

26 Section 1. The restore mother nature bond act is enacted to read as
27 follows:

28 ENVIRONMENTAL BOND ACT OF 2022
29 "RESTORE MOTHER NATURE"

- 30 Section 1. Short title.
- 31 2. Creation of state debt.
- 32 3. Bonds of the state.
- 33 4. Use of moneys received.

34 § 1. Short title. This act shall be known and may be cited as the
35 "environmental bond act of 2022 restore mother nature".

36 § 2. Creation of state debt. The creation of state debt in an amount
37 not exceeding in the aggregate three billion dollars (\$3,000,000,000) is
38 hereby authorized to provide moneys for the single purpose of making
39 environmental improvements that preserve, enhance, and restore New
40 York's natural resources and reduce the impact of climate change by
41 funding capital projects for: restoration and flood risk reduction not
42 less than one billion dollars (\$1,000,000,000); open space land conser-
43 vation and recreation up to five hundred fifty million dollars
44 (\$550,000,000); climate change mitigation up to seven hundred million
45 dollars (\$700,000,000); and, water quality improvement and resilient
46 infrastructure not less than five hundred fifty million dollars
47 (\$550,000,000).

48 § 3. Bonds of the state. The state comptroller is hereby authorized
49 and empowered to issue and sell bonds of the state up to the aggregate
50 amount of three billion dollars (\$3,000,000,000) for the purposes of
51 this act, subject to the provisions of article 5 of the state finance
52 law. The aggregate principal amount of such bonds shall not exceed three

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1 billion dollars (\$3,000,000,000) excluding bonds issued to refund or
2 otherwise repay bonds heretofore issued for such purpose; provided,
3 however, that upon any such refunding or repayment, the total aggregate
4 principal amount of outstanding bonds may be greater than three billion
5 dollars (\$3,000,000,000) only if the present value of the aggregate debt
6 service of the refunding or repayment bonds to be issued shall not
7 exceed the present value of the aggregate debt service of the bonds to
8 be refunded or repaid. The method for calculating present value shall be
9 determined by law.

10 § 4. Use of moneys received. The moneys received by the state from the
11 sale of bonds sold pursuant to this act shall be expended pursuant to
12 appropriations for capital projects related to design, planning, site
13 acquisition, demolition, construction, reconstruction, and rehabili-
14 tation projects specified in section two of this act.

15 § 2. This act shall take effect immediately, provided that the
16 provisions of section one of this act shall not take effect unless and
17 until this act shall have been submitted to the people at the general
18 election to be held in November 2022 and shall have been approved by a
19 majority of all votes cast for and against it at such general election.
20 Upon approval by the people, section one of this act shall take effect
21 immediately. The ballots to be furnished for the use of voters upon
22 submission of this act shall be in the form prescribed by the election
23 law and the proposition or question to be submitted shall be printed
24 thereon in the following form, namely "To address and combat the impact
25 of climate change and damage to the environment, the Environmental Bond
26 Act of 2022 "Restore Mother Nature" authorizes the sale of state bonds
27 up to three billion dollars to fund environmental protection, natural

28 restoration, resiliency, and clean energy projects. Shall the Environ-
29 mental Bond Act of 2022 be approved?".

30 PART UU

31 Section 1. The environmental conservation law is amended by adding a
32 new article 58 to read as follows:

33 ARTICLE 58
34 IMPLEMENTATION OF THE ENVIRONMENTAL BOND ACT OF 2022 "RESTORE MOTHER
35 NATURE"

36 Title 1. General Provisions.

- 37 3. Restoration and flood risk reduction.
38 5. Open space land conservation and recreation.
39 7. Climate change mitigation.
40 9. Water quality improvement and resilient infrastructure.
41 11. Environmental justice and reporting.

42 TITLE 1
43 GENERAL PROVISIONS

44 Section 58-0101. Definitions.

- 45 58-0103. Allocation of moneys.
46 58-0105. Powers and duties.
47 58-0107. Powers and duties of a municipality.
48 58-0109. Consistency with federal tax laws.
49 58-0111. Compliance with other law.

50 § 58-0101. Definitions.

51 As used in this article the following terms shall mean and include:

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1 1. "Bonds" shall mean general obligation bonds issued pursuant to the
2 environmental bond act of 2022 "restore mother nature" in accordance
3 with article VII of the New York state constitution and article five of
4 the state finance law.

