty-four and three hundred  
51 eighty-five of this act shall apply only to jury service commenced  
52 during a judicial term beginning on or after the effective date of this  
53 act; provided, however, that nothing contained herein shall be deemed to  
54 affect the application, qualification, expiration or repeal of any  
55 provision of law amended by any section of this act and such provisions  
56





1 shall be applied or qualified or shall expire or be deemed repealed in  
2 the same manner, to the same extent and on the same date as the case may  
3 be as otherwise provided by law;

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

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

10 § 3. This act shall take effect immediately.

11 PART GG

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

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

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

24 a. Notwithstanding the provisions of section 1226 of the vehicle and  
25 traffic law, the New York state commissioner of motor vehicles may  
26 approve demonstrations and tests consisting of the operation of a motor  
27 vehicle equipped with autonomous vehicle technology while such motor  
28 vehicle is engaged in the use of such technology on public highways  
29 within this state for the purposes of demonstrating and assessing the  
30 current development of autonomous vehicle technology and to begin iden-  
31 tifying potential impacts of such technology on safety, traffic control,  
32 traffic enforcement, emergency services, and such other areas as may be  
33 identified by such commissioner. [Provided, however, that such demon-  
34 strations and tests shall only take place under the direct supervision  
35 of the New York state police, in a form and manner prescribed by the  
36 superintendent of the New York state police. Additionally, a law  
37 enforcement interaction plan shall be included as part of the demon-  
38 stration and test application that includes information for law enforce-  
39 ment and first responders regarding how to interact with such a vehicle  
40 in emergency and traffic enforcement situations. Such demonstrations  
41 and tests shall take place in a manner and form prescribed by the  
42 commissioner of motor vehicles including, but not limited to: a require-  
43 ment that a natural person holding a valid license for the operation of  
44 the motor vehicle's class be present within such vehicle for the dura-  
45 tion of the time it is operated on public highways; a requirement that  
46 the motor vehicle utilized in such demonstrations and tests complies  
47 with all applicable federal motor vehicle safety standards and New York  
48 state motor vehicle inspection standards; and a requirement that the  
49 motor vehicle utilized in such demonstrations and tests has in place, at  
50 a minimum, financial security in the amount of five million dollars] The  
51 commissioner shall issue and promulgate rules and regulations for the  
52 administration of this act. Nothing in this act shall authorize the  
53 motor vehicle utilized in such demonstrations and tests to operate in

1 violation of article 22 or title 7 of the vehicle and traffic law,  
2 excluding section 1226 of such law.

3 § 3. Section 3 of part FF of chapter 55 of the laws of 2017, relating  
4 to motor vehicles equipped with autonomous vehicle technology, as  
5 amended by section 2 of part M of chapter 58 of the laws of 2019, is  
6 amended to read as follows:

7 § 3. This act shall take effect April 1, 2017; provided, however, that  
8 section one of this act shall expire and be deemed repealed April 1,  
9 [2021] 2026.

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

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

38 PART HH

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

41 § 224-b. Convenience fee. In addition to any other fees provided for  
42 in this chapter, a nonrefundable technology fee of one dollar shall be  
43 added to the applicable fee for any transaction for which a fee is  
44 charged by the department for: the registration, reregistration or  
45 renewal of a registration of a motor vehicle, motorcycle, historic  
46 motorcycle, snowmobile or vessel; and the issuance of any original,  
47 duplicate or renewal learner permit, driver's license or non-driver  
48 identification card. Such fees shall be deposited to the credit of the  
49 dedicated highway and bridge trust fund, established pursuant to section  
50 eighty-nine-b of the state finance law.

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



(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred five, two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, [section] sections two hundred twenty-four-b and four hundred one and article [twelve-d] twelve-D of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five of the vehicle and traffic law, section two of part U1 of chapter sixty-two of the laws of two thousand three, subdivision (d) of section three hundred four-a, paragraph one of subdivision (a) and subdivision (d) of section three hundred five, subdivision six-a of section four hundred fifteen and subdivision (g) of section twenty-one hundred twenty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and section one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

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

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, [section] sections two hundred twenty-four-b and four hundred one and article [twelve-d] twelve-D of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and section one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed five years after such date; provided, however, that the amendments to paragraph (a) of subdivision 3 of section 89-b of the state finance law, made by section two of this act, shall be subject to the expiration and reversion of such paragraph pursuant to section 13 of part U1 of chapter



62 of the laws of 2003, as amended, when upon such date the provisions of section three of this act shall take effect; provided further that the convenience fee authorized to be collected in connection with fee transactions relating to the registration of motor vehicles, motorcycles, historic motorcycles, vessels and snowmobiles shall apply to new registrations issued, reregistrations occurring, and to renewals of registrations expiring, on and after such date; and provided further that the technology fee authorized to be collected in connection with fee transactions relating to learner permits, driver licenses and identification cards shall apply to new learner permits, driver licenses and identification cards issued, and to renewals of learner permits, driver licenses and identification cards expiring, on and after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation and any changes in procedures and information technology systems necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

## PART II

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

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

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

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

## PART JJ

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

In this [chapter] article:

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

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



1     § 5109. Unauthorized providers of health services. (a) [The super-  
2     intendent, in consultation with the commissioner of health and the  
3     commissioner of education, shall by regulation, promulgate standards and  
4     procedures for investigating and suspending or removing the authori-  
5     zation for providers of health services to demand or request payment for  
6     health services as specified in paragraph one of subsection (a) of  
7     section five thousand one hundred two of this article upon findings  
8     reached after investigation pursuant to this section. Such regulations  
9     shall ensure the same or greater due process provisions, including  
10    notice and opportunity to be heard, as those afforded physicians inves-  
11    tigated under article two of the workers' compensation law and shall  
12    include provision for notice to all providers of health services of the  
13    provisions of this section and regulations promulgated thereunder at  
14    least ninety days in advance of the effective date of such regulations.]  
15    As used in this section, "health services" means services, supplies,  
16    therapies or other treatments as specified in subparagraph (i), (ii) or  
17    (iv) of paragraph one of subsection (a) of section five thousand one  
18    hundred two of this article.

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

32    (1) has admitted to, or been found guilty of, professional [or other]  
33    misconduct [or incompetency], as defined in the education law, in  
34    connection with [medical] health services rendered under this article;  
35    [or

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

40    (3)] (2) solicited, or [has] employed another person to solicit for  
41    [himself or herself] the provider of health services or [for] another  
42    person or entity, professional treatment, examination or care of [an  
43    injured] a person in connection with any claim under this article; [or

44    (4) has] (3) refused to appear before, or [to] answer any question  
45    upon request of, the [commissioner of health, the] superintendent[, or  
46    any duly authorized officer of [the] this state, [any legal question,]  
47    or refused to produce any relevant information concerning [his or her]  
48    the conduct of the provider of health services in connection with  
49    [rendering medical] health services rendered under this article; [or

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

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

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

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

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

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

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

19 (9) has been convicted of a crime involving fraudulent or dishonest  
20 practices; or

21 (10) violated any provision of this article or regulations promulgated  
22 thereunder.

23 (c) [Providers] A provider of health services shall [refrain from  
24 subsequently treating for remuneration, as a private patient, any person  
25 seeking medical treatment] not demand or request payment for any health  
26 services under this article [if such provider pursuant to this section  
27 has been prohibited from demanding or requesting any payment for medical  
28 services under this article. An injured claimant so treated or examined  
29 may raise this as] other than health services rendered in the emergency  
30 department of a general hospital, as defined in subdivision ten of  
31 section two thousand eight hundred one of the public health law, that  
32 are rendered during the term of the prohibition ordered by the super-  
33 intendent pursuant to subsection (b) of this section. The prohibition  
34 ordered by the superintendent may be a defense in any action by [such]  
35 the provider of health services for payment for [treatment rendered at  
36 any time after such provider has been prohibited from demanding or  
37 requesting payment for medical services in connection with any claim  
38 under this article] such health services.

39 (d) The chair of the workers' compensation board shall provide the  
40 superintendent a list of the names of all providers of health services  
41 which, in connection with any investigation, hearing, or findings pursu-  
42 ant to section thirteen-d of the workers' compensation law, have volun-  
43 tarily resigned or are disqualified from rendering health services under  
44 the workers' compensation law. Such providers of health services shall  
45 not be authorized to demand or request any payment for health services  
46 in connection with any claim under this article, other than health  
47 services rendered in the emergency department of a general hospital, as  
48 defined in subdivision ten of section two thousand eight hundred one of  
49 the public health law, that are rendered during the period that such  
50 providers of health services have voluntarily resigned or are disquali-  
51 fied from rendering health services under the workers' compensation law.

52 (e) The chair of the workers' compensation board shall maintain and  
53 regularly update a database containing a list of providers of health  
54 services which, in connection with any investigation, hearing, or find-  
55 ings pursuant to section thirteen-d of the workers' compensation law,  
56 have voluntarily resigned or are disqualified from rendering health



1 services under the workers' compensation law, and shall make such infor-  
2 mation available to the public.

3 (f) The [commissioner of health and the commissioner of education]  
4 superintendent shall maintain [and regularly update] a database contain-  
5 ing a list of providers of health services prohibited by this section  
6 from demanding or requesting any payment for health services [connected  
7 to a claim] rendered under this article and shall make [such] the infor-  
8 mation available to the public [by means of a website and by a toll free  
9 number].

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

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

31 § 3. The superintendent of financial services shall convene a motor  
32 vehicle insurance task force, to examine alternatives to the no-fault  
33 insurance system as well as other legislative or regulatory initiatives  
34 to reduce the cost of motor vehicle insurance. The task force shall  
35 issue a report to the governor on its recommendations no later than  
36 December 31, 2021. The task force shall be chaired by the superinten-  
37 dent of financial services or his or her designee, and the governor  
38 shall appoint eight (8) members comprised of consumer representatives,  
39 health insurers, trial attorneys, healthcare providers, and insurers.  
40 The members of the task force shall receive no compensation for their  
41 services, but shall be allowed their actual and necessary expenses  
42 incurred in the performance of their duties.

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

46 PART KK

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

48 § 2. Section 3102-b of the public authorities law, as renumbered by  
49 chapter 291 of the laws of 1990, the opening paragraph as amended by  
50 chapter 616 of the laws of 1991, paragraph (a) of subdivision 1, subdi-  
51 vision 3 and paragraph (a) of subdivision 6 as amended by chapter 191 of  
52 the laws of 2010, subdivisions 5 and 6 as added by chapter 828 of the  
53 laws of 1987, is amended to read as follows:



§ 3102-b. Centers for advanced technology. In order to encourage greater collaboration between private industry and the universities of the state in the development and application of new technologies, the [foundation] department is authorized to designate for advanced technology such areas as integrated electronics, optics, biotechnology, telecommunications, automation and robotics, electronics packaging, imaging technology and others [identified by the foundation] as determined by the department in accordance with the criteria set forth in section three of part T of chapter eighty-four of the laws of two thousand two, in areas identified by such department as having significant potential for economic growth in New York, or in which the application of new technologies could significantly enhance the productivity and stability of New York businesses. Such designations shall be made in accordance with the standards and criteria set forth in subdivision two of this section. Centers so designated shall be eligible for support from the foundation in the manner provided for in subdivision three of this section, and for such additional support as may otherwise be provided by law.

1. As used in this section:

(a) "center for advanced technology" or "center" means a university or university-affiliated research institute or a consortium of such institutions, designated by the [foundation] department, which conducts a continuing program of basic and applied research, development, and technology commercialization in one or more technological areas, in collaboration with and through the support of private business and industry; and

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

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

2. The [foundation] department shall:

(a) identify technological areas for which centers should be designated including technological areas that are related to industries with significant potential for economic growth and development in New York state and technological areas that are related to the enhancement of productivity in various industries located in New York state.

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

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

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

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

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

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





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

4 (d) establish such procedures as it deems appropriate for the evalu-  
5 ation of applications for designation as centers for advanced technolo-  
6 gy, including the establishment of peer review panels composed of  
7 nationally recognized experts in the technological areas and industries  
8 to which the application is related.

9 (e) Notwithstanding the criteria set forth in this subdivision, or any  
10 provision of law to the contrary, the universities, university-affiliat-  
11 ed research institutes or a consortium of such institutions designated  
12 as centers of excellence under section four hundred ten of the economic  
13 development law on or before the effective date of the chapter of the  
14 laws of two thousand twenty-one that amended this section shall be  
15 designated as centers for advanced technology for a period of two years,  
16 during which time a competition will be held to award ten year desig-  
17 nations to applicants deemed to have significant economic impact poten-  
18 tial. The number of awards made as a result of such competition shall be  
19 at least equal to the number of centers of excellence. Centers of excel-  
20 lence receiving a two year center designation shall include: Buffalo  
21 Center of Excellence in Bioinformatics and Life Sciences; Syracuse  
22 Center of Excellence in Environmental and Energy Systems; Albany Center  
23 of Excellence in Nanoelectronics; Stony Brook Center of Excellence in  
24 Wireless and Information Technology; Binghamton Center of Excellence in  
25 Small Scale Systems Integration and Packaging; Stony Brook Center of  
26 Excellence in Advanced Energy Research; Buffalo Center of Excellence in  
27 Materials Informatics; Rochester Center of Excellence in Sustainable  
28 Manufacturing; Rochester Center of Excellence in Data Science; Rensse-  
29 laer Polytechnic Institute Center of Excellence in Digital Game Develop-  
30 ment; Rochester Institute of Technology Center of Excellence in Digital  
31 Game Development; New York University Center of Excellence in Digital  
32 Game Development; Cornell University Center of Excellence in Food and  
33 Agriculture Innovation; Albany Center of Excellence in Data Science in  
34 Atmospheric and Environmental Prediction and Innovation; New York  
35 Medical College Center of Excellence in Precision Responses to Bioter-  
36 rorism and Disaster; and Clarkson - SUNY ESF Center of Excellence in  
37 Healthy Water Solutions.

38 3. (a) From such funds as may be appropriated for this purpose by the  
39 legislature, the [foundation] department may provide financial support,  
40 through contracts or other means, to designated centers for advanced  
41 technology, in order to enhance and accelerate the development of such  
42 centers. Funds received pursuant to this subdivision may be used for  
43 purchase of equipment and fixtures, employment of faculty and support  
44 staff, provision of graduate fellowships, and other purposes approved by  
45 the [foundation] department, but may not be used for capital  
46 construction. In each case, the amount provided by the [foundation]  
47 department to a center shall be matched by commitments of support from  
48 private and governmental other than state sources provided that:

49 (i) funds or in-kind resources provided by the public or private  
50 university of which the center is a part may be counted towards the  
51 match;

52 (ii) such match shall not be required on a project-by-project basis;

53 (iii) matching funds received from businesses with no more than one  
54 hundred employees shall count as double the actual dollar amount toward  
55 the center's overall match requirement;



(iv) funds used by the center for any workforce development activities required by the [foundation] department shall not be included as part of the center's award when determining the amount of matching funds required by the [foundation] department. Such activities shall include, but are not limited to, helping incumbent workers expand their skill sets through short courses, seminars, and workshops; providing industry-driven research assistant opportunities for students, and aiding in the development of undergraduate and graduate courses in the center's technology focus to help ensure that students are trained to meet the needs of industry;

(v) centers may use not more than twenty-five percent of indirect costs towards any match requirements.

