

S. 2810

A. 4010

S E N A T E - A S S E M B L Y

February 1, 2011

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

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

AN ACT to authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2011-2012 (Part A); to amend chapter 279 of the laws of 1998 amending the transportation law relating to enabling the commissioner of transportation to establish a single audit pilot program, in relation to making such provisions permanent (Part B); to amend chapter 312 of the laws of 1994, amending the vehicle and traffic law relating to suspensions of licenses pending prosecution of certain alcohol-related charges, and authorizations for probationary and conditional drivers' licenses, in relation to the effectiveness thereof (Part C); to amend chapter 533 of the laws of 1993, amending the vehicle and traffic law and the correction law relating to suspension and revocation of driver's licenses upon conviction of certain drug-related offenses, in relation to the effectiveness thereof (Part D); to amend chapter 569 of the laws of 1981, amending the vehicle and traffic law relating to motor vehicle liability insurance, financial security, criminal acts and penalties for non-compliance, in relation to making provisions permanent; and to amend chapter 781 of the laws of 1983, amending the vehicle and traffic law and other laws relating to motor vehicle liability insurance, financial security, criminal acts and certain penalties for non-compliance, in relation to making provisions permanent (Part E); to amend the vehicle and traffic law and the criminal procedure law, in relation to governing operators of commercial motor vehicles and federal requirements for medical certification pertaining to such operators (Part F); to amend chapter 393 of the laws of 1994 amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part G); to amend the state finance law, in relation to the excelsior linked deposit act (Part H); to amend part U of chapter 57

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

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of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to New York state higher education matching grant program for independent colleges, in relation to the effectiveness thereof (Part I); to amend the public authorities law, in relation to the state governmental cost recovery system; and to repeal section 2975-a of such law relating thereto (Part J); to amend the executive law, in relation to the community services block grant program; and to amend chapter 728 of the laws of 1982 and chapter 710 of the laws of 1983, amending the executive law relating to community services block grant programs, in relation to the effectiveness thereof (Part K); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to the effectiveness thereof (Part L); to amend the public service law and the real property tax law, in relation to repealing the Tug Hill commission and to repeal certain provisions of the executive law and the public service law relating thereto (Part M); to amend the executive law, in relation to the salary of the chairperson of the New York State athletic commission (Part N); to amend the executive law, the economic development law and the state administrative procedure act, in relation to the removal of statutory references to the governor's office of regulatory reform; and to repeal subdivision 8 of section 202-b of the state administrative procedure act, relating thereto (Part O); to authorize and direct the New York state energy research and development authority to make a payment to the general fund of up to \$913,000 (Part P); to authorize the New York State Energy Research and Development Authority to finance a portion of its research, development and demonstration and policy and planning programs from assessments on gas and electric corporations (Part Q); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part R); to amend the environmental conservation law and chapter 67 of the laws of 1992 amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to pesticide registration time frames and fees (Part S); to amend the agriculture and markets law, authorizing the commissioner of agriculture and markets to establish a competitive grants program (Part T); to amend the New York state urban development corporation act, in relation to the healthy food/communities initiative; to amend the agriculture and markets law, in relation to authorizing the establishment of a revolving loan fund; and to amend the agriculture and markets law, in relation to state aid for farmers' markets (Part U); to amend the state finance law, in relation to the "I Love NY waterways" boating safety account; and to repeal article 4-A of the navigation law, relating to enforcement by counties (Part V); to amend the state finance law, in relation to the transfer of tribal compact revenue to the general fund and to the city of Niagara Falls (Part W); to amend the racing, pari-mutuel wagering and breeding law, in relation to assessing a surcharge on purses (Part X); to amend the general business law, in relation to increasing the term of licensure and registration from two to four years (Part Y); and to amend the real property tax law, the general municipal law, the public officers law, the tax law, the abandoned property law and the state finance law, in relation to establishing standards for electronic real property tax

administration, allowing the department of taxation and finance to use electronic communication means to furnish tax notices and other documents, mandatory electronic filing of tax documents, debit cards issued for tax refunds, improving sales tax compliance and to repeal certain provisions of the tax law and the administrative code of the city of New York relating thereto (Part Z)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2011-2012
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through Z. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, including
7 the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. The sum of four hundred two million seven hundred ninety-
14 seven thousand dollars (\$402,797,000), or so much thereof as shall be
15 necessary, and in addition to amounts previously appropriated by law, is
16 hereby made available, in accordance with subdivision 1 of section 380
17 of the public authorities law as amended, according to the following
18 schedule. Payments pursuant to subdivision (a) of this section shall be
19 made available as moneys become available for such payments. Payments
20 pursuant to subdivisions (b) and (c) of this section shall be made
21 available on the fifteenth day of June, September, December and March or
22 as soon thereafter as moneys become available for such payments. No
23 moneys of the state in the state treasury or any of its funds shall be
24 available for payments pursuant to this section:

25 SCHEDULE

26 (a) Thirty-nine million seven hundred thousand dollars (\$39,700,000)
27 to municipalities for repayment of eligible costs of federal aid municipal
28 street and highway projects pursuant to section 15 of chapter 329 of
29 the laws of 1991, as added by section 9 of chapter 330 of the laws of
30 1991, as amended. The department of transportation shall provide such
31 information to the municipalities as may be necessary to maintain the
32 federal tax exempt status of any bonds, notes, or other obligations
33 issued by such municipalities to provide for the non-federal share of
34 the cost of projects pursuant to chapter 330 of the laws of 1991 or
35 section 80-b of the highway law.

36 The program authorized pursuant to section 15 of chapter 329 of the
37 laws of 1991, as added by section 9 of chapter 330 of the laws of 1991,
38 as amended, shall additionally make payments for reimbursement according
39 to the following schedule:

40 State Fiscal Year	Amount
41 2011-12	\$39,700,000

42 (b) Three hundred four million three hundred thousand dollars
43 (\$304,300,000) to counties, cities, towns and villages for reimbursement

1 of eligible costs of local highway and bridge projects pursuant to
2 sections 16 and 16-a of chapter 329 of the laws of 1991, as added by
3 section 9 of chapter 330 of the laws of 1991, as amended. For the
4 purposes of computing allocations to municipalities, the amount distrib-
5 uted pursuant to section 16 of chapter 329 of the laws of 1991 shall be
6 deemed to be \$121,520,000. The amount distributed pursuant to section
7 16-a of chapter 329 of the laws of 1991 shall be deemed to be
8 \$182,780,000. Notwithstanding the provisions of any general or special
9 law, the amounts deemed distributed in accordance with section 16 of
10 chapter 329 of the laws of 1991 shall be adjusted so that such amounts
11 will not be less than 83.807 percent of the "funding level" as defined
12 in subdivision 5 of section 10-c of the highway law for each such muni-
13 cipality. In order to achieve the objectives of section 16 of chapter
14 329 of the laws of 1991, to the extent necessary, the amounts in excess
15 of 83.807 percent of the funding level to be deemed distributed to each
16 municipality under this subdivision shall be reduced in equal propor-
17 tion.

18 (c) Fifty-eight million seven hundred ninety-seven thousand dollars
19 (\$58,797,000) to municipalities for reimbursement of eligible costs of
20 local highway and bridge projects pursuant to sections 16 and 16-a of
21 chapter 329 of the laws of 1991, as added by section 9 of chapter 330 of
22 the laws of 1991, as amended. For the purposes of computing allocations
23 to municipalities, the amount distributed pursuant to section 16 of
24 chapter 329 of the laws of 1991 shall be deemed to be \$23,480,000. The
25 amount distributed pursuant to section 16-a of chapter 329 of the laws
26 of 1991 shall be deemed to be \$35,317,000. Notwithstanding the
27 provisions of any general or special law, the amounts deemed distributed
28 in accordance with section 16 of chapter 329 of the laws of 1991 shall
29 be adjusted so that such amounts will not be less than 16.193 percent of
30 the "funding level" as defined in subdivision 5 of section 10-c of the
31 highway law for each such municipality. In order to achieve the objec-
32 tives of section 16 of chapter 329 of the laws of 1991, to the extent
33 necessary, the amounts in excess of 16.193 percent of the funding level
34 to be deemed distributed to each municipality under this subdivision
35 shall be reduced in equal proportion. To the extent that the total of
36 remaining payment allocations calculated herein varies from \$58,797,000,
37 the payment amounts to each locality shall be adjusted by a uniform
38 percentage so that the total payments equal \$58,797,000.

39 The program authorized pursuant to sections 16 and 16-a of chapter 329
40 of the laws of 1991, as added by section 9 of chapter 330 of the laws of
41 1991, as amended, shall additionally make payments for reimbursement
42 according to the following schedule:

43	State Fiscal Year	Amount
44	2011-12	\$363,097,000

45 S 2. This act shall take effect immediately.

46 PART B

47 Section 1. Section 2 of chapter 279 of the laws of 1998, amending the
48 transportation law relating to enabling the commissioner of transporta-
49 tion to establish a single audit pilot program, as amended by section 1
50 of part E of chapter 59 of the laws of 2010, is amended to read as
51 follows:

52 S 2. This act shall take effect on December 31, 1998, except that the
53 commissioner of transportation is immediately authorized to promulgate
54 rules and regulations necessary for the implementation of this act [and

1 shall expire December 31, 2011 when upon such date the provisions of
2 this act shall be deemed repealed].

3 S 2. This act shall take effect immediately.

4 PART C

5 Section 1. Section 7 of chapter 312 of the laws of 1994, amending the
6 vehicle and traffic law relating to suspensions of licenses pending
7 prosecution of certain alcohol-related charges, and authorizations for
8 probationary and conditional drivers' licenses, as amended by section 1
9 of part C of chapter 59 of the laws of 2009, is amended to read as
10 follows:

11 S 7. This act shall take effect immediately; provided however that
12 sections three, four, five and six of this act shall take effect on the
13 first day of November next succeeding the date on which it shall have
14 become a law and shall apply to offenses committed on or after such
15 date; provided further, however, that the amendment to paragraph (c) of
16 subdivision 2 of section 1193 of the vehicle and traffic law made by
17 section two of this act shall take effect on the same date as such para-
18 graph takes effect pursuant to section 9 of chapter 533 of the laws of
19 1993, as amended[, provided, further, that the provisions of section
20 four of this act shall remain in full force and effect until October 1,
21 2011 when upon such date the provisions of such section shall be deemed
22 repealed and the provisions of law amended by such section shall revert
23 to and be read as if the provisions of such section had not been
24 enacted].

25 S 2. This act shall take effect immediately, and shall be deemed to
26 have been in full force and effect on and after April 1, 2011.

27 PART D

28 Section 1. Section 9 of chapter 533 of the laws of 1993, amending the
29 vehicle and traffic law and the correction law relating to suspension
30 and revocation of driver's licenses upon conviction of certain drug-re-
31 lated offenses, as amended by section 1 of part D of chapter 59 of the
32 laws of 2009, is amended to read as follows:

33 S 9. This act shall take effect September 30, 1993 and shall apply to
34 convictions based on offenses which occurred on or after such date [and
35 shall remain in full force and effect until October 1, 2011 when upon
36 such date the provisions of this act shall be deemed repealed and the
37 provisions of law amended by this act shall revert to and be read as if
38 the provisions of this act had not been enacted].

39 S 2. This act shall take effect immediately and shall be deemed to
40 have been in full force and effect on and after April 1, 2011.

41 PART E

42 Section 1. Section 12 of chapter 569 of the laws of 1981, amending the
43 vehicle and traffic law relating to motor vehicle liability insurance,
44 financial security, criminal acts and penalties for non-compliance, as
45 amended by section 1 of part J of chapter 59 of the laws of 2009, is
46 amended to read as follows:

47 S 12. This act shall take effect on the first day of September, 1982
48 [and the amendments made to the provisions of the vehicle and traffic
49 law by sections one through nine of this act shall expire on June 30,
50 2011 and shall apply to the use and operation of motor vehicles during

1 such period. Upon such expiration date the provisions of such sections
2 of such law shall revert to and be read as set out in law on the date
3 immediately preceding the effective date of this act. The commissioner
4 shall widely publicize the provisions of this act and take all actions
5 necessary to prepare for its implementation prior to the effective
6 date].