5 2. "Cost" means the expense of an approved project, which shall
6 include but not be limited to appraisal, surveying, planning, engineer-
7 ing and architectural services, plans and specifications, consultant and
8 legal services, site preparation, demolition, construction and other
9 direct expenses incident to such project.

10 3. "Department" shall mean the department of environmental conserva-
11 tion.

12 4. "Endangered or threatened species project" means a project to
13 restore, recover, or reintroduce an endangered, threatened, or species
14 of special concern pursuant to a recovery plan or restoration plan
15 prepared and adopted by the department, including but not limited to the
16 state's wildlife action plan.

17 5. "Environmental justice community" means a minority or low-income
18 community that may bear a disproportionate share of the negative envi-
19 ronmental consequences resulting from industrial, municipal, and commer-
20 cial operations or the execution of federal, state, local, and tribal
21 programs and policies.

22 6. "Flood risk reduction project" means projects that use nature-based
23 solutions where possible to reduce erosion or flooding, and projects
24 which mitigate or adapt to flood conditions.

25 7. "Green buildings project" means (i) installing, upgrading, or modi-
26 fying a renewable energy source at a state-owned building or for the
27 purpose of converting or connecting a state-owned building, or portion
28 thereof, to a renewable energy source; (ii) reducing energy use or

29 improving energy efficiency or occupant health at a state-owned build-
30 ing; (iii) installing a green roof at a state-owned building; and (iv)
31 emission reduction projects.

32 8. "Municipality" means a local public authority or public benefit
33 corporation, a county, city, town, village, school district, supervisory
34 district, district corporation, improvement district within a county,
35 city, town or village, or Indian nation or tribe recognized by the state
36 or the United States with a reservation wholly or partly within the
37 boundaries of New York state, or any combination thereof.

38 9. "Nature-based solution" means projects that are supported or
39 inspired by nature or natural processes and functions and that may also
40 offer environmental, economic, and social benefits, while increasing
41 resilience. Nature-based solutions include both green and natural
42 infrastructure.

43 10. "Open space land conservation project" means purchase of fee title
44 or conservation easements for the purpose of protecting lands or waters
45 and/or providing recreational opportunities for the public that (i)
46 possess ecological, habitat, recreational or scenic values; (ii) protect
47 the quality of a drinking water supply; (iii) provide flood control or
48 flood mitigation values; (iv) constitute a floodplain; (v) provide or
49 have the potential to provide important habitat connectivity; (vi)
50 provide open space for the use and enjoyment of the public; or (vii)
51 provide community gardens in urban areas.

52 11. "Recreational infrastructure project" means the development or
53 improvement of state and municipal parks, campgrounds, nature centers,
54 fish hatcheries, and infrastructure associated with open space land
55 conservation projects.

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1 12. "State assistance payment" means payment of the state share of the
2 cost of projects authorized by this article to preserve, enhance,
3 restore and improve the quality of the state's environment.

4 13. "State entity" means any state department, division, agency,
5 office, public authority, or public benefit corporation.

6 14. "Water quality improvement project" for the purposes of this
7 title, means projects designed to improve the quality of drinking and
8 surface waters.

9 15. "Wetland and stream restoration project" means activities designed
10 to restore freshwater and tidal wetlands, and streams of the state, for
11 the purpose of enhancing habitat, increasing connectivity, improving
12 water quality, and flood risk reduction.

13 § 58-0103. Allocation of moneys.

14 The moneys received by the state from the sale of bonds pursuant to
15 the environmental bond act of 2022 shall be disbursed in the following
16 amounts pursuant to appropriations as specifically provided for in
17 titles three, five, seven, and nine of this article:

18 1. Not less than one billion dollars (\$1,000,000,000) for restoration
19 and flood risk reduction as set forth in title three of this article.

20 2. Up to five hundred fifty million dollars (\$550,000,000) for open
21 space land conservation and recreation as set forth in title five of
22 this article.

23 3. Up to seven hundred million dollars (\$700,000,000) for climate
24 change mitigation as set forth in title seven of this article.

25 4. Not less than five hundred fifty million dollars (\$550,000,000) for
26 water quality improvement and resilient infrastructure as set forth in
27 title nine of this article.

