

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

6 ENVIRONMENTAL BOND ACT OF 2020
7 "RESTORE MOTHER NATURE"

- 8 Section 1. Short title.
- 9 2. Creation of state debt.
- 10 3. Bonds of the state.
- 11 4. Use of moneys received.

12 § 1. Short title. This act shall be known and may be cited as the
13 "environmental bond act of 2020 restore mother nature".

14 § 2. Creation of state debt. The creation of state debt in an amount
15 not exceeding in the aggregate three billion dollars (\$3,000,000,000) is
16 hereby authorized to provide moneys for the single purpose of making
17 environmental improvements that preserve, enhance, and restore New
18 York's natural resources and reduce the impact of climate change by
19 funding capital projects for: restoration and flood risk reduction not
20 less than one billion dollars (\$1,000,000,000); open space land conser-
21 vation and recreation up to five hundred fifty million dollars
22 (\$550,000,000); climate change mitigation up to seven hundred million
23 dollars (\$700,000,000); and, water quality improvement and resilient
24 infrastructure not less than five hundred fifty million dollars
25 (\$550,000,000).

26 § 3. Bonds of the state. The state comptroller is hereby authorized
27 and empowered to issue and sell bonds of the state up to the aggregate
28 amount of three billion dollars (\$3,000,000,000) for the purposes of
29 this act, subject to the provisions of article 5 of the state finance
30 law. The aggregate principal amount of such bonds shall not exceed three
31 billion dollars (\$3,000,000,000) excluding bonds issued to refund or
32 otherwise repay bonds heretofore issued for such purpose; provided,
33 however, that upon any such refunding or repayment, the total aggregate
34 principal amount of outstanding bonds may be greater than three billion
35 dollars (\$3,000,000,000) only if the present value of the aggregate debt
36 service of the refunding or repayment bonds to be issued shall not
37 exceed the present value of the aggregate debt service of the bonds to
38 be refunded or repaid. The method for calculating present value shall be
39 determined by law.

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

45 § 2. This act shall take effect immediately, provided that the
46 provisions of section one of this act shall not take effect unless and
47 until this act shall have been submitted to the people at the general
48 election to be held in November 2020 and shall have been approved by a
49 majority of all votes cast for and against it at such election,
50 provided, however, that such act shall not be submitted to the people
51 unless the director of the division of the budget certifies to the
52 secretary of state that such debt can be issued within the state's
53 multi-year financial plan without adversely affecting the funding avail-
54 able for (a) capital projects currently authorized that are deemed

1 essential to the health and safety of the public, or (b) essential
2 governmental services, and further provided that if such act is not
3 submitted to the people at the general election to be held in November
4 2020, this act shall expire and be deemed repealed. Upon approval by
5 the people, section one of this act shall take effect immediately. The
6 ballots to be furnished for the use of voters upon submission of this
7 act shall be in the form prescribed by the election law and the proposi-
8 tion or question to be submitted shall be printed thereon in the follow-
9 ing form, namely "To address and combat the impact of climate change and
10 damage to the environment, the Environmental Bond Act of 2020 "Restore
11 Mother Nature" authorizes the sale of state bonds up to three billion
12 dollars to fund environmental protection, natural restoration, resiliency,
13 and clean energy projects. Shall the Environmental Bond Act of 2020
14 be approved?".

15 PART RR

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

18 ARTICLE 58

19 IMPLEMENTATION OF THE ENVIRONMENTAL BOND ACT OF 2020 "RESTORE MOTHER
20 NATURE"

21 Title 1. General Provisions.

22 3. Restoration and flood risk reduction.

23 5. Open space land conservation and recreation.

24 7. Climate change mitigation.

25 9. Water quality improvement and resilient infrastructure.

26 11. Environmental justice and reporting.

27 TITLE 1

28 GENERAL PROVISIONS

29 Section 58-0101. Definitions.

30 58-0103. Allocation of moneys.

31 58-0105. Powers and duties.

32 58-0107. Powers and duties of a municipality.

33 58-0109. Consistency with federal tax laws.

34 58-0111. Compliance with other law.

35 § 58-0101. Definitions.