7 S 2. Section 15 of chapter 781 of the laws of 1983, amending the vehi-
8 cle and traffic law and other laws relating to motor vehicle liability
9 insurance, financial security, criminal acts and certain penalties for
10 non-compliance, as amended by section 2 of part J of chapter 59 of the
11 laws of 2009, is amended to read as follows:

12 S 15. This act shall take effect immediately [except that sections
13 ten and eleven hereof shall take effect on June 30, 2011; the amendments
14 made to the provisions of the vehicle and traffic law and the insurance
15 law by sections one through seven of this act shall expire June 30,
16 2011; upon such date the provisions of such sections of such laws shall
17 revert to and be read as set out in law on the date immediately preced-
18 ing the effective date of this act].

19 S 3. This act shall take effect immediately.

20 PART F

21 Section 1. Item 1 of clause (A) of subparagraph ii of paragraph (i) of
22 subdivision 1 of section 201 of the vehicle and traffic law, as amended
23 by section 2 of part E of chapter 60 of the laws of 2005, is amended to
24 read as follows:

25 (1) fifty-five years where the conviction and suspension or revocation
26 order relates to a conviction, suspension or revocation by the holder OF
27 ANY DRIVER'S LICENSE WHEN OPERATING A COMMERCIAL MOTOR VEHICLE, AS
28 DEFINED IN SUBDIVISION FOUR OF SECTION FIVE HUNDRED ONE-A OF THIS CHAP-
29 TER, OR BY THE HOLDER of a commercial driver's license who, when operat-
30 ing any motor vehicle, has refused to submit to a chemical test pursuant
31 to section eleven hundred ninety-four of this chapter, or has been
32 convicted of any of the following offenses while operating any motor
33 vehicle: any violation of subdivision two, three or four of section
34 eleven hundred ninety-two of this chapter, any violation of subdivision
35 one or two of section six hundred of this chapter, any felony involving
36 the use of a motor vehicle, other than the use of a motor vehicle in the
37 commission of a felony involving manufacturing, distributing, dispensing
38 a controlled substance; or the conviction, suspension or revocation
39 involves any of the following offenses while operating a commercial
40 motor vehicle: any violation of subdivision five or six of section elev-
41 en hundred ninety-two of this chapter, driving a commercial motor vehi-
42 cle when as a result of prior violations committed while operating a
43 commercial motor vehicle, the driver's commercial driver's license is
44 suspended or revoked, or has been convicted of causing a fatality
45 through the negligent operation of a commercial motor vehicle, including
46 but not limited to the crimes of vehicular manslaughter and criminally
47 negligent homicide as set forth in article one hundred twenty-five of
48 the penal law;

49 S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
50 amended by chapter 639 of the laws of 2006, is amended to read as
51 follows:

52 1. Application for license. Application for a driver's license shall
53 be made to the commissioner. The fee prescribed by law may be submitted
54 with such application. The applicant shall furnish such proof of identi-

1 ty, age, and fitness as may be required by the commissioner. The commis-
2 sioner may also provide that the application procedure shall include the
3 taking of a photo image or images of the applicant in accordance with
4 rules and regulations prescribed by the commissioner. In addition, the
5 commissioner also shall require that the applicant provide his or her
6 social security number and provide space on the application so that the
7 applicant may register in the New York state organ and tissue donor
8 registry under section forty-three hundred ten of the public health law.
9 In addition, an applicant for a commercial driver's license who will
10 operate a commercial motor vehicle in interstate commerce shall certify
11 that such applicant meets the requirements to operate a commercial motor
12 vehicle, as set forth in public law 99-570, title XII, and title 49 of
13 the code of federal regulations, and all regulations promulgated by the
14 United States secretary of transportation under the hazardous materials
15 transportation act. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S
16 LICENSE SHALL SUBMIT MEDICAL CERTIFICATION AT SUCH INTERVALS AS REQUIRED
17 BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND REGU-
18 LATIONS ADOPTED PURSUANT THERETO RELATING TO MEDICAL CERTIFICATION AND
19 IN A MANNER PRESCRIBED BY THE COMMISSIONER. Upon a determination that
20 the holder of a commercial driver's license has made any false state-
21 ment, with respect to the application for such license, the commissioner
22 shall revoke such license.

23 S 3. Paragraph (b) of subdivision 1 of section 503 of the vehicle and
24 traffic law, as amended by chapter 435 of the laws of 1997, is amended
25 to read as follows:

26 (b) An application for a license shall be valid for a period of time
27 specified by regulation of the commissioner not to exceed five years. A
28 learner's permit shall be valid from its issuance until the expiration
29 of the application for a driver's license for which it was issued.
30 PROVIDED, HOWEVER, THAT IF THE MEDICAL CERTIFICATION SUBMITTED IN
31 ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL MOTOR CARRIER SAFETY
32 IMPROVEMENT ACT OF 1999 AND REGULATIONS ADOPTED PURSUANT THERETO RELAT-
33 ING TO MEDICAL CERTIFICATION BY AN APPLICANT FOR A COMMERCIAL DRIVER'S
34 LICENSE EXPIRES, ANY LEARNER'S PERMIT THAT MAY HAVE BEEN ISSUED BY THE
35 COMMISSIONER IN CONNECTION WITH THE APPLICATION SHALL BE SUSPENDED.

36 S 4. Subdivision 1 of section 510-a of the vehicle and traffic law, as
37 amended by section 13 of part E of chapter 60 of the laws of 2005, is
38 amended to read as follows:

39 1. Revocation. A commercial driver's license shall be revoked by the
40 commissioner whenever the holder is convicted within or outside of this
41 state (a) of a felony involving the use of a motor vehicle except a
42 felony as described in paragraph (b) of this subdivision; (b) of a felo-
43 ny involving manufacturing, distributing or dispensing a drug as defined
44 in section one hundred fourteen-a of this chapter or possession of any
45 such drug with intent to manufacture, distribute or dispense such drug
46 in which a motor vehicle was used; (c) of a violation of subdivision one
47 or two of section six hundred of this chapter; (d) of operating a
48 commercial motor vehicle when, as a result of prior violations committed
49 while operating a commercial motor vehicle, the driver's commercial
50 driver's license is revoked, suspended, or canceled, or the driver is
51 disqualified from operating a commercial motor vehicle; (e) [or] has
52 been convicted of causing a fatality through the negligent operation of
53 a commercial motor vehicle, including but not limited to the crimes of
54 vehicular manslaughter or criminally negligent homicide; OR (F) THE
55 COMMISSIONER DETERMINES THAT THE HOLDER FALSIFIED INFORMATION: (I)
56 REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND

1 REGULATIONS ADOPTED PURSUANT THERETO RELATING TO COMMERCIAL DRIVER'S
2 LICENSE DOCUMENT IN AN APPLICATION FOR A COMMERCIAL DRIVER'S LICENSE;
3 (II) REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF
4 1999 AND REGULATIONS ADOPTED PURSUANT THERETO RELATING TO INITIAL
5 COMMERCIAL DRIVER'S LICENSE OR EXISTING COMMERCIAL DRIVER'S LICENSE
6 HOLDER'S SELF-CERTIFICATION IN ANY OF THE SELF-CERTIFICATIONS REGARDING
7 THE TYPE OF DRIVING ENGAGED OR TO BE ENGAGED IN BY THE HOLDER OR REGARD-
8 ING THE NON-APPLICABILITY OF THE PHYSICAL QUALIFICATION REQUIREMENTS OF
9 THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND REGULATIONS
10 ADOPTED PURSUANT THERETO RELATING TO QUALIFICATIONS OF DRIVERS TO THE
11 HOLDER; OR (III) REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVE-
12 MENT ACT OF 1999 AND REGULATIONS ADOPTED PURSUANT THERETO RELATING TO
13 COMMERCIAL DRIVER'S LICENSE REQUIREMENTS IN ANY MEDICAL CERTIFICATION.

14 FOR PURPOSES OF PARAGRAPH (F) OF THIS SUBDIVISION THE TERM FALSIFY
15 SHALL INCLUDE ADDING OR INSERTING FALSE INFORMATION ON A WRITTEN INSTRU-
16 MENT, FALSELY MAKING, COMPLETING, OR ALTERING A WRITTEN INSTRUMENT, AND
17 CAUSING A FALSE WRITTEN INSTRUMENT OR A WRITTEN INSTRUMENT CONTAINING
18 FALSE INFORMATION TO BE MADE.

19 S 5. Paragraph (a) of subdivision 2 of section 510-a of the vehicle
20 and traffic law, as amended by section 6 of part K of chapter 59 of the
21 laws of 2009, is amended to read as follows:

22 (a) Except as otherwise provided in paragraph (b) of this subdivision,
23 where revocation of a commercial driver's license is mandatory pursuant
24 to paragraph (a), (c), (d) [or], (e) OR (F) of subdivision one of this
25 section no new commercial driver's license shall be issued for at least
26 one year nor thereafter except in the discretion of the commissioner,
27 except that FOR REVOCATIONS PURSUANT TO PARAGRAPH (A), (C), (D) OR (E)
28 OF SUBDIVISION ONE OF THIS SECTION, if such person has previously been
29 found to have refused a chemical test pursuant to section eleven hundred
30 ninety-four of this chapter or has a prior conviction of any of the
31 following offenses: any violation of section eleven hundred ninety-two
32 of this chapter, any violation of subdivision one or two of section six
33 hundred of this chapter, or any felony involving the use of a motor
34 vehicle pursuant to paragraph (a) of subdivision one of this section, or
35 has been convicted of operating a commercial motor vehicle when, as a
36 result of prior violations committed while operating a commercial motor
37 vehicle, the driver's commercial driver's license is revoked, suspended,
38 or canceled, or the driver is disqualified from operating a commercial
39 motor vehicle, or has been convicted of causing a fatality through the
40 negligent operation of a commercial motor vehicle, including but not
41 limited to the crimes of vehicular manslaughter or criminally negligent
42 homicide, then such commercial driver's license revocation shall be
43 permanent.

44 S 6. Subdivision 3 of section 510-a of the vehicle and traffic law is
45 amended by adding a new paragraph (f) to read as follows:

46 (F) A COMMERCIAL DRIVER'S LICENSE SHALL BE SUSPENDED BY THE COMMIS-
47 SIONER UPON THE HOLDER'S FAILURE TO SUBMIT MEDICAL CERTIFICATION OR
48 MEDICAL VARIANCE DOCUMENTATION, AT SUCH INTERVALS AS ARE REQUIRED BY THE
49 FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND REGULATIONS
50 ADOPTED PURSUANT THERETO RELATING TO COMMERCIAL DRIVER'S LICENSE
51 REQUIREMENTS AND IN A MANNER PRESCRIBED BY THE COMMISSIONER. A COMMER-
52 CIAL DRIVER'S LICENSE SHALL ALSO BE SUSPENDED BY THE COMMISSIONER UPON
53 RECEIPT OF INFORMATION FROM THE ISSUING MEDICAL EXAMINER OR THE FEDERAL
54 MOTOR CARRIER SAFETY ADMINISTRATION THAT A MEDICAL CERTIFICATION OR
55 MEDICAL VARIANCE WAS ISSUED IN ERROR. SUCH SUSPENSION SHALL BE TERMI-
56 NATED UPON: (I) THE HOLDER'S SUBMISSION OF THE REQUIRED VALID MEDICAL

1 EXAMINER'S CERTIFICATE OR MEDICAL VARIANCE DOCUMENTATION; (II) THE HOLD-
2 ER'S SELF-CERTIFICATION SPECIFYING THE TYPE OF COMMERCIAL MOTOR VEHICLE
3 OPERATION HE OR SHE ENGAGES IN, OR EXPECTS TO ENGAGE IN, AND THAT THE
4 HOLDER IS NOT SUBJECT TO THE PHYSICAL QUALIFICATION REQUIREMENTS OF THE
5 FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND REGULATIONS
6 ADOPTED PURSUANT THERETO RELATING TO DISQUALIFICATION OF DRIVERS; (III)
7 THE HOLDER'S SURRENDER OF HIS OR HER COMMERCIAL DRIVER'S LICENSE TO THE
8 DEPARTMENT OR TO THE APPROPRIATE LICENSING AUTHORITY OF ANOTHER JURIS-
9 DICTION; OR (IV) THE HOLDER'S DOWNGRADE OF HIS OR HER COMMERCIAL DRIV-
10 ER'S LICENSE TO A NON-COMMERCIAL DRIVER'S LICENSE.