28 § 58-0105. Powers and duties.

29 In implementing the provisions of this article the department is here-

30 by authorized to:
31 1. Administer funds generated pursuant to the environmental bond act
32 of 2022 "restore mother nature".
33 2. In the name of the state, as further provided within this article,
34 contract to make, within the limitations of appropriations available
35 therefor, state assistance payments toward the cost of a project
36 approved, and to be undertaken pursuant to this article.
37 3. Approve vouchers for the payments pursuant to an approved contract.
38 4. Enter into contracts with any person, firm, corporation, not-for-
39 profit corporation, agency or other entity, private or governmental, for
40 the purpose of effectuating the provisions of this article.
41 5. Promulgate such rules and regulations and to develop such forms and
42 procedures necessary to effectuate the provisions of this article,
43 including but not limited to requirements for the form, content, and
44 submission of applications by municipalities for state financial assist-
45 ance.
46 6. Delegate to, or cooperate with, any other state entity in the
47 administration of this article.
48 7. Perform such other and further acts as may be necessary, proper or
49 desirable to carry out the provisions of this article.
50 § 58-0107. Powers and duties of a municipality.
51 A municipality shall have the power and authority to:
52 1. Undertake and carry out any project for which state assistance
53 payments pursuant to contract are received or are to be received pursu-
54 ant to this article and maintain and operate such project.
55 2. Expend money received from the state pursuant to this article for
56 costs incurred in conjunction with the approved project.

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1 3. Apply for and receive moneys from the state for the purpose of
2 accomplishing projects undertaken or to be undertaken pursuant to this
3 article.
4 4. Perform such other and further acts as may be necessary, proper or
5 desirable to carry out a project or obligation, duty or function related
6 thereto.
7 § 58-0109. Consistency with federal tax law.
8 All actions undertaken pursuant to this article shall be reviewed for
9 consistency with provisions of the federal internal revenue code and
10 regulations thereunder, in accordance with procedures established in
11 connection with the issuance of any tax exempt bonds pursuant to this
12 article, to preserve the tax exempt status of such bonds.
13 § 58-0111. Compliance with other law.
14 Every recipient of funds to be made available pursuant to this article
15 shall comply with all applicable state, federal and local laws.
16 TITLE 3
17 RESTORATION AND FLOOD RISK REDUCTION
18 Section 58-0301. Allocation of moneys.
19 58-0303. Programs, plans and projects.
20 § 58-0301. Allocation of moneys.
21 Of the moneys received by the state from the sale of bonds pursuant to
22 the environmental bond act of 2022, not less than one billion dollars
23 (\$1,000,000,000) shall be available for disbursements for restoration
24 and flood risk reduction projects developed pursuant to section 58-0303
25 of this title. Not more than two hundred fifty million dollars
26 (\$250,000,000) of this amount shall be available for projects pursuant
27 to subdivision two of section 58-0303 of this title and not less than
28 one hundred million dollars (\$100,000,000) each shall be available for
29 coastal rehabilitation and shoreline restoration projects and projects

30 which address inland flooding, pursuant to paragraph a of subdivision
31 one of section 58-0303 of this title.

32 § 58-0303. Programs, plans and projects.

33 1. Eligible restoration and flood risk reduction projects include, but
34 are not limited to costs associated with:

35 a. (1) projects identified in state and regional management and resto-
36 ration programs and plans including but not limited to the Great Lakes
37 Action Agenda, Mohawk River Basin Action Agenda, Ocean Action Plan,
38 Hudson River Estuary Action Agenda, Long Island Sound Comprehensive
39 Conservation and Management Plan, South Shore Estuary Reserve Comprehen-
40 sive Management Plan, Peconic Estuary Comprehensive Conservation and
41 Management Plan, Delaware Action Plan, Susquehanna Action Plan, forest
42 management framework for New York City and New York/New Jersey Harbor
43 Estuary Plan;

44 (2) local waterfront revitalization plans prepared pursuant to article
45 forty-two of the executive law; and

46 (3) coastal rehabilitation and shoreline restoration projects, includ-
47 ing nature-based solutions;