(b) (i) The [amount provided by the foundation shall be made in accordance with the following:

(i) for the academic year in which it is first funded as a designated center, and the five subsequent years, the] amount provided by the [foundation] department to a center shall be matched equally by the center[;

(ii) beginning in the sixth academic year following the academic year in which a center is first funded as a designated center and for each academic year thereafter, amounts provided by the foundation of up to seven hundred fifty thousand dollars shall be matched equally by the center, amounts in excess of seven hundred fifty thousand dollars shall be matched by the center in amounts of at least the percentage set forth herein: in the sixth year, one hundred twenty percent; in the seventh year, one hundred forty percent; in the eighth year, one hundred sixty percent; in the ninth year, one hundred eighty percent; in the tenth year and each year thereafter, two hundred percent;

(iii) beginning in the ninth academic year following the academic year in which a center is first funded as a designated center, the foundation shall evaluate such center's area of advanced technology to determine whether it has continued significant potential for enhancing economic growth in New York, or whether the application of technologies in the area could significantly enhance the productivity and stability of New York businesses;

(iv) upon]. (ii) Upon a finding by the [foundation] department that an area of advanced technology has continued significant potential for enhancing economic growth in New York, or that the application of technologies in the area could significantly enhance the productivity and stability of New York businesses, the [foundation] department will initiate a redesignation process in accordance with the standards and criteria set forth in paragraph (b) of subdivision two and in accordance with paragraphs (c) and (d) of subdivision two of this section.

[(1) In the event a new center is selected in the redesignation process, the foundation shall provide funds to such new center in accordance with the funding match requirements set forth in subparagraphs (i) and (ii) of paragraph (a) of this subdivision.

(2) In the event a previously designated center is redesignated in the same area of technology, which redesignation is effective for the tenth academic year following the first academic year of both designation and funding, then, in that year and in each year thereafter, the foundation shall provide funds of up to seven hundred fifty thousand dollars to be matched equally by the center, amounts in excess of seven hundred fifty thousand dollars shall be matched by the center in amounts of at least two hundred percent.



1 (3)] (iii) In the event a currently designated center is not selected  
2 in the redesignation process for an additional term, or upon a finding  
3 by the [foundation] department that the area of advanced technology does  
4 not have significant potential for enhancing economic growth in New  
5 York, or upon a finding that the application of technologies in that  
6 area would not significantly enhance the productivity and stability of  
7 New York businesses, then the [foundation] department shall, in the  
8 tenth academic year following such center's first both designation and  
9 funding, which year shall be the final year of funding for such center,  
10 provide an amount of up to five hundred thousand dollars.

11 (c) Continued funding of the operations of each center shall be based  
12 upon a showing that: the center continues to comply with the criteria  
13 established by the [foundation] department pursuant to paragraph (b) of  
14 subdivision two of this section; a demonstration of assistance to small  
15 businesses in New York state through research, technology transfer or  
16 other means as approved by the [foundation] department; evidence of  
17 partnerships with other appropriate entities to develop outreach  
18 networks and ensure that companies receive access to appropriate federal  
19 funding for technology development and commercialization as well as  
20 non-research assistance such as general business consulting. Appropriate  
21 partners are those with which the center demonstrates a relationship  
22 that enhances and advances the center's ability to aid economic growth  
23 in New York state; and compliance with the rules, regulations and guide-  
24 lines of the [foundation] department; and, compliance with any contracts  
25 between the [foundation] department and the designated center.

26 (d) Each center shall report on its activities to the [foundation]  
27 department in a manner and according to the schedule established by the  
28 [foundation] department, and shall provide such additional information  
29 as the [foundation] department may require provided, that quantifiable  
30 economic development impact measures are not restricted to any period  
31 less than five years and that centers provide a full description of all  
32 non-quantifiable measures. The [foundation] department shall evaluate  
33 center operations using methods such as site visits, reporting of speci-  
34 fied information and peer review evaluations using experts in the field  
35 of technology in which the center was designated. The [foundation]  
36 department shall notify each center of the results of its evaluations  
37 and findings of deficiencies in the operation of such center or its  
38 research, education, or technology commercialization activities and  
39 shall work with such centers to remedy such findings. If such factors  
40 are not remedied, the [foundation] department may withdraw the state  
41 funding support, in whole or in part, or withdraw the center desig-  
42 nation.

43 (e) In order to encourage that the results of center research benefit  
44 New York state, designation and continued funding of each center shall  
45 be contingent upon each center's establishing within its licensing  
46 guidelines the following: after payment of the inventor's share, a  
47 reduced payment due to the university of any royalty, income or other  
48 consideration earned from the license or sale of intellectual property  
49 rights created or developed at, or through the use of, the facilities of  
50 the center by any person or entity if the manufacturing or use resulting  
51 from such intellectual property rights occurs within New York state. The  
52 [foundation] department shall promulgate rules and regulations regarding  
53 the provisions of the licensing guidelines described herein as they  
54 apply to such reduced payment, and such provisions shall be subject to  
55 the approval of the [foundation] department.

1 4. From such funds as may be appropriated for this purpose by the  
2 legislature, the [foundation] department may provide grants to any one  
3 university or university-affiliated research institution for purposes of  
4 planning and program development aimed at enabling such university or  
5 university-affiliated research institution to qualify for designation as  
6 a center. Such grants shall be awarded on a competitive basis, and shall  
7 be available only to those applicants which in the judgment of the  
8 [foundation] department may reasonably be expected to be designated as  
9 centers. No applicant shall receive more than one such grant.

10 5. (a) From such funds as may be appropriated for the purpose of  
11 incentive grants or other funds which may be available from the [founda-  
12 tion] department to enhance center activities in areas of crucial inter-  
13 est in the state's economic development, the [foundation] department may  
14 provide grants, on a competitive basis, to centers for projects includ-  
15 ing, but not limited to, those which:

16 (i) explore new technologies with commercial application conducted  
17 jointly by two or more centers or a center and non-center university,  
18 college or community college;

19 (ii) are aimed at enhancing or accelerating the process of bringing  
20 new products, particularly those under development by new small busi-  
21 nesses, to the marketplace; or

22 (iii) increase technology transfer projects with the state's mature  
23 manufacturing industries in applying technology in their manufacturing  
24 processes or for new product development.

25 (b) State support for incentive grants may be matched on an individual  
26 basis by the [foundation] department, which may consider the type of  
27 project and the availability of amounts from private, university and  
28 governmental, other than state, sources.

29 6. (a) The [foundation] department shall make an annual report of the  
30 centers for advanced technology program to the governor and the legisla-  
31 ture not later than September first of each year. Such report shall  
32 include, but not be limited to, the results of the [foundation's]  
33 department's evaluation of each center, a description of the achievement  
34 of each center, any deficiencies in the operation of each center or its  
35 research, education and technology commercialization activities, remedi-  
36 al actions recommended by the [foundation] department, remedial actions  
37 taken by each center, a description of the small business assistance  
38 provided by each center, a description of any incentive grant program  
39 awarded a grant by the [foundation] department and the achievements of  
40 such program, and the amount of financial assistance provided by the  
41 [foundation] department and the level of matching funds provided by each  
42 center and the uses of such monies.

43 (b) Annual reports shall include a discussion of any fields of tech-  
44 nology that the foundation has identified as having significant poten-  
45 tial for economic growth or improved productivity and stability of New  
46 York businesses and in which no center for advanced technology has been  
47 designated and recommendations of the [foundation] department as to  
48 actions that should be taken.

49 § 3. This act shall take effect immediately, provided, however section  
50 one of this act shall take effect April 1, 2023.

51 PART LL

52 Section 1. Paragraph (a) of subdivision 1 of section 9-x of the bank-  
53 ing law, as amended by section 1 of part C of chapter 126 of the laws of  
54 2020, is amended to read as follows:



(a) "Covered period" means March 7, 2020 until the later of December 31, 2021 or the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14, as extended by Executive Orders 202.28 and 202.31 and as further extended by any future Executive Order, issued in response to the COVID-19 pandemic continue to apply in the county of the qualified mortgagor's residence;

§ 2. This act shall take effect immediately.

#### PART MM

Section 1. This act enacts into law components of legislation relating to eviction and foreclosure protections for tenants and owners of commercial real property. Each component is wholly contained within a subpart identified as Subparts A through B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a subpart, including the effective date of the subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the subpart in which it is found. Section five of this act sets forth the general effective date of this act.

§ 2. Short title. This act shall be known and may be cited as the "COVID-19 Emergency Eviction and Foreclosure Prevention for Tenants and Owners of Commercial Real Property Act of 2021".

§ 3. Legislative intent. The Legislature finds and declares all of the following:

1. On March 7, 2020, Governor Andrew Cuomo proclaimed a state of emergency in response to the Coronavirus disease (COVID-19) pandemic. Measures necessary to contain the spread of COVID-19 have brought about widespread economic and societal disruption, placing the state of New York in unprecedented circumstances.

2. COVID-19 presents a historic threat to public health and the economic well-being of New Yorkers. Commercial tenants and real property owners are facing eviction or foreclosure due to necessary disease control measures that reduced businesses revenue and triggered mass unemployment across the state.

3. The pandemic has further interrupted court operations, the availability of counsel, the ability for parties to pay for counsel, and the ability to safely commute and enter a courtroom, settlement conference and the like.

4. A temporary prohibition of evictions and foreclosures for commercial properties is to the mutual benefit of all New Yorkers and will help the state address the financial toll of the pandemic, protect public health, and set the stage for economic recovery.

5. As such, a limited, temporary stay is necessary to protect the public health, financial security, and morals of the people the Legislature represents from the dangers of the COVID-emergency pandemic.

#### SUBPART A

Section 1. Definitions. For the purposes of this act:



1 1. "Eviction proceeding" means a summary proceeding to recover  
2 possession of real property relating to a commercial unit under the real  
3 property actions and proceedings law for nonpayment of rent or any other  
4 judicial proceeding to recover possession of commercial real property  
5 for nonpayment of rent.

6 2. "Landlord" includes a landlord, owner of real property and any  
7 other person with a legal right to pursue eviction, possessory action,  
8 or a money judgment for rent, including arrears, owed or that becomes  
9 due during the COVID-19 covered period, as defined in section 1 of chap-  
10 ter 127 of the laws of 2020.

11 3. "Tenant" includes a commercial tenant, or any other person or enti-  
12 ty responsible for paying rent, use and occupancy, or any other finan-  
13 cial obligation under a lease for real property or tenancy agreement,  
14 but does not include a residential tenant of a dwelling unit.

15 4. "Hardship declaration" means the following statement, or a substan-  
16 tially equivalent statement in the tenant's primary language, in  
17 14-point type, published by the office of court administration, whether  
18 in physical or electronic form, regarding the financial hardship of the  
19 tenant and signed under the penalty of perjury by the tenant:

20 "NOTICE TO COMMERCIAL TENANT: If you have lost income or had increased  
21 costs during the COVID-19 pandemic as described in this hardship decla-  
22 ration and you sign and deliver this hardship declaration to your land-  
23 lord, you cannot be evicted until at least May 1, 2021 for nonpayment of  
24 rent. You or your licensees may still be evicted for violating your  
25 lease by persistently engaging in behavior that infringes on the use and  
26 enjoyment of other tenants or occupants or causes a substantial safety  
27 hazard to others. If your landlord has provided you with this form, your  
28 landlord must also provide you with a mailing address and email address  
29 to which you can return this form. If your landlord has already started  
30 an eviction proceeding against you, you can return this form to either  
31 your landlord, the court, or both at any time. You should keep a copy or  
32 a picture of the signed form for your records. You will still owe any  
33 unpaid rent to your landlord. You should also keep careful track of what  
34 you have paid and any amount you still owe.

35 COMMERCIAL TENANT'S DECLARATION OF HARDSHIP DURING THE COVID-19 PANDEM-  
36 IC: I am a commercial tenant, lawful occupant, or other person respon-  
37 sible for paying rent, use and occupancy, or any other financial obli-  
38 gation under a commercial lease or commercial tenancy agreement at  
39 (address of commercial property).

40 You must indicate below your qualification for eviction protection by  
41 checking the appropriate box and signing the declaration:

42 My business is experiencing financial hardship due to the COVID-19  
43 pandemic, I certify I have not received any federal, state or local aid  
44 for businesses harmed by COVID-19, and I am unable to pay my rent or  
45 other financial obligations under the lease in full because of the  
46 following:

47 ( ) My business was subject to seating, occupancy or on-premises pres-  
48 ence limitations due to COVID-19 safety measures as required by New York  
49 State Executive Orders and the business suffered a significant loss of  
50 income or significant increase in cost, the approximate percentage of  
51 which may be required to be provided or proved by documentation;

52 ( ) My business has experienced a reduction in gross receipts by at  
53 least thirty-five percent for any three-month term during the COVID-19  
54 coverage period that is comparable to a three-month term in 2019, which  
55 may be required to be proved by documentation;



1 ( ) My business has experienced a net decrease in employment by at least  
2 thirty-five percent for any three-month term during the COVID-19 cover-  
3 age period that is comparable to a three-month term in 2019, which may  
4 be required to be proved by documentation; or

5 ( ) I attest that my business was in receipt of federal, state, or local  
6 aid for businesses financially harmed by COVID-19, however the amounts  
7 received \_\_\_\_\_ (fill in amount) was insufficient to pay fully any  
8 arrears, and my business still meets one or more of the criteria laid  
9 out above and I qualify for financial hardship under this section.

10 I understand that I must comply with all other lawful terms under my  
11 tenancy, lease agreement or similar contract. I further understand that  
12 lawful fees, penalties or interest for not having paid rent in full or  
13 met other financial obligations as required by my tenancy, lease agree-  
14 ment or similar contract may still be charged or collected and may  
15 result in a monetary judgment against me. I further understand that my  
16 landlord may be able to seek eviction after May 1, 2021, and that the  
17 law may provide certain protections at that time that are separate from  
18 those available through this declaration.

19 Signed:

20 Printed name:

21 Date signed:

22 NOTICE: You are signing and submitting this form under penalty of law.  
23 That means it is against the law to make a statement on this form that  
24 you know is false."

25 § 2. Notwithstanding any law to the contrary no commercial tenant  
26 shall be removed from possession prior to May 1, 2021, except by an  
27 eviction proceeding.

28 § 3. Pending eviction proceedings. Any eviction proceeding pending on  
29 the effective date of this act, including eviction proceedings filed on  
30 or before March 7, 2020, or commenced within thirty days of the effec-  
31 tive date of this act shall be stayed for at least thirty days, or to  
32 such later date that the chief administrative judge shall determine is  
33 necessary to ensure that courts are prepared to conduct proceedings in  
34 compliance with this act and to give tenants an opportunity to submit  
35 the hardship declaration pursuant to this act. The court in each case  
36 shall promptly issue an order directing such stay and promptly mail the  
37 respondent a copy of the hardship declaration.

38 § 4. Prohibition on initiation of eviction proceeding. If there is no  
39 pending eviction proceeding and a tenant provides a hardship declaration  
40 to the landlord or an agent of the landlord, there shall be no initi-  
41 ation of an eviction proceeding against the tenant until at least May 1,  
42 2021, and in such event any specific time limit for the commencement of  
43 an eviction proceeding shall be tolled until May 1, 2021.

44 § 5. Required affidavit. 1. No court shall accept for filing any peti-  
45 tion or complaint or other filing to commence an eviction proceeding  
46 unless the petitioner or an agent of the petitioner or plaintiff files  
47 an affidavit of service, attesting to the service of both the eviction  
48 papers and an unexecuted copy of the hardship declaration, and accompa-  
49 nied by an affidavit by petitioner or plaintiff that:

50 a. at the time of filing, neither the petitioner or the plaintiff nor  
51 any agent of the petitioner or plaintiff has received a hardship decla-  
52 ration from the respondent or defendant, or

53 b. the respondent or defendant has returned a hardship declaration,  
54 but the respondent or its licensees are persistently engaging in behav-



ior that infringes on the use and enjoyment of other tenants or occupants or causes a substantial safety hazard to others, with a specific description of the behavior alleged.