11 S 7. Subdivision 1 of section 514 of the vehicle and traffic law is
12 amended by adding a new paragraph (d) to read as follows:

13 (D) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (A), (B) AND (C) OF
14 THIS SUBDIVISION, UPON A JUDGMENT OF CONVICTION FOR A VIOLATION OF ANY
15 PROVISIONS OF THIS CHAPTER OR OF ANY LOCAL LAW, RULE, ORDINANCE OR REGU-
16 LATION RELATING TO TRAFFIC, THE COURT OR THE CLERK THEREOF SHALL, WITHIN
17 NINETY-SIX HOURS OF THE IMPOSITION OF THE SENTENCE, FILE THE CERTIFICATE
18 REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION, IF THE PERSON CONVICTED:
19 (I) IS THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE ISSUED BY ANOTHER
20 STATE; OR (II) DOES NOT HOLD A COMMERCIAL DRIVER'S LICENSE, BUT HAS BEEN
21 ISSUED A LICENSE BY ANOTHER STATE AND IS CONVICTED OF A VIOLATION THAT
22 WAS COMMITTED IN A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SUBDIVISION
23 FOUR OF SECTION FIVE HUNDRED ONE-A OF THIS TITLE.

24 S 8. Section 170.55 of the criminal procedure law is amended by adding
25 a new subdivision 9 to read as follows:

26 9. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A COURT MAY
27 NOT ISSUE AN ORDER ADJOURNING AN ACTION IN CONTEMPLATION OF DISMISSAL IF
28 THE OFFENSE IS FOR A VIOLATION OF THE VEHICLE AND TRAFFIC LAW RELATED TO
29 THE OPERATION OF A MOTOR VEHICLE, OR A VIOLATION OF A LOCAL LAW, RULE OR
30 ORDINANCE RELATED TO THE OPERATION OF A MOTOR VEHICLE, IF SUCH OFFENSE
31 WAS COMMITTED BY THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE OR WAS
32 COMMITTED IN A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SUBDIVISION FOUR
33 OF SECTION FIVE HUNDRED ONE-A OF THE VEHICLE AND TRAFFIC LAW.

34 S 9. This act shall take effect on the sixtieth day after it shall
35 have become a law; provided, however, that sections two, three, four,
36 five and six of this act shall take effect January 30, 2012, provided,
37 however, that the addition, amendment and/or repeal of any rule or regu-
38 lation necessary for the implementation of this act on its effective
39 date are authorized and directed to be made and completed on or before
40 such effective date.

41 PART G

42 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
43 New York state urban development corporation act relating to the powers
44 of the New York state urban development corporation to make loans, as
45 amended by section 1 of part P of chapter 59 of the laws of 2010, is
46 amended to read as follows:

47 S 2. This act shall take effect immediately [provided, however, that
48 section one of this act shall expire on July 1, 2011, at which time the
49 provisions of subdivision 26 of section 5 of the New York state urban
50 development corporation act shall be deemed repealed; provided, however,
51 that neither the expiration nor the repeal of such subdivision as
52 provided for herein shall be deemed to affect or impair in any manner
53 any loan made pursuant to the authority of such subdivision prior to
54 such expiration and repeal].

1 S 2. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2011.

3 PART H

4 Section 1. Section 217 of the state finance law, as amended by chapter
5 291 of the laws of 2004, is amended to read as follows:

6 S 217. Linked loans. Linked loans shall be made by lenders pursuant to
7 the program only to eligible businesses in connection with eligible
8 projects. A linked loan shall be limited to a maximum amount of [one]
9 TWO million dollars. An eligible business may receive more than one
10 linked loan. During the life of the linked loan program, the total
11 amount of money that a business can borrow from the linked program is
12 [one] TWO million dollars. The credit decision for making a linked loan
13 shall be made solely by the lender. Notwithstanding the length of the
14 term of a linked loan, the linked deposit relating to the linked loan
15 shall be for a period of not more than four years.

16 S 2. The state finance law is amended by adding a new section 220 to
17 read as follows:

18 S 220. RENEWAL OF LINKED DEPOSIT. A LENDER MAY, ON BEHALF OF A BORROW-
19 ER, APPLY TO THE COMMISSIONER OF ECONOMIC DEVELOPMENT TO REQUEST A
20 RENEWAL OF THE LINKED DEPOSIT FOR AN ADDITIONAL FOUR YEAR PERIOD TO
21 CORRESPOND WITH A SECOND FOUR YEAR PERIOD OF A BORROWER'S LINKED LOAN.
22 THE COMMISSIONER MAY GRANT SUCH APPLICATION IF THE COMMISSIONER DETER-
23 MINES THAT THE BORROWER, DURING THE SECOND FOUR YEAR PERIOD OF THE
24 LINKED LOAN, WILL CREATE ADDITIONAL INDUSTRIAL MODERNIZATION BENEFITS OR
25 ADDITIONAL EXPORT TRADE BENEFITS OR ADDITIONAL JOBS. IF THE COMMISSIONER
26 OF ECONOMIC DEVELOPMENT GRANTS SUCH APPLICATION, THE COMMISSIONER SHALL
27 NOTIFY THE AUTHORIZED DEPOSITOR WHO MADE THE LINKED DEPOSIT THAT THE
28 COMMISSIONER HAS DETERMINED THAT THE APPLICATION SATISFIES THE REQUIRE-
29 MENTS OF THIS ARTICLE AND SHALL REQUEST THE AUTHORIZED DEPOSITOR TO
30 CONTINUE THE LINKED DEPOSIT WITH THE LENDER FOR AN ADDITIONAL FOUR YEAR
31 PERIOD IN ACCORDANCE WITH SECTION NINETY-EIGHT-A OF THIS CHAPTER AND
32 WITH THE AUTHORIZED DEPOSITOR'S ESTABLISHED PROCEDURES. SUCH LINKED
33 DEPOSIT SHALL CONTINUE TO BE SECURED IN ACCORDANCE WITH THE PROVISIONS
34 OF SECTION ONE HUNDRED FIVE OF THIS CHAPTER. THE FIXED INTEREST RATE ON
35 THE CONTINUED LINKED DEPOSIT SHALL BE THE LINKED DEPOSIT INTEREST RATE
36 IN EFFECT ON THE FIRST DAY OF THE CONTINUATION OF THE LINKED DEPOSIT.
37 THE AUTHORIZED DEPOSITOR AND THE LENDER SHALL ENTER INTO A WRITTEN
38 DEPOSIT AGREEMENT GOVERNING THE CONTINUATION OF THE LINKED DEPOSIT. THE
39 INTEREST RATE PAYABLE ON THE LINKED LOAN FOR THE SECOND FOUR YEAR PERIOD
40 SHALL BE, IN THE CASE OF A CERTIFIED BUSINESS IN AN ECONOMIC DEVELOPMENT
41 ZONE OR AN ELIGIBLE BUSINESS LOCATED IN AN ECONOMICALLY DISTRESSED AREA
42 OR FEDERAL EMPOWERMENT ZONE OR ENTERPRISE OR RENEWAL COMMUNITY OR A
43 MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISE, THREE PERCENTAGE POINTS
44 BELOW THE INTEREST RATE THE LENDER WOULD HAVE CHARGED FOR THE LOAN IN
45 EFFECT ON THE FIRST DAY OF THE CONTINUATION OF THE LINKED DEPOSIT; OR IN
46 THE CASE OF A BUSINESS NOT LOCATED IN AN ECONOMIC DEVELOPMENT ZONE OR
47 ECONOMICALLY DISTRESSED AREA OR FEDERAL EMPOWERMENT ZONE OR ENTERPRISE
48 OR RENEWAL COMMUNITY OR WHICH IS NOT A MINORITY OR WOMEN-OWNED BUSINESS
49 ENTERPRISE, TWO PERCENTAGE POINTS BELOW THE INTEREST RATE THE LENDER
50 WOULD HAVE CHARGED FOR THE LOAN IN THE ABSENCE OF A LINKED DEPOSIT IN
51 EFFECT ON THE FIRST DAY OF THE CONTINUATION OF THE LINKED DEPOSIT.

52 S 3. This act shall take effect immediately.

53 PART I

1 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of
2 chapter 57 of the laws of 2005 amending the labor law and other laws
3 implementing the state fiscal plan for the 2005-2006 state fiscal year,
4 relating to the New York state higher education capital matching grant
5 program for independent colleges, as amended by part M of chapter 59 of
6 the laws of 2010, is amended to read as follows:

7 (a) The New York state higher education capital matching grant board
8 is hereby created to have and exercise the powers, duties and preroga-
9 tives provided by the provisions of this section and any other provision
10 of law. The board shall remain in existence during the period of the New
11 York state higher education capital matching grant program from the
12 effective date of this section through March 31, [2011] 2012, or the
13 date on which the last of the funds available for grants under this
14 section shall have been disbursed, whichever is earlier; provided,
15 however, that the termination of the existence of the board shall not
16 [effect] AFFECT the power and authority of the dormitory authority to
17 perform its obligations with respect to any bonds, notes, or other
18 indebtedness issued or incurred pursuant to authority granted in this
19 section.

20 S 2. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of
21 section 1 of part U of chapter 57 of the laws of 2005 amending the labor
22 law and other laws implementing the state fiscal plan for the 2005-2006
23 state fiscal year, relating to New York state higher education matching
24 grant program for independent colleges, as amended by section 3 of part
25 M of chapter 59 of the laws of 2010, is amended to read as follows:

26 (A) Notwithstanding the provision of any general or special law to the
27 contrary, and subject to the provisions of chapter 59 of the laws of
28 2000 and to the making of annual appropriations therefor by the legisla-
29 ture, in order to assist the dormitory authority in providing such high-
30 er education capital matching grants, the director of the budget is
31 authorized in any state fiscal year commencing April 1, 2005 or any
32 state fiscal year thereafter for a period ending on March 31, [2011]
33 2012, to enter into one or more service contracts, none of which shall
34 exceed 30 years in duration, with the dormitory authority, upon such
35 terms as the director of the budget and the dormitory authority agree.

36 S 3. Paragraph (b) of subdivision 7 of section 1 of part U of chapter
37 57 of the laws of 2005 amending the labor law and other laws implement-
38 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
39 to New York state higher education matching grant program for independ-
40 ent colleges, as amended by section 4 of part M of chapter 59 of the
41 laws of 2010, is amended to read as follows:

42 (b) Any eligible institution receiving a grant pursuant to this arti-
43 cle shall report to the dormitory authority no later than June 1, [2011]
44 2012, on the use of funding received and its programmatic and economic
45 impact. The dormitory authority shall submit a report no later than
46 November 1, [2011] 2012 to the board, the governor, the director of the
47 budget, the temporary president of the senate, and the speaker of the
48 assembly on the aggregate impact of the higher education capital match-
49 ing grant program. Such report shall provide information on the progress
50 and economic impact of such project.