48 b. flood risk reduction projects including but not limited to: acqui-
49 sition of real property; moving, lifting or raising of existing flood-
50 prone infrastructure or structures; relocation, repair, or raising of
51 flood-prone or repeatedly flooded roadways; and projects to remove,
52 alter, or right-size dams, bridges, and culverts, but shall not include
53 routine construction or maintenance undertaken by the state and munici-
54 palities which does not provide flood risk reduction benefits; and

55 c. restoration projects including but not limited to: floodplain,
56 wetland and stream restoration projects; forest conservation; endangered

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1 and threatened species projects; and habitat restoration projects,
2 including acquisition of fee title and easements, intended to improve
3 the lands and waters of the state of ecological significance or any part
4 thereof, including, but not limited to forests, ponds, bogs, wetlands,
5 bays, sounds, streams, rivers, or lakes and shorelines thereof, to
6 support a spawning, nursery, wintering, migratory, nesting, breeding,
7 feeding, or foraging environment for fish and wildlife and other biota.

8 2. The commissioner and the commissioner of the division of housing
9 and community renewal are authorized pursuant to paragraph b of subdivi-
10 sion one of this section to purchase private real property identified as
11 at-risk to flooding, from willing sellers. The commissioner of the divi-
12 sion of housing and community renewal shall be authorized to transfer to
13 any state agency or public authority any real property in order to carry
14 out the purposes of this article. In connection therewith, the housing
15 trust fund corporation shall be authorized to create a subsidiary corpo-
16 ration to carry out the program authorized under this subdivision. Such
17 subsidiary corporation shall have all the privileges, immunities, tax
18 exemption and other exemptions of the agency to the extent the same are
19 not inconsistent with this section.

20 a. The commissioner and the commissioner of the division of housing
21 and community renewal or any other department or state agency that has
22 received funds suballocated pursuant to this section may enter into
23 agreements with municipalities, and not-for-profit corporations for the
24 purpose of implementing a program pursuant to this section.

25 b. The department and the division of housing and community renewal
26 shall prioritize projects in communities based on past flood risk or
27 those that participate in the federal emergency management agency's
28 (FEMA) community rating system.

29 c. Any state agency or authority, municipality, or not-for-profit

30 corporation purchasing private real property may expend costs associated
31 with:

32 (1) the acquisition of real property, based upon the pre-flood fair
33 market value of the subject property;

34 (2) the demolition and removal of structures and/or infrastructure on
35 the property; and

36 (3) the restoration of natural resources to facilitate beneficial open
37 space, flood mitigation, and/or shoreline stabilization.

38 d. Notwithstanding any provision of law to the contrary, any structure
39 which is located on real property purchased pursuant to this program
40 shall be demolished or removed, provided that it does not serve a use or
41 purpose consistent with paragraph f of this subdivision.

42 e. Notwithstanding any provision of law to the contrary, real property
43 purchased with funding pursuant to this program shall be property of the
44 state, municipality, or a not-for-profit corporation.

45 f. Notwithstanding any provision of law to the contrary, real property
46 purchased with funding pursuant to this program shall be restored and
47 maintained in perpetuity in a manner that, aims to increase ecosystem
48 function, provide additional flood damage mitigation for surrounding
49 properties, protect wildlife habitat, and wherever practicable and safe,
50 allow for passive and/or recreational community use. Municipal flood
51 mitigation plans, resilience, waterfront revitalization plans or hazard
52 mitigation plans, when applicable, shall be consulted to identify the
53 appropriate restoration and end-use of the property.

54 g. All or a portion of the appropriation in this section may be
55 provided to the department or the division of housing and community

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1 renewal or suballocated to any other department, state agency or state
2 authority.

3 h. Private real property identified as at-risk to flooding should
4 generally be limited to those: (1) identified as being within the one
5 hundred-year floodplain on the most recent FEMA flood insurance maps;
6 (2) flooded structures that would qualify for buyout under criteria
7 generally applicable to FEMA post-emergency acquisitions; (3) structures
8 identified in a state, federal, local or regional technical study as
9 suitable for the location of a flood risk management or abatement
10 project in areas immediately proximate to inland or coastal waterways;
11 or (4) structures located in coastal or riparian areas that have been
12 determined by a state, federal, local or regional technical study to
13 significantly exacerbate flooding in other locations.