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

37 1. "Bonds" shall mean general obligation bonds issued pursuant to the
38 environmental bond act of 2020 "restore mother nature" in accordance
39 with article VII of the New York state constitution and article five of
40 the state finance law.

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

46 3. "Department" shall mean the department of environmental conserva-
47 tion.

48 4. "Endangered or threatened species project" means a project to
49 restore, recover, or reintroduce an endangered, threatened, or species
50 of special concern pursuant to a recovery plan or restoration plan
51 prepared and adopted by the department, including but not limited to the
52 state's wildlife action plan.

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

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

9 7. "Green buildings project" means (i) installing, upgrading, or modi-
10 fying a renewable energy source at a state-owned building or for the
11 purpose of converting or connecting a state-owned building, or portion
12 thereof, to a renewable energy source; (ii) reducing energy use or
13 improving energy efficiency or occupant health at a state-owned build-
14 ing; (iii) installing a green roof at a state-owned building; and (iv)
15 emission reduction projects.

16 8. "Municipality" means a local public authority or public benefit
17 corporation, a county, city, town, village, school district, supervisory
18 district, district corporation, improvement district within a county,
19 city, town or village, or Indian nation or tribe recognized by the state
20 or the United States with a reservation wholly or partly within the
21 boundaries of New York state, or any combination thereof.

22 9. "Nature-based solution" means projects that are supported or
23 inspired by nature or natural processes and functions and that may also
24 offer environmental, economic, and social benefits, while increasing
25 resilience. Nature-based solutions include both green and natural
26 infrastructure.

27 10. "Open space land conservation project" means purchase of fee title
28 or conservation easements for the purpose of protecting lands or waters
29 and/or providing recreational opportunities for the public that (i)
30 possess ecological, habitat, recreational or scenic values; (ii) protect
31 the quality of a drinking water supply; (iii) provide flood control or
32 flood mitigation values; (iv) constitute a floodplain; (v) provide or
33 have the potential to provide important habitat connectivity; (vi)
34 provide open space for the use and enjoyment of the public; or (vii)
35 provide community gardens in urban areas.

36 11. "Recreational infrastructure project" means the development or
37 improvement of state and municipal parks, campgrounds, nature centers,
38 fish hatcheries, and infrastructure associated with open space land
39 conservation projects.

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

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

45 14. "Water quality improvement project" for the purposes of this
46 title, means projects designed to improve the quality of drinking and
47 surface waters.

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

52 § 58-0103. Allocation of moneys.

53 The moneys received by the state from the sale of bonds pursuant to
54 the environmental bond act of 2020 shall be disbursed in the following
55 amounts pursuant to appropriations as specifically provided for in
56 titles three, five, seven, and nine of this article:

S. 7508--B

54

A. 9508--

B

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

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

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

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

11 § 58-0105. Powers and duties.

12 In implementing the provisions of this article the department is here-
13 by authorized to:

14 1. Administer funds generated pursuant to the environmental bond act
15 of 2020 "restore mother nature".

16 2. In the name of the state, as further provided within this article,
17 contract to make, within the limitations of appropriations available
18 therefor, state assistance payments toward the cost of a project
19 approved, and to be undertaken pursuant to this article.

20 3. Approve vouchers for the payments pursuant to an approved contract.

21 4. Enter into contracts with any person, firm, corporation, not-for-
22 profit corporation, agency or other entity, private or governmental, for
23 the purpose of effectuating the provisions of this article.

24 5. Promulgate such rules and regulations and to develop such forms and
25 procedures necessary to effectuate the provisions of this article,
26 including but not limited to requirements for the form, content, and
27 submission of applications by municipalities for state financial assist-
28 ance.

29 6. Delegate to, or cooperate with, any other state entity in the
30 administration of this article.

31 7. Perform such other and further acts as may be necessary, proper or
32 desirable to carry out the provisions of this article.

33 § 58-0107. Powers and duties of a municipality.

34 A municipality shall have the power and authority to:

35 1. Undertake and carry out any project for which state assistance
36 payments pursuant to contract are received or are to be received pursu-
37 ant to this article and maintain and operate such project.