2. Upon accepting a petition or complaint the attorney, judge, or clerk of the court, as the case may be, shall determine whether a copy of the hardship declaration is annexed to the served notice of petition or summons and complaint and, if not, shall ensure that the hardship declaration is attached to such notice or summons. At the earliest possible opportunity, the court shall seek confirmation on the record or in writing from the respondent or defendant that the respondent or defendant has received the hardship declaration and that the respondent or defendant has not submitted a hardship declaration to the petitioner or plaintiff, an agent of the petitioner or plaintiff, or the court.

§ 6. Pending proceedings. In any eviction proceeding in which an eviction warrant or judgment of possession or ejectment has not been issued, including eviction proceedings filed on or before March 7, 2020, if the tenant provides a hardship declaration to the petitioner or plaintiff, the court, or an agent of the petitioner or the court, the eviction proceeding shall be stayed until at least May 1, 2021. If such hardship declaration is provided to the petitioner or plaintiff or their agent, such petitioner or plaintiff or their agent shall promptly file it with the court, advising the court in writing the index number of all relevant cases.

§ 7. Sections two, three, four, and six of this act shall not apply if the tenant or its licensees are persistently engaging in behavior that infringes on the use and enjoyment of other tenants or occupants or causes a substantial health or safety hazard to others.

§ 8. Translation of hardship declaration. The office of court administration shall translate the hardship declaration, as defined in section one of this act, into Spanish and the six most common languages in the city of New York, after Spanish, and shall post and maintain such translations and an English language copy of the hardship declaration on the website of such office beginning within fifteen days of the effective date of this act. To the extent practicable, the office of court administration shall post and maintain on its website translations into such additional languages as the chief administrative judge shall deem appropriate to ensure that tenants have an opportunity to understand and submit hardship declarations pursuant to this act.

§ 9. If any clause, sentence, paragraph, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 10. This act shall take effect immediately and sections one, two, three, four, five, six, seven, and eight of this act shall expire May 1, 2021.

#### SUBPART B

Section 1. This subpart enacts into law components of legislation relating to mortgage foreclosures.

§ 2. Application. This act shall apply to any action to foreclose a mortgage relating to a commercial or multi-family real property.





1 (a) For purposes of this act, real property shall not include residen-  
2 tial real property that is subject to the COVID-19 Emergency Eviction  
3 and Foreclosure Prevention Act of 2020.

4 (b) For purposes of this act, real property shall not include property  
5 that has not been maintained or has not been actively marketed for  
6 rental for a continuous period of six months before the submission of a  
7 hardship declaration pursuant to this action.

8 (c) Notwithstanding anything to the contrary, this act shall not apply  
9 to and does not affect any mortgage loans made, insured, purchased or  
10 securitized by a corporate governmental agency of the state constituted  
11 as a political subdivision and public benefit corporation, or the rights  
12 and obligations of any lender, issuer, servicer, or trustee of such  
13 obligations.

14 § 3. Definitions. For the purposes of this act, "Hardship Declaration"  
15 means the following statement, or a substantially similar statement, in  
16 the mortgagor's primary language, in 14-point type, published by the  
17 office of court administration, whether in physical or electronic form  
18 and signed under the penalty of perjury stating the following:

19 "NOTICE TO MORTGAGOR: If you have lost income or had increased costs  
20 during the COVID-19 pandemic as described in this hardship declaration  
21 and you sign and deliver this hardship declaration to your mortgage  
22 lender, you cannot be foreclosed on until at least May 1, 2021. You or  
23 your licensees may still be evicted for violating your lease by persis-  
24 tently engaging in behavior that infringes on the use and enjoyment of  
25 other tenants or occupants or causes a substantial safety hazard to  
26 others.

27 If your mortgage lender or other foreclosing party has provided you with  
28 this form, they must also provide you with a mailing address and email  
29 address to which you can return this form. If your mortgage lender or  
30 other foreclosing party has already started a foreclosure proceeding  
31 against you, you can return this form to either your mortgage lender or  
32 the foreclosing party, the court, or both at any time. You should keep a  
33 copy or a picture of the signed form for your records. You will still  
34 owe any unpaid mortgage payments and lawful fees to your lender. You  
35 should also keep careful track of what you have paid and any amount you  
36 still owe.

37 COMMERCIAL MORTGAGOR'S DECLARATION OF COVID-19 BUSINESS RELATED HARD-  
38 SHIP: I am the mortgagor of the property at (address of commercial  
39 business). I am experiencing financial hardship and I have not received  
40 any federal, state, or local aid for businesses financially harmed by  
41 COVID-19, and I am unable to pay my mortgage in full because of one or  
42 more of the following:

43 ( ) One or more of my tenants have defaulted on a significant amount of  
44 rent payments since March 1, 2020, which may be required to be proved by  
45 documentation;

46 ( ) My tenant's business was subject to seating, occupancy or on-premis-  
47 es presence limitations due to COVID-19 safety measures as required by  
48 New York State Executive Orders and the business suffered a significant  
49 loss or income or increase in cost which has resulted in the reduction  
50 of a significant amount of rent payments, which may be required to be  
51 proved by documentation;

52 ( ) I have suffered a significant reduction in revenue or increase in  
53 cost for any three-month period during the COVID-19 coverage period,  
54 which may be required to be proved by documentation.



1 I attest that if my business was in receipt of federal, state, or local  
2 aid for businesses financially harmed by COVID-19, that such amount of  
3 \_\_\_\_\_ (fill in amount), was insufficient to cover my mortgage and my  
4 business still meets the criteria laid out above and I qualify for  
5 financial hardship under this section. I understand that I must comply  
6 with all the other lawful terms under my mortgage agreement. I further  
7 understand that lawful fees, penalties or interest for not having paid  
8 my mortgage in full as required by my mortgage agreement may still be  
9 charged or collected and may result in a monetary judgment against me. I  
10 also understand that my mortgage lender or other foreclosing party may  
11 pursue a foreclosure action against me on or after May 1, 2021, if I do  
12 not fully repay any missed or partial payments and lawful fees.

13 Signed:  
14 Printed name:  
15 Date signed:

16 NOTICE: You are signing and submitting this form under penalty of law.  
17 That means it is against the law to make a statement on this form that  
18 you know is false."

19 § 4. Any action to foreclose a mortgage pending on the effective date  
20 of this act, including actions filed on or before March 7, 2020, or  
21 commenced within thirty days of the effective date of this act shall be  
22 stayed for at least thirty days, or to such later date that the chief  
23 administrative judge shall determine is necessary to ensure that courts  
24 are prepared to conduct proceedings in compliance with this act and to  
25 give mortgagors an opportunity to submit the hardship declaration pursu-  
26 ant to this act. The court in each case shall promptly issue an order  
27 directing such stay and promptly mail the mortgagor a copy of the hard-  
28 ship declaration.

29 § 5. If a mortgagor provides a hardship declaration to the foreclosing  
30 party or an agent of the foreclosing party, there shall be no initiation  
31 of an action to foreclose a mortgage against the mortgagor until at  
32 least May 1, 2021, and in such event any specific time limit for the  
33 commencement of an action to foreclose a mortgage shall be tolled until  
34 May 1, 2021.

35 § 6. No court shall accept for filing any action to foreclose a mort-  
36 gage unless the foreclosing party or an agent of the foreclosing party  
37 files an affidavit, of service demonstrating the service of a copy of  
38 the summons and complaint or notice of petition, along with an unexe-  
39 cuted copy of the hardship declaration; and an affidavit by the peti-  
40 tioner attesting that at the time of filing, neither the foreclosing  
41 party nor any agent of the foreclosing party has received a hardship  
42 declaration from the mortgagor. At the earliest possible opportunity,  
43 the court shall seek confirmation on the record or in writing that the  
44 mortgagor has received a copy of the hardship declaration and that the  
45 mortgagor has not returned the hardship declaration to the foreclosing  
46 party or an agent of the foreclosing party. If the court determines a  
47 mortgagor has not received a hardship declaration, then the court shall  
48 stay the proceeding for a reasonable period of time, which shall be no  
49 less than ten business days or any longer period provided by law, to  
50 ensure the mortgagor received and fully considered whether to submit the  
51 hardship declaration.

52 § 7. In any action to foreclose a mortgage in which a judgment of sale  
53 has been issued prior to the effective date of this act but has not yet  
54 been executed as of the effective date of this act, including actions

1 filed on or before March 7, 2020, the court shall stay the execution of  
2 the judgment at least until the court has held a status conference with  
3 the parties. In any action to foreclose a mortgage, if the mortgagor  
4 provides a hardship declaration to the foreclosing party, the court, or  
5 an agent of the foreclosing party or the court, prior to the execution  
6 of the judgment, the execution shall be stayed until at least May 1,  
7 2021. If such hardship declaration is provided to the foreclosing party  
8 or agent of the foreclosing party, such foreclosing party or agent shall  
9 promptly file it with the court, advising the court in writing the index  
10 number of all relevant cases.

11 § 8. If any clause, sentence, paragraph, section, or part of this act  
12 shall be adjudged by any court of competent jurisdiction to be invalid  
13 and after exhaustion of all further judicial review, the judgment shall  
14 not affect, impair or invalidate the remainder thereof, but shall be  
15 confined in its operation to the clause, sentence, paragraph, section or  
16 part of this act directly involved in the controversy in which the judg-  
17 ment shall have been rendered.

18 § 9. This act shall take effect immediately and sections one, two,  
19 three, four, five, six and seven of this act shall expire May 1, 2021.

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

29 § 5. This act shall take effect immediately provided, however, that  
30 the applicable effective date of Subparts A through B of this act shall  
31 be as specifically set forth in the last section of such Subparts.

32 PART NN

33 Section 1. Section 1 of subpart H of part C of chapter 20 of the laws  
34 of 2015, appropriating money for certain municipal corporations and  
35 school districts, as amended by section 1 of part AAA of chapter 59 of  
36 the laws of 2018, is amended to read as follows:

37 Section 1. Contingent upon available funding, and not to exceed  
38 [\$69,000,000] \$140,000,000 moneys from the urban development corporation  
39 shall be available for a local government entity, which for the purposes  
40 of this section shall mean a county, city, town, village, school  
41 district or special district, where (i) on or after June 25, 2015, an  
42 electric generating facility located within such local government entity  
43 has ceased operations, and (ii) the closing of such facility has caused  
44 a reduction in the real property tax collections or payments in lieu of  
45 taxes of at least twenty percent owed by such electric generating facil-  
46 ity. Such moneys attributable to the cessation of operations, shall be  
47 paid annually on a first come, first served basis by the urban develop-  
48 ment corporation to such local government entity within a reasonable  
49 time upon confirmation from the state office of real property tax  
50 services or the local industrial development authority established  
51 pursuant to titles eleven and fifteen of article eight of the public  
52 authorities law, or the local industrial development agency established  
53 pursuant to article eighteen-A of the general municipal law that such  
54 cessation has resulted in a reduction in the real property tax



1 collections or payments in lieu of taxes, provided, however, that the  
2 urban development corporation shall not provide assistance to such local  
3 government entity for more than seven years, and shall award payments  
4 reflecting the loss of revenues due to the cessation of operations as  
5 follows:

6	Award Year	Maximum Potential Award
7	1	no more than eighty percent of loss of revenues
8	2	no more than seventy percent of loss of revenues
9	3	no more than sixty percent of loss of revenues
10	4	no more than fifty percent of loss of revenues
11	5	no more than forty percent of loss of revenues
12	6	no more than thirty percent of loss of revenues
13	7	no more than twenty percent of loss of revenues

14 A local government entity shall be eligible for only one payment of  
15 funds hereunder per year. A local government entity may seek assistance  
16 under the electric generation facility cessation mitigation fund once a  
17 generator has submitted its notice to the federally designated electric  
18 bulk system operator (BSO) serving the state of New York of its intent  
19 to retire the facility or of its intent to voluntarily remove the facil-  
20 ity from service subject to any return-to-service provisions of any  
21 tariff, and that the facility also is ineligible to participate in the  
22 markets operated by the BSO. The date of submission of a local govern-  
23 ment entity's application for assistance shall establish the order in  
24 which assistance is paid to program applicants, except that in no event  
25 shall assistance be paid to a local government entity until such time  
26 that an electric generating facility has retired or become ineligible to  
27 participate in the markets operated by the BSO. For purposes of this  
28 section, any local government entity seeking assistance under the elec-  
29 tric generation facility cessation mitigation fund must submit an attes-  
30 tation to the department of public service that a facility is no longer  
31 producing electricity and is no longer participating in markets operated  
32 by the BSO. After receipt of such attestation, the department of public  
33 service shall confirm such information with the BSO. In the case that  
34 the BSO confirms to the department of public service that the facility  
35 is no longer producing electricity and participating in markets operated  
36 by such BSO, it shall be deemed that the electric generating facility  
37 located within the local government entity has ceased operation. The  
38 department of public service shall provide such confirmation to the  
39 urban development corporation upon receipt. The determination of the  
40 amount of such annual payment shall be determined by the president of  
41 the urban development corporation based on the amount of the differen-  
42 tial between the annual real property taxes and payments in lieu of  
43 taxes imposed upon the facility, exclusive of interest and penalties,  
44 during the last year of operations and the current real property taxes  
45 and payments in lieu of taxes imposed upon the facility, exclusive of  
46 interest and penalties. The total amount awarded from this program shall  
47 not exceed [\$69,000,000] ~~\$140,000,000~~.

48 § 2. This act shall take effect immediately; provided, however, that  
49 the amendments to section 1 of subpart H of part C of chapter 20 of the  
50 laws of 2015 made by section one of this act shall not affect the repeal  
51 of such subpart and shall be deemed repealed therewith.

52

PART OO



1 Section 1. Section 5 of chapter 108 of the laws of 2020, amending the  
2 public service law relating to issuing a moratorium on utility termi-  
3 nation of services during periods of pandemics and/or state of emergen-  
4 cies, as amended by section 2 of part B of chapter 126 of the laws of  
5 2020, is amended to read as follows:

6 § 5. This act shall take effect immediately [and shall expire March  
7 31, 2021 when upon such date the provisions of this act shall be deemed  
8 repealed].

9 § 2. Subdivisions 6, 7, 8 and 9 of section 32 of the public service  
10 law, subdivision 6 as amended and subdivisions 7, 8 and 9 as added by  
11 chapter 108 of the laws of 2020, are amended to read as follows:

12 6. No utility corporation or municipality shall terminate or discon-  
13 nect services to any residential customer or a small business customer  
14 with twenty-five or fewer employees that is not a (i) publicly held  
15 company, or a subsidiary thereof, (ii) seasonal, short-term, or tempo-  
16 rary customer, (iii) high energy customer as defined by the commission,  
17 or (iv) customer that the utility can demonstrate has the resources to  
18 pay the bill, provided that the utility notifies the small business  
19 customer of its reasons and of the customer's right to contest this  
20 determination through the commission's complaint procedures, for the  
21 non-payment of an overdue charge for the duration of [the] a state  
22 disaster emergency declared pursuant to section twenty-eight of the  
23 executive [order two hundred two of two thousand twenty (herein after  
24 "the COVID-19 state of emergency")] law issued in response to a state,  
25 national, or global event that is deemed to have a significant negative  
26 and long-term impact on the state's economic future, and not due to a  
27 short-term weather-related disaster emergency.

28 Utility corporations and municipalities shall have a duty to restore  
29 service, to the extent not already required under this chapter, to any  
30 residential customer within forty-eight hours if such service has been  
31 terminated for non-payment during the pendency of the [COVID-19] state  
32 [of] disaster emergency.