14 3. The department, the office of parks, recreation, and historic pres-
15 ervation and the department of state are authorized to provide state
16 assistance payments or grants to municipalities and not-for-profit
17 corporations and undertake projects pursuant to paragraph a of subdivi-
18 sion one of this section.

19 4. The department and the office of parks, recreation, and historic
20 preservation are authorized to provide state assistance payments or
21 grants to municipalities and not-for-profit corporations and undertake
22 projects pursuant to paragraph b of subdivision one of this section.
23 Culvert and bridge projects shall be in compliance with the department's
24 stream crossing guidelines and best management practices, and engineered
25 for structural integrity and appropriate hydraulic capacity including,
26 where available, projects flows based on flood modeling that incorpo-
27 rates climate change projections and shall not include routine
28 construction or maintenance undertaken by the state or municipalities.

29 5. The department and the office of parks, recreation, and historic
30 preservation are authorized to provide state assistance payments or

31 grants to municipalities and not-for-profit corporations and undertake
32 projects pursuant to paragraph c of subdivision one of this section.

33 6. Provided that for the purposes of selecting projects for funding
34 under paragraphs b and c of subdivision one of this section, the rele-
35 vant agencies shall develop eligibility guidelines and post information
36 on the department's website in the environmental notice bulletin provid-
37 ing for a thirty-day public comment period and upon adoption post such
38 eligibility guidelines on the relevant agency's website.

39 TITLE 5

40 OPEN SPACE LAND CONSERVATION AND RECREATION

41 Section 58-0501. Allocation of moneys.

42 58-0503. Programs, plans and projects.

43 § 58-0501. Allocation of moneys.

44 Of the moneys received by the state from the sale of bonds pursuant to
45 the environmental bond act of 2022 to be used for open space land
46 conservation and recreation projects, up to five hundred fifty million
47 dollars (\$550,000,000) shall be available for programs, plans, and
48 projects developed pursuant to section 58-0503 of this title, however,
49 not more than seventy-five million dollars (\$75,000,000) shall be made
50 available for the creation of a fish hatchery, or the improvement,
51 expansion, repair or maintenance of existing fish hatcheries, not less
52 than two hundred million dollars (\$200,000,000) shall be made available
53 for open space land conservation projects pursuant to paragraph a of
54 subdivision one of section 58-0503 of this title and not less than one
55 hundred million dollars (\$100,000,000) shall be made available for farm-

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1 land protection pursuant to paragraph b of subdivision one of section
2 58-0503 of this title.

3 § 58-0503. Programs, plans and projects.

4 1. Eligible open space working lands conservation and recreation
5 projects include, but are not limited to:

6 a. costs associated with open space land conservation projects;

7 b. costs associated with purchasing conservation easements to protect
8 farmland pursuant to article twenty-five-aaa of the agriculture and
9 markets law; and

10 c. costs associated with recreational infrastructure projects.

11 2. The department or the office of parks, recreation and historic
12 preservation are authorized to undertake open space land conservation
13 projects, in cooperation with willing sellers pursuant to subdivision
14 one of this section and may enter into an agreement for purchase of real
15 property or conservation easements on real property by a municipality or
16 a not-for-profit corporation. Any such agreement shall contain such
17 provisions as shall be necessary to ensure that the purchase is consist-
18 ent with, and in furtherance of, this title and shall be subject to the
19 approval of the comptroller and, as to form, the attorney general. In
20 undertaking such projects, such commissioners shall consider the state
21 land acquisition plan prepared pursuant to section 49-0207 of this chap-
22 ter. Further, the department or the office of parks, recreation and
23 historic preservation are authorized to provide state assistance
24 payments to municipalities for eligible projects consistent with para-
25 graphs a and c of subdivision one of this section.

26 3. The cost of an open space land conservation project shall include
27 the cost of preparing a management plan for the preservation and benefi-
28 cial public enjoyment of the land acquired pursuant to this section
29 except where such a management plan already exists for the acquired
30 land.

31 4. The department and the department of agriculture and markets are

32 authorized to provide, pursuant to paragraph b of subdivision one of
33 this section, farmland preservation implementation grants to county
34 agricultural and farmland protection boards pursuant to article twenty-
35 five-aaa of the agriculture and markets law, or to municipalities, soil
36 and water conservation districts or not-for-profit corporations for
37 implementation of projects.