38 2. Expend money received from the state pursuant to this article for
39 costs incurred in conjunction with the approved project.

40 3. Apply for and receive moneys from the state for the purpose of
41 accomplishing projects undertaken or to be undertaken pursuant to this
42 article.

43 4. Perform such other and further acts as may be necessary, proper or
44 desirable to carry out a project or obligation, duty or function related
45 thereto.

46 § 58-0109. Consistency with federal tax law.

47 All actions undertaken pursuant to this article shall be reviewed for
48 consistency with provisions of the federal internal revenue code and

49 regulations thereunder, in accordance with procedures established in
50 connection with the issuance of any tax exempt bonds pursuant to this
51 article, to preserve the tax exempt status of such bonds.

52 § 58-0111. Compliance with other law.

53 Every recipient of funds to be made available pursuant to this article
54 shall comply with all applicable state, federal and local laws.

55 TITLE 3

56 RESTORATION AND FLOOD RISK REDUCTION

S. 7508--B

55

A. 9508--

B

1 Section 58-0301. Allocation of moneys.

2 58-0303. Programs, plans and projects.

3 § 58-0301. Allocation of moneys.

4 Of the moneys received by the state from the sale of bonds pursuant to
5 the environmental bond act of 2020, not less than one billion dollars
6 (\$1,000,000,000) shall be available for disbursements for restoration
7 and flood risk reduction projects developed pursuant to section 58-0303
8 of this title. Not more than two hundred fifty million dollars
9 (\$250,000,000) of this amount shall be available for projects pursuant
10 to subdivision two of section 58-0303 of this title and not less than
11 one hundred million dollars (\$100,000,000) each shall be available for
12 coastal rehabilitation and shoreline restoration projects and projects
13 which address inland flooding, pursuant to paragraph a of subdivision
14 one of section 58-0303 of this title.

15 § 58-0303. Programs, plans and projects.

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

18 a. (1) projects identified in state and regional management and resto-
19 ration programs and plans including but not limited to the Great Lakes
20 Action Agenda, Mohawk River Basin Action Agenda, Ocean Action Plan,
21 Hudson River Estuary Action Agenda, Long Island Sound Comprehensive
22 Conservation and Management Plan, South Shore Estuary Reserve Comprehen-
23 sive Management Plan, Peconic Estuary Comprehensive Conservation and
24 Management Plan, Delaware Action Plan, Susquehanna Action Plan, forest
25 management framework for New York City and New York/New Jersey Harbor
26 Estuary Plan;

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

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

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

38 c. restoration projects including but not limited to: floodplain,
39 wetland and stream restoration projects; forest conservation; endangered
40 and threatened species projects; and habitat restoration projects,
41 including acquisition of fee title and easements, intended to improve
42 the lands and waters of the state of ecological significance or any part
43 thereof, including, but not limited to forests, ponds, bogs, wetlands,
44 bays, sounds, streams, rivers, or lakes and shorelines thereof, to

45 support a spawning, nursery, wintering, migratory, nesting, breeding,
46 feeding, or foraging environment for fish and wildlife and other biota.
47 2. The commissioner and the commissioner of the division of housing
48 and community renewal are authorized pursuant to paragraph b of subdivi-
49 sion one of this section to purchase private real property identified as
50 at-risk to flooding, from willing sellers. The commissioner of the divi-
51 sion of housing and community renewal shall be authorized to transfer to
52 any state agency or public authority any real property in order to carry
53 out the purposes of this article. In connection therewith, the housing
54 trust fund corporation shall be authorized to create a subsidiary corpo-
55 ration to carry out the program authorized under this subdivision. Such
56 subsidiary corporation shall have all the privileges, immunities, tax

S. 7508--B

56

A. 9508--

B

1 exemption and other exemptions of the agency to the extent the same are
2 not inconsistent with this section.