33 7. [For a period of one hundred eighty days after the COVID-19 state  
34 of emergency is lifted or expires, no] No utility corporation or munici-  
35 pality shall terminate or disconnect the service of a residential or  
36 small business customer because of defaulted deferred payment agreements  
37 or arrears owed to the utility corporation or municipality when such  
38 customer has experienced a change in financial circumstances as defined  
39 by the department due to [the COVID-19] a state [of] disaster emergen-  
40 cy[, as defined by the department] as set forth in subdivision six of  
41 this section. The utility corporation or municipality shall provide such  
42 residential or small business customer with the right to enter into, or  
43 restructure, a deferred payment agreement without the requirement of a  
44 down payment, late fees, or penalties, as such is provided for in this  
45 article with such prohibition on down payments, late fees, or penalties  
46 applicable to all arrears incurred during the duration of the state  
47 disaster emergency.

48 8. Every utility corporation or municipality shall provide notice to  
49 residential and small business customers, in a writing to be included  
50 with a bill statement or, when appropriate, via electronic transmission  
51 the provisions of this section and shall further make reasonable efforts  
52 to contact customers who have demonstrated a change in financial circum-  
53 stances due to [the COVID-19] a state [of] disaster emergency as set  
54 forth in subdivision six of this section for the purpose of offering  
55 such customers a deferred payment agreement consistent with the  
56 provisions of this article.



1 9. Implementation of the provisions of this section shall not prohibit  
2 a utility or municipality from recovering lost or deferred revenues  
3 after the lifting or expiration of [the COVID-19] a state [of] disaster  
4 emergency as set forth in subdivision six of this section, pursuant to  
5 such means for recovery as are provided for in this chapter, and by  
6 means not inconsistent with any of the provisions of this article. Noth-  
7 ing in this section shall prohibit a utility corporation or municipality  
8 from disconnecting service necessary to protect the health and safety of  
9 customers and the public.

10 § 3. Subdivision 6 of section 32 of the public service law, as added  
11 by chapter 686 of the laws of 2002, is REPEALED.

12 § 4. Subdivisions 9, 10 and 11 of section 89-b of the public service  
13 law, as added by chapter 108 of the laws of 2020, are amended to read as  
14 follows:

15 9. [For a period of one hundred eighty days after the COVID-19 state  
16 of emergency is lifted or expires, no] No water-works corporation shall  
17 terminate or disconnect the service of a residential customer account or  
18 the account of a small business customer with twenty-five or fewer  
19 employees that is not a (i) publicly held company, or a subsidiary ther-  
20 eof, (ii) seasonal, short-term, or temporary customer, (iii) high usage  
21 customer as defined by the commission, or (iv) customer that the utility  
22 can demonstrate has the resources to pay the bill, provided that the  
23 utility notifies the small business customer of its reasons and of the  
24 customer's right to contest this determination through the commission's  
25 complaint procedures, because of defaulted deferred payment agreements  
26 or arrears owed to the water-works corporation when such customer has  
27 experienced a change in financial circumstances, as defined by the  
28 department, due to [the COVID-19] a state [of] disaster emergency[, as  
29 defined by the department] declared pursuant to section twenty-eight of  
30 the executive law issued in response to a state, national, or global  
31 event that is deemed to have a significant negative and long-term impact  
32 on the state's economic future. The water-works corporation shall  
33 provide such residential or small business customer with the right to  
34 enter into, or restructure, a deferred payment agreement without the  
35 requirement of a down payment, late fees, or penalties, as such is  
36 provided for in article two of this chapter with such prohibition on  
37 down payments, late fees, or penalties applicable to all arrears  
38 incurred during the duration of the state disaster emergency.

39 10. Every water-works corporation or small business shall provide  
40 notice to residential customers, in a writing to be included with a bill  
41 statement or, when appropriate, via electronic transmission, the  
42 provisions of this section and shall further make reasonable efforts to  
43 contact customers who have demonstrated a change in financial circum-  
44 stances due to [the COVID-19] a state [of] disaster emergency as set  
45 forth in subdivision nine of this section for the purpose of offering  
46 such customers a deferred payment agreement consistent with the  
47 provisions of this section and article two of this chapter.

48 11. Implementation of the provisions of this section shall not prohib-  
49 it a water-works corporation from recovering lost or deferred revenues  
50 after the lifting or expiration of the [COVID-19] state [of] disaster  
51 emergency as set forth in subdivision nine of this section, pursuant to  
52 such means for recovery as are provided for in this chapter, and by  
53 means not inconsistent with any of the provisions of this article. Noth-  
54 ing in this section shall prohibit a water-works corporation from  
55 disconnecting service when it is necessary to protect the health and  
56 safety of customers and the public.

1 § 5. Section 89-1 of the public service law, as added by chapter 715  
2 of the laws of 1931, subdivisions 3, 4, 5 and 6 as added by chapter 108  
3 of the laws of 2020, is amended to read as follows:

4 § 89-1. Municipal water systems. 1. For the purposes of this section,  
5 and for the purposes of any jurisdiction conferred by it upon the public  
6 service commission, a municipality is one which owns, maintains or oper-  
7 ates, or proposes to own, maintain or operate, a water system, or which  
8 sells, furnishes or distributes, or proposes to sell, furnish or  
9 distribute, water for domestic, commercial or public uses, whether  
10 provided by its own system or the system of a water-works corporation or  
11 another municipality. As so limited, the term "municipality" for the  
12 purposes of this section, means a city, town, village or public  
13 district; and a "public district," as here used, is a district or other  
14 territorial division, whether incorporated or not, whose affairs are  
15 managed by any officer or officers, person or persons, elected by voters  
16 or taxpayers or appointed by a public officer or officers, and includes,  
17 without excluding others, a water district, water supply district and a  
18 fire district. The other provisions of this chapter shall not apply to  
19 such a municipality, nor to its said business of owning, maintaining or  
20 operating a water system or of selling, furnishing or distributing  
21 water, except such provisions as are applied by this section by express  
22 reference. The jurisdiction of the public service commission, with  
23 respect to such a municipality or its said business, is that, and only  
24 that, provided for in this section.

25 2. Each such municipality shall file with the public service commis-  
26 sion a copy of the annual report of its division, bureau or department  
27 of water.

28 3. No municipality shall terminate or discontinue residential service  
29 or service to a small business with twenty-five or fewer employees that  
30 is not a (i) publicly held company, or a subsidiary thereof, (ii)  
31 seasonal, short-term, or temporary customer, (iii) high usage customer  
32 as defined by the commission, or (iv) customer that the utility can  
33 demonstrate has the resources to pay the bill, provided that the utility  
34 notifies the small business customer of its reasons and of the custom-  
35 er's right to contest this determination through the commission's  
36 complaint procedures, for the nonpayment of bills, taxes, or fees for  
37 the duration of [the] a state disaster emergency declared pursuant to  
38 [executive order two hundred two of two thousand twenty (hereinafter the  
39 "COVID-19 state of emergency")] section twenty-eight of the executive  
40 law in response to a state, national, or global event that is deemed to  
41 have a significant negative and long-term impact on the state's economic  
42 future. Every municipality shall have a duty to restore service to any  
43 residential customer within forty-eight hours of the effective date of  
44 this subdivision if such service has been terminated for non-payment  
45 during the pendency of [the COVID-19] a state [of] disaster emergency.

46 4. [For a period of one hundred eighty days after the COVID-19 state  
47 of emergency is lifted or expires, no] No municipality shall terminate  
48 or discontinue the service of a residential or small business customer  
49 because of bill arrears, taxes, or fees owed to the municipality when  
50 such customer has experienced a change in financial circumstances, as  
51 defined by the department, due to [the COVID-19] a state [of] disaster  
52 emergency[, as defined by the department] as set forth in subdivision  
53 three of this section. The municipality shall provide a residential or  
54 small business service customer that has experienced a change in finan-  
55 cial circumstances due to the [COVID-19] state [of] disaster emergency  
56 with the right to enter into, or restructure, a deferred payment agree-



1 ment without the requirement of a down payment, late fees, or penalties,  
2 as such is provided for in article two of this chapter, with such prohi-  
3 bition on down payments, late fees, or penalties applicable to all  
4 arrears incurred during the duration of the state disaster emergency.

5 5. Every municipality shall provide notice to residential and small  
6 business customers in a writing to be included with a bill statement or,  
7 when appropriate, via electronic transmission the provisions of this  
8 section and shall further make reasonable efforts to contact customers  
9 who have demonstrated a change in financial circumstances due to the  
10 [COVID-19] state [of] disaster emergency as set forth in subdivision  
11 three of this section for the purpose of offering such customers a  
12 deferred payment agreement consistent with the provisions of this  
13 section and article two of this chapter.

14 6. Implementation of the provisions of this section shall not prohibit  
15 a municipality from recovering lost or deferred revenues after the lift-  
16 ing or expiry of [the COVID-19] a state [of] disaster emergency,  
17 provided that such means are not inconsistent with the provisions of  
18 this article. Nothing in this section shall prohibit a municipality from  
19 disconnecting service when it is necessary to protect the health and  
20 safety of customers and the public.

21 7. Notwithstanding the provisions of subdivision one of this section,  
22 for the purposes of subdivisions three, four, five and six of this  
23 section, a "municipality" shall also include a public water authority  
24 established pursuant to article five of the public authorities law.  
25 Every municipality shall be subject to the jurisdiction of the commis-  
26 sion for the purposes of enforcing the provisions of subdivisions three,  
27 four, five and six of this section pursuant to sections twenty-four,  
28 twenty-five and twenty-six of this chapter.

29 § 6. Subdivisions 9, 10, 11 and 12 of section 91 of the public service  
30 law, subdivisions 9, 10 and 12 as amended by section 1 of part B of  
31 chapter 126 of the laws of 2020, subdivision 11 as added by chapter 108  
32 of the laws of 2020, are amended to read as follows:

33 9. No telephone corporation shall terminate or disconnect any services  
34 provided by its infrastructure to a residential service customer or a  
35 small business customer with twenty-five or fewer employees that is not  
36 a (i) publicly held company, or a subsidiary thereof, (ii) seasonal,  
37 short-term, or temporary customer, (iii) high usage customer as defined  
38 by the commission, or (iv) customer that the utility can demonstrate  
39 has the resources to pay the bill, provided that the utility notifies  
40 the small business customer of its reasons and of the customer's right  
41 to contest this determination through the commission's complaint proce-  
42 dures, for the non-payment of an overdue charge for the duration of  
43 [the] a state disaster emergency declared pursuant to section twenty-  
44 eight of the executive [order two hundred two of two thousand twenty  
45 (hereinafter "the COVID-19 state of emergency")] law in response to a  
46 state, national or global event that is deemed to have a significant  
47 negative and long-term impact on the state's economic future. Telephone  
48 corporations shall have a duty to restore service, to the extent not  
49 already required under this chapter, at the request of any residential  
50 or small business customer within forty-eight hours if such service has  
51 been terminated during the pendency of the [COVID-19] state [of] disas-  
52 ter emergency and disconnection of such service was due to non-payment  
53 of an overdue charge.

54 10. [For a period of one hundred eighty days after the COVID-19 state  
55 of emergency is lifted or expires, no] No telephone corporation shall  
56 terminate or disconnect [the service] any services provided by its



1 infrastructure of a residential or small business customer account  
2 because of defaulted deferred payment agreements or arrears then owed to  
3 the telephone corporation when such customer has experienced a change in  
4 financial circumstances as defined by the department, due to [the  
5 COVID-19] a state [of] disaster emergency[, as defined by the depart-  
6 ment] as set forth in subdivision nine of this section. The telephone  
7 corporation shall provide such residential or small business customer  
8 with the right to enter into, or restructure, a deferred payment agree-  
9 ment without the requirement of a down payment, late fees, or penalties,  
10 with such prohibition on down payments, late fees, or penalties applica-  
11 ble to all arrears incurred during the duration of the state disaster  
12 emergency.

13 11. Every telephone corporation shall provide notice to residential  
14 customers, and to those small business customers set forth in subdivi-  
15 sion nine of this section, in a writing to be included with a bill  
16 statement or, when appropriate, via electronic transmission the  
17 provisions of this section and shall further make reasonable efforts to  
18 contact customers who have demonstrated a change in financial circum-  
19 stances due to [the COVID-19] a state [of] disaster emergency as set  
20 forth in subdivision nine of this section for the purpose of offering  
21 such customers a deferred payment agreement consistent with the  
22 provisions of this section and article two of this chapter.

23 12. Implementation of the provisions of this section shall not prohib-  
24 it a telephone corporation from recovering lost or deferred revenues  
25 after the lifting or expiration of [the COVID-19] a state [of] disaster  
26 emergency as set forth in subdivision nine of this section, pursuant to  
27 such means for recovery as are provided for in this chapter, and by  
28 means not inconsistent with any of the provisions of this article. Noth-  
29 ing in this section shall prohibit a telephone corporation from discon-  
30 necting service at the request of a customer. Nothing in this section  
31 shall prohibit a telephone corporation from disconnecting service when  
32 it is necessary to protect the health and safety of customers and the  
33 public.

34 § 7. Section 216 of the public service law is amended by adding five  
35 new subdivisions 6, 7, 8, 9 and 10 to read as follows:

36 6. No cable television company shall terminate or disconnect services  
37 provided over their infrastructure to a residential service customer or  
38 a small business customer with twenty-five or fewer employees that is  
39 not a (i) publicly held company, or a subsidiary thereof, (ii) seasonal,  
40 short-term, or temporary customer, or (iii) customer that the cable  
41 television company can demonstrate has the resources to pay the bill,  
42 provided that the cable television company notifies the small business  
43 customer of its reasons and of the customer's right to contest this  
44 determination through the commission's complaint procedures, for the  
45 non-payment of an overdue charge for the duration of a state disaster  
46 emergency declared pursuant to an executive order issued in response to  
47 a state, national, or global event that is deemed to result in a signif-  
48 icant negative and long-term impact on the state's economic future.  
49 Cable television companies shall have a duty to restore service, to the  
50 extent not already required under this chapter, at the request of any  
51 residential or small business customer within forty-eight hours if such  
52 service has been terminated during the pendency of the state disaster  
53 emergency and disconnection of such service was due to non-payment of an  
54 overdue charge.

55 7. No cable television company shall terminate or disconnect services  
56 provided over their infrastructure of a residential or small business



1 customer account because of defaulted deferred payment agreements or  
2 arrears then owed to the cable television company when such customer has  
3 experienced a change in financial circumstances, as defined by the  
4 department, due to a state disaster emergency as set forth in subdivi-  
5 sion six of this section. The cable television company shall provide  
6 such residential or small business customer with the right to enter  
7 into, or restructure, a deferred payment agreement without the require-  
8 ment of a down payment, late fees, or penalties, with such prohibition  
9 on down payments, late fees, or penalties applicable to all arrears  
10 incurred during the duration of the state disaster emergency.

11 8. Every cable television company shall provide notice to residential  
12 or small business customers in a writing to be included with a bill  
13 statement or, when appropriate, via electronic transmission the  
14 provisions of this section and shall further make reasonable efforts to  
15 contact customers who have demonstrated a change in financial circum-  
16 stances due to a state disaster emergency as set forth in subdivision  
17 six of this section for the purpose of offering such customers a  
18 deferred payment agreement consistent with the provisions of this  
19 section and article two of this chapter.

20 9. Implementation of the provisions of this section shall not prohibit  
21 a cable television company from recovering lost or deferred revenues  
22 after the lifting or expiration of a state disaster emergency as set  
23 forth in subdivision six of this section, pursuant to such means for  
24 recovery as are provided for in this chapter, and by means not incon-  
25 sistent with any of the provisions of this article. Nothing in this  
26 section shall prohibit a cable television company from disconnecting  
27 service at the request of a customer. Nothing in this section shall  
28 prohibit a cable television company from disconnecting service when it  
29 is necessary to protect the health and safety of customers and the  
30 public.