38 5. The department is authorized to expend moneys to purchase equip-
39 ment, devices, and other necessary materials and to acquire fee title or
40 conservation easements in lands for monitoring, restoration, recovery,
41 or reintroduction projects for species listed as endangered or threat-
42 ened or listed as a species of special concern pursuant to section
43 11-0535 of this chapter.

44 6. The department or the office of parks, recreation and historic
45 preservation are authorized to expend moneys for the planning, design,
46 and construction of projects to develop and improve parks, campgrounds,
47 nature centers, fish hatcheries, and other recreational facilities.

48 7. The commissioner and a not-for-profit corporation may enter into a
49 contract for the undertaking by the not-for-profit corporation of an
50 open space land acquisition project.

51 8. Real property acquired, developed, improved, restored or rehabili-
52 tated by or through a municipality pursuant to paragraph a of subdivi-
53 sion one of this section or undertaken by or on behalf of a municipality
54 with funds made available pursuant to this title shall not be sold,
55 leased, exchanged, donated or otherwise disposed of or used for other
56 than public park purposes without the express authority of an act of the

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1 legislature, which shall provide for the substitution of other lands of
2 equal environmental value and fair market value and reasonably equiv-
3 alent usefulness and location to those to be discontinued, sold or
4 disposed of, and such other requirements as shall be approved by the
5 commissioner.

6 9. Provided that for the purposes of selecting projects for funding
7 under paragraphs a and b of subdivision one of this section, the rele-
8 vant agencies shall develop eligibility guidelines and post information
9 on the department's website in the environmental notice bulletin provid-
10 ing for a thirty day public comment period and upon adoption post such
11 eligibility guidelines on the relevant agency's website.

TITLE 7

CLIMATE CHANGE MITIGATION

12 Section 58-0701. Allocation of moneys.

13 58-0703. Programs, plans and projects.

14 § 58-0701. Allocation of moneys.

15 Of the moneys received by the state from the sale of bonds pursuant to
16 the environmental bond act of 2022, up to seven hundred million dollars
17 (\$700,000,000) shall be made available for disbursements for climate
18 change mitigation projects developed pursuant to section 58-0703 of this
19 title. Not less than three hundred fifty million dollars (\$350,000,000)
20 of this amount shall be available for green buildings projects.

21 § 58-0703. Programs, plans and projects.

22 1. Eligible climate change mitigation projects include, but are not
23 limited to:

24 a. costs associated with green building projects, projects that
25 increase energy efficiency or the use or siting of renewable energy on
26 state-owned buildings or properties including buildings owned by the
27 state university of the state of New York, city university of the state
28 of New York, and community colleges;

29 b. costs associated with projects that utilize natural and working
30 land.

32 lands to sequester carbon and mitigate methane emissions from agricul-
33 tural sources, such as manure storage through cover and methane
34 reduction technologies;
35 c. costs associated with implementing climate adaptation and miti-
36 gation projects pursuant to section 54-1523 of this chapter;
37 d. costs associated with urban forestry projects such as forest and
38 habitat restoration, for purchase and planting of street trees and for
39 projects to expand the existing tree canopy and bolster community
40 health;
41 e. costs associated with projects that reduce urban heat island
42 effect, such as installation of green roofs, open space protection,
43 community gardens, cool pavement projects, projects that create or
44 upgrade community cooling centers, and the installation of reflective
45 roofs where installation of green roofs is not possible;
46 f. costs associated with projects to reduce or eliminate air pollution
47 from stationary or mobile sources of air pollution affecting an environ-
48 mental justice community; and
49 g. costs associated with projects which would reduce or eliminate
50 water pollution, whether from point or non-point discharges, affecting
51 an environmental justice community.
52 2. The department, the department of agriculture and markets, the
53 office of parks, recreation and historic preservation, the New York
54 state energy research and development authority and the office of gener-
55 al services are authorized to provide state assistance payments or

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1 grants to municipalities and not-for-profit corporations or undertake
2 projects pursuant to this section.
3 3. Provided that for the purposes of selecting projects for funding
4 under this section, the relevant agencies shall develop eligibility
5 guidelines and post information on the department's website in the envi-
6 ronmental notice bulletin providing for a thirty-day public comment
7 period and upon adoption post such eligibility guidelines on the rele-
8 vant agency's website.