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

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

12 c. Any state agency or authority, municipality, or not-for-profit
13 corporation purchasing private real property may expend costs associated
14 with:

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

17 (2) the demolition and removal of structures and/or infrastructure on
18 the property; and

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

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

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

28 f. Notwithstanding any provision of law to the contrary, real property
29 purchased with funding pursuant to this program shall be restored and
30 maintained in perpetuity in a manner that, aims to increase ecosystem
31 function, provide additional flood damage mitigation for surrounding
32 properties, protect wildlife habitat, and wherever practicable and safe,
33 allow for passive and/or recreational community use. Municipal flood
34 mitigation plans, resilience, waterfront revitalization plans or hazard
35 mitigation plans, when applicable, shall be consulted to identify the
36 appropriate restoration and end-use of the property.

37 g. All or a portion of the appropriation in this section may be
38 provided to the department or the division of housing and community
39 renewal or suballocated to any other department, state agency or state
40 authority.

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

52 3. The department, the office of parks, recreation, and historic pres-
53 ervation and the department of state are authorized to provide state
54 assistance payments or grants to municipalities and not-for-profit
55 corporations and undertake projects pursuant to paragraph a of subdivi-
56 sion one of this section.

S. 7508--B

57

A. 9508--

B

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

11 5. The department and the office of parks, recreation, and historic
12 preservation are authorized to provide state assistance payments or
13 grants to municipalities and not-for-profit corporations and undertake
14 projects pursuant to paragraph c of subdivision one of this section.

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

TITLE 5

OPEN SPACE LAND CONSERVATION AND RECREATION

23 Section 58-0501. Allocation of moneys.

24 58-0503. Programs, plans and projects.

25 § 58-0501. Allocation of moneys.

26 Of the moneys received by the state from the sale of bonds pursuant to
27 the environmental bond act of 2020 to be used for open space land
28 conservation and recreation projects, up to five hundred fifty million
29 dollars (\$550,000,000) shall be available for programs, plans, and
30 projects developed pursuant to section 58-0503 of this title, however,
31 not more than seventy-five million dollars (\$75,000,000) shall be made
32 available for the creation of a fish hatchery, or the improvement,
33 expansion, repair or maintenance of existing fish hatcheries, not less
34 than two hundred million dollars (\$200,000,000) shall be made available
35 for open space land conservation projects pursuant to paragraph a of
36 subdivision one of section 58-0503 of this title and not less than one

37 hundred million dollars (\$100,000,000) shall be made available for farm-
38 land protection pursuant to paragraph b of subdivision one of section
39 58-0503 of this title.
40 § 58-0503. Programs, plans and projects.
41 1. Eligible open space working lands conservation and recreation
42 projects include, but are not limited to:
43 a. costs associated with open space land conservation projects;
44 b. costs associated with purchasing conservation easements to protect
45 farmland pursuant to article twenty-five-aaa of the agriculture and
46 markets law; and
47 c. costs associated with recreational infrastructure projects.
48 2. The department or the office of parks, recreation and historic
49 preservation are authorized to undertake open space land conservation
50 projects, in cooperation with willing sellers pursuant to subdivision
51 one of this section and may enter into an agreement for purchase of real
52 property or conservation easements on real property by a municipality or
53 a not-for-profit corporation. Any such agreement shall contain such
54 provisions as shall be necessary to ensure that the purchase is consist-
55 ent with, and in furtherance of, this title and shall be subject to the
56 approval of the comptroller and, as to form, the attorney general. In