51 S 4. This act shall take effect immediately and shall be deemed to
52 have been in full force and effect on and after April 1, 2011.

Section 1. Paragraph (b) of subdivision 2 of section 2975 of the public authorities law, as amended by section 1 of part O of chapter 59 of the laws of 2008, is amended to read as follows:

(b) On or before November first, two thousand three and on or before November first of each year thereafter, the director of the budget shall determine the amount owed under this section by each public benefit corporation. The director of the budget may reduce, in whole or part, the amount of such assessment if the payment thereof would necessitate a state appropriation for the purpose, or would otherwise impose an extraordinary hardship upon the affected public benefit corporation. The aggregate amount assessed under this section in any given state fiscal year may not exceed [fifty-five million dollars] SIXTY MILLION DOLLARS.

S 2. Section 2975-a of the public authorities law is REPEALED.

S 3. Notwithstanding any other provision of law, liabilities incurred on or before March 31, 2011 pursuant to section 2975-a of the public authorities law as repealed by section two of this act, shall continue as legal liabilities of industrial development agencies or authorities created pursuant to title one of article eighteen-A of the general municipal law or any other provision of law.

S 4. This act shall take effect immediately.

PART K

Section 1. Section 159-i of the executive law, as amended by section 1 of part Y of chapter 59 of the laws of 2010, is amended to read as follows:

S 159-i. Distribution of funds. [For federal fiscal year two thousand eleven at] AT least ninety percent of the community services block grant funds received by the state shall be distributed pursuant to a contract by the secretary to eligible entities as defined in subdivision one of section one hundred fifty-nine-e of this article. Each such eligible entity shall receive the same proportion of community services block grant funds as was the proportion of funds received in the immediately preceding federal fiscal year under the federal community services block grant program as compared to the total amount received by all eligible entities in the state, under the federal community services block grant program.

[For federal fiscal year two thousand eleven the] THE secretary shall, pursuant to section one hundred fifty-nine-h of this article, retain not more than five percent of the community services block grant funds for administration at the state level.

[For federal fiscal year two thousand eleven the] THE remainder of the community services block grant funds received by the state shall be distributed pursuant to a contract by the secretary in the following order of preference: a sum of up to one-half of one percent of the community services block grant funds received by the state to Indian tribes and tribal organizations as defined in this article, on the basis of need; and to community based organizations. Such remainder funds received by eligible entities will not be included in determining the proportion of funds received by any such entity in the immediately preceding federal fiscal year under the federal community services block grant program.

S 2. Section 5 of chapter 728 of the laws of 1982, amending the executive law relating to community services block grant programs, as amended by section 2 of part Y of chapter 59 of the laws of 2010, is amended to read as follows:

1 S 5. This act shall take effect immediately provided, however, that
2 section four hereof shall take effect October 1, 1982 and provided
3 further, however, that the provisions of sections two, three and four of
4 this act shall be in full force and effect only until September 30, 1983
5 [and section one of this act shall be in full force and effect until
6 September 30, 2011, provided, however, that the distribution of funds
7 pursuant to section 159-i of the executive law shall be limited to the
8 federal fiscal year expressly set forth in such section].

9 S 3. Section 7 of chapter 710 of the laws of 1983, amending the execu-
10 tive law relating to community services block grant programs, as amended
11 by section 3 of part Y of chapter 59 of the laws of 2010, is amended to
12 read as follows:

13 S 7. This act shall take effect September 30, 1983 [and shall be in
14 full force and effect only until September 30, 2011 at which time the
15 amendments and additions made pursuant to the provisions of this act
16 shall be deemed to be repealed, provided, however, that the distribution
17 of funds pursuant to section 159-i of the executive law shall be limited
18 to the federal fiscal year expressly set forth in such section].

19 S 4. This act shall take effect immediately.

20 PART L

21 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
22 executive law relating to permitting the secretary of state to provide
23 special handling for all documents filed or issued by the division of
24 corporations and to permit additional levels of such expedited service,
25 as amended by section 1 of part B of chapter 19 of the laws of 2010, is
26 amended to read as follows:

27 S 2. This act shall take effect immediately[, provided however, that
28 section one of this act shall be deemed to have been in full force and
29 effect on and after April 1, 2003 and shall expire March 31, 2011].

30 S 2. This act shall take effect immediately and shall be deemed to
31 have been in full force and effect on and after March 31, 2011.

32 PART M

33 Section 1. Article 37 of the executive law is REPEALED.

34 S 2. Subparagraph iv of paragraph (a) of subdivision 2 of section 122
35 of the public service law is REPEALED and subparagraph v, as relettered
36 by chapter 362 of the laws of 1987, is relettered subparagraph iv.

37 S 3. Paragraph (g) of subdivision 1 of section 124 of the public
38 service law is REPEALED and paragraphs (h), (i), (j), (k) and (l), as
39 relettered by chapter 119 of the laws of 1978, are relettered paragraphs
40 (g), (h), (i), (j) and (k).

41 S 4. Section 130 of the public service law, as amended by chapter 362
42 of the laws of 1987, the closing paragraph as amended by chapter 72 of
43 the laws of 2004, is amended to read as follows:

44 S 130. Powers of municipalities and state agencies. Notwithstanding
45 any other provision of law, no state agency, municipality or any agency
46 thereof may require any approval, consent, permit, certificate or other
47 condition for the construction or operation of a major facility with
48 respect to which an application for a certificate hereunder has been
49 issued, other than those provided by otherwise applicable state law for
50 the protection of employees engaged in the construction and operation of
51 such facility, and provided that in the case of a municipality or an

1 agency thereof, such municipality has received notice of the filing of
2 the application therefor.

3 [Neither the Tug Hill commission nor the] THE Adirondack park agency
4 shall NOT hold public hearings for a major utility transmission facility
5 with respect to which an application hereunder has been filed, provided
6 that such [commission or] agency has received notice of the filing of
7 such application.

8 S 5. Section 533 of the real property tax law, as amended by chapter
9 225 of the laws of 2000, is amended to read as follows:

10 S 533. Certain conservation easements created pursuant to title three
11 of article forty-nine of the environmental conservation law hereafter
12 acquired by the state within the Adirondack or Catskill parks, as those
13 areas are defined in such law and lands within the watershed of Hemlock
14 and Canadice lakes in the towns of Livonia, Conesus, West Sparta and
15 Springwater in Livingston county, the towns of Canadice and Richmond in
16 Ontario county and the town of Wayland in Steuben county, and lands
17 within the APPROXIMATELY TWENTY-ONE HUNDRED SQUARE MILE Tug Hill region,
18 [as defined in article thirty-seven of the executive law] LYING BETWEEN
19 LAKE ONTARIO, THE BLACK RIVER AND ONEIDA LAKE, shall be subject to taxa-
20 tion for all purposes. Any conservation easement created pursuant to
21 title three of article forty-nine of the environmental conservation law
22 hereafter acquired by the state within the Adirondack or Catskill parks,
23 as those areas are defined in such law or acquired by the state on lands
24 within the watershed of Hemlock and Canadice lakes in the towns of Livo-
25 nia, Conesus, West Sparta and Springwater in Livingston county, the
26 towns of Canadice and Richmond in Ontario county and the town of Wayland
27 in Steuben county, or acquired by the state on lands within the Tug Hill
28 region [as defined in article thirty-seven of the executive law], shall
29 be subject to taxation for all purposes. Any common law easement
30 acquired on or before January first, nineteen hundred ninety by the
31 state for conservation purposes within the Adirondack or Catskill parks,
32 as those areas are defined in the environmental conservation law, shall
33 be subject to taxation for all purposes. The value of such interests
34 shall be equivalent to the change, if any, in the value of the lands
35 subject to the easement. The procedures set forth in sections five
36 hundred forty, five hundred forty-two, five hundred forty-three and five
37 hundred forty-four of this title shall govern the assessment and payment
38 of taxes thereon. If the acquisition by or conveyance to the state of
39 any such easement is determined to be void by any court of competent
40 jurisdiction, tax payments on such easement paid by the state prior to
41 the date of such determination shall be retained by the recipient and
42 shall be deemed to have been a grant-in-aid by the state.

43 S 6. This act shall take effect immediately.

44 PART N

45 Section 1. Paragraph (e) of subdivision 1 of section 169 of the execu-
46 tive law, as separately amended by section 11 of part A-1 and section 10
47 of part O of chapter 56 of the laws of 2010, is amended to read as
48 follows:

49 (e) [chairman of state athletic commission,] chairman and executive
50 director of consumer protection board, director of the office of victim
51 services, chairman of human rights appeal board, chairman of the indus-
52 trial board of appeals, chairman of the state commission of correction,
53 members of the board of parole, members of the state racing and wagering
54 board, member-chairman of unemployment insurance appeal board, director

1 of veterans' affairs, and vice-chairman of the workers' compensation
2 board;

3 S 2. This act shall take effect immediately.

4 PART O

5 Section 1. Subdivision 3 of section 164-d of the executive law, as
6 added by chapter 65 of the laws of 2005, is amended to read as follows:

7 3. The office for technology[, in consultation with the governor's
8 office of regulatory reform,] shall promulgate rules and regulations to
9 implement the provisions of this section. Such rules shall at least
10 provide for the prioritization and timing for making application forms
11 available on the internet.

12 S 2. Subdivision 46 of section 100 of the economic development law, as
13 added by chapter 427 of the laws of 2008, is amended to read as follows:

14 46. to prepare[, in cooperation with the governor's office of regula-
15 tory reform,] an annual summary for the small business community of the
16 key legislative, budgetary and regulatory changes impacting small busi-
17 nesses. Agencies shall cooperate with the department [and the governor's
18 office of regulatory reform] in developing the annual summary. The
19 annual summary shall be written in plain language and shall provide
20 specific contact information within the appropriate agency for inquiries
21 regarding implementation and compliance. The annual summary shall be
22 posted on the department website on or before September first of each
23 year.

24 S 3. Section 102-a of the state administrative procedure act, as added
25 by chapter 419 of the laws of 2007, is amended to read as follows:

26 S 102-a. Small business regulation guides. For each rule or group of
27 related rules which significantly impact a substantial number of small
28 businesses, the agency which adopted the rule shall post on its website
29 one or more guides explaining the actions a small business may take to
30 comply with such rule or group of rules if the agency determines[, in
31 conjunction with the governor's office of regulatory reform,] that such
32 guide or guides will assist small businesses in complying with the rule,
33 and shall designate each such posting as a "small business regulation
34 guide". The guide shall explain the actions a small business may take to
35 comply with a rule or group of rules. The agency shall, in its sole
36 discretion, taking into account the subject matter of the rule and the
37 language of relevant statutes, ensure that the guide is written using
38 sufficiently plain language that it is likely to be understood by
39 affected small businesses. Agencies shall cooperate with [the governor's
40 office of regulatory reform and] other state agencies in developing such
41 guides. [The governor's office of regulatory reform shall oversee and
42 coordinate the preparation of such small business regulation guides by
43 agencies.]

44 S 4. Subparagraph (iii) of paragraph (b) of subdivision 9 of section
45 202 of the state administrative procedure act, as added by chapter 230
46 of the laws of 2006, is amended to read as follows:

47 (iii) The secretary of state shall provide that the direct link
48 between the electronic copy of the state register and the electronic
49 mail address provided by an agency [shall also deliver to the governor's
50 office of regulatory reform a copy of all comments submitted].

