

FY 2024 Executive Budget Amendments

**Amendments to Senate S.4008; Assembly A.3008
(TED Article VII Bill)**

Part A, relating to Expanding Camera Enforcement for MTA Bus Operations, is amended to:

- Amend the effective date for section one to ensure effective implementation.

Part B, relating to Triborough Bridge and Tunnel Authority Speed Cameras, is amended to:

- Give adjudication authority to the New York City Parking Violations Bureau.

Part E, relating to Expanding the MTA Owner Controlled Insurance Program, is amended to:

- Clarify that the Owner Controlled Insurance Program expansion would only apply to MTA projects.

Part R, relating to providing financial relief to the Metropolitan Transportation Authority, is amended to:

- Make various technical amendments to ensure consistency in law.

Part HH, relating to reciprocal minority and women-owned business enterprise certification, is amended to:

- Make clarifying changes regarding the applicability of its provisions to design and construction contracts.

Part MM, relating to fees for the registration of snowmobiles and fees collected for the snowmobile trail and maintenance fund, is amended to:

- Amend the effective date to ensure effective implementation of the increased fees.

Part OO, relating to purchase contracts for New York State food and food products, is amended to:

- Make technical amendments.

Part WW, relating to zero on-site greenhouse gas emissions building codes for new construction and phasing out heating and hot water equipment in existing buildings, is amended to:

- Make various technical amendments to clarify the proposed exemptions.

Part XX, relating to establishing the renewable energy access and community help program, is amended to:

- Make various technical amendments to ensure consistency in law.

1 violation monitoring systems, in accordance with article twenty-nine of
2 this chapter, or (g) to adjudicate the liability of owners for
3 violations of section three hundred eighty-five of this chapter and the
4 rules of the department of transportation of the city of New York in
5 relation to gross vehicle weight and/or axle weight violations imposed
6 pursuant to a weigh in motion demonstration program imposing monetary
7 liability on the owner of a vehicle for failure of an operator thereof
8 to comply with such gross vehicle weight and/or axle weight restrictions
9 through the installation and operation of weigh in motion violation
10 monitoring systems, in accordance with article ten of this chapter, or
11 (h) to adjudicate the liability of owners for violations of subdivision
12 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter
13 imposed pursuant to a demonstration program imposing monetary liability
14 on the owner of a vehicle for failure of an operator thereof to comply
15 with such posted maximum speed limits within a highway construction or
16 maintenance work area through the installation and operation of photo
17 speed violation monitoring systems, in accordance with article thirty of
18 this chapter, such tribunal and the rules and regulations pertaining
19 thereto shall be constituted in substantial conformance with the follow-
20 ing sections, or (i) to adjudicate the liability of owners for any other
21 violation of a bus operation-related traffic restriction regulation, in
22 accordance with article twenty-four of this chapter.

23 § 4. This act shall take effect immediately; provided that section one
24 of this act shall take effect one year after it shall have become a
law and shall expire and be deemed repealed five years after it
25 shall have become a law; provided, further, that effective immediately,
the addition, amendment and/or repeal of any rule or regulation necessary for
the implementation of section one of this act on its effective date are
authorized to be made and completed on or before such effective date.

26

PART B

27 Section 1. The vehicle and traffic law is amended by adding a new
28 section 1180-f to read as follows:

29 § 1180-f. Owner liability for failure of operator to comply with
30 certain posted maximum speed limits. (a) 1. Notwithstanding any other
31 provision of law, in accordance with the provisions of this subdivision,
32 the Triborough bridge and tunnel authority is hereby authorized to
33 establish a demonstration program pursuant to which the city of New York
34 shall impose monetary liability on the owner of a vehicle for failure of
35 an operator thereof to comply with posted maximum speed limits in TBTA
36 bridge and tunnel zones as provided in subdivision (b), (d), (f) or (g)
37 of section eleven hundred eighty of this article. The Triborough bridge
38 and tunnel authority may install photo speed violation monitoring
39 systems as appropriate, provided, however, in selecting where to install
40 and operate a photo speed violation monitoring system, the Triborough
41 bridge and tunnel authority shall consider criteria including, but not
42 limited to, the speed data, crash history, and the roadway geometry
43 applicable to such bridges and tunnels. The Triborough bridge and tunnel
44 authority shall prioritize the placement of photo speed violation moni-
45 toring systems in bridges and tunnels based upon speed data or the crash
46 history of a bridge and tunnel. A photo speed violation monitoring
47 system shall not be installed or operated on a controlled-access highway
48 exit ramp or within three hundred feet along a highway that continues
49 from the end of a controlled-access highway exit ramp.

50 2. No photo speed violation monitoring system shall be used in a
51 bridge or tunnel unless (i) on the day it is to be used it has success-
52 fully passed a self-test of its functions; and (ii) it has undergone an
53 annual calibration check performed pursuant to paragraph four of this

54 subdivision. The Triborough bridge and tunnel authority shall install

1 3. The notice of liability shall contain information advising the
2 person charged of the manner and the time in which he or she may contest
3 the liability alleged in the notice. Such notice of liability shall also
4 contain a prominent warning to advise the person charged that failure to
5 contest in the manner and time provided shall be deemed an admission of
6 liability and that a default judgment may be entered thereon.