S. 7508--B

58

A. 9508--

B

1 undertaking such projects, such commissioners shall consider the state
2 land acquisition plan prepared pursuant to section 49-0207 of this chap-
3 ter. Further, the department or the office of parks, recreation and
4 historic preservation are authorized to provide state assistance
5 payments to municipalities for eligible projects consistent with para-
6 graphs a and c of subdivision one of this section.
7 3. The cost of an open space land conservation project shall include
8 the cost of preparing a management plan for the preservation and benefi-
9 cial public enjoyment of the land acquired pursuant to this section
10 except where such a management plan already exists for the acquired
11 land.
12 4. The department and the department of agriculture and markets are
13 authorized to provide, pursuant to paragraph b of subdivision one of
14 this section, farmland preservation implementation grants to county
15 agricultural and farmland protection boards pursuant to article twenty-
16 five-aaa of the agriculture and markets law, or to municipalities, soil
17 and water conservation districts or not-for-profit corporations for
18 implementation of projects.
19 5. The department is authorized to expend moneys to purchase equip-
20 ment, devices, and other necessary materials and to acquire fee title or
21 conservation easements in lands for monitoring, restoration, recovery,
22 or reintroduction projects for species listed as endangered or threat-
23 ened or listed as a species of special concern pursuant to section
24 11-0535 of this chapter.
25 6. The department or the office of parks, recreation and historic
26 preservation are authorized to expend moneys for the planning, design,
27 and construction of projects to develop and improve parks, campgrounds,
28 nature centers, fish hatcheries, and other recreational facilities.
29 7. The commissioner and a not-for-profit corporation may enter into a
30 contract for the undertaking by the not-for-profit corporation of an
31 open space land acquisition project.
32 8. Real property acquired, developed, improved, restored or rehabili-

33 tated by or through a municipality pursuant to paragraph a of subdivi-
34 sion one of this section or undertaken by or on behalf of a municipality
35 with funds made available pursuant to this title shall not be sold,
36 leased, exchanged, donated or otherwise disposed of or used for other
37 than public park purposes without the express authority of an act of the
38 legislature, which shall provide for the substitution of other lands of
39 equal environmental value and fair market value and reasonably equiv-
40 alent usefulness and location to those to be discontinued, sold or
41 disposed of, and such other requirements as shall be approved by the
42 commissioner.

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

49 TITLE 7

50 CLIMATE CHANGE MITIGATION

51 Section 58-0701. Allocation of moneys.

52 58-0703. Programs, plans and projects.

53 § 58-0701. Allocation of moneys.

54 Of the moneys received by the state from the sale of bonds pursuant to
55 the environmental bond act of 2020, up to seven hundred million dollars
56 (\$700,000,000) shall be made available for disbursements for climate

S. 7508--B

59

A. 9508--

B

1 change mitigation projects developed pursuant to section 58-0703 of this
2 title. Not less than three hundred fifty million dollars (\$350,000,000)
3 of this amount shall be available for green buildings projects.

4 § 58-0703. Programs, plans and projects.

5 1. Eligible climate change mitigation projects include, but are not
6 limited to:

7 a. costs associated with green building projects, projects that
8 increase energy efficiency or the use or siting of renewable energy on
9 state-owned buildings or properties including buildings owned by the
10 state university of the state of New York, city university of the state
11 of New York, and community colleges;

12 b. costs associated with projects that utilize natural and working
13 lands to sequester carbon and mitigate methane emissions from agricul-
14 tural sources, such as manure storage through cover and methane
15 reduction technologies;

16 c. costs associated with implementing climate adaptation and miti-
17 gation projects pursuant to section 54-1523 of this chapter;

18 d. costs associated with urban forestry projects such as forest and
19 habitat restoration, for purchase and planting of street trees and for
20 projects to expand the existing tree canopy and bolster community
21 health;

22 e. costs associated with projects that reduce urban heat island
23 effect, such as installation of green roofs, open space protection,
24 community gardens, cool pavement projects, projects that create or
25 upgrade community cooling centers, and the installation of reflective
26 roofs where installation of green roofs is not possible;

27 f. costs associated with projects to reduce or eliminate air pollution
28 from stationary or mobile sources of air pollution affecting an environ-

29 mental justice community; and
30 g. costs associated with projects which would reduce or eliminate
31 water pollution, whether from point or non-point discharges, affecting
32 an environmental justice community.

33 2. The department, the department of agriculture and markets, the
34 office of parks, recreation and historic preservation, the New York
35 state energy research and development authority and the office of gener-
36 al services are authorized to provide state assistance payments or
37 grants to municipalities and not-for-profit corporations or undertake
38 projects pursuant to this section.

39 3. Provided that for the purposes of selecting projects for funding
40 under this section, the relevant agencies shall develop eligibility
41 guidelines and post information on the department's website in the envi-
42 ronmental notice bulletin providing for a thirty-day public comment
43 period and upon adoption post such eligibility guidelines on the rele-
44 vant agency's website.