51 S 5. Subdivision 8 of section 202-b of the state administrative proce-
52 dure act is REPEALED.

1 S 6. Paragraph (d) of subdivision 1 of section 202-d of the state
2 administrative procedure act, as added by chapter 193 of the laws of
3 2008, is amended to read as follows:

4 (d) An agency shall identify each rule described in its regulatory
5 agenda for which a regulatory flexibility analysis or a rural area flex-
6 ibility analysis may be required, and shall provide outreach as appro-
7 priate to potentially affected small businesses, local governments and
8 public and private interests in rural areas. Such outreach may include
9 solicitation of input from potentially affected parties through elec-
10 tronic means or through any of the activities listed in subdivision six
11 of section two hundred two-b and subdivision seven of section two
12 hundred two-bb of this article. [In addition, the agency shall provide a
13 copy of the description of each rule subject to the provisions of this
14 paragraph to the governor's office of regulatory reform, which may in
15 its discretion include the description and additional information on the
16 rule in the quarterly report issued pursuant to subdivision eight of
17 section two hundred two-b of this article.]

18 S 7. This act shall take effect immediately; provided, that the amend-
19 ment to paragraph (d) of subdivision 1 of section 202-d of the state
20 administrative procedure act made by section six of this act shall not
21 affect the expiration of such paragraph and shall be deemed to expire
22 therewith.

23 PART P

24 Section 1. Notwithstanding any law to the contrary, the comptroller is
25 hereby authorized and directed to receive for deposit to the credit of
26 the general fund the amount of up to \$913,000 from the New York state
27 energy research and development authority.

28 S 2. This act shall take effect immediately and shall be deemed to
29 have been in full force and effect on and after April 1, 2011.

30 PART Q

31 Section 1. Expenditures of moneys appropriated in a chapter of the
32 laws of 2011 to the energy research and development authority, under the
33 research, development and demonstration program, from the special reven-
34 ue funds - other/state operations, miscellaneous special revenue fund -
35 339, energy research and planning account, and special revenue funds -
36 other/aid to localities, miscellaneous special revenue fund - 339, ener-
37 gy research and planning account shall be subject to the provisions of
38 this section. Notwithstanding the provisions of subdivision 4-a of
39 section 18-a of the public service law, all moneys committed or expended
40 shall be reimbursed by assessment against gas corporations and electric
41 corporations as defined in section 2 of the public service law, and the
42 total amount which may be charged to any gas corporation and any elec-
43 tric corporation shall not exceed one cent per one thousand cubic feet
44 of gas sold and .010 cent per kilowatt-hour of electricity sold by such
45 corporations in their intrastate utility operations in calendar year
46 2009. Such amounts shall be excluded from the general assessment
47 provisions of subdivision 2 of section 18-a of the public service law,
48 but shall be billed and paid in the manner set forth in such subdivision
49 and upon receipt shall be paid to the state comptroller for deposit in
50 the state treasury for credit to the miscellaneous special revenue fund.
51 The director of the budget shall not issue a certificate of approval
52 with respect to the commitment and expenditure of moneys hereby appro-

1 priated until the chair of such authority shall have submitted, and the
2 director of the budget shall have approved, a comprehensive financial
3 plan encompassing all moneys available to and all anticipated commit-
4 ments and expenditures by such authority from any source for the oper-
5 ations of such authority. Copies of the approved comprehensive financial
6 plan shall be immediately submitted by the director of the budget to the
7 chairs and secretaries of the legislative fiscal committees.

8 S 2. This act shall take effect immediately and shall be deemed to
9 have been in full force and effect on and after April 1, 2011.

10 PART R

11 Section 1. Notwithstanding any other law, rule or regulation to the
12 contrary, expenses of the department of health public service education
13 program incurred pursuant to appropriations from the cable television
14 account of the state miscellaneous special revenue funds shall be deemed
15 expenses of the department of public service.

16 S 2. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after April 1, 2011.

18 PART S

19 Section 1. Section 9 of chapter 67 of the laws of 1992, amending the
20 environmental conservation law relating to pesticide product registra-
21 tion timetables and fees, as amended by section 1 of part FF of chapter
22 59 of the laws of 2008, is amended to read as follows:

23 S 9. This act shall take effect April 1, 1992 provided, however, that
24 section [3] THREE of this act shall take effect July 1, 1993 [and shall
25 expire and be deemed repealed on July 1, 2011].

26 S 2. Section 33-0705 of the environmental conservation law, as
27 amended by section 2 of part FF of chapter 59 of the laws of 2008,
28 subdivisions a and b as amended by section 5 of part YY of chapter 59 of
29 the laws of 2009, is amended to read as follows:

30 S 33-0705. Fee for registration.

31 The applicant for registration shall pay a fee as follows:

32 a. [On or before July 1, 2011, six] SIX hundred dollars for each
33 pesticide proposed to be registered, provided that the applicant has
34 submitted to the department proof in the form of a federal income tax
35 return for the previous year showing gross annual sales, for federal
36 income tax purposes, of three million five hundred thousand dollars or
37 less;

38 b. [On or before July 1, 2011, for] FOR all others, six hundred twenty
39 dollars for each pesticide proposed to be registered[;

40 c. After July 1, 2011, fifty dollars for each pesticide proposed to be
41 registered].

42 S 3. This act shall take effect immediately and shall be deemed to
43 have been in full force and effect on and after April 1, 2011.

44 PART T

45 Section 1. Section 16 of the agriculture and markets law is amended by
46 adding a new subdivision 45 to read as follows:

47 45. ISSUE REQUESTS FOR PROPOSALS TO IMPLEMENT AGRICULTURAL PROJECT
48 GRANTS WITHIN THE LIMITS OF ANY APPROPRIATIONS THEREFOR; AND CONTRACT
49 FOR SERVICES TO CARRY OUT SUCH PROGRAM.

1 A. THE COMMISSIONER MAY AWARD GRANTS, WITHIN AVAILABLE FUNDING, FOR
2 THE ESTABLISHMENT, MAINTENANCE, OR EXPANSION OF AGRICULTURAL INITI-
3 ATIVES, LOCAL UNIVERSITY PROGRAMS, FARM VIABILITY INITIATIVES, OR FOR
4 OPERATING ASSISTANCE FOR PROGRAMS OF REGIONAL OR STATEWIDE SIGNIFICANCE
5 RELATED TO THE MARKETING, PROMOTION, EDUCATION AND RESEARCH OF AGRICUL-
6 TURAL PRODUCTS AND BUSINESS MANAGEMENT, ENVIRONMENTAL MANAGEMENT,
7 OUTREACH AND COUNSELING.

8 B. GRANTS SHALL BE AWARDED ON A COMPETITIVE BASIS THROUGH A REQUEST
9 FOR PROPOSAL PROCESS. SUCH GRANTS SHALL BE AWARDED FOR WORTHWHILE
10 PROJECTS THROUGHOUT THE STATE, TO THE EXTENT PRACTICABLE, SO THAT BROAD
11 GEOGRAPHIC REPRESENTATION IS ACHIEVED.

12 C. THE COMMISSIONER IS HEREBY AUTHORIZED TO ESTABLISH PROGRAM GUIDE-
13 LINES FOR PROPOSAL SUBMISSION PURSUANT TO THIS SECTION, INCLUDING BUT
14 NOT LIMITED TO: ELIGIBLE APPLICANTS; PROJECT ELIGIBILITY AND SELECTION
15 PROCESS; PROJECT PROPOSAL FORMAT; ELIGIBLE COSTS; PROJECT IMPLEMENTA-
16 TION; AND REPORTING.

17 S 2. Subdivision 7 of section 297 of the agriculture and markets law,
18 as added by chapter 269 of the laws of 2000, is amended to read as
19 follows:

20 7. Grant awards. Project grants for contractual services that further
21 development of the state's food and agriculture industry as described in
22 this article shall be awarded on a competitive basis through a request
23 for proposal process. Such grants shall be awarded for worthwhile
24 projects throughout the state, to the extent practicable, so that broad
25 geographic representation is achieved. At least one solicitation for
26 project proposals shall be held within each fiscal year in which appro-
27 priations are made for the food and agriculture industry development
28 program. [Grant awards for an individual project shall not exceed sixty
29 thousand dollars within a single state fiscal year.]

30 S 3. Paragraph b of subdivision 1 of section 329 of the agriculture
31 and markets law, as added by chapter 249 of the laws of 2004, is amended
32 to read as follows:

33 b. to an applicant, other than a county agricultural and farmland
34 protection board, for the development of a farmland viability plan or a
35 portion of such a plan, which shall assess overall farm profitability
36 and identify potential strategies for improved farm profitability such
37 as farm expansion, value added production, diversification, environ-
38 mental management, or marketing and promotional activities, [and] OR

39 S 4. This act shall take effect immediately.

40 PART U

41 Section 1. Subparagraph (i) of paragraph c of subdivision 3 of section
42 16-s of section 1 of chapter 174 of the laws of 1968, constituting the
43 urban development corporation act, as amended by section 1 of part XX of
44 chapter 59 of the laws of 2009, is amended to read as follows:

45 (i) An eligible food market applicant may be a for-profit business
46 enterprise (including a corporation, limited liability company, sole
47 proprietor, cooperative or partnership), [a nonprofit organization]
48 NOT-FOR-PROFIT CORPORATION, AGRICULTURAL COOPERATIVE CORPORATION, PUBLIC
49 BENEFIT CORPORATION, MUNICIPAL CORPORATION, REGIONAL MARKET FACILITY, or
50 a food cooperative.

51 S 2. Section 16 of the agriculture and markets law is amended by
52 adding new subdivision 46 to read as follows:

53 46. WITHIN THE AMOUNT OF MONIES APPROPRIATED OR OTHERWISE MADE AVAIL-
54 ABLE THEREFOR, ESTABLISH, ADMINISTER AND OPERATE, OR PROVIDE FOR THE

ADMINISTRATION AND OPERATION OF, A PROGRAM, WHICH MAY INCLUDE ESTABLISHMENT OF A REVOLVING LOAN FUND, TO ASSIST IN THE DEVELOPMENT, IMPLEMENTATION AND OPERATION OF AGRICULTURAL PROGRAMS.

S 3. Section 260 of the agriculture and markets law is amended by adding a new subdivision 9 to read as follows:

9. "FOOD DESERT" SHALL MEAN AN AREA WITH LIMITED ACCESS TO AFFORDABLE AND NUTRITIOUS FOOD, PARTICULARLY SUCH AN AREA THAT IS COMPOSED OF PREDOMINATELY LOWER-INCOME NEIGHBORHOODS AND COMMUNITIES.

S 4. Subdivision 1 of section 262 of the agriculture and markets law, as amended by chapter 612 of the laws of 2006, and paragraph (b) as amended by chapter 126 of the laws of 2007, is amended to read as follows:

1. There is hereby created within the department a program of grants for the purpose of providing state assistance for farmer's markets. In administering such program, the commissioner, to the extent feasible, shall ensure an equitable distribution of awards to rural areas and other areas of the state. State assistance provided pursuant to this section may be awarded for:

(a) the construction, reconstruction, improvement, expansion or rehabilitation of farmers' markets. Grants provided pursuant to this paragraph shall not exceed the lesser of fifty percent of project cost or fifty thousand dollars per project in any fiscal year.

(b) the purpose of providing promotional support for farmer's markets. Grants provided pursuant to this paragraph shall not exceed the lesser of fifty percent of project cost or [five] SEVEN thousand FIVE HUNDRED dollars per applicant in any fiscal year.

(C) EQUIPMENT COSTS ASSOCIATED WITH IMPROVING FARMERS' MARKET FUNCTIONS, INCLUDING BUT NOT LIMITED TO EXPANDING ACCESS TO ELECTRONIC BENEFIT TRANSFER TECHNOLOGY FOR FARMERS' MARKETS AND OTHER NON-TRADITIONAL FOOD ACCESS POINTS IN FOOD DESERTS IN THE STATE.

S 5. This act shall take effect immediately.

PART V

Section 1. Article 4-A of the navigation law is REPEALED.