31 10. Every cable television company shall be subject to the jurisdic-  
32 tion of the commission for the purposes of enforcing the provisions of  
33 subdivisions six, seven, eight and nine of this section pursuant to  
34 sections twenty-four, twenty-five and twenty-six of this chapter, and  
35 any other applicable provision of this chapter.

36 § 8. Subdivision 1 of section 1020-s of the public authorities law, as  
37 amended by chapter 415 of the laws of 2017, is amended to read as  
38 follows:

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

55 § 9. The general business law is amended by adding a new section 399-  
56 zzzzz, to read as follows:



1     § 399-zzzzz. Prohibition of certain broadband terminations or discon-  
2 nections. 1. For the purposes of this section, the term "broadband  
3 service" shall mean a mass-market retail service that provides the capa-  
4 bility to transmit data to and receive data from all or substantially  
5 all internet endpoints, including any capabilities that are incidental  
6 to and enable the operation of the communications service, and shall  
7 include service provided by commercial mobile telephone service provid-  
8 ers, but shall not include dial-up service.

9     2. No person, business, corporation, or their agents providing or  
10 seeking to provide broadband service in New York state shall terminate  
11 or disconnect services provided over their infrastructure to a residen-  
12 tial service customer or a small business customer with twenty-five or  
13 fewer employees that is not a (i) publicly held company, or a subsidiary  
14 thereof, (ii) seasonal, short-term, or temporary customer, or (iii)  
15 customer that the broadband service provider can demonstrate has the  
16 resources to pay the bill, provided that the broadband service provider  
17 notifies the small business customer of its reasons and of the custom-  
18 er's right to contest this determination through the commission's  
19 complaint procedures, for the non-payment of an overdue charge for the  
20 duration of a state disaster emergency declared pursuant to section  
21 twenty-eight of the executive law in response to a state, national, or  
22 global event that is deemed to result in a significant negative and  
23 long-term impact on the state's economic future. Such persons or enti-  
24 ties shall have a duty to restore service, to the extent not already  
25 required, at the request of any residential or small business customer  
26 within forty-eight hours if such service has been terminated during the  
27 pendency of the state disaster emergency and disconnection of such  
28 service was due to non-payment of an overdue charge.

29     3. No person, business, corporation, or their agents providing or  
30 seeking to provide broadband service in New York state shall terminate  
31 or disconnect services provided over their infrastructure to a residen-  
32 tial or small business customer account because of defaulted deferred  
33 payment agreements or arrears then owed to such persons or entities when  
34 such customer has experienced a change in financial circumstances due to  
35 a state disaster emergency as set forth in subdivision two of this  
36 section. The person, business, corporation, or their agents providing or  
37 seeking to provide broadband service in New York state shall provide  
38 such residential or small business customer with the right to enter  
39 into, or restructure, a deferred payment agreement consistent with the  
40 provisions of article two of the public service law without the require-  
41 ment of a down payment, late fees, or penalties, with such prohibition  
42 on down payments, late fees, or penalties applicable to all arrears  
43 incurred during the duration of the state disaster emergency.

44     4. Every person, business, corporation, or their agents providing or  
45 seeking to provide broadband service in New York state shall provide  
46 notice to residential or small business customers in a writing to be  
47 included with a bill statement or, when appropriate, via electronic  
48 transmission the provisions of this section and shall further make  
49 reasonable efforts to contact customers who have demonstrated a change  
50 in financial circumstances due to a state disaster emergency as set  
51 forth in subdivision two of this section for the purpose of offering  
52 such customers a deferred payment agreement consistent with the  
53 provisions of article two of the public service law.

54     5. Implementation of the provisions of this section shall not prohibit  
55 a person, business, corporation, or their agents providing or seeking to  
56 provide broadband service in New York state from recovering lost or

1 deferred revenues after the lifting or expiration of a state disaster  
2 emergency as set forth in subdivision two of this section, pursuant to  
3 such means for recovery by means not inconsistent with any of the  
4 provisions of this section. Nothing in this section shall prohibit a  
5 person, business, corporation, or their agents providing or seeking to  
6 provide broadband service in New York state from disconnecting service  
7 at the request of a customer. Nothing in this section shall prohibit a  
8 person, business, corporation, or their agents providing or seeking to  
9 provide broadband service in New York state from disconnecting service  
10 when it is necessary to protect the health and safety of customers and  
11 the public.

12 6. Whenever there shall be a violation of this section, an application  
13 may be made by the attorney general in the name of the people of the  
14 state of New York to a court or justice having jurisdiction by a special  
15 proceeding to issue an injunction, and upon notice to the defendant of  
16 not less than five days, to enjoin and restrain the continuance of such  
17 violation; and if it shall appear to the satisfaction of the court or  
18 justice that the defendant has, in fact, violated this section, an  
19 injunction may be issued by the court or justice, enjoining and  
20 restraining any further violations, without requiring proof that any  
21 person has, in fact, been injured or damaged thereby. In any such  
22 proceeding, the court may make allowances to the attorney general as  
23 provided in paragraph six of subdivision (a) of section eighty-three  
24 hundred three of the civil practice law and rules, and direct restitu-  
25 tion. Whenever the court shall determine that a violation of this  
26 section has occurred, the court may impose a civil penalty of not more  
27 than one thousand dollars per violation. In connection with any such  
28 proposed application, the attorney general is authorized to take proof  
29 and make a determination of the relevant facts and to issue subpoenas in  
30 accordance with the civil practice law and rules.

31 § 10. This act shall take effect immediately; provided, however, that  
32 this act shall be applicable to relevant executive orders issued on or  
33 after the effective date of this act.

34 PART PP

35 Section 1. The general obligations law is amended by adding a new  
36 article 18-C to read as follows:

37 ARTICLE 18-C

38 LIBOR DISCONTINUANCE

39 Section 18-400. Definitions.

40 18-401. Effect of LIBOR discontinuance on agreements.

41 18-402. Continuity of contract and safe harbor.

42 18-403. Severability.

43 § 18-400. Definitions. As used in this article the following terms  
44 shall have the following meanings:

45 1. "LIBOR" shall mean, for purposes of the application of this article  
46 to any particular contract, security or instrument, U.S. dollar LIBOR  
47 (formerly known as the London interbank offered rate) as administered by  
48 ICE Benchmark Administration Limited (or any successor thereof).

49 2. "LIBOR discontinuance event" shall mean the earliest to occur of  
50 any of the following:

51 a. a public statement or publication of information by or on behalf of  
52 the administrator of LIBOR announcing that such administrator has ceased  
53 or will cease to provide LIBOR, permanently or indefinitely, provided



1 that, at the time of the statement or publication, there is no successor  
2 administrator that will continue to provide LIBOR;

3 b. a public statement or publication of information by the regulatory  
4 supervisor for the administrator of LIBOR, the United States Federal  
5 Reserve System, an insolvency official with jurisdiction over the admin-  
6 istrator for LIBOR, a resolution authority with jurisdiction over the  
7 administrator for LIBOR or a court or an entity with similar insolvency  
8 or resolution authority over the administrator for LIBOR, which states  
9 that the administrator of LIBOR has ceased or will cease to provide  
10 LIBOR permanently or indefinitely, provided that, at the time of the  
11 statement or publication, there is no successor administrator that will  
12 continue to provide LIBOR; or

13 c. a public statement or publication of information by the regulatory  
14 supervisor for the administrator of LIBOR announcing that LIBOR is no  
15 longer representative.

16 3. "LIBOR replacement date" shall mean:

17 a. in the case of a LIBOR discontinuance event described in paragraph  
18 a or b of subdivision two of this section, the later of (i) the date of  
19 the public statement or publication of information referenced therein;  
20 and (ii) the date on which the administrator of LIBOR permanently or  
21 indefinitely ceases to provide LIBOR; and

22 b. in the case of a LIBOR discontinuance event described in paragraph  
23 c of subdivision two of this section, the date of the public statement  
24 or publication of information referenced therein.

25 4. "Fallback provisions" shall mean terms in a contract, security or  
26 instrument that set forth a methodology or procedure for determining a  
27 benchmark replacement, including any terms relating to the date on which  
28 the benchmark replacement becomes effective, without regard to whether a  
29 benchmark replacement can be determined in accordance with such method-  
30 ology or procedure.

31 5. "Benchmark" shall mean an index of interest rates or dividend rates  
32 that is used, in whole or in part, as the basis of or as a reference for  
33 calculating or determining any valuation, payment or other measurement  
34 under or in respect of a contract, security or instrument.

35 6. "Benchmark replacement" shall mean a benchmark, or an interest rate  
36 or dividend rate (which may or may not be based in whole or in part on a  
37 prior setting of LIBOR), to replace or substitute for LIBOR or any  
38 interest rate or dividend rate based on LIBOR, whether on a temporary,  
39 permanent or indefinite basis, under or in respect of a contract, secu-  
40 rity or instrument.

41 7. "Recommended benchmark replacement" shall mean, with respect to any  
42 particular type of contract, security or instrument, a benchmark  
43 replacement based on SOFR, which shall include any recommended spread  
44 adjustment and any benchmark replacement conforming changes, that shall  
45 have been selected or recommended by a relevant recommending body with  
46 respect to such type of contract, security or instrument.

47 8. "Recommended spread adjustment" shall mean a spread adjustment, or  
48 method for calculating or determining such spread adjustment, (which may  
49 be a positive or negative value or zero) that shall have been selected  
50 or recommended by a relevant recommending body for a recommended bench-  
51 mark replacement for a particular type of contract, security or instru-  
52 ment and for a particular term to account for the effects of the transi-  
53 tion or change from LIBOR to a recommended benchmark replacement.

54 9. "Benchmark replacement conforming changes" shall mean, with respect  
55 to any contract, security or instrument, any technical, administrative  
56 or operational changes, alterations or modifications that are associated

1 with and reasonably necessary to the use, adoption, calculation or  
2 implementation of a recommended benchmark replacement and that:

3 a. have been selected or recommended by a relevant recommending body;  
4 and

5 b. if, in the reasonable judgment of the calculating person, the  
6 benchmark replacement conforming changes selected or recommended pursu-  
7 ant to paragraph a of this subdivision do not apply to such contract,  
8 security or instrument or are insufficient to permit administration and  
9 calculation of the recommended benchmark replacement, then benchmark  
10 replacement conforming changes shall include such other changes, alter-  
11 ations or modifications that, in the reasonable judgment of the calcu-  
12 lating person:

13 (i) are necessary to permit administration and calculation of the  
14 recommended benchmark replacement under or in respect of such contract,  
15 security or instrument in a manner consistent with market practice for  
16 substantially similar contracts, securities or instruments and, to the  
17 extent practicable, the manner in which such contract, security or  
18 instrument was administered immediately prior to the LIBOR replacement  
19 date; and

20 (ii) would not result in a disposition of such contract, security or  
21 instrument for U.S. federal income tax purposes.

22 10. "Determining person" shall mean, with respect to any contract,  
23 security or instrument, in the following order of priority:

24 a. any person specified as a "determining person"; or

25 b. any person with the authority, right or obligation to:

26 (i) determine the benchmark replacement that will take effect on the  
27 LIBOR replacement date,

28 (ii) calculate or determine a valuation, payment or other measurement  
29 based on a benchmark, or

30 (iii) notify other persons of the occurrence of a LIBOR discontinuance  
31 event, a LIBOR replacement date or a benchmark replacement.

32 11. "Relevant recommending body" shall mean the Federal Reserve Board,  
33 the Federal Reserve Bank of New York, or the Alternative Reference Rates  
34 Committee, or any successor to any of them.

35 12. "SOFR" shall mean, with respect to any day, the secured overnight  
36 financing rate published for such day by the Federal Reserve Bank of New  
37 York, as the administrator of the benchmark (or a successor administra-  
38 tor), on the Federal Reserve Bank of New York's website.

39 13. "Calculating person" shall mean, with respect to any contract,  
40 security or instrument, any person (which may be a determining person)  
41 responsible for calculating or determining any valuation, payment or  
42 other measurement based on a benchmark.

43 14. "Contract, security, or instrument" shall include, without limita-  
44 tion, any contract, agreement, mortgage, deed of trust, lease, security  
45 (whether representing debt or equity, and including any interest in a  
46 corporation, a partnership or a limited liability company), instrument,  
47 or other obligation.

48 § 18-401. Effect of LIBOR discontinuance on agreements. 1. On the  
49 LIBOR replacement date, the recommended benchmark replacement shall, by  
50 operation of law, be the benchmark replacement for any contract, securi-  
51 ty or instrument that uses LIBOR as a benchmark and:

52 a. contains no fallback provisions; or

53 b. contains fallback provisions that result in a benchmark replace-  
54 ment, other than a recommended benchmark replacement, that is based in  
55 any way on any LIBOR value.



1     2. Following the occurrence of a LIBOR discontinuance event, any fall-  
2 back provisions in a contract, security, or instrument that provide for  
3 a benchmark replacement based on or otherwise involving a poll, survey  
4 or inquiries for quotes or information concerning interbank lending  
5 rates or any interest rate or dividend rate based on LIBOR shall be  
6 disregarded as if not included in such contract, security or instrument  
7 and shall be deemed null and void and without any force or effect.

8     3. This subdivision shall apply to any contract, security, or instru-  
9 ment that uses LIBOR as a benchmark and contains fallback provisions  
10 that permit or require the selection of a benchmark replacement:

11     a. that is based in any way on any LIBOR value; or  
12 b. with the characteristics for which the recommended benchmark  
13 replacement may be selected or used in accordance with subdivision one  
14 of section 18-402 of this article.

15     A determining person shall have the authority under this article, but  
16 shall not be required, to select on or after the occurrence of a LIBOR  
17 discontinuance event the recommended benchmark replacement as the bench-  
18 mark replacement. Such selection of the recommended benchmark replace-  
19 ment shall be:

20     (i) irrevocable;  
21     (ii) made by the earlier of either the LIBOR replacement date, or the  
22 latest date for selecting a benchmark replacement according to such  
23 contract, security, or instrument; and

24     (iii) used in any determinations of the benchmark under or with  
25 respect to such contract, security or instrument occurring on and after  
26 the LIBOR replacement date.

27     4. If a recommended benchmark replacement becomes the benchmark  
28 replacement for any contract, security, or instrument pursuant to subdi-  
29 vision one or subdivision three of this section, then all benchmark  
30 replacement conforming changes that are applicable (in accordance with  
31 the definition of benchmark replacement conforming changes) to such  
32 recommended benchmark replacement shall become an integral part of such  
33 contract, security, or instrument by operation of law.

34     5. The provisions of this article shall not alter or impair:

35     a. any written agreement by all requisite parties that, retrospective-  
36 ly or prospectively, a contract, security, or instrument shall not be  
37 subject to this article without necessarily referring specifically to  
38 this article. For purposes of this subdivision, "requisite parties"  
39 means all parties required to amend the terms and provisions of a  
40 contract, security, or instrument that would otherwise be altered or  
41 affected by this article;

42     b. any contract, security or instrument that contains fallback  
43 provisions that, after the application of subdivision two of this  
44 section would result in a benchmark replacement that is not based on  
45 LIBOR, including, but not limited to, the prime rate or the federal  
46 funds rate;

47     c. any contract, security, or instrument subject to subdivision three  
48 of this section as to which a determining person does not elect to use a  
49 recommended benchmark replacement pursuant to subdivision three of this  
50 section or as to which a determining person elects to use a recommended  
51 benchmark replacement prior to the occurrence of a LIBOR discontinuance  
52 event, except that such contract, security, or instrument shall be  
53 subject to subdivision two of this section; or

54     d. the application to a recommended benchmark replacement of any cap,  
55 floor, modifier, or spread adjustment to which LIBOR had been subject  
56 pursuant to the terms of a contract, security, or instrument.