7 4. The notice of liability shall be prepared and mailed by the Tribor-
8 ough bridge and tunnel authority, or by any other entity authorized by
9 the Triborough bridge and tunnel authority to prepare and mail such
10 notice of liability.

11 ~~(h) Adjudication of the liability imposed upon owners of this section~~
12 ~~shall be by a traffic violations bureau established pursuant to section~~
13 ~~three hundred seventy of the general municipal law where the violation~~
14 ~~occurred or, if there be none, by the court having jurisdiction over~~
15 ~~traffic infractions where the violation occurred, except that if a city~~
16 ~~has established an administrative tribunal to hear and determine~~
17 ~~complaints of traffic infractions constituting parking, standing or~~
18 ~~stopping violations such city may, by local law, authorize such adjudi-~~
19 ~~cation by such tribunal.~~ Adjudication of the liability imposed upon owners
by this section shall be conducted by the New York city parking violations
bureau.

20 (i) If an owner receives a notice of liability pursuant to this
21 section for any time period during which the vehicle or the number plate
22 or plates of such vehicle was reported to the police department as
23 having been stolen, it shall be a valid defense to an allegation of
24 liability for a violation of subdivision (b), (d), (f) or (g) of section
25 eleven hundred eighty of this article pursuant to this section that the
26 vehicle or the number plate or plates of such vehicle had been reported
27 to the police as stolen prior to the time the violation occurred and had
28 not been recovered by such time. For purposes of asserting the defense
29 provided by this subdivision, it shall be sufficient that a certified
30 copy of the police report on the stolen vehicle or number plate or
31 plates of such vehicle be sent by first class mail to the traffic
32 violations bureau, court having jurisdiction or parking violations
33 bureau.

34 (j) 1. Where the adjudication of liability imposed upon owners pursu-
35 ant to this section is by a traffic violations bureau or a court having
36 jurisdiction, an owner who is a lessor of a vehicle to which a notice of
37 liability was issued pursuant to subdivision (g) of this section shall
38 not be liable for the violation of subdivision (b), (d), (f) or (g) of
39 section eleven hundred eighty of this article pursuant to this section,
40 provided that he or she sends to the traffic violations bureau or court
41 having jurisdiction a copy of the rental, lease or other such contract
42 document covering such vehicle on the date of the violation, with the
43 name and address of the lessee clearly legible, within thirty-seven days
44 after receiving notice from the bureau or court of the date and time of
45 such violation, together with the other information contained in the
46 original notice of liability. Failure to send such information within
47 such thirty-seven day time period shall render the owner liable for the
48 penalty prescribed by this section. Where the lessor complies with the
49 provisions of this paragraph, the lessee of such vehicle on the date of
50 such violation shall be deemed to be the owner of such vehicle for
51 purposes of this section, shall be subject to liability for the
52 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
53 eighty of this article pursuant to this section and shall be sent a
54 notice of liability pursuant to subdivision (g) of this section.

55 2. (i) In a city which, by local law, has authorized the adjudication
56 of liability imposed upon owners by this section by a parking violations

1 ized by any undisbursed general fund aid to localities appropriations or
 2 state special revenue fund aid to localities appropriations, excluding
 3 debt service, fiduciary, and federal fund appropriations, to the city to
 4 the metropolitan transportation authority assistance fund established by
 5 this section in accordance with such plan; and/or (ii) collect and
 6 deposit into the metropolitan transportation authority assistance fund
 7 established by this section funds from any other revenue source of the
 8 city, including the sales and use tax, in accordance with such plan. The
 9 state comptroller is hereby authorized and directed to make such trans-
 10 fers, collections and deposits as soon as practicable but not more than
 11 three days following the transmittal of such plan to the comptroller in
 12 accordance with paragraph (a) of this subdivision.

13 (c) Notwithstanding any provision of law to the contrary, the state's
 14 obligation and/or liability to fund any program included in general fund
 15 aid to localities appropriations or state special revenue fund aid to
 16 localities appropriations from which funds are transferred pursuant to
 17 paragraph (b) of this subdivision shall be reduced in an amount equal to
 18 such transfer or transfers.

19 § 5. Section 9 of part UUU of chapter 58 of the laws of 2020, amending
 20 the state finance law relating to providing funding for the Metropolitan
 21 Transportation Authority 2020-2024 capital program and paratransit oper-
 22 ating expenses, is amended to read as follows:

23 § 9. This act shall take effect immediately; provided that sections
 24 five through seven of this act shall expire and be deemed repealed June
 25 30, [2024] 2023; and provided further that such repeal shall not affect
 26 or otherwise reduce amounts owed to the metropolitan transportation
 27 authority paratransit assistance fund to meet the city's share of the
 28 net paratransit operating expenses of the MTA for services provided
 29 prior to June 30, [2024] 2023.

30 § 6. This act shall take effect July 1, 2023.