S 2. Subdivision 3 of section 97-nn of the state finance law, as amended by chapter 524 of the laws of 2008, is amended to read as follows:

3. The "I love NY waterways" boating safety account shall consist of the revenues required to be deposited pursuant to the provisions of sections seventy-eight and two hundred one of the navigation law, and all other moneys credited or transferred thereto from any other fund or source pursuant to law and shall be available for the administration and enforcement of the boating safety program [including payments to counties for expenditures incurred in connection with such county's waterway boating safety program pursuant to section seventy-nine-b of the navigation law,] including costs and expenses incidental and appurtenant thereto.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011.

PART W

Section 1. Subdivision 3 of section 99-h of the state finance law, as amended by section 1 of part QQ of chapter 59 of the laws of 2009, is amended to read as follows:

1 3. Moneys of the account, following [appropriation] THE SEGREGATION OF
2 APPROPRIATIONS ENACTED by the legislature, shall be available for
3 purposes including but not limited to: (a) reimbursements or payments to
4 municipal governments that host tribal casinos pursuant to a tribal-
5 state compact for costs incurred in connection with services provided to
6 such casinos or arising as a result thereof, for economic development
7 opportunities and job expansion programs authorized by the executive
8 law; provided, however, that for any gaming facility located in the city
9 of Buffalo, the city of Buffalo shall receive a minimum of twenty-five
10 percent of the negotiated percentage of the net drop from electronic
11 gaming devices the state receives pursuant to the compact, and provided
12 further that for any gaming facility located in the city of Niagara
13 Falls, county of Niagara a minimum of twenty-five percent of the negoti-
14 ated percentage of the net drop from electronic gaming devices the state
15 receives pursuant to the compact shall be distributed in accordance with
16 subdivision four of this section, and provided further that for any
17 gaming facility located in the county or counties of Cattaraugus, Chau-
18 tauqua or Allegany, the municipal governments of the state hosting the
19 facility shall collectively receive a minimum of twenty-five percent of
20 the negotiated percentage of the net drop from electronic gaming devices
21 the state receives pursuant to the compact; and provided further that
22 pursuant to chapter five hundred ninety of the laws of two thousand
23 four, a minimum of twenty-five percent of the revenues received by the
24 state pursuant to the state's compact with the St. Regis Mohawk tribe
25 shall be made available to the counties of Franklin and St. Lawrence,
26 and affected towns in such counties. Each such county and its affected
27 towns shall receive fifty percent of the moneys made available by the
28 state; and (b) support and services of treatment programs for persons
29 suffering from gambling addictions. Moneys not [appropriated] SEGREGATED
30 for such purposes shall be transferred to the general fund for the
31 support of government during the fiscal year in which they are received.

32 S 2. Subdivision 3 of section 99-h of the state finance law, as
33 amended by section 1 of part V of chapter 59 of the laws of 2006, is
34 amended to read as follows:

35 3. Moneys of the account, following [appropriation] THE SEGREGATION OF
36 APPROPRIATIONS ENACTED by the legislature, shall be available for
37 purposes including but not limited to: (a) reimbursements or payments to
38 municipal governments that host tribal casinos pursuant to a tribal-
39 state compact for costs incurred in connection with services provided to
40 such casinos or arising as a result thereof, for economic development
41 opportunities and job expansion programs authorized by the executive
42 law; provided, however, that for any gaming facility located in the
43 county of Erie or Niagara, the municipal governments hosting the facili-
44 ty shall collectively receive a minimum of twenty-five percent of the
45 negotiated percentage of the net drop from electronic gaming devices the
46 state receives pursuant to the compact and provided further that for any
47 gaming facility located in the county or counties of Cattaraugus, Chau-
48 tauqua or Allegany, the municipal governments of the state hosting the
49 facility shall collectively receive a minimum of twenty-five percent of
50 the negotiated percentage of the net drop from electronic gaming devices
51 the state receives pursuant to the compact; and provided further that
52 pursuant to chapter five hundred ninety of the laws of two thousand
53 four, a minimum of twenty-five percent of the revenues received by the
54 state pursuant to the state's compact with the St. Regis Mohawk tribe
55 shall be made available to the counties of Franklin and St. Lawrence,
56 and affected towns in such counties. Each such county and its affected

towns shall receive fifty percent of the moneys made available by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not [appropriated] SEGREGATED for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 3. Clause 5 of subparagraph (ii) of paragraph (a) of subdivision 4 of section 99-h of the state finance law, as amended by section 2 of part QQ of chapter 59 of the laws of 2009, is amended to read as follows:

(5) within thirty-five days upon receipt of such funds by such city, one percent [or three hundred fifty thousand dollars, whichever is greater,] of the total annual amount received in each year, NOT TO EXCEED THREE HUNDRED FIFTY THOUSAND DOLLARS ANNUALLY shall be transferred to the Niagara Falls Underground Railroad Heritage Commission, established pursuant to article forty-three of the parks, recreation and historic preservation law to be used for, but not limited to, development, capital improvements, acquisition of real property, and acquisition of personal property within the heritage area in the city of Niagara Falls as established pursuant to the commission; and

S 4. This act shall take effect immediately; provided that:

(a) the amendments to subdivision 3 of section 99-h of the state finance law made by section one of this act shall be subject to the expiration and reversion of such section pursuant to section 2 of chapter 747 of the laws of 2006, as amended, when upon such date the provisions of section two of this act shall take effect; and

(b) the amendments to clause 5 of subparagraph (ii) of paragraph (a) of subdivision 4 of section 99-h of the state finance law made by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

PART X

Section 1. The racing, pari-mutuel wagering and breeding law is amended by adding a new section 113 to read as follows:

S 113. SUPPLEMENTAL REGULATORY FEE. 1. IN ORDER TO PROVIDE SUPPLEMENTAL FUNDING TO SUPPORT THE OPERATIONS OF THE STATE RACING AND WAGERING BOARD, THE STATE RACING AND WAGERING BOARD SHALL, AS A CONDITION OF RACING, REQUIRE ANY CORPORATION AUTHORIZED UNDER THIS CHAPTER TO CONDUCT PARI-MUTUEL BETTING AT A RACE MEETING OR RACES RUN THEREAT TO WITHHOLD TWO AND THREE-QUARTERS PERCENT OF ALL PURSES. THE TOTAL AMOUNT COLLECTED BASED ON PURSES IN RACES CONDUCTED DURING THE PRECEDING MONTH SHALL BE PAID TO THE RACING AND WAGERING BOARD ON THE FIFTEENTH DAY OF EACH MONTH. PAYMENT SHALL BE ACCOMPANIED BY A REPORT, UNDER OATH, SHOWING SUCH INFORMATION AS THE BOARD MAY REQUIRE. A PENALTY OF FIVE PERCENT, AND INTEREST AT THE RATE OF ONE PERCENT PER MONTH FROM THE DATE THE REPORT IS REQUIRED TO BE FILED TO THE DATE OF THE PAYMENT OF THE REQUIRED AMOUNT SHALL BE PAYABLE IN CASE ANY AMOUNT IMPOSED BY THIS SUBDIVISION IS NOT PAID WHEN DUE. IF THE BOARD DETERMINES THAT ANY FEES RECEIVED BY IT UNDER THIS SUBDIVISION WERE PAID IN ERROR, THE BOARD MAY CAUSE THE SAME TO BE REFUNDED WITHOUT INTEREST OUT OF ANY MONIES COLLECTED HEREUNDER, PROVIDED AN APPLICATION THEREFORE IS FILED WITH THE BOARD WITHIN ONE YEAR FROM THE TIME THE ERRONEOUS PAYMENT IS MADE.

2. THE BOARD OR ITS DULY AUTHORIZED REPRESENTATIVES SHALL HAVE THE POWER TO EXAMINE OR CAUSE TO BE EXAMINED THE BOOKS AND RECORDS OF SUCH CORPORATIONS REQUIRED TO PAY OVER THE FEE IMPOSED BY THIS SECTION FOR THE PURPOSE OF EXAMINING AND CHECKING THE SAME AND ASCERTAINING WHETHER

1 THE PROPER AMOUNT OR AMOUNTS DUE ARE BEING PAID. IF IN THE OPINION OF
2 THE BOARD, AFTER SUCH EXAMINATION, ANY SUCH REPORT IS INCORRECT, THE
3 BOARD IS AUTHORIZED TO ISSUE AN ASSESSMENT FIXING THE CORRECT AMOUNT OF
4 SUCH FEE. SUCH ASSESSMENTS MAY BE ISSUED WITHIN THREE YEARS FROM THE
5 FILING OF ANY REPORT. ANY SUCH ASSESSMENT SHALL BE FINAL AND CONCLUSIVE
6 UNLESS AN APPLICATION FOR A HEARING IS FILED BY THE REPORTING ENTITY
7 WITHIN THIRTY DAYS OF THE ASSESSMENT. THE ACTION OF THE BOARD IN MAKING
8 SUCH FINAL ASSESSMENT SHALL BE REVIEWABLE IN THE SUPREME COURT IN THE
9 MANNER PROVIDED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE
10 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

11 3. THE BOARD SHALL PAY INTO THE RACING REGULATION ACCOUNT, ESTABLISHED
12 PURSUANT TO SECTION NINETY-NINE-I OF THE STATE FINANCE LAW, UNDER THE
13 JOINT CUSTODY OF THE COMPTROLLER AND THE BOARD, THE TOTAL AMOUNT OF THE
14 FEES RECEIVED PURSUANT TO THIS SECTION. WITH THE APPROVAL OF THE DIREC-
15 TOR OF THE BUDGET, MONIES TO BE UTILIZED TO PAY THE COSTS AND EXPENSES
16 OF THE OPERATIONS OF THE STATE RACING AND WAGERING BOARD SHALL BE PAID
17 OUT OF SUCH ACCOUNT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON
18 VOUCHERS, CERTIFIED AND APPROVED BY THE DIRECTOR OF THE DIVISION OF THE
19 BUDGET OR HIS OR HER DULY DESIGNATED OFFICIAL.

20 S 2. This act shall take effect immediately.

21 PART Y

22 Section 1. Subdivisions 1 and 6 of section 408 of the general business
23 law, as added by chapter 509 of the laws of 1992, are amended to read as
24 follows:

25 1. All licenses shall expire [two] FOUR years from the date of issu-
26 ance.

27 6. Any license, which has not been suspended or revoked, may, upon the
28 payment of the renewal fee, be renewed for additional periods of [two]
29 FOUR years from its application, without further examination, upon the
30 filing of an application for such renewal, on a form to be prescribed by
31 the secretary.

32 S 2. Subdivisions 1, 2 and 7 of section 409 of the general business
33 law, subdivision 1 as amended by chapter 341 of the laws of 1998 and
34 subdivisions 2 and 7 as added by chapter 509 of the laws of 1992, are
35 amended to read as follows:

36 1. The non-refundable fee for an application for a license to engage
37 in the practice of nail specialty, waxing, natural hair styling, esthet-
38 ics or cosmetology, shall be [twenty] FORTY dollars initially and for
39 each renewal thereof the fee shall be [twenty] FORTY dollars; the fee
40 for a temporary license and each renewal shall be ten dollars.

41 2. The fee for an appearance enhancement business license shall be
42 [thirty] SIXTY dollars initially and [thirty] SIXTY dollars for each
43 renewal thereof.

44 7. The fees herein set forth shall be those for licenses issued for
45 the license period of [two] FOUR years.

46 S 3. Subdivisions 2 and 4 of section 437 of the general business law,
47 subdivision 2 as amended by chapter 497 of the laws of 1985 and subdivi-
48 sion 4 as added by chapter 801 of the laws of 1946 and as renumbered by
49 chapter 263 of the laws of 1949, are amended to read as follows:

50 2. A certificate of registration as an apprentice shall be for a peri-
51 od of [two] FOUR years.