1 6. Notwithstanding the uniform commercial code or any other law of  
2 this state, this title shall apply to all contracts, securities and  
3 instruments, including contracts, with respect to commercial trans-  
4 actions, and shall not be deemed to be displaced by any other law of  
5 this state.

6 § 18-402. Continuity of contract and safe harbor. 1. The selection or  
7 use of a recommended benchmark replacement as a benchmark replacement  
8 under or in respect of a contract, security or instrument by operation  
9 of section 18-401 of this section shall constitute:

10 a. a commercially reasonable substitute for and a commercially  
11 substantial equivalent to LIBOR;

12 b. a reasonable, comparable or analogous term for LIBOR under or in  
13 respect of such contract, security or instrument;

14 c. a replacement that is based on a methodology or information that is  
15 similar or comparable to LIBOR; and

16 d. substantial performance by any person of any right or obligation  
17 under or in respect of a contract, security or instrument.

18 2. None of: a. a LIBOR discontinuance event or a LIBOR replacement  
19 date, b. the use of a recommended benchmark replacement as a benchmark  
20 replacement; or c. the determination, implementation or performance of  
21 benchmark replacement conforming changes, in each case, by operation of  
22 section 18-401 of this article, shall:

23 (i) be deemed to impair or affect the right of any person to receive a  
24 payment, or affect the amount or timing of such payment, under any  
25 contract, security, or instrument; or

26 (ii) have the effect of (A) discharging or excusing performance under  
27 any contract, security or instrument for any reason, claim or defense,  
28 including, but not limited to, any force majeure or other provision in  
29 any contract, security or instrument; (B) giving any person the right to  
30 unilaterally terminate or suspend performance under any contract, secu-  
31 rity or instrument; (C) constituting a breach of a contract, security or  
32 instrument; or (D) voiding or nullifying any contract, security or  
33 instrument.

34 3. No person shall have any liability for damages to any person or be  
35 subject to any claim or request for equitable relief arising out of or  
36 related to the use of a recommended benchmark replacement or the deter-  
37 mination, implementation or performance of benchmark replacement  
38 conforming changes, in each case, by operation of section 18-401 of this  
39 article, and such selection or use of the recommended benchmark replace-  
40 ment or the implementation or performance of benchmark replacement  
41 conforming changes shall not give rise to any claim or cause of action  
42 by any person in law or in equity.

43 4. The selection or use of a recommended benchmark replacement or the  
44 determination, implementation, or performance of benchmark replacement  
45 conforming changes, in each case, by operation of section 18-401 of this  
46 article, shall be deemed to:

47 a. not be an amendment or modification of any contract, security or  
48 instrument; and

49 b. not prejudice, impair or affect any person's rights or obligations  
50 under or in respect of any contract, security or instrument.

51 5. Except as provided in either subdivision one or subdivision two of  
52 section 18-401 of this article, the provisions of this article shall not  
53 be interpreted as creating any negative inference or negative presump-  
54 tion regarding the validity or enforceability of any of the following if  
55 agreed to by the parties to a contract:





1 a. any benchmark replacement that is not a recommended replacement  
2 benchmark;

3 b. any spread adjustment, or method for calculating or determining a  
4 spread adjustment, that is not a recommended spread adjustment; or

5 c. any changes, alterations or modifications to or in respect of a  
6 contract, security or instrument that are not benchmark replacement  
7 conforming changes.

8 § 18-403. Severability. If any provision of this article or applica-  
9 tion thereof to any person or circumstance is held invalid, the invalid-  
10 ity shall not affect other provisions or applications of this article  
11 that can be given effect without the invalid provision or application,  
12 and to this end the provisions of this article shall be severable.

13 § 2. This act shall take effect immediately.

14 PART QQ

15 Section 1. The general business law is amended by adding a new  
16 section 399-zzzzz to read as follows:

17 § 399-zzzzz. Broadband service for low-income consumers. 1. For the  
18 purposes of this section, the term "broadband service" shall mean a  
19 mass-market retail service that provides the capability to transmit data  
20 to and receive data from all or substantially all internet endpoints,  
21 including any capabilities that are incidental to and enable the opera-  
22 tion of the communications service, but shall not include dial-up  
23 service.

24 2. Every person, business, corporation, or their agents providing or  
25 seeking to provide broadband service in New York state shall, no later  
26 than sixty days after the effective date of this section, offer high  
27 speed broadband service to low-income consumers whose household: (a) is  
28 eligible for free or reduced-priced lunch through the National School  
29 Lunch Program; or (b) whose annual gross household income is not in  
30 excess of one hundred eighty-five percent of the federal poverty guide-  
31 lines as updated periodically in the Federal Register by the United  
32 States Department of Health and Human Services under the authority of 42  
33 U.S.C. § 9902(2). Such low-income broadband service shall provide a  
34 minimum download speed equal to the greater of twenty-five megabits per  
35 second download speed or the download speed of the provider's existing  
36 low-income broadband service sold to customers in the state.

37 3. Broadband service for low-income consumers, as set forth in this  
38 section, shall be provided at a cost of no more than fifteen dollars per  
39 month, inclusive of any recurring taxes and fees such as recurring  
40 rental fees for service provider equipment required to obtain broadband  
41 service and usage fees. Broadband service providers shall allow low-in-  
42 come broadband service subscribers to purchase standalone or bundled  
43 cable and/or phone services separately. Broadband service providers may,  
44 once every five years, and after thirty days' notice to its customers  
45 and the department of public service, increase the price of this service  
46 by the lesser of the most recent change in the consumer price index or a  
47 maximum of two percent per year of the price for such service.

48 4. Every person, business, corporation, or their agents providing or  
49 seeking to provide broadband service in New York state shall make all  
50 commercially reasonable efforts to promote and advertise the availabili-  
51 ty of broadband service for low-income consumers including, but not  
52 limited to, the prominent display of, and enrollment procedures for,  
53 such service on its website and in any written and commercial promo-



1 tional materials developed to inform consumers who may be eligible for  
2 service pursuant to this section.

3 5. Every person, business, corporation, or their agents providing or  
4 seeking to provide broadband service in New York state shall annually  
5 submit to the department of public service, no later than November  
6 fifteenth after the effective date of this act, and annually thereafter,  
7 a compliance report setting forth: (a) a description of the service  
8 offered pursuant to this section; (b) the number of consumers enrolled  
9 in such service; (c) a description of the procedures being used to veri-  
10 fy the eligibility of customers receiving such service; (d) a  
11 description and samples of the advertising or marketing efforts under-  
12 taken to advertise or promote such service; (e) a description of all  
13 retail rate products, including pricing, offered by such person, busi-  
14 ness, corporation, or their agents; (f) a description, including speed  
15 and price, of all broadband products offered in the state of New York;  
16 and (g) such other information as the department of public service may  
17 require.

18 6. The department of public service shall, within two years of the  
19 effective date of this section and at least every five years thereafter,  
20 undertake a proceeding to determine if the minimum broadband download  
21 speed in this section should be increased to the federal communications  
22 commission's benchmark broadband download speed, or to another minimum  
23 broadband download speed if the federal communications commission has  
24 not increased its benchmark by such date. The department of public  
25 service shall also: (a) undertake appropriate measures to inform the  
26 public about available broadband products, including retail rate product  
27 offerings and low-income offerings; and (b) periodically, but no less  
28 than once every five years, review eligibility requirements for the  
29 low-income service required pursuant to this section, and update such  
30 requirements as may be necessary to meet the needs of consumers.

31 7. Whenever there shall be a violation of this section, an application  
32 may be made by the attorney general in the name of the people of the  
33 state of New York to a court or justice having jurisdiction by a special  
34 proceeding to issue an injunction, and upon notice to the defendant of  
35 not less than five days, to enjoin and restrain the continuance of such  
36 violation; and if it shall appear to the satisfaction of the court or  
37 justice that the defendant has, in fact, violated this section, an  
38 injunction may be issued by the court or justice, enjoining and  
39 restraining any further violations, without requiring proof that any  
40 person has, in fact, been injured or damaged thereby. In any such  
41 proceeding, the court may make allowances to the attorney general as  
42 provided in paragraph six of subdivision (a) of section eighty-three  
43 hundred three of the civil practice law and rules, and direct restitu-  
44 tion. Whenever the court shall determine that a violation of this  
45 section has occurred, the court may impose a civil penalty of not more  
46 than one thousand dollars per violation. In connection with any such  
47 proposed application, the attorney general is authorized to take proof  
48 and make a determination of the relevant facts and to issue subpoenas in  
49 accordance with the civil practice law and rules.

50 § 2. This act shall take effect immediately.

51 PART RR

52 Section 1. Section 1678 of the public authorities law is amended by  
53 adding a new subdivision 30 to read as follows:



30. (a) To enter into loans with, and to provide services related to planning, design, construction, renovation, reconstruction, furnishing or equipping to, any school district, not-for-profit corporation or group of not-for-profit corporations, for capital projects located in New York state with an aggregate cost of not less than five million dollars.

(b) To enter into loans with any school district or not-for-profit corporation to fund their working capital needs, provided such loans have been presented to the authority's board during the COVID-19 state of emergency.

(c) For the purposes of this subdivision:

(i) "Not-for-profit corporation" shall mean a domestic or foreign corporation as defined in section one hundred two of the not-for-profit corporation law.

(ii) "School district" shall mean any school district located in the state of New York.

(iii) "Working capital" shall mean funds used to pay operational expenses, including but not limited to, salaries, accounts payable, purchasing inventory and other operational obligations.

(iv) "COVID-19 state of emergency" shall mean the period in which executive order two hundred two of two thousand twenty, as amended, is in effect to address the outbreak of the novel coronavirus, COVID-19.

§ 2. Nothing in this act is intended to limit, impair, or affect the legal authority of the dormitory authority of the state of New York under any other provision of law.

§ 3. This act shall take effect immediately.

## PART SS

Section 1. Paragraph (b) of subdivision 1 of section 7 of section 1 of chapter 392 of the laws of 1973 constituting the New York State Medical Care Facilities Finance Agency act, as amended by chapter 183 of the laws of 2018, is amended to read as follows:

(b) The agency shall not issue hospital and nursing home project bonds and hospital and nursing home project notes in an aggregate principal amount exceeding [sixteen] seventeen billion [six] four hundred million dollars, excluding hospital and nursing home project bonds and hospital and nursing home project notes issued to refund outstanding hospital and nursing home projects bonds and hospital and nursing home project notes; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [sixteen] seventeen billion [six] four hundred million dollars only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations



1 and to the price bid including estimated accrued interest or proceeds  
2 received by the agency including estimated accrued interest from the  
3 sale thereof. The agency shall not issue hospital and nursing home  
4 project bonds at any time secured by the hospital and nursing home capi-  
5 tal reserve fund if upon issuance, the amount in the hospital and nurs-  
6 ing home capital reserve fund will be less than the hospital and nursing  
7 home capital reserve fund requirement, unless the agency, at the time of  
8 issuance of such bonds, shall deposit in such reserve fund from the  
9 proceeds of the bonds so to be issued, or otherwise, an amount which  
10 together with the amount then in such reserve fund, will be not less  
11 than the hospital and nursing home capital reserve fund requirement.  
12 § 2. This act shall take effect immediately.

13 PART TT

14 Section 1. This act enacts into law components of legislation relating  
15 to the pandemic recovery and restart program. Each component is wholly  
16 contained within a Subpart identified as Subparts A through C. The  
17 effective date for each particular provision contained within such  
18 Subpart is set forth in the last section of such Subpart. Any provision  
19 in any section contained within a Subpart, including the effective date  
20 of the Subpart, which makes reference to a section "of this act", when  
21 used in connection with that particular component, shall be deemed to  
22 mean and refer to the corresponding section of the Subpart in which it  
23 is found. Section three of this act sets forth the general effective  
24 date of this act.

25 SUBPART A

26 Section 1. The economic development law is amended by adding a new  
27 article 24 to read as follows:

28 ARTICLE 24

29 SMALL BUSINESS RETURN-TO-WORK TAX CREDIT PROGRAM

30 Section 460. Short title.

31 461. Statement of legislative findings and declaration.

32 462. Definitions.

33 463. Eligibility criteria.

34 464. Application and approval process.

35 465. Small business return-to-work tax credit.

36 466. Powers and duties of the commissioner.

37 467. Maintenance of records.

38 468. Reporting.

39 469. Cap on tax credit.

40 § 460. Short title. This article shall be known and may be cited as  
41 the "small business return-to-work tax credit program act".

42 § 461. Statement of legislative findings and declaration. It is hereby  
43 found and declared that New York state needs, as a matter of public  
44 policy, to create financial incentives for small businesses in indus-  
45 tries that have suffered economic harm as a result of the COVID-19  
46 pandemic to expeditiously rehire workers and increase total small busi-  
47 ness employment. The small business return-to-work tax credit program is  
48 created to provide financial incentives to economically harmed small  
49 businesses to offer relief, expedite their hiring efforts, and reduce  
50 the duration and severity of the current economic difficulties.

51 § 462. Definitions. For the purposes of this article:



1 1. "Accommodation sector" means establishments that provide lodging or  
2 short-term accommodations for travelers, vacationers, and others.

3 2. "Arts, entertainment, and recreation sector" means establishments  
4 that operate facilities or provide services to meet varied cultural,  
5 entertainment, and recreational interests of their patrons. This sector  
6 comprises: (a) establishments that are involved in producing, promoting,  
7 or participating in live performances, events, or exhibits intended for  
8 public viewing; (b) establishments that preserve and exhibit objects and  
9 sites of historical, cultural, or educational interest; and (c) estab-  
10 lishments that operate facilities or provide services that enable  
11 patrons to participate in recreational activities or pursue amusement,  
12 hobby, and leisure-time interests.

13 3. "Average full-time employment" shall mean the average number of  
14 full-time equivalent positions employed by a business entity in an  
15 eligible industry during a given period.

16 4. "Average starting full-time employment" shall be calculated as the  
17 average number of full-time equivalent positions employed by a business  
18 entity in an eligible industry between January first, two thousand twen-  
19 ty-one, and March thirty-first, two thousand twenty-one.

20 5. "Average ending full-time employment" shall be calculated as the  
21 average number of full-time equivalent positions employed by a business  
22 entity in an eligible industry between April first, two thousand twen-  
23 ty-one, and December thirty-first, two thousand twenty-one.

24 6. "Certificate of tax credit" means the document issued to a business  
25 entity by the department after the department has verified that the  
26 business entity has met all applicable eligibility criteria in this  
27 article. The certificate shall specify the exact amount of the tax cred-  
28 it under this article that a business entity may claim, pursuant to  
29 section four hundred sixty-five of this article.

30 7. "Commissioner" shall mean the commissioner of the department of  
31 economic development.

32 8. "Department" shall mean the department of economic development.

33 9. "Eligible industry" means a business entity operating predominantly  
34 in one of the following business sectors:

35 (a) accommodations; or

36 (b) arts, entertainment, and recreation.

37 10. "Net employee increase" means an increase of at least one full-  
38 time equivalent employee between the average starting full-time employ-  
39 ment and the average ending full-time employment of a business entity.

40 § 463. Eligibility criteria. 1. To be eligible for a tax credit under  
41 the small business return-to-work tax credit program, a business entity  
42 must:

43 (a) be a small business as defined in section one hundred thirty-one  
44 of this chapter and have fewer than one hundred full-time job equiv-  
45 alents in New York state as of April first, two thousand twenty-one;

46 (b) operate a business location in New York state that charges admis-  
47 sion and/or accepts payment for goods and/or services from in-person  
48 customers;

49 (c) operate predominantly in an eligible industry as defined in subdi-  
50 vision nine of section four hundred sixty-two of this article; provided,  
51 however, that the department, in its regulations promulgated pursuant to  
52 this article, shall have the authority to list certain sectors of those  
53 industries as ineligible;

54 (d) have experienced economic harm as a result of the COVID-19 emer-  
55 gency as evidenced by a year-to-year decrease of at least forty percent  
56 in New York state between the second quarter of two thousand nineteen

1 and the second quarter of two thousand twenty or the third quarter of  
2 two thousand nineteen and the third quarter of two thousand twenty for  
3 one or both of: (i) gross receipts or (ii) average full-time employment;  
4 and

5 (e) have demonstrated a net employee increase.