31 PART E

32 Section 1. Subparagraph (B) of paragraph 2 of subsection (a) of
 33 section 2504 of the insurance law is amended to read as follows:

34 (B) the city of New York, a public corporation or public authority, in
 35 connection with the construction of electrical generating and trans-
 36 mission facilities or construction, reconstruction, extensions [and] or
 37 additions of light rail or heavy rail rapid transit [and], commuter
 38 railroads, bus facilities, bridges, tunnels, central business district
 39 tolling facilities, and facilities related to

39 or ancillary to any of the foregoing. For the purposes of this section,
 40 ~~"bus" is defined in section one hundred four of the vehicle and traffic~~
 41 ~~law; "facilities related to or ancillary to" light rail or heavy rail~~
 42 ~~rapid transit, commuter railroads, bus facilities, bridges, and tunnels~~
 43 ~~shall mean any capital construction funded,~~ central business district
 44 tolling facilities, and facilities related to or ancillary to any of the
 45 foregoing refer to projects delivered by the metropolitan transpor-

44 tation ~~authority's capital program,~~ authority and its subsidiaries and
 45 affiliates that are defined as "transportation facilities" in subdivision
 46 seventeen of section twelve hundred sixty one of the public authorities law,
 47 or "project" as defined by in subdivision six of section ~~twelve~~ five hundred
 48 ~~sixty-nine-b~~ fifty one of the public authorities law.

46 § 2. This act shall take effect immediately.

47 PART F

48 Section 1. Subdivision 5-a of section 401 of the vehicle and traffic
 49 law is amended by adding a new paragraph d to read as follows:

50 d. It shall be unlawful for any person to register, reregister, renew,
51 replace or transfer the registration, change the name, address or other
52 information of the registered owner, or change the registration classi-

1 (1) For employers who engage in business within the MCTD, the tax is
 2 imposed at a rate of (A) eleven hundredths (.11) percent of the payroll
 3 expense for employers with payroll expense no greater than three hundred
 4 seventy-five thousand dollars in any calendar quarter, (B) twenty-three
 5 hundredths (.23) percent of the payroll expense for employers with
 6 payroll expense greater than three hundred seventy-five thousand dollars
 7 and no greater than four hundred thirty-seven thousand five hundred
 8 dollars in any calendar quarter, and (C) [thirty-four] fifty hundredths
 9 [(34)] (.50) percent of the payroll expense for employers with payroll
 10 expense in excess of four hundred thirty-seven thousand five hundred
 11 dollars in any calendar quarter. If the employer is a professional
 12 employer organization, as defined in section nine hundred sixteen of the
 13 labor law, the employer's tax shall be calculated by determining the
 14 payroll expense attributable to each client who has entered into a
 15 professional employer agreement with such organization and the payroll
 16 expense attributable to such organization itself, multiplying each of
 17 those payroll expense amounts by the applicable rate set forth in this
 18 paragraph and adding those products together.

19 § 2. Paragraph 2 of subsection (a) of section 801 of the tax law, as
 20 amended by section 1 of part N of chapter 59 of the laws of 2012, is
 21 amended to read as follows:

22 (2) For individuals, the tax is imposed at a rate of [thirty-four]
 23 forty-two hundredths [(34)] (.42) percent of the net earnings from
 24 self-employment of individuals that are attributable to the MCTD if such
 25 earnings attributable to the MCTD exceed fifty thousand dollars for the
 26 tax year.

27 § 3. Paragraph 2 of subsection (a) of section 801 of the tax law, as
 28 amended by section two of this act, is amended to read as follows:

29 (2) For individuals, the tax is imposed at a rate of [forty-two] fifty
 30 hundredths [(42)] (.50) percent of the net earnings from self-employ-
 31 ment of individuals that are attributable to the MCTD if such earnings
 32 attributable to the MCTD exceed fifty thousand dollars for the tax year.

33 § 4. This act shall take effect immediately; provided, however, that:

34 (a) (i) section one of this act shall apply to tax quarters beginning
 35 on or after July 1, 2023;

36 (ii) section two of this act shall apply to taxable years beginning on
 37 or after January 1, 2023 and before January 1, 2024; and

38 (iii) section three of this act shall apply to taxable years beginning
 39 on or after January 1, 2024; and

40 (b) section two of this act shall expire and be deemed repealed Janu-
 41 ary 1, 2024, when upon such date the provisions of section three shall
 42 take effect.

43

PART R

44 Section 1. ~~Subdivision 1~~ Subdivisions 1 and 2 of section 1352 of the
 45 racing, pari-mutuel

46 wagering and breeding law, as added by chapter 174 of the laws of 2013,
 47 is amended to read as follows:

48 1. (a) The commission shall pay into an account, to be known as the
 49 commercial gaming revenue fund as established pursuant to section nine-
 50 ty-seven-nnnn of the state finance law, under the joint custody of the
 51 comptroller and the commissioner of taxation and finance, all taxes and
 52 fees imposed by this article paid by a gaming facility licensed under
 53 title two of this article; any interest and penalties imposed by the
 54 commission relating to those taxes; the appropriate percentage of the
 value of expired gaming related obligations; all penalties levied and

1 collected by the commission; and the appropriate funds, cash or prizes
2 forfeited from gambling activity.