52 4. A certificate of registration expiring in any year, which has not
53 been revoked, may, upon payment of the fee prescribed by this article,
54 be renewed for additional periods of [two] FOUR years upon filing an

1 application therefor and the certificate mentioned in subdivision two on
2 condition, however, that no certificate of registration may be issued
3 after one renewal, unless the applicant for such certificate of regis-
4 tration has complied with all the provisions of this article relating to
5 apprentices.

6 S 4. Subdivisions 1 and 4 of section 439 of the general business law,
7 subdivision 1 as amended by chapter 497 of the laws of 1985 and subdivi-
8 sion 4 as amended by chapter 243 of the laws of 1999, are amended to
9 read as follows:

10 1. All licenses, except temporary licenses, shall be for a period of
11 [two] FOUR years.

12 4. Any license or certificate, except a temporary license, which has
13 not been suspended or revoked, may, upon the payment of the renewal fee
14 prescribed by this article, be renewed for additional periods of [two]
15 FOUR years from its expiration, without further examination, upon the
16 filing of any application for such renewal, on a form to be prescribed
17 by the secretary of state, accompanied by the certificate required by
18 paragraph (c) and the certificate of completion required by paragraph
19 (e-1) of subdivision one of section four hundred thirty-four of this
20 article.

21 S 5. Subdivisions 1, 2, 4 and 8 of section 440 of the general business
22 law, as amended by chapter 61 of the laws of 1989, are amended to read
23 as follows:

24 1. The fee for a license to engage in the practice of barbering shall
25 be [twenty] FORTY dollars and for each renewal thereof the fee shall be
26 [twenty] FORTY dollars.

27 2. The fee for a license to conduct a barber shop shall be [thirty]
28 SIXTY dollars and for each renewal thereof the fee shall be [thirty]
29 SIXTY dollars.

30 4. The fee for the registration or the renewal of the registration of
31 an apprentice shall be [ten] TWENTY dollars.

32 8. The fees hereinabove set forth shall be those for licenses issued
33 for the license period of [two] FOUR years. Notwithstanding the
34 provisions of subdivision one of section four hundred thirty-nine of
35 this article, after [January first, nineteen hundred eighty-six] APRIL
36 FIRST, TWO THOUSAND ELEVEN, the secretary of state shall assign stag-
37 gered expiration dates for outstanding licenses that have been previous-
38 ly renewed [on June thirtieth of each year] and such licenses shall
39 thereafter expire [two] FOUR years from the assigned date unless
40 renewed. [If the assigned date results in a term that exceeds twenty-
41 four months, the applicant shall pay an additional prorated adjustment
42 together with the regular renewal fee.] The secretary of state shall
43 assign dates to existing licenses in a manner which shall result in a
44 term of not less than [two] FOUR years.

45 S 6. This act shall take effect immediately.

46 PART Z

47 Section 1. The real property tax law is amended by adding a new
48 section 104 to read as follows:

49 S 104. ELECTRONIC REAL PROPERTY TAX ADMINISTRATION. 1. NOTWITHSTAND-
50 ING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER IS HEREBY
51 AUTHORIZED TO ESTABLISH STANDARDS FOR ELECTRONIC REAL PROPERTY TAX
52 ADMINISTRATION (E-RPT). SUCH STANDARDS SHALL SET FORTH THE TERMS AND
53 CONDITIONS UNDER WHICH THE VARIOUS TASKS ASSOCIATED WITH REAL PROPERTY
54 TAX ADMINISTRATION MAY BE EXECUTED ELECTRONICALLY, DISPENSING WITH THE

1 NEED FOR PAPER DOCUMENTS. SUCH TASKS SHALL INCLUDE BUT NOT BE LIMITED
2 TO:

- 3 (A) THE FILING OF EXEMPTION APPLICATIONS;
- 4 (B) THE FILING OF PETITIONS FOR ADMINISTRATIVE REVIEW OF ASSESSMENTS;
- 5 (C) THE FILING OF PETITIONS FOR JUDICIAL REVIEW OF ASSESSMENTS;
- 6 (D) THE FILING OF APPLICATIONS FOR ADMINISTRATIVE CORRECTIONS OF
7 ERRORS;
- 8 (E) THE ISSUANCE OF STATEMENTS OF TAXES;
- 9 (F) THE PAYMENT OF TAXES, SUBJECT TO THE PROVISIONS OF SECTIONS FIVE
10 AND FIVE-B OF THE GENERAL MUNICIPAL LAW;
- 11 (G) THE PROVISION OF RECEIPTS FOR THE PAYMENT OF TAXES;
- 12 (H) THE ISSUANCE OF TAXPAYER NOTICES REQUIRED BY LAW, INCLUDING
13 SECTIONS FIVE HUNDRED EIGHT, FIVE HUNDRED TEN, FIVE HUNDRED TEN-A, FIVE
14 HUNDRED ELEVEN, FIVE HUNDRED TWENTY-FIVE AND FIVE HUNDRED FIFTY-ONE-A
15 THROUGH FIVE HUNDRED FIFTY-SIX-B OF THIS CHAPTER; AND
- 16 (I) THE FURNISHING OF NOTICES AND CERTIFICATES UNDER THIS CHAPTER
17 RELATING TO STATE EQUALIZATION RATES, RESIDENTIAL ASSESSMENT RATIOS,
18 SPECIAL FRANCHISE ASSESSMENTS, RAILROAD CEILINGS, TAXABLE STATE LANDS,
19 ADVISORY APPRAISALS, AND THE CERTIFICATION OF ASSESSORS AND COUNTY
20 DIRECTORS OR REAL PROPERTY TAX SERVICES.

21 2. SUCH STANDARDS SHALL BE DEVELOPED AFTER CONSULTATION WITH LOCAL
22 GOVERNMENT OFFICIALS, THE OFFICE OF COURT ADMINISTRATION AND THE OFFICE
23 OF THE STATE COMPTROLLER.

24 3. (A) TAXPAYERS SHALL NOT BE OBLIGED TO ACCEPT NOTICES, STATEMENTS OF
25 TAXES, RECEIPTS FOR THE PAYMENT OF TAXES, OR OTHER DOCUMENTS ELECTRON-
26 ICALLY UNLESS THEY HAVE SO ELECTED. TAXPAYERS WHO HAVE NOT SO ELECTED
27 SHALL BE SENT SUCH COMMUNICATIONS IN THE MANNER OTHERWISE PROVIDED BY
28 LAW.

29 (B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ASSESSORS
30 AND OTHER MUNICIPAL OFFICIALS, SPECIAL FRANCHISE OWNERS AND RAILROAD
31 COMPANIES SHALL BE OBLIGED TO ACCEPT AND RESPOND TO COMMUNICATIONS FROM
32 THE COMMISSIONER ELECTRONICALLY UNLESS HE, SHE OR IT HAS CERTIFIED TO
33 THE COMMISSIONER THAT HE, SHE OR IT IS INCAPABLE OF DOING SO DUE TO A
34 LACK OF THE NECESSARY HARDWARE OR SOFTWARE.

35 (C) THE STANDARDS PRESCRIBED BY THE COMMISSIONER PURSUANT TO THIS
36 SECTION SHALL PROVIDE FOR THE COLLECTION OF ELECTRONIC CONTACT INFORMA-
37 TION, SUCH AS E-MAIL ADDRESSES AND/OR SOCIAL NETWORK USERNAMES, FROM
38 TAXPAYERS WHO HAVE ELECTED TO RECEIVE ELECTRONIC COMMUNICATIONS IN
39 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH INFORMATION SHALL
40 BE EXEMPT FROM PUBLIC DISCLOSURE IN ACCORDANCE WITH SECTION EIGHTY-NINE
41 OF THE PUBLIC OFFICERS LAW.

42 4. WHEN A DOCUMENT HAS BEEN TRANSMITTED ELECTRONICALLY IN ACCORDANCE
43 WITH THE PROVISIONS OF THIS SECTION AND THE STANDARDS ADOPTED BY THE
44 COMMISSIONER HEREUNDER, IT SHALL BE DEEMED TO SATISFY THE APPLICABLE
45 LEGAL REQUIREMENTS TO THE SAME EXTENT AS IF IT HAD BEEN MAILED VIA THE
46 UNITED STATES POSTAL SERVICE.

47 S 2. Subdivision 1 of section 500 of the real property tax law, as
48 amended by chapter 479 of the laws of 2008, is amended to read as
49 follows:

50 1. The assessors in each city and town shall maintain an inventory of
51 all the real property located therein including the names of the owners
52 thereof and complete an annual update thereto on or before the first day
53 of March. The physical characteristics of real property included in such
54 inventory shall constitute a public record and shall be available for
55 public inspection and copying in accordance with paragraph (b) of subdi-
56 vision two of section eighty-seven of the public officers law except as

provided in paragraphs (d) and (f) of subdivision two of section eight-y-seven of the public officers law. Disclosure of the inventory data shall not be considered an unwarranted invasion of personal privacy as defined in subdivision two of section eighty-nine of the public officers law. FOR ASSESSMENT ROLLS WITH TAXABLE STATUS DATES OCCURRING ON AND AFTER MARCH FIRST, TWO THOUSAND TWELVE, ALL SUCH RECORDS SHALL BE MAINTAINED ELECTRONICALLY, IN A FORMAT PRESCRIBED OR APPROVED BY THE COMMISSIONER.

S 3. The opening paragraph of paragraph (a) of subdivision 1 of section 922 of the real property tax law, as amended by section 5 of part B of chapter 389 of the laws of 1997, is amended to read as follows:

Upon receipt of the tax roll and warrant, the collecting officer shall mail OR, SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED FOUR OF THIS CHAPTER, TRANSMIT ELECTRONICALLY to each owner of real property at the tax billing address listed thereon a statement showing the amount of taxes due on the property. The statement must contain:

S 4. Subdivision 1 of section 925 of the real property tax law, as separately amended by chapters 513 and 568 of the laws of 2002, is amended to read as follows:

1. (A) Notwithstanding any contrary provision of this chapter, or of any general, special or local law, code or charter, if payment for the amount of any taxes on real property, accompanied by the statement of such taxes, is enclosed in a postpaid wrapper properly addressed to the appropriate collecting officer and is deposited in a post office or official depository under the exclusive care and custody of the United States [post office] POSTAL SERVICE, such payment shall, upon delivery, be deemed to have been made to such officer on the date of the United States postmark on such wrapper. If the postmark does not appear on such wrapper or the postmark is illegible such payment shall be deemed to have been made on the date of delivery to such collecting officer. As used in this section, "taxes on real property" includes special ad valorem levies and special assessments.

(B) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO A PAYMENT THAT HAS BEEN MADE ELECTRONICALLY PURSUANT TO SECTION FIVE-B OF THE GENERAL MUNICIPAL LAW, BUT SHALL APPLY TO A PAYMENT THAT HAS BEEN MAILED VIA THE UNITED STATES POSTAL SERVICE BY A FINANCIAL INSTITUTION ACTING PURSUANT TO INSTRUCTIONS GIVEN TO IT BY A TAXPAYER ELECTRONICALLY.

S 5. Section 925-c of the real property tax law, as added by section 11 of part X of chapter 62 of the laws of 2003, is amended to read as follows:

S 925-c. Payment of real property taxes via the internet. [1.] Notwithstanding any contrary provision of this chapter, or of any general, special or local law, code or charter, [if payment for the amount of any taxes on real property, accompanied by sufficient language to identify the property and tax levy, is received via the internet, such payment is considered received by the appropriate officer and paid by the taxpayer at the time the internet transaction is completed and sent by the taxpayer.

2. Any local government authorizing the payment of taxes via the internet pursuant to section five-b of the general municipal law shall provide a confirmation page to the taxpayer following the completion of the internet transaction. Such confirmation page shall include, at least, the following:

(a) the date the transaction was completed and sent by the taxpayer; and

(b) a notice to the taxpayer to print out and retain the confirmation page as his or her receipt] REAL PROPERTY TAXES MAY BE PAID VIA THE INTERNET UNDER THE TERMS AND CONDITIONS SET FORTH IN SECTION FIVE-B OF THE GENERAL MUNICIPAL LAW.