45 TITLE 9

46 WATER QUALITY IMPROVEMENT AND RESILIENT INFRASTRUCTURE

47 Section 58-0901. Allocation of moneys.

48 58-0903. Programs, plans and projects.

49 § 58-0901. Allocation of moneys.

50 Of the moneys received by the state from the sale of bonds pursuant to
51 the environmental bond act of 2020 for disbursements for state assist-
52 ance for water quality improvement projects as defined by title one of
53 this article, not less than five hundred fifty million dollars
54 (\$550,000,000) shall be available for water quality improvement projects
55 developed pursuant to section 58-0903 of this title. Not less than two
56 hundred million dollars (\$200,000,000) of this amount shall be available

S. 7508--B

60

A. 9508--

B

1 for wastewater infrastructure projects undertaken pursuant to the New
2 York state water infrastructure improvement act of 2017 pursuant to
3 paragraph e of subdivision one of section 58-0903 of this title, and not
4 less than one hundred million dollars (\$100,000,000) shall be available
5 for municipal stormwater projects pursuant to paragraph a of subdivision
6 one of section 58-0903 of this title.

7 § 58-0903. Programs, plans and projects.

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

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

13 b. costs associated with projects that reduce agricultural nutrient
14 runoff and promote soil health such as projects which implement compre-
15 hensive nutrient management plans, other agricultural nutrient manage-
16 ment projects, and non-point source abatement and control programs
17 including projects developed pursuant to sections eleven-a and eleven-b
18 of the soil and water conservation districts;

19 c. costs associated with projects that address harmful algal blooms
20 such as abatement projects and projects focused on addressing nutrient
21 reduction in freshwater and marine waters, wastewater infrastructure
22 systems that treat nitrogen and phosphorus, and lake treatment systems;

23 d. costs associated with wastewater infrastructure projects including
24 but not limited to extending or establishing sewer lines to replace

25 failing septic systems or cesspools and projects as provided by section
26 twelve hundred eighty-five-u of the public authorities law;
27 e. costs associated with projects to reduce, avoid or eliminate point
28 and non-point source discharges to water including projects authorized
29 by the New York state water improvement infrastructure act of 2017 and
30 section twelve hundred eighty-five-s of the public authorities law;
31 f. costs associated with the establishment of riparian buffers to
32 provide distance between farm fields and streams or abate erosion during
33 high flow events; and
34 g. costs associated with lead service line replacement pursuant to
35 section eleven hundred fourteen of the public health law.
36 2. The department and the New York state environmental facilities
37 corporation are authorized to provide state assistance payments or
38 grants to municipalities for projects authorized pursuant to paragraphs
39 a, b, and d of subdivision one of this section.
40 3. The department of agriculture and markets shall be authorized to
41 make state assistance payments to soil and water conservation districts
42 for the cost of implementing agricultural environmental management
43 plans, including purchase of equipment for measuring and monitoring soil
44 health and soil conditions.
45 4. The department is authorized to make grants available to not-for-
46 profits and academic institutions for paragraphs b, c, and f of subdivi-
47 sion one of this section, and make state assistance payments to munici-
48 palities and undertake projects pursuant to this section.
49 5. Provided that for the purposes of selecting projects for funding of
50 this section, the relevant agencies shall develop eligibility guidelines
51 and post information on the department's website in the environmental
52 notice bulletin providing for a thirty-day public comment period and
53 upon adoption post such eligibility guidelines on the relevant agency's
54 website.

55 TITLE 11
56 ENVIRONMENTAL JUSTICE AND REPORTING

S. 7508--B

61

A. 9508--

B

1 Section 58-1101. Benefits of funds.

2 58-1103. Reporting.

3 § 58-1101. Benefits of funds.

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

7 § 58-1103. Reporting.

8 1. No later than sixty days following the end of each fiscal year,
9 each department, agency, public benefit corporation, and public authori-
10 ty receiving an allocation or allocations of appropriation financed from
11 the restore mother nature environmental bond act of 2020 shall submit to
12 the commissioner in a manner and form prescribed by the department, the
13 following information as of March thirty-first of such fiscal year,
14 within each category listed in this title: the total appropriation;
15 total commitments; year-to-date disbursements; remaining uncommitted
16 balances; and a description of each project.