3 (b) For any gaming facility licensed under title two-A of this arti-
4 cle, the commission shall pay, without appropriation, into the metropol-
5 itan transportation authority finance fund established under section one
6 thousand two hundred seventy-h of the public authorities law the follow-
7 ing:

8 (i) for any gaming facility not located within the city of New York,
9 eighty percent of the taxes and licensing fees imposed by this article,
10 and any interest and penalties imposed by the commission relating to
11 those taxes.

12 (ii) for any gaming facility located within the city of New York, one
13 hundred percent of the taxes and licensing fees imposed by this article,
14 and any interest and penalties imposed by the commission relating to
15 those taxes.

16 (iii) (1) notwithstanding ~~subparagraph (i)~~ subparagraphs (i) and
(ii) of this paragraph, if a
17 gaming facility licensed under title two-A of this article was previous-
18 ly authorized to operate video lottery gaming pursuant to section one
19 thousand six hundred seventeen-a of the tax law, an amount equal to the
20 amount determined in clause two of this subparagraph shall be deposited
21 into the state lottery fund. Any remaining funds shall be transferred in
22 accordance with this subdivision.

23 (2) The amount to be deducted shall be equal to the greater of (A) the
24 revenue received from the facility for education aid deposits into the
25 state lottery fund for the twelve months immediately preceding the date
26 on which such facility began operations as a commercial casino pursuant
27 to title two-A of this article, or (B) the revenue received from the
28 facility for education aid deposits into the state lottery fund for
29 state fiscal year two thousand twenty-two.

30 (c) For any gaming facility licensed under title two-A of this arti-
31 cle, the commission shall pay into the commercial gaming revenue fund
32 established under section ninety-seven-nnnn of the state finance law the
33 following:

34 (i) for any gaming facility not located within the city of New York,
35 ten percent of the taxes and licensing fees imposed by this article, and
36 any interest and penalties imposed by the commission relating to those
37 taxes. Such funds shall be allocated in accordance with the provisions
38 of paragraph b of subdivision three of section ninety-seven-nnnn of the
39 state finance law.

40 (ii) for any gaming facility not located within the city of New York,
41 ten percent of the taxes and licensing fees imposed by this article, and
42 any interest and penalties imposed by the commission relating to those
43 taxes among counties within the region, as defined by section one thou-
44 sand three hundred ten of this article, hosting said facility for the
45 purpose of real property tax relief and for education assistance. Such
46 distribution shall be made among the counties on a per capita basis,
47 subtracting the population of host municipality and county. Such funds
48 shall be allocated in accordance with the provisions of paragraph c of
49 subdivision three of section ninety-seven-nnnn of the state finance law.

2. The commission shall require at least monthly deposits by the licensee of
any payments pursuant to section one thousand three hundred fifty-one of
this article, at such times, under such conditions, and in such depositories
as shall be prescribed by the state comptroller. The deposits shall be
deposited to the credit of the commercial gaming revenue fund as established
by section ninety-seven-nnnn of the state finance law or to the
metropolitan transportation authority finance fund established under section
one thousand two hundred seventy-h of the public authorities law, according
to the requirements of subdivision one of this section. The commission may

require a monthly report and reconciliation statement to be filed with it on or before the tenth day of each month, with respect to gross revenues and deposits received and made, respectively, during the preceding month.

§ 1-a. Subdivision 3 of section 1321-e of the racing, pari-mutuel wagering and breeding law, as added by section 7 of part RR of chapter 56 of the laws of 2022, is amended to read as follows:

3. The board shall determine a licensing fee to be paid by a licensee within thirty days after the [award] selection of the license which shall be deposited [into the commercial gaming revenue fund] in accordance with paragraph (b) of subdivision one of section 1352 of this article, provided however that no licensing fee shall be less than five hundred million dollars. The license shall set forth the conditions to be satisfied by the licensee before the gaming facility shall be opened to the public. The commission shall set any renewal fee for such license based on the cost of fees associated with the evaluation of a licensee under this article which shall be deposited into the commercial gaming fund. Such renewal fee shall be exclusive of any subsequent licensing fees under this section.

50 § 2. Subdivision 2 of section 97-nnnn of the state finance law, as
51 added by chapter 174 of the laws of 2013, is amended to read as follows:

52 2. Such account shall consist of all revenues [from all taxes and fees
53 imposed by article thirteen of the racing, pari-mutuel wagering and
54 breeding law; any interest and penalties imposed by the New York state]
55 received from the gaming commission [relating to those taxes; the
56 percentage of the value of expired gaming related obligations; and all

1 of requiring the applicant to complete the state certification process.
 2 [The] In order to implement such procedure, the office and all New York
 3 municipal corporations that have a municipal minority and women-owned
 4 business enterprise program shall enter into a memorandum of understand-
 5 ing regarding such acceptance of certification verification and the
 6 director shall promulgate rules and regulations to set forth criteria
 7 for the acceptance of municipal corporation certification. [All eligible
 8 municipal corporation certifications shall require business enterprises
 9 seeking certification to meet the following standards:] Notwithstanding
 10 the foregoing, an applicant certified pursuant to this section must meet
 11 the definition of a minority-owned business enterprise or women-owned
 12 business enterprise set forth in section three hundred ten of this arti-
 13 cle.