6 2. A business entity must be in substantial compliance with any emer-  
7 gency restrictions or public health orders impacting the industry sector  
8 or other laws and regulations as determined by the commissioner. In  
9 addition, a business entity may not owe past due state taxes or local  
10 property taxes unless the business entity is making payments and comply-  
11 ing with an approved binding payment agreement entered into with the  
12 taxing authority.

13 § 464. Application and approval process. 1. A business entity must  
14 submit a complete application as prescribed by the commissioner.

15 2. The commissioner shall establish procedures and a timeframe for  
16 business entities to submit applications. As part of the application,  
17 each business entity must:

18 (a) provide evidence in a form and manner prescribed by the commis-  
19 sioner of their business eligibility;

20 (b) agree to allow the department of taxation and finance to share the  
21 business entity's tax information with the department. However, any  
22 information shared as a result of this program shall not be available  
23 for disclosure or inspection under the state freedom of information law;

24 (c) agree to allow the department of labor to share its tax and  
25 employer information with the department. However, any information  
26 shared as a result of this program shall not be available for disclosure  
27 or inspection under the state freedom of information law;

28 (d) allow the department and its agents access to any and all books  
29 and records the department may require to monitor compliance;

30 (e) certify, under penalty of perjury, that it is in substantial  
31 compliance with all emergency orders or public health regulations  
32 currently required of such entity, and local, and state tax laws; and

33 (f) agree to provide any additional information required by the  
34 department relevant to this article.

35 3. After reviewing a business entity's completed final application and  
36 determining that the business entity meets the eligibility criteria as  
37 set forth in this article, the department may issue to that business  
38 entity a certificate of tax credit. A business entity may claim the tax  
39 credit in the taxable year that includes December thirty-first, two  
40 thousand twenty-one.

41 § 465. Small business return-to-work tax credit. 1. A business entity  
42 in the small business return-to-work tax credit program that meets the  
43 eligibility requirements of section four hundred sixty-three of this  
44 article may be eligible to claim a credit equal to five thousand dollars  
45 per each full-time equivalent net employee increase as defined in subdi-  
46 vision ten of section four hundred sixty-two of this article.

47 2. A business entity, including a partnership, limited liability  
48 company and subchapter S corporation, may not receive in excess of fifty  
49 thousand dollars in tax credits under this program.

50 3. The credit shall be allowed as provided in section forty-five,  
51 subdivision fifty-five of section two hundred ten-B and subsection (kkk)  
52 of section six hundred six of the tax law.

53 § 466. Powers and duties of the commissioner. 1. The commissioner may  
54 promulgate regulations establishing an application process and eligibil-  
55 ity criteria, that will be applied consistent with the purposes of this  
56 article, so as not to exceed the annual cap on tax credits set forth in



1 section four hundred sixty-nine of this article which, notwithstanding  
2 any provisions to the contrary in the state administrative procedure  
3 act, may be adopted on an emergency basis.

4 2. The commissioner shall, in consultation with the department of  
5 taxation and finance, develop a certificate of tax credit that shall be  
6 issued by the commissioner to eligible businesses. Such certificate  
7 shall contain such information as required by the department of taxation  
8 and finance.

9 3. The commissioner shall solely determine the eligibility of any  
10 applicant applying for entry into the program and shall remove any busi-  
11 ness entity from the program for failing to meet any of the requirements  
12 set forth in section four hundred sixty-three of this article, or for  
13 failing to meet the requirements set forth in subdivision one of section  
14 four hundred sixty-four of this article.

15 § 467. Maintenance of records. Each business entity participating in  
16 the program shall keep all relevant records for their duration of  
17 program participation for at least three years.

18 § 468. Reporting. Each business entity participating in this program  
19 must submit a performance report to the department at a time prescribed  
20 in regulations by the commissioner.

21 § 469. Cap on tax credit. The total amount of tax credits listed on  
22 certificates of tax credit issued by the commissioner pursuant to this  
23 article may not exceed fifty million dollars.

24 § 2. The tax law is amended by adding a new section 45 to read as  
25 follows:

26 § 45. Small business return-to-work tax credit. (a) Allowance of cred-  
27 it. A taxpayer subject to tax under article nine-A or twenty-two of this  
28 chapter shall be allowed a credit against such tax, pursuant to the  
29 provisions referenced in subdivision (f) of this section. The amount of  
30 the credit is equal to the amount determined pursuant to section four  
31 hundred sixty-five of the economic development law. No cost or expense  
32 paid or incurred by the taxpayer which is included as part of the calcu-  
33 lation of this credit shall be the basis of any other tax credit allowed  
34 under this chapter.

35 (b) Eligibility. To be eligible for the small business return-to-work  
36 tax credit, the taxpayer shall have been issued a certificate of tax  
37 credit by the department of economic development pursuant to subdivision  
38 two of section four hundred sixty-four of the economic development law,  
39 which certificate shall set forth the amount of the credit that may be  
40 claimed for the taxable year. The taxpayer shall be allowed to claim  
41 only the amount listed on the certificate of tax credit for that taxable  
42 year. A taxpayer that is a partner in a partnership, member of a limited  
43 liability company or shareholder in a subchapter S corporation that has  
44 received a certificate of tax credit shall be allowed its pro rata share  
45 of the credit earned by the partnership, limited liability company or  
46 subchapter S corporation.

47 (c) Tax return requirement. The taxpayer shall be required to attach  
48 to its tax return, in the form prescribed by the commissioner, proof of  
49 receipt of its certificate of tax credit issued by the commissioner of  
50 the department of economic development.

51 (d) Information sharing. Notwithstanding any provision of this chap-  
52 ter, employees of the department of economic development and the depart-  
53 ment shall be allowed and are directed to share and exchange:

54 (1) information derived from tax returns or reports that is relevant  
55 to a taxpayer's eligibility to participate in the small business  
56 return-to-work tax credit program;



(2) information regarding the credit applied for, allowed or claimed pursuant to this section and taxpayers that are applying for the credit or that are claiming the credit; and

(3) information contained in or derived from credit claim forms submitted to the department and applications for admission into the small business return-to-work tax credit program. Except as provided in paragraph two of this subdivision, all information exchanged between the department of economic development and the department shall not be subject to disclosure or inspection under the state's freedom of information law.

(e) Credit recapture. If a certificate of tax credit issued by the department of economic development under article twenty-four of the economic development law is revoked by such department, the amount of credit described in this section and claimed by the taxpayer prior to that revocation shall be added back to tax in the taxable year in which any such revocation becomes final.

(f) Cross references. For application of the credit provided for in this section, see the following provisions of this chapter:

(1) article 9-A: section 210-B, subdivision 55;

(2) article 22: section 606, subsection (kkk).

§ 3. Section 210-B of the tax law is amended by adding a new subdivision 55 to read as follows:

55. Small business return-to-work tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-five of this chapter, against the taxes imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for the taxable year shall not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for the taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest will be paid thereon.

§ 4. Section 606 of the tax law is amended by adding a new subsection (kkk) to read as follows:

(kkk) Small business return-to-work tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-five of this chapter, against the tax imposed by this article.

(2) Application of credit. If the amount of the credit allowed under this subsection for the taxable year exceeds the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest will be paid thereon.

§ 5. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xlvi) to read as follows:

(xlvi) Small business  
return-to-work tax  
credit

Amount of credit under  
subdivision fifty-five  
of section two hundred ten-B





1     § 6. This act shall take effect immediately.

2 SUBPART B

3 Section 1. The economic development law is amended by adding a new  
4 article 25 to read as follows:

5 ARTICLE 25

6 RESTAURANT RETURN-TO-WORK TAX CREDIT PROGRAM

7 Section 470. Short title.

8 471. Statement of legislative findings and declaration.

9                    472. Definitions.

10 473. Eligibility criteria.

11           474. Application and approval process.

12            475. Restaurant return-to-work tax credit.

13           476. Powers and duties of the commissioner.

14 477. Maintenance of records.

15                    478. Reporting.

16                    479. Cap on tax credit.

17     § 470. Short title. This article shall be known and may be cited as  
18     the "restaurant return-to-work tax credit program act".

§ 471. Statement of legislative findings and declaration. It is hereby found and declared that New York state needs, as a matter of public policy, to create financial incentives for restaurants that have suffered economic harm as a result of the COVID-19 pandemic to expeditiously rehire workers and increase total employment. The restaurant return-to-work tax credit program is created to provide financial incentives to economically harmed restaurants to offer relief, expedite their hiring efforts, and reduce the duration and severity of the current economic difficulties.

28        § 472. Definitions. For the purposes of this article:

29 1. "Average full-time employment" shall mean the average number of  
30 full-time equivalent positions employed by a business entity in an  
31 eligible industry during a given period.

32     2. "Average starting full-time employment" shall be calculated as the  
33     average number of full-time equivalent positions employed by a business  
34     entity in an eligible industry between January first, two thousand twen-  
35     ty-one, and March thirty-first, two thousand twenty-one.

36 3. "Average ending full-time employment" shall be calculated as the  
37 average number of full-time equivalent positions employed by a business  
38 entity in an eligible industry between April first, two thousand twen-  
39 ty-one, and either August thirty-first, two thousand twenty-one, or  
40 December thirty-first, two thousand twenty-one, whichever date the busi-  
41 ness entity chooses to use.

4. "Certificate of tax credit" means the document issued to a business entity by the department after the department has verified that the business entity has met all applicable eligibility criteria in this article. The certificate shall specify the exact amount of the tax credit under this article that a business entity may claim, pursuant to section four hundred seventy-five of this article.

48     5. "Commissioner" shall mean commissioner of the department of econom-  
49     ic development.

50     6. "Department" shall mean the department of economic development.

51     7. "Eligible industry" means a business entity operating predominantly  
52     in the COVID-19 impacted food services sector.

1 8. "Net employee increase" means an increase of at least one full-time  
2 equivalent employee between the average starting full-time employment  
3 and the average ending full-time employment of a business entity.

4 9. "COVID-19 impacted food services sector" means:

5 (a) independently owned establishments that are located inside the  
6 city of New York and have been subjected to a ban on indoor dining for  
7 over six months and are primarily organized to prepare and provide  
8 meals, and/or beverages to customers for consumption, including for  
9 immediate indoor on-premises consumption, as further defined in regu-  
10 lations pursuant to this article; and

11 (b) independently owned establishments that are located outside of the  
12 city of New York in an area which has been and/or remains designated by  
13 the department of health as either an orange zone or red zone pursuant  
14 to Executive Order 202.68 as amended, and for which such designation was  
15 or has been in effect and resulted in additional restrictions on indoor  
16 dining for at least thirty consecutive days, and are primarily organized  
17 to prepare and provide meals, and/or beverages to customers for consump-  
18 tion, including for immediate indoor on-premises consumption, as further  
19 defined in regulations pursuant to this article.

20 § 473. Eligibility criteria. 1. To be eligible for a tax credit under  
21 the restaurant return-to-work tax credit program, a business entity  
22 must:

23 (a) be a small business as defined in section one hundred thirty-one  
24 of this chapter and have fewer than one hundred full-time job equiv-  
25 alents in New York state as of April first, two thousand twenty-one;

26 (b) operate a business location in New York state that is primarily  
27 organized to accept payment for meals and/or beverages including from  
28 in-person customers;

29 (c) operate predominantly in the COVID-19 impacted food services  
30 sector; provided, however, that the department, in its regulations  
31 promulgated pursuant to this article, shall have the authority to list  
32 certain types of establishments as ineligible;

33 (d) have experienced economic harm as a result of the COVID-19 emer-  
34 gency as evidenced by a year-to-year decrease of at least forty percent  
35 in New York state between the second quarter of two thousand nineteen  
36 and the second quarter of two thousand twenty or the third quarter of  
37 two thousand nineteen and the third quarter of two thousand twenty for  
38 one or both of: (i) gross receipts or (ii) average full-time employment;  
39 and

40 (e) have demonstrated a net employee increase.

41 2. A business entity must be in substantial compliance with any public  
42 health or other emergency orders or regulations related to the entity's  
43 sector or other laws and regulations as determined by the commissioner.  
44 In addition, a business entity may not owe past due state taxes or local  
45 property taxes unless the business entity is making payments and comply-  
46 ing with an approved binding payment agreement entered into with the  
47 taxing authority.

48 § 474. Application and approval process. 1. A business entity must  
49 submit a complete application as prescribed by the commissioner.

50 2. The commissioner shall establish procedures and a timeframe for  
51 business entities to submit applications. As part of the application,  
52 each business entity must:

53 (a) provide evidence in a form and manner prescribed by the commis-  
54 sioner of their business eligibility;

55 (b) agree to allow the department of taxation and finance to share the  
56 business entity's tax information with the department. However, any

1 information shared as a result of this program shall not be available  
2 for disclosure or inspection under the state freedom of information law;

3 (c) agree to allow the department of labor to share its tax and  
4 employer information with the department. However, any information  
5 shared as a result of this program shall not be available for disclosure  
6 or inspection under the state freedom of information law;

7 (d) allow the department and its agents access to any and all books  
8 and records the department may require to monitor compliance;

9 (e) certify, under penalty of perjury, that it is in substantial  
10 compliance with all emergency orders or public health regulations  
11 currently required of such entity, and local, and state tax laws; and

12 (f) agree to provide any additional information required by the  
13 department relevant to this article.

14 3. After reviewing a business entity's completed final application and  
15 determining that the business entity meets the eligibility criteria as  
16 set forth in this article, the department may issue to that business  
17 entity a certificate of tax credit. A business entity may claim the tax  
18 credit in the taxable year that includes December thirty-first, two  
19 thousand twenty-one.

20 § 475. Restaurant return-to-work tax credit. 1. A business entity in  
21 the restaurant return-to-work tax credit program that meets the eligi-  
22 bility requirements of section four hundred seventy-three of this arti-  
23 cle may be eligible to claim a credit equal to five thousand dollars per  
24 each full-time equivalent net employee increase as defined in subdivi-  
25 sion eight of section four hundred seventy-two of this article.

26 2. A business entity, including a partnership, limited liability  
27 company and subchapter S corporation, may not receive in excess of fifty  
28 thousand dollars in tax credits under this program.

29 3. The credit shall be allowed as provided in sections forty-six,  
30 subdivision fifty-six of section two hundred ten-B and subsection (lll)  
31 of section six hundred six of the tax law.

32 § 476. Powers and duties of the commissioner. 1. The commissioner may  
33 promulgate regulations establishing an application process and eligibil-  
34 ity criteria, that will be applied consistent with the purposes of this  
35 article, so as not to exceed the annual cap on tax credits set forth in  
36 section four hundred seventy-nine of this article which, notwithstanding  
37 any provisions to the contrary in the state administrative procedure  
38 act, may be adopted on an emergency basis.

39 2. The commissioner shall, in consultation with the department of  
40 taxation and finance, develop a certificate of tax credit that shall be  
41 issued by the commissioner to eligible businesses. Such certificate  
42 shall contain such information as required by the department of taxation  
43 and finance.

44 3. The commissioner shall solely determine the eligibility of any  
45 applicant applying for entry into the program and shall remove any busi-  
46 ness entity from the program for failing to meet any of the requirements  
47 set forth in section four hundred seventy-three of this article, or for  
48 failing to meet the requirements set forth in subdivision one of section  
49 four hundred seventy-four of this article.