17 2. No later than one hundred twenty days following the end of each
18 fiscal year, the department shall submit to the governor, the temporary
19 president of the senate, and the speaker of the assembly a report that
20 includes the information received. A copy of the report shall be posted

21 on the department's website.

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

24 § 97-tttt. Restore mother nature bond fund. 1. There is hereby estab-
25 lished in the joint custody of the state comptroller and the commission-
26 er of taxation and finance a special fund to be known as the "restore
27 mother nature bond fund".

28 2. The state comptroller shall deposit into the restore mother nature
29 bond fund all moneys received by the state from the sale of bonds and/or
30 notes for uses eligible pursuant to section four of the environmental
31 bond act of 2020 "restore mother nature".

32 3. Moneys in the restore mother nature bond fund, following appropri-
33 ation by the legislature and allocation by the director of the budget,
34 shall be available only for reimbursement of expenditures made from
35 appropriations from the capital projects fund for the purpose of the
36 restore mother nature bond fund, as set forth in the environmental bond
37 act of 2020 "restore mother nature".

38 4. No moneys received by the state from the sale of bonds and/or notes
39 sold pursuant to the environmental bond act of 2020 "restore mother
40 nature" shall be expended for any project until funds therefor have been
41 allocated pursuant to the provisions of this section and copies of the
42 appropriate certificates of approval filed with the chair of the senate
43 finance committee, the chair of the assembly ways and means committee
44 and the state comptroller.

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

47 32. Thirty years. For the payment of "restore mother nature" projects,
48 as defined in article fifty-eight of the environmental conservation law
49 and undertaken pursuant to a chapter of the laws of two thousand twenty,
50 enacting and constituting the environmental bond act of 2020 "restore
51 mother nature". Thirty years for flood control infrastructure, other
52 environmental infrastructure, wetland and other habitat restoration,
53 water quality projects, acquisition of land, including acquisition of
54 real property, and renewable energy projects. Notwithstanding the fore-
55 going, for the purposes of calculating annual debt service, the state
56 comptroller shall apply a weighted average period of probable life of

S. 7508--B

62

A. 9508--

B

1 restore mother nature projects, including any other works or purposes to
2 be financed with state debt. Weighted average period of probable life
3 shall be determined by computing the sum of the products derived from
4 multiplying the dollar value of the portion of the debt contracted for
5 each work or purpose (or class of works or purposes) by the probable
6 life of such work or purpose (or class of works or purposes) and divid-
7 ing the resulting sum by the dollar value of the entire debt after
8 taking into consideration any original issue premium or discount.

9 § 4. If any clause, sentence, paragraph, section or part of this act
10 shall be adjudged by any court of competent jurisdiction to be invalid,
11 such judgment shall not affect, impair or invalidate the remainder ther-
12 eof, but shall be confined in its operation to the clause, sentence,
13 paragraph, section or part thereof directly involved in the controversy
14 in which such judgment shall have been rendered.

15 § 5. This act shall take effect only in the event that section 1 of
16 part QQ of the chapter of the laws of 2020 enacting the environmental

17 bond act of 2020 "restore mother nature" is submitted to the people at
18 the general election to be held in November 2020 and is approved by a
19 majority of all votes cast for and against it at such election. Upon
20 such approval, this act shall take effect immediately; provided that the
21 commissioner of environmental conservation shall notify the legislative
22 bill drafting commission upon the occurrence of the enactment of section
23 1 of part QQ of the chapter of the laws of 2020 enacting the environ-
24 mental bond act of 2020 "restore mother nature", in order that the
25 commission may maintain an accurate and timely effective data base of
26 the official text of the laws of the state of New York in furtherance of
27 effectuating the provisions of section 44 of the legislative law and
28 section 70-b of the public officers law. Effective immediately, the
29 addition, amendment, and/or repeal of any rule or regulation necessary
30 for the implementation of the foregoing sections of this act are author-
31 ized and directed to be made and completed on or before such effective
32 date.