14 (b) [The director shall work with all] All New York municipal corpo-
 15 rations that have a municipal minority and women-owned business enter-
 16 prise program [to] shall develop [standards] rules and regulations in
 17 order to accept state certification [to meet the municipal corporation
 18 minority and women-owned business enterprise certification standards].

19 § 2. Clauses (i), (ii), (iii), (iv), (v), (vi) and (vii) of paragraph
 20 (a) of subdivision 2-a of section 314 of the executive law are REPEALED.

21 § 3. Subdivision 6 of section 163 of the state finance law, as sepa-
 22 rately amended by section 28 of part PP of chapter 56 and chapter 572 of
 23 the laws of 2022, is amended to read as follows:

24 6. Discretionary buying thresholds. Pursuant to guidelines established
 25 by the state procurement council: the commissioner may purchase services
 26 and commodities for the office of general services or its customer agen-
 27 cies serviced by the office of general services business services center
 28 in an amount not exceeding eighty-five thousand dollars without a formal
 29 competitive process; state agencies may purchase services and commod-
 30 ities in an amount not exceeding fifty thousand dollars without a formal
 31 competitive process; and state agencies may purchase commodities or
 32 services from small business concerns ~~for those certified pursuant to~~
 33 ~~article fifteen-A of the executive law and article three of the veter-~~
 34 ~~ans' services law~~, or commodities or technology that are recycled or
 35 remanufactured in an amount not exceeding one million five hundred
 thousand dollars

36 without a formal competitive process and state agencies may purchase
 37 ~~commodities or services from~~ enter into construction or professional
 38 service contracts with those certified pursuant to article
 39 fifteen-A of the executive law and article three of the veterans'
 40 services law in an amount not exceeding one million five hundred thou-
 41 sand dollars without a formal competitive process and for commodities
 42 that are food, including milk and milk products, or animal or plant
 43 fiber products, grown, produced, harvested, or processed in New York
 44 state or textile products manufactured from animal or plant fiber grown
 45 or produced predominantly in New York state in an amount not to exceed
 two hundred thousand dollars, without a formal competitive process.

§ 4. Subparagraph (i) of paragraph (b) of subdivision 3 of section 2879
 of the public authorities law, as amended by chapter 96 of the laws of 2019,
 is amended to read as follows:

(i) for the selection of such contractors on a competitive basis, and
 provisions relating to the circumstances under which the board may by
 resolution waive competition, including, notwithstanding any other provision
 of law requiring competition, the purchase of goods or services from small
 business concerns, those certified as minority or women-owned business
 enterprises pursuant to article fifteen-A of the executive law, those
 certified pursuant to article three of the veterans' services law or goods or
 technology that are recycled or remanufactured, in an amount not to exceed one
 million five hundred thousand dollars without a formal competitive process;

and the entering into construction and professional service contracts with those certified as minority and women-owned business enterprises pursuant to article fifteen-A of the executive law and those certified pursuant to article three of the veterans' services law in an amount not exceeding one million five hundred thousand dollars without a formal competitive process;

§ 5. Paragraphs (e) and (f) of subdivision 3 of section 2879-a of the public authorities law are amended, and a new paragraph (g) is added, to read as follows: (e) contracts for the purchase, sale or delivery of power or energy, fuel, costs and services ancillary thereto, or financial products related thereto, with a term of less than five years; [and] (f) contracts for the sale or delivery of power or energy and costs and services ancillary thereto for economic development purposes pursuant to title one of article five of this chapter or article six of the economic development law; and (g) contracts awarded small business concerns, minority or women-owned business enterprises certified pursuant to article fifteen-A of the executive law, service disabled veteran owned businesses certified pursuant to article three of the veterans' services law, or for goods or technology that are recycled or remanufactured in an amount less than one million five hundred thousand dollars pursuant to subdivision three of section 2879 of this chapter, provided, however, that the authority shall file copies of any such contract with the comptroller within sixty days after the execution of such contract.

46 § 46. Paragraph 1 of subdivision i of section 311 of the New York city
47 charter, as amended by chapter 569 of the laws of 2022, is amended to
48 read as follows:

49 1. agencies may make procurements of goods, services and construction
50 for amounts not exceeding one million five hundred thousand dollars from
51 businesses certified as minority or women-owned business enterprises
52 pursuant to section thirteen hundred four of the charter without a
53 formal competitive process.

54 § 57. This act shall take effect immediately; provided however that
55 sections one and two of this act shall take effect on the three hundred
56 sixty-fifth day after it shall have become a law; provided, further,

1 a member of an organized New York state snowmobile club that is a member
2 of the New York state snowmobile association or is a member of an organ-
3 ized New York state snowmobile club that is a trail maintenance entity
4 and a member of the New York state snowmobile association, shall pay
5 [thirty-five] fifty-five dollars for each snowmobile for the snowmobile
6 trail development and maintenance fund in addition to the registration
7 required by the vehicle and traffic law. In the event that an individual
8 seeking snowmobile club membership is unable, for any reason, to secure
9 such club membership, he or she may contact the New York state snowmo-
10 bile association, who shall secure such membership for such person.