50 § 477. Maintenance of records. Each business entity participating in  
51 the program shall keep all relevant records for their duration of  
52 program participation for at least three years.

53 § 478. Reporting. Each business entity participating in this program  
54 must submit a performance report to the department at a time prescribed  
55 in regulations by the commissioner.



1     § 479. Cap on tax credit. The total amount of tax credits listed on  
2     certificates of tax credit issued by the commissioner pursuant to this  
3     article may not exceed fifty million dollars.

4     § 2. The tax law is amended by adding a new section 46 to read as  
5     follows:

6     § 46. Restaurant return-to-work tax credit. (a) Allowance of credit. A  
7     taxpayer subject to tax under article nine-A or twenty-two of this chap-  
8     ter shall be allowed a credit against such tax, pursuant to the  
9     provisions referenced in subdivision (f) of this section. The amount of  
10    the credit is equal to the amount determined pursuant to section four  
11    hundred seventy-five of the economic development law. No cost or expense  
12    paid or incurred by the taxpayer which is included as part of the calcu-  
13    lation of this credit shall be the basis of any other tax credit allowed  
14    under this chapter.

15    (b) Eligibility. To be eligible for the restaurant return-to-work tax  
16    credit, the taxpayer shall have been issued a certificate of tax credit  
17    by the department of economic development pursuant to subdivision two of  
18    section four hundred seventy-four of the economic development law, which  
19    certificate shall set forth the amount of the credit that may be claimed  
20    for the taxable year. The taxpayer shall be allowed to claim only the  
21    amount listed on the certificate of tax credit for that taxable year. A  
22    taxpayer that is a partner in a partnership, member of a limited liabil-  
23    ity company or shareholder in a subchapter S corporation that has  
24    received a certificate of tax credit shall be allowed its pro rata share  
25    of the credit earned by the partnership, limited liability company or  
26    subchapter S corporation.

27    (c) Tax return requirement and advance payment option. (1) The taxpay-  
28    er shall be required to attach to its tax return in the form prescribed  
29    by the commissioner, proof of receipt of its certificate of tax credit  
30    issued by the commissioner of the department of economic development.

31    (2) Taxpayers who choose to use August thirty-first, two thousand  
32    twenty-one as the last date to calculate their average ending full-time  
33    employment and have received their certificate of tax credit by November  
34    fifteenth, two thousand twenty-one shall have the option to request an  
35    advance payment of the amount of tax credit they are allowed under this  
36    section. A taxpayer must submit such request to the department in the  
37    manner prescribed by the commissioner after it has been issued a certif-  
38    icate of tax credit by the department of economic development pursuant  
39    to subdivision two of section four hundred seventy-four of the economic  
40    development law (or such certificate has been issued to a partnership,  
41    limited liability company or subchapter S corporation in which it is a  
42    partner, member or shareholder, respectively), but such request must be  
43    submitted no later than November fifteenth, two thousand twenty-one. For  
44    those taxpayers who have requested an advance payment and for whom the  
45    commissioner has determined eligible for this credit, the commissioner  
46    shall advance a payment of the tax credit allowed to the taxpayer.  
47    However, in the case of a taxpayer subject to article nine-A of this  
48    chapter, such payment shall be equal to the amount of credit allowed to  
49    the taxpayer less twenty-five dollars. Such twenty-five dollars shall  
50    represent a partial payment of tax owed by the taxpayer under article  
51    nine-A, including any fixed dollar minimum owed under paragraph (d) of  
52    subdivision one of section two hundred ten of this chapter. When a  
53    taxpayer files its return for the taxable year, such taxpayer shall  
54    properly reconcile the advance payment and any partial payment of fixed  
55    dollar minimum tax, if applicable, on the taxpayer's return.

1 (d) Information sharing. Notwithstanding any provision of this chap-  
2 ter, employees of the department of economic development and the depart-  
3 ment shall be allowed and are directed to share and exchange:

4 (1) information derived from tax returns or reports that is relevant  
5 to a taxpayer's eligibility to participate in the restaurant return-to-  
6 work tax credit program;

7 (2) information regarding the credit applied for, allowed or claimed  
8 pursuant to this section and taxpayers that are applying for the credit  
9 or that are claiming the credit; and

10 (3) information contained in or derived from credit claim forms  
11 submitted to the department and applications for admission into the  
12 restaurant return-to-work tax credit program. Except as provided in  
13 paragraph two of this subdivision, all information exchanged between the  
14 department of economic development and the department shall not be  
15 subject to disclosure or inspection under the state's freedom of infor-  
16 mation law.

17 (e) Credit recapture. If a certificate of tax credit issued by the  
18 department of economic development under article twenty-five of the  
19 economic development law is revoked by such department, the amount of  
20 credit described in this section and claimed by the taxpayer prior to  
21 that revocation shall be added back to tax in the taxable year in which  
22 any such revocation becomes final.

23 (f) Cross references. For application of the credit provided for in  
24 this section, see the following provisions of this chapter:

25 (1) article 9-A: section 210-B, subdivision 56;

26 (2) article 22: section 606, subsection (111).

27 § 3. Section 210-B of the tax law is amended by adding a new subdivi-  
28 sion 56 to read as follows:

29 56. Restaurant return-to-work tax credit. (a) Allowance of credit. A  
30 taxpayer shall be allowed a credit, to be computed as provided in  
31 section forty-six of this chapter, against the taxes imposed by this  
32 article.

33 (b) Application of credit. The credit allowed under this subdivision  
34 for the taxable year shall not reduce the tax due for such year to less  
35 than the amount prescribed in paragraph (d) of subdivision one of  
36 section two hundred ten of this article. However, if the amount of  
37 credit allowed under this subdivision for the taxable year reduces the  
38 tax to such amount or if the taxpayer otherwise pays tax based on the  
39 fixed dollar minimum amount, any amount of credit thus not deductible in  
40 such taxable year shall be treated as an overpayment of tax to be cred-  
41 ited or refunded in accordance with the provisions of section one thou-  
42 sand eighty-six of this chapter. Provided, however, the provisions of  
43 subsection (c) of section one thousand eighty-eight of this chapter  
44 notwithstanding, no interest will be paid thereon.

45 § 4. Section 606 of the tax law is amended by adding a new subsection  
46 (111) to read as follows:

47 (111) Restaurant return-to-work tax credit. (1) Allowance of credit.  
48 A taxpayer shall be allowed a credit, to be computed as provided in  
49 section forty-six of this chapter, against the tax imposed by this arti-  
50 cle.

51 (2) Application of credit. If the amount of the credit allowed under  
52 this subsection for the taxable year exceeds the taxpayer's tax for such  
53 year, the excess shall be treated as an overpayment of tax to be credit-  
54 ed or refunded in accordance with the provisions of section six hundred  
55 eighty-six of this article, provided, however, that no interest will be  
56 paid thereon.



1 § 5. Subparagraph (B) of paragraph 1 of subsection (i) of section 606  
2 of the tax law is amended by adding a new clause (xlvii) to read as  
3 follows:

4 <u>(xlvii) Restaurant return-to-work</u>	<u>Amount of credit under</u>
5 <u>tax credit</u>	<u>subdivision fifty-six of</u>
6	<u>section two hundred ten-B</u>

7 § 6. This act shall take effect immediately.

8 SUBPART C

9 Section 1. The tax law is amended by adding a new section 24-c to read  
10 as follows:

11 § 24-c. New York city musical and theatrical production tax credit.

12 (a) (1) Allowance of credit. A taxpayer that is a qualified New York  
13 city musical and theatrical production company, or is a sole proprietor  
14 of or a member of a partnership that is a qualified New York city  
15 musical and theatrical production company, and that is subject to tax  
16 under article nine-A or twenty-two of this chapter, shall be allowed a  
17 credit against such tax, pursuant to the provisions referred to in  
18 subdivision (d) of this section, and to be computed as provided in this  
19 section.

20 (2) The amount of the credit shall be the product (or pro rata share  
21 of the product, in the case of a member of a partnership) of twenty-five  
22 percent and the sum of the qualified production expenditures paid for  
23 during the qualified New York city musical and theatrical production's  
24 credit period. Provided however that the amount of the credit cannot  
25 exceed five hundred thousand dollars per qualified New York city musical  
26 and theatrical production company.

27 (3) No qualified production expenditures used by a taxpayer either as  
28 the basis for the allowance of the credit provided pursuant to this  
29 section or used in the calculation of the credit provided pursuant to  
30 this section shall be used by such taxpayer to claim any other credit  
31 allowed pursuant to this chapter.

32 (b) Definitions. As used in this section, the following terms shall  
33 have the following meanings:

34 (1) "Qualified musical and theatrical production" means a for-profit  
35 live, dramatic stage presentation that, in its original or adaptive  
36 version, is performed in a qualified New York city production facility,  
37 whether or not such production was performed in a qualified New York  
38 city production facility prior to March twelfth, two thousand twenty.

39 (2) "Qualified production expenditure" means any costs for tangible  
40 property used and services performed directly and predominantly in the  
41 production of a qualified musical and theatrical production within the  
42 city of New York, including: (i) expenditures for design, construction  
43 and operation, including sets, special and visual effects, costumes,  
44 wardrobes, make-up, accessories and costs associated with sound, light-  
45 ing, and staging; (ii) all salaries, wages, fees, and other compensation  
46 including related benefits for services performed of which the total  
47 allowable expense shall not exceed two hundred thousand dollars per  
48 week; and (iii) technical and crew production costs, such as expendi-  
49 tures for a qualified New York city production facility, or any part  
50 thereof, props, make-up, wardrobe, costumes, equipment used for special  
51 and visual effects, sound recording, set construction, and lighting.  
52 Qualified production expenditure does not include any costs incurred  
53 prior to March thirteenth, two thousand twenty.



1     (3) "Qualified New York city production facility" means a facility  
2 located within the city of New York (i) in which live theatrical  
3 productions are or are intended to be primarily presented, (ii) that  
4 contains at least one stage, a seating capacity of five hundred or more  
5 seats, and dressing rooms, storage areas, and other ancillary amenities  
6 necessary for the qualified musical and theatrical production, and (iii)  
7 for which receipts attributable to ticket sales constitute seventy-five  
8 percent or more of gross receipts of the facility.

9     (4) "Qualified New York city musical and theatrical production compa-  
10 ny" is a corporation, partnership, limited partnership, or other entity  
11 or individual which or who (i) is principally engaged in the production  
12 of a qualified musical or theatrical production that is to be performed  
13 in a qualified New York city production facility, and (ii) has expended  
14 at least one million dollars in qualified production expenditures on the  
15 qualified musical and theatrical production at the time of its applica-  
16 tion to the department of economic development for a tax credit certif-  
17 icate authorized under this section.

18     (5) (i) "The credit period of a qualified New York city musical and  
19 theatrical production company" is the period starting on the production  
20 start date and ending on the earlier of December thirty-first, two thou-  
21 sand twenty-one or the date the qualified musical and theatrical  
22 production closes.

23     (ii) "The production start date" is the date that is six weeks prior  
24 to the first performance of the qualified musical and theatrical  
25 production.

26     (c) The credit shall be allowed for the taxable year beginning on or  
27 after January first, two thousand twenty-one but before January first,  
28 two thousand twenty-two.

29     (d) Cross-references. For application of the credit provided for in  
30 this section, see the following provisions of this chapter:

31     (1) article 9-A: section 210-B: subdivision 57;

32     (2) article 22: section 606: subsection (mmm).

33     (e) Notwithstanding any provision of this chapter, (i) employees and  
34 officers of the department of economic development and the department  
35 shall be allowed and are directed to share and exchange information  
36 regarding the credits applied for, allowed, or claimed pursuant to this  
37 section and taxpayers who are applying for credits or who are claiming  
38 credits, including information contained in or derived from credit claim  
39 forms submitted to the department and applications for certification  
40 submitted to the department of economic development, and (ii) the  
41 commissioner and the commissioner of the department of economic develop-  
42 ment may release the names and addresses of any qualified New York city  
43 musical and theatrical production company entitled to claim this credit  
44 and the amount of the credit earned by such company.

45     (f) Maximum amount of credits. (1) The aggregate amount of tax credits  
46 allowed under this section, subdivision fifty-seven of section two  
47 hundred ten-B and subsection (mmm) of section six hundred six of this  
48 chapter shall be twenty-five million dollars. Such aggregate amount of  
49 credits shall be allocated by the department of economic development  
50 among taxpayers in order of priority based upon the date of filing an  
51 application for allocation of the New York city musical and theatrical  
52 production tax credit with such department.

53     (2) The commissioner of economic development, after consulting with  
54 the commissioner, shall promulgate regulations to establish procedures  
55 for the allocation of tax credits as required by this section. Such  
56 rules and regulations shall include provisions describing the applica-

tion process, the due dates for such applications, the standards that will be used to evaluate the applications, the documentation that will be provided by applicants to substantiate to the department the amount of qualified production expenditures of such applicants, and such other provisions as deemed necessary and appropriate. Notwithstanding any other provisions to the contrary in the state administrative procedure act, such rules and regulations may be adopted on an emergency basis.

(g) Any qualified New York city musical and theatrical production company that performs in a qualified New York city production facility and applies to receive a credit under this section shall be required to: (1) participate in a New York state diversity and arts job training program; (2) create and implement a plan to ensure that their production is available and accessible for low-or no-cost to low income New Yorkers; and (3) contribute to the New York state council on the arts, cultural program fund an amount up to fifty percent of the total credits received if such production company earns revenue prospectively after receipt of the credit that is at least equal to two hundred percent of its production costs, with such amount payable from twenty-five percent of net operating profits, such amounts payable on a monthly basis, up until such fifty percent of the total credit amount is reached. Any funds deposited pursuant to this subdivision shall be used for arts and cultural educational and workforce development programs in-school and community-based organizations.

§ 2. Section 210-B of the tax law is amended by adding a new subdivision 57 to read as follows:

57. New York city musical and theatrical production tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section twenty-four-c of this chapter, against the taxes imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for the taxable year shall not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for the taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

§ 3. Section 606 of the tax law is amended by adding a new subsection (mmmm) to read as follows:

(mmmm) New York city musical and theatrical production tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section twenty-four-c of this chapter, against the tax imposed by this article.

(2) Application of credit. If the amount of the credit allowed under this subsection for the taxable year exceeds the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xlvi) to read as follows:





(xlvi) New York city musical      Amount of credit under  
and theatrical production      subdivision fifty-seven of  
tax credit      section two hundred ten-B

§ 5. The state finance law is amended by adding a new section 99-ii to read as follows:

§ 99-ii. New York state arts and cultural programs fund. 1. There is hereby established in the joint custody of the state comptroller and commissioner of taxation and finance a special fund to be known as the "New York state arts and cultural program fund".

2. Such fund shall consist of all revenues received by the state, pursuant to the provisions of section twenty-four-c of the tax law and all other moneys appropriated thereto from any other fund or source pursuant to law. Nothing contained in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. On or before the first day of February two thousand twenty-four, the commissioner of education shall provide a written report to the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee, the chair of the assembly ways and means committee, the chair of the senate committee on health, the chair of the assembly health committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

(a) the amount of money dispersed from the fund and the award process used for such disbursements;

(b) recipients of awards from the fund;

(c) the amount awarded to each;

(d) the purposes for which such awards were granted; and

(e) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

4. Moneys shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of education.

5. The moneys in such fund shall be expended for the purpose of supplementing art and cultural programs for secondary and elementary children, including programs that increase access to art and cultural programs and events for children in underserved communities.

§ 6. This act shall take effect immediately.

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

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

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect,



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

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