9 TITLE 9

10 WATER QUALITY IMPROVEMENT AND RESILIENT INFRASTRUCTURE

11 Section 58-0901. Allocation of moneys.

12 58-0903. Programs, plans and projects.

13 § 58-0901. Allocation of moneys.

14 Of the moneys received by the state from the sale of bonds pursuant to
15 the environmental bond act of 2022 for disbursements for state assist-
16 ance for water quality improvement projects as defined by title one of
17 this article, not less than five hundred fifty million dollars
18 (\$550,000,000) shall be available for water quality improvement projects
19 developed pursuant to section 58-0903 of this title. Not less than two
20 hundred million dollars (\$200,000,000) of this amount shall be available
21 for wastewater infrastructure projects undertaken pursuant to the New
22 York state water infrastructure improvement act of 2017 pursuant to
23 paragraph e of subdivision one of section 58-0903 of this title, and not
24 less than one hundred million dollars (\$100,000,000) shall be available
25 for municipal stormwater projects pursuant to paragraph a of subdivision
26 one of section 58-0903 of this title.

27 § 58-0903. Programs, plans and projects.

28 1. Eligible water quality improvement project costs include, but are
29 not limited to:

30 a. costs associated with grants to municipalities for projects that
31 reduce or control storm water runoff, using green infrastructure where
32 practicable;

33 b. costs associated with projects that reduce agricultural nutrient
34 runoff and promote soil health such as projects which implement compre-
35 hensive nutrient management plans, other agricultural nutrient manage-
36 ment projects, and non-point source abatement and control programs
37 including projects developed pursuant to sections eleven-a and eleven-b
38 of the soil and water conservation districts;
39 c. costs associated with projects that address harmful algal blooms
40 such as abatement projects and projects focused on addressing nutrient
41 reduction in freshwater and marine waters, wastewater infrastructure
42 systems that treat nitrogen and phosphorus, and lake treatment systems;
43 d. costs associated with wastewater infrastructure projects including
44 but not limited to extending or establishing sewer lines to replace
45 failing septic systems or cesspools and projects as provided by section
46 twelve hundred eighty-five-u of the public authorities law;
47 e. costs associated with projects to reduce, avoid or eliminate point
48 and non-point source discharges to water including projects authorized
49 by the New York state water improvement infrastructure act of 2017 and
50 section twelve hundred eighty-five-s of the public authorities law;
51 f. costs associated with the establishment of riparian buffers to
52 provide distance between farm fields and streams or abate erosion during
53 high flow events; and
54 g. costs associated with lead service line replacement pursuant to
55 section eleven hundred fourteen of the public health law.

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1 2. The department and the New York state environmental facilities
2 corporation are authorized to provide state assistance payments or
3 grants to municipalities for projects authorized pursuant to paragraphs
4 a, b, and d of subdivision one of this section.

5 3. The department of agriculture and markets shall be authorized to
6 make state assistance payments to soil and water conservation districts
7 for the cost of implementing agricultural environmental management
8 plans, including purchase of equipment for measuring and monitoring soil
9 health and soil conditions.

10 4. The department is authorized to make grants available to not-for-
11 profits and academic institutions for paragraphs b, c, and f of subdivi-
12 sion one of this section, and make state assistance payments to munici-
13 palities and undertake projects pursuant to this section.

14 5. Provided that for the purposes of selecting projects for funding of
15 this section, the relevant agencies shall develop eligibility guidelines
16 and post information on the department's website in the environmental
17 notice bulletin providing for a thirty-day public comment period and
18 upon adoption post such eligibility guidelines on the relevant agency's
19 website.

TITLE 11

ENVIRONMENTAL JUSTICE AND REPORTING

22 Section 58-1101. Benefits of funds.

23 58-1103. Reporting.

24 § 58-1101. Benefits of funds.

25 The department shall make every effort practicable to ensure that
26 thirty-five percent of the funds pursuant to this article benefit envi-
27 ronmental justice communities.

28 § 58-1103. Reporting.

29 1. No later than sixty days following the end of each fiscal year,
30 each department, agency, public benefit corporation, and public authori-
31 ty receiving an allocation or allocations of appropriation financed from
32 the restore mother nature environmental bond act of 2022 shall submit to
33 the commissioner in a manner and form prescribed by the department, the

34 following information as of March thirty-first of such fiscal year,
35 within each category listed in this title: the total appropriation;
36 total commitments; year-to-date disbursements; remaining uncommitted
37 balances; and a description of each project.