11 § 3. Subdivision 3 of section 27.17 of the parks, recreation and
12 historic preservation law, as amended by section 2 of part G of chapter
13 82 of the laws of 2002, is amended to read as follows:

14 3. Every county or, where applicable, any city, town or village within
15 such county, shall be eligible for a grant for the development and main-
16 tenance of a system of snowmobile trails and a program with relation
17 thereto within its boundaries. Such grants shall be made by the commis-
18 sioner and may constitute up to one hundred percent of the cost of such
19 program including expenditures incurred for signs and markers of snowmo-
20 bile trails. Any county or, where applicable, any city, town or village
21 within such county, applying for such grant shall submit to the commis-
22 sioner [by September first of each year an estimate of such expenditures
23 for the current fiscal year, in such form and containing such] informa-
24 tion as the commissioner may require. No city, town or village may apply
25 for such grant where the county within which it is contained has submit-
26 ted an application for the same fiscal year. For the purpose of this
27 section, "fiscal year" shall mean the period from April first through
28 March thirty-first. The commissioner shall review all such applications
29 and shall determine the amount of state aid to be allocated to each
30 county or, where applicable, any city, town or village within such coun-
31 ty in accordance with the provisions of subdivision five of this
32 section. Of the amount the commissioner determines each county or, where
33 applicable, any city, town or village within such county is eligible to
34 receive, seventy percent shall be made available for distribution by
35 November first and thirty percent for distribution upon demonstration of
36 completion, submitted by June first, of the program.

37 § 4. This act shall take effect ~~immediately~~ one year after it shall have
become a law.

38

PART NN

39 Section 1. Subdivision 2 of section 40 of the navigation law, as
40 amended by chapter 208 of the laws of 2002, is amended to read as
41 follows:

42 2. Whistle. Every [mechanically propelled] vessel and every rowboat,
43 canoe and kayak shall be provided with an efficient whistle. The word
44 "whistle" shall mean any sound producing mechanical appliance, except
45 sirens, capable of producing a blast of two seconds or more in duration
46 and of such strength as to be heard plainly for a distance of at least
47 one-half mile in still weather. A siren whistle may only be attached to
48 a vessel operated by a police department, fire department or public
49 utility company, and used only on emergency calls. On vessels less than
50 thirty-nine feet in length, a mouth whistle capable of producing a blast
51 of two seconds or more in duration, which can be heard for at least
52 one-half a mile, may be used.

53 § 2. Subdivision 6 of section 40 of the navigation law, as amended by
54 chapter 186 of the laws of 1962, is amended to read as follows:

1 education shall ensure that the prices paid by a school district for
 2 items purchased pursuant to this subdivision do not exceed the market
 3 value of such items and that all licensed processors who desire to sell
 4 to a school district pursuant to this subdivision have equal opportu-
 5 nities to do so.

6 § 3. Section 103 of the general municipal law is amended by adding a
 7 new subdivision 10-a to read as follows:

8 10-a. Notwithstanding the foregoing provisions of this section or any
 9 other provision of the law to the contrary, any officer, board or agency
 10 of a political subdivision or of any district therein, board of educa-
 11 tion, on behalf of a school district, or board of cooperative educa-
 12 tional services may purchase food, including milk and milk products and
 13 food products, grown, produced, or harvested, in New York State in an
 14 amount not exceeding two hundred fifty thousand dollars without a formal
 15 competitive process.

16 § 4. Section 103 of the general municipal law is amended by adding a
 17 new subdivision 10-b to read as follows:

18 10-b. Each board or agency of a political subdivision or any district
 19 therein, board of education, on behalf of a school district, or board of
 20 cooperative educational services shall report to the office of general
 21 services and department of agriculture and markets on an annual basis
 22 the total dollar value procured of food, including milk and milk
 23 products and food products, grown, produced, or harvested in New York
 24 pursuant to subdivision 9, 10, and/or 10-a of this section, no
 25 later than March thirty-first for the previous calendar year.

26 § 5. This act shall take effect immediately.

26 PART PP

27 Section 1. This act shall be known and may be cited as the "waste
 28 reduction and recycling infrastructure act".

29 § 2. Legislative intent. The legislature hereby finds and declares
 30 that the amount of waste generated in New York is a threat to the envi-
 31 ronment. The legislature further finds and declares that it is in the
 32 public interest of the state of New York for packaging and paper
 33 products producers to take responsibility for the development and imple-
 34 mentation of strategies to promote reduction, reuse, recovery, and recy-
 35 cling of packaging and paper products through investments in the end-of-
 36 product-life management of products.

37 § 3. Article 27 of the environmental conservation law is amended by
 38 adding a new title 34 to read as follows:

39 TITLE 34

40 WASTE REDUCTION AND RECYCLING INFRASTRUCTURE ACT

41 Section 27-3401. Definitions.

42 27-3403. Needs assessment and establishment of a packaging and
 43 paper products program.

44 27-3405. Advisory committee.

45 27-3407. Post-consumer recycled content, recovery, recycling,
 46 and source reduction rates.

47 27-3409. Producer responsibility program plan.

48 27-3411. Reporting requirements and audits.

49 27-3413. Antitrust protections.

50 27-3415. Penalties.

51 27-3417. State preemption.

52 27-3419. Authority to promulgate rules and regulations.

53 27-3421. Severability.

54 § 27-3401. Definitions.

1 ter, any regulation promulgated by the department of environmental
2 conservation pursuant to the environmental conservation law, or any
3 other law or regulation intended to further the state's clean energy and
4 climate agenda, and, notwithstanding any exemptions accompanying such
5 provision, if such provision is designed to achieve a greater

6 amount of greenhouse gas or co-pollutant emissions reductions than the
7 inconsistent or conflicting provision of the code or uniform code, the
8 state fire prevention and building code council shall amend the code or
9 uniform code in a manner that would eliminate the inconsistency or
10 conflict, subject to any exemptions allowed by law and provided that
11 such amendment is consistent with the purposes and intent of this arti-
12 cle or article eighteen of the executive law, as applicable, with
13 accepted engineering practices, and with nationally recognized and
14 published standards that protect building occupant safety and reduce
15 fire risks; and

16 (b) nothing in this section shall be deemed to expand the powers of
17 the council to include matters that are exclusively within the statutory
18 jurisdiction of the public service commission, the department of envi-
19 ronmental conservation, the office of renewable energy siting or another
20 state entity.

21 § 3. Subdivision 6 of section 11-104 of the energy law, as added by
22 chapter 374 of the laws of 2022, is amended and two new subdivisions 7
23 and 8 are added to read as follows:

24 6. To the fullest extent feasible, the standards for construction of
25 buildings in the code shall be designed to help achieve the state's
26 clean energy and climate agenda, including but not limited to greenhouse
27 gas reduction, set forth within chapter one hundred six of the laws of
28 two thousand nineteen, also known as the New York state climate leader-
29 ship and community protection act, and as further identified by the New
30 York state climate action council established pursuant to section
31 75-0103 of the environmental conservation law. Consistent with the fore-
32 going:

33 (a) the code shall prohibit the installation of fossil-fuel equipment
34 and building systems, in any new one-family residential building of any
35 height or new multi-family residential building not more than three
36 stories in height on or after December thirty-first, two thousand twen-
37 ty-five, and the code shall prohibit the installation of fossil-fuel
38 equipment and building systems, in any new multi-family residential
39 building more than three stories in height or new commercial building on
40 or after December thirty-first, two thousand twenty-eight; and

41 (b) notwithstanding the provisions of paragraph (b) of subdivision one
42 of section 11-103 of this article and subject to such exemptions as may
43 be set forth in regulations promulgated pursuant to article sixteen of
44 this chapter, the code shall prohibit the installation of fossil-fuel
45 heating equipment and building systems at any time on or after January
46 first, two thousand thirty in any one-family residential building of any
47 height or multi-family residential building not more than three stories
48 in height existing on or after such date, and the code shall prohibit
49 the installation of fossil-fuel heating equipment and building systems
50 at any time on or after January first, two thousand thirty-five in any
51 multi-family residential building more than three stories in height or
52 commercial building existing on or after that date.

53 7. (a) The provisions set forth in paragraphs (a) and (b) of subdivi-
54 sion six of this section shall not be construed as prohibiting the
55 continued use and maintenance of fossil-fuel equipment and building
56 systems, including as related to cooking equipment, installed prior to
the effective date of the applicable prohibition. In addition, the

1 provisions set forth in paragraphs (a) and (b) of subdivision six of
2 this section shall include such exemptions as the state fire prevention
3 and building code council deems appropriate for the purposes of allowing
4 the installation and use of fossil-fuel equipment and building systems
5 where such are installed and used:

6 (i) for generation of emergency back-up power and emergency replacement
7 of existing equipment and building systems;

8 (ii) in a manufactured home as defined in subdivision seven of section
9 six hundred one of the executive law; or

10 (iii) in a building or part of a building that is used as a manufac-
11 turing facility, commercial food establishment, laboratory, laundromat,
12 hospital, other medical facility, critical infrastructure such as backup
13 power for wastewater treatment facilities, agricultural building as
14 defined by the council, or crematorium.

15 (b) Where the code includes an allowed exemption pursuant to subpara-
16 graph (i) or (iii) of paragraph (a) of this subdivision, other than
17 agricultural buildings as defined by the council, such exemption

18 shall include provisions that, to the fullest extent feasible, limit the
19 use of fossil-fuel equipment and buildings systems to the system and
20 area of the building for which a prohibition on fossil-fuel equipment
21 and building systems is infeasible; require the area or service within a
22 new building where fossil-fuel equipment and building systems are
23 installed be electrification ready; and minimize emissions from the
24 fossil-fuel equipment and building systems that are allowed to be used,
25 provided that the provisions set forth in this paragraph do not adverse-
26 ly affect health, safety, security, or fire protection, and financial
27 considerations shall not be sufficient basis to determine physical or
28 technical infeasibility.