38 2. No later than one hundred twenty days following the end of each
39 fiscal year, the department shall submit to the governor, the temporary
40 president of the senate, and the speaker of the assembly a report that
41 includes the information received. A copy of the report shall be posted
42 on the department's website.

43 § 2. The state finance law is amended by adding a new section 97-tttt
44 to read as follows:

45 § 97-tttt. Restore mother nature bond fund. 1. There is hereby estab-
46 lished in the joint custody of the state comptroller and the commission-
47 er of taxation and finance a special fund to be known as the "restore
48 mother nature bond fund".

49 2. The state comptroller shall deposit into the restore mother nature
50 bond fund all moneys received by the state from the sale of bonds and/or
51 notes for uses eligible pursuant to section four of the environmental
52 bond act of 2022 "restore mother nature".

53 3. Moneys in the restore mother nature bond fund, following appropri-
54 ation by the legislature and allocation by the director of the budget,
55 shall be available only for reimbursement of expenditures made from
56 appropriations from the capital projects fund for the purpose of the

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1 restore mother nature bond fund, as set forth in the environmental bond
2 act of 2022 "restore mother nature".

3 4. No moneys received by the state from the sale of bonds and/or notes
4 sold pursuant to the environmental bond act of 2022 "restore mother
5 nature" shall be expended for any project until funds therefor have been
6 allocated pursuant to the provisions of this section and copies of the
7 appropriate certificates of approval filed with the chair of the senate
8 finance committee, the chair of the assembly ways and means committee
9 and the state comptroller.

10 § 3. Section 61 of the state finance law is amended by adding a new
11 subdivision 32 to read as follows:

12 32. Thirty years. For the payment of "restore mother nature" projects,
13 as defined in article fifty-eight of the environmental conservation law
14 and undertaken pursuant to a chapter of the laws of two thousand twen-
15 ty-one, enacting and constituting the environmental bond act of 2022
16 "restore mother nature". Thirty years for flood control infrastructure,
17 other environmental infrastructure, wetland and other habitat restora-
18 tion, water quality projects, acquisition of land, including acquisition
19 of real property, and renewable energy projects. Notwithstanding the
20 foregoing, for the purposes of calculating annual debt service, the
21 state comptroller shall apply a weighted average period of probable life
22 of restore mother nature projects, including any other works or purposes
23 to be financed with state debt. Weighted average period of probable life
24 shall be determined by computing the sum of the products derived from
25 multiplying the dollar value of the portion of the debt contracted for
26 each work or purpose (or class of works or purposes) by the probable
27 life of such work or purpose (or class of works or purposes) and divid-
28 ing the resulting sum by the dollar value of the entire debt after
29 taking into consideration any original issue premium or discount.

30 § 4. If any clause, sentence, paragraph, section or part of this act
31 shall be adjudged by any court of competent jurisdiction to be invalid,
32 such judgment shall not affect, impair or invalidate the remainder ther-
33 eof, but shall be confined in its operation to the clause, sentence,

34 paragraph, section or part thereof directly involved in the controversy
35 in which such judgment shall have been rendered.

36 § 5. This act shall take effect only in the event that section 1 of
37 part TT of the chapter of the laws of 2021 enacting the environmental
38 bond act of 2022 "restore mother nature" is submitted to the people at
39 the general election to be held in November 2022 and is approved by a
40 majority of all votes cast for and against it at such election. Upon
41 such approval, this act shall take effect immediately; provided that the
42 commissioner of environmental conservation shall notify the legislative
43 bill drafting commission upon the occurrence of the enactment of section
44 1 of part TT of the chapter of the laws of 2021 enacting the environ-
45 mental bond act of 2022 "restore mother nature", in order that the
46 commission may maintain an accurate and timely effective data base of
47 the official text of the laws of the state of New York in furtherance of
48 effectuating the provisions of section 44 of the legislative law and
49 section 70-b of the public officers law. Effective immediately, the
50 addition, amendment, and/or repeal of any rule or regulation necessary
51 for the implementation of the foregoing sections of this act are author-
52 ized and directed to be made and completed on or before such effective
53 date.