29 (c) Exemptions included in the code pursuant to this subdivision shall
30 be periodically reviewed by the state fire prevention and building code
31 council to assure that they continue to effectuate the purposes of
32 subdivision six of this section to the fullest extent feasible. The
33 state fire prevention and building code council may from time to time
34 amend such exemptions as necessary.

35 8. For the purposes of this section:

36 (a) "Fossil-fuel" means fuel used for combustion, in the form of any
37 of the following: natural gas derived from naturally occurring geologic
38 deposits of principally methane; petroleum; coal; or any form of solid,
39 liquid or gaseous fuel sourced from any of the foregoing materials.

40 (b) "Fossil-fuel equipment and building systems" shall mean (i) equip-
41 ment, as such term is defined in section 11-102 of this article, that
42 uses fossil-fuel; or (ii) systems embedded in a building that will be
43 used for or to support the supply, distribution, or delivery of fossil-
44 fuel for any purpose, other than for use by motor vehicles.

45 (c) "Fossil-fuel heating equipment and building systems" shall mean
46 (i) equipment, as such term is defined in section 11-102 of this arti-
47 cle, that uses fossil-fuel for space heating or hot water supply; or
48 (ii) systems embedded in a building that will be used for or to support
49 the supply, distribution, or delivery of fossil-fuel for space heating
50 or hot water supply. Fossil-fuel heating equipment and building systems
51 shall not include equipment and building systems related to cooking.

52 (d) "Electrification ready" means the new building or portion thereof
53 where fossil-fuel equipment and building systems are allowed to be used
54 which contains electrical systems and designs that provide sufficient
55 capacity for a future replacement of such fossil-fuel equipment and
56 building systems with electric-powered equipment, including but not
limited to sufficient space, drainage, electrical conductors or race-
ways, bus bar capacity, and overcurrent protective devices for such
electric-powered equipment.

1 the installation of fossil-fuel heating equipment and building systems
2 at any time on or after January first, two thousand thirty in any one-
3 family residential building of any height or multi-family residential
4 building not more than three stories in height existing on or after that
5 date, and the uniform code shall prohibit the installation of fossil-
6 fuel heating equipment and building systems at any time on or after
7 January first, two thousand thirty-five in any multi-family residential
8 building more than three stories in height or commercial building exist-
9 ing on or after that date.

10 c. The provisions set forth in paragraphs a and b of this subdivision
11 shall not be construed as prohibiting the continued use and maintenance
12 of fossil-fuel equipment and building systems, including as related to
13 cooking equipment, installed prior to the effective date of the applica-
14 ble prohibition. In addition, the provisions set forth in paragraphs a
15 and b of this subdivision shall include such exemptions as the state
16 fire prevention and building code council deems appropriate for the
17 purposes of allowing the installation and use of fossil-fuel equipment
18 and building systems where such systems are installed and used:

19 (i) for generation of emergency back-up power and emergency replacement
20 of existing equipment and building systems;

21 (ii) in a manufactured home as defined in subdivision seven of section
22 six hundred one of the executive law; or

23 (iii) in a building or part of a building that is used as a manufac-
24 turing facility, commercial food establishment, laboratory, laundromat,
25 hospital, other medical facility, critical infrastructure such as backup
26 power for wastewater treatment facilities, agricultural building as
27 defined by the council, or crematorium.

28 d. Where the uniform code includes an allowed exemption pursuant to
29 subparagraph (i) or (iii) of paragraph c of this subdivision, other
30 than agricultural buildings as defined by the council, such
31 exemption shall include provisions that, to the fullest extent feasible,
32 limit the use of fossil-fuel equipment and building systems to the
33 system and area of the building for which a prohibition on fossil-fuel
34 equipment and building systems is infeasible; require the area or
35 service within a new building where fossil-fuel equipment and building
36 systems are installed be electrification ready; and minimize emissions
37 from the fossil-fuel equipment and building systems that are allowed to
38 be used, provided that such provisions do not adversely affect health,
39 safety, security, or fire protection, and financial considerations shall
40 not be sufficient basis to determine physical or technical infeasibil-
41 ity.

42 e. Exemptions included in the uniform code pursuant to this subdivi-
43 sion shall be periodically reviewed by the code council to assure that
44 they continue to effectuate the purposes of paragraph e of subdivision
45 one and subparagraph three of paragraph b of subdivision two of section
46 three hundred seventy-one of this article to the fullest extent feasi-
47 ble. The code council may from time to time amend such exemptions as
48 necessary.

49 f. For the purposes of this subdivision:

50 (i) "Fossil-fuel" means fuel used for combustion, in the form of any
51 of the following: natural gas derived from naturally occurring geologic
52 deposits of principally methane; petroleum; coal; or any form of solid,
53 liquid or gaseous fuel sourced from any of the foregoing materials.

54 (ii) "Fossil-fuel equipment and building systems" shall mean (i)
55 equipment, as such term is defined in section 11-102 of the energy law,
56 that uses fossil-fuel; or (ii) systems embedded in a building that will
57 be used for or to support the supply, distribution, or delivery of
58 fossil-fuel for any purpose, other than for use by motor vehicles.