S 6. Subdivisions 3 and 3-a of section 955 of the real property tax law, subdivision 3 as amended by section 7 of part B of chapter 389 of the laws of 1997 and subdivision 3-a as added by chapter 365 of the laws of 2010, are amended to read as follows:

3. No later than three weeks after a tax has been paid by a mortgage investing institution pursuant to this title, the collecting officer shall deliver [or], mail, OR, SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED FOUR OF THIS CHAPTER, TRANSMIT ELECTRONICALLY a receipt to the mortgagor for whom the real property tax escrow account is maintained. Each such receipt shall be in the same format as a statement of taxes, except that the word "Paid" (or an equivalent word or words) and the date of payment shall be clearly displayed thereon. The receipt may also display, if the collecting officer so elects, the name, title and signature (or initials) of the collecting officer or of the authorized subordinate who received the payment.

[3-a. (a) The collecting officer shall deliver or mail the receipt required under subdivision three of this section unless a taxpayer requests to receive such receipt electronically, in which case the collecting officer shall make an electronic receipt available to the taxpayer. The collecting officer shall notify all taxpayers that any availability of electronic receipts does not preclude a taxpayer from electing to receive a copy of his or her tax receipt in the mail or in person.

(b) The provisions of paragraph (a) of this subdivision shall apply only to a city, town, or village which by local law provides that electronic availability of such receipts shall be an authorized means of delivery.]

S 7. Subdivision 1 of section 986 of the real property tax law, as amended by section 8 of part B of chapter 389 of the laws of 1997, is amended to read as follows:

1. The collecting officer shall upon request or by notice on the tax bill of a person paying a tax, deliver [or], forward by mail, OR, SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED FOUR OF THIS CHAPTER, TRANSMIT ELECTRONICALLY a receipt to such person specifying the date of such payment, the name of such person, the description of the property as shown on the tax roll, the name of the person to whom the same is assessed, the amount of such tax and the date of delivery to such officer of the tax roll on account of which such tax was paid, except that the collecting officer of the city of New York shall not be required to give such a receipt unless payment of a tax is made in money or unless the person paying the tax makes a request therefor in writing. Nothing contained in this subdivision shall prevent the collecting officer from delivering [or], forwarding by mail, OR TRANSMITTING ELECTRONICALLY a receipt to any person paying a tax who does not request such a receipt or make a proper notation on the tax bill. Provided, however, if a tax is paid by a mortgage investing institution pursuant to title three-A of this article, a receipt for each paid tax bill shall be delivered [or], mailed, OR TRANSMITTED ELECTRONICALLY to the mortgagor pursuant to the provisions of section nine hundred fifty-five of this article.

S 8. Subdivision 1 of section 1590 of the real property tax law, as amended by section 3 of part X of chapter 56 of the laws of 2010, and as

1 further amended by subdivision (b) of section 1 of part W of chapter 56
2 of the laws of 2010, is amended to read as follows:

3 1. (A) A municipal corporation, other than a school district or a
4 village, which prepares assessment rolls by means of electronic data
5 processing, shall annually submit to the commissioner the data files
6 used in the preparation of each tentative and final assessment roll and
7 summaries of the information from the final assessment roll including as
8 a minimum the number of parcels, the total assessed value thereof, and
9 the total taxable assessed value thereof. Such information shall be
10 submitted within ten days of the time of filing the tentative or final
11 assessment roll, as provided for pursuant to section five hundred six or
12 five hundred sixteen of this chapter or such other law as may be appli-
13 cable.

14 (B)(I) In addition, if the assessing unit maintains a website, then
15 within ten days of the filing of the tentative assessment roll, it shall
16 post a copy of such roll on its website, with a link thereto prominently
17 displayed on its home page, and shall not remove the same before the
18 final assessment roll has been filed. In lieu of posting a copy of such
19 roll on its website, the assessing unit may cause such copy to be posted
20 on the website of the county in which it is located for the same period
21 of time as otherwise required by this subdivision, provided that a link
22 thereto shall be prominently displayed on the website of the assessing
23 unit.

24 (II) IF THE ASSESSING UNIT DOES NOT MAINTAIN A WEBSITE, THEN, WITHIN
25 TEN DAYS OF THE FILING OF THE TENTATIVE ASSESSMENT ROLL, IT SHALL CAUSE
26 A COPY OF SUCH ROLL TO BE POSTED ON THE WEBSITE OF THE COUNTY IN WHICH
27 IT IS LOCATED FOR THE SAME PERIOD OF TIME AS OTHERWISE REQUIRED BY THIS
28 SUBDIVISION.

29 (C) WITHIN TEN DAYS OF THE FILING OF THE FINAL ASSESSMENT ROLL, THE
30 ASSESSING UNIT SHALL CAUSE A COPY OF SUCH FINAL ROLL TO BE POSTED EITHER
31 ON ITS OWN WEBSITE OR ON THE COUNTY'S WEBSITE, IN THE SAME MANNER AND
32 SUBJECT TO THE SAME CONDITIONS AS PROVIDED IN PARAGRAPH (B) OF THIS
33 SUBDIVISION.

34 S 9. The real property tax law is amended by adding a new section 1591
35 to read as follows:

36 S 1591. PARCEL-BASED E-GOVERNMENT DATA SYSTEM. 1. THE COMMISSIONER IS
37 HEREBY AUTHORIZED TO IMPLEMENT A PARCEL-BASED ELECTRONIC GOVERNMENT
38 (E-GOVERNMENT) SYSTEM AS PROVIDED HEREIN.

39 2. THE SYSTEM SHALL COMPILE ALL ASSESSMENT-RELATED DATA, INCLUDING
40 ASSESSMENT ROLLS, INVENTORY, AND SALES DATA. THE NECESSARY DATA AND
41 HARDWARE SERVERS SHALL RESIDE AT THE STATE, REGIONAL OR COUNTY LEVEL,
42 AND SHALL BE ACCESSED THROUGH APPROPRIATE COMMUNICATIONS SYSTEMS AS
43 DEFINED BY THE COMMISSIONER.

44 3. THE SYSTEM SHALL, AT A MINIMUM: (A) MAKE AVAILABLE TO ALL ASSESSING
45 UNITS AND COUNTIES THE LATEST VERSION OF THE SOFTWARE DEVELOPED BY THE
46 COMMISSIONER FOR PROCESSING ASSESSMENT DATA, PROVIDED THAT SOFTWARE
47 UPDATES SHALL BE INCORPORATED AS NEEDED THROUGH AN ELECTRONIC MEANS THAT
48 SHALL REQUIRE NO ACTION ON THE PART OF THE USER;

49 (B) REDUCE OR ELIMINATE THE INEFFICIENCIES AND REDUNDANCIES IN THE
50 EXISTING SYSTEM, SUCH AS BY ENABLING ASSESSORS TO FILE REPORTS WITH THE
51 COMMISSIONER ELECTRONICALLY;

52 (C) BE A SECURE SYSTEM THAT IS ACCESSIBLE ONLY TO AUTHORIZED USERS OF
53 GEOGRAPHICALLY REFERENCED PARCEL-LEVEL INFORMATION, PROVIDED THAT
54 DIFFERENT CLASSES OF USERS SHALL BE GIVEN DIFFERENT LEVELS OF ACCESS, AS
55 DEFINED BY THE COMMISSIONER, LOCAL GOVERNMENTS SHALL HAVE UNRESTRICTED

ACCESS TO THE DATA RELATING TO THE PROPERTY WITHIN THEIR BORDERS, AND THE COMMISSIONER SHALL HAVE UNLIMITED ACCESS TO ALL DATA;

(D) ENABLE ALL DATA QUERIES TO BE MADE IN A UNIFORM MANNER, REGARDLESS OF WHERE THE DATA MAY RESIDE; AND

(E) ENSURE THAT ALL DATA IS REGULARLY BACKED UP FOR SECURITY PURPOSES.

4. THE COMMISSIONER IS AUTHORIZED TO ENTER INTO SERVICE AGREEMENTS WITH LOCAL OFFICIALS TO ENSURE THAT THE SYSTEM MAINTAINS ITS FUNCTIONALITY AND THAT THE DATA THEREON IS KEPT CURRENT AND ACCESSIBLE.

S 10. Section 5-b of the general municipal law, as added by section 10 of part X of chapter 62 of the laws of 2003, subdivision 1 as amended by chapter 741 of the laws of 2005, is amended to read as follows:

S 5-b. Collection of fines, civil penalties, rent, rates, taxes, fees, charges and other amounts via the internet. 1. The governing board of any local government, as that term is defined in section ten of this article, may, by local law, ordinance or resolution, determine that it is in the public interest and authorize such local government to provide for the acceptance of penalties, rents, rates, taxes, fees, charges, revenue, financial obligations or other amounts, including penalties, special assessments or interest via a municipal internet website OR THE WEBSITE OF A THIRD-PARTY VENDOR THAT HAS CONTRACTED WITH THE LOCAL GOVERNMENT TO RECEIVE SUCH PAYMENTS ON ITS BEHALF. Submission via the internet may not, however, be required as the sole method for the collection of fines, civil penalties, rent, rates, taxes, fees, charges and other amounts. Such payments shall be accepted via the internet in a manner and condition defined by such local government. Any method used to receive internet payments shall comply with article three of the state technology law and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum must (a) authenticate the identity of the sender; and (b) ensure the security of the information transmitted.

2. Any local government authorizing the payment of taxes via the internet shall provide OR DIRECT ITS VENDOR TO PROVIDE a confirmation page to the taxpayer following the completion of the internet transaction. Such confirmation page shall include, at least, the following:

(a) the date the internet transaction was completed and sent by the taxpayer; [and]

(b) THE AMOUNT PAID;

(C) A UNIQUE CONFIRMATION NUMBER; AND

(D) a notice [to] ADVISING the taxpayer to print out and retain the confirmation page as his or her receipt.

3. Payments received via the internet shall be considered received by the appropriate officer and paid by the taxpayer at the time the internet transaction is completed and sent by the taxpayer.

4. The underlying debt, lien, obligation, bill, account or other amount owed to the local government for which payment by internet is accepted by the local government shall not be expunged, cancelled, released, discharged or satisfied, and any receipt or other evidence of payment shall be deemed conditional, until the local government has received final and unconditional payment of the full amount due.

5. The governing board, in enacting a local law, ordinance or resolution pursuant to this section, shall designate which of its officers, charged with the duty of collecting or receiving moneys on behalf of the local government, shall be authorized to accept such payments via the internet.

6. THE STATE COMPTROLLER MAY ISSUE SUCH GUIDELINES AS HE OR SHE DEEMS APPROPRIATE GOVERNING THE USE OF THIRD PARTY VENDORS FOR THIS PURPOSE.

1 S 11. Subdivision 2 of section 89 of the public officers law, as added
2 by chapter 933 of the laws of 1977, subparagraph (iii) of paragraph (b)
3 and subparagraph (iii) of paragraph (c) as amended and subparagraph (iv)
4 of paragraph (c) as added by chapter 223 of the laws of 2008, subpara-
5 graph (v) of paragraph (b) as amended and subparagraph (vi) of paragraph
6 (b) as added by chapter 545 of the laws of 1998, is amended to read as
7 follows:

8 2. (a) The committee on public access to records may promulgate guide-
9 lines regarding deletion of identifying details or withholding of
10 records otherwise available under this article to prevent unwarranted
11 invasions of personal privacy. In the absence of such guidelines, an
12 agency may delete identifying details when it makes records available.

13 (b) An unwarranted invasion of personal privacy includes, but shall
14 not be limited to:

15 i. disclosure of employment, medical or credit histories or personal
16 references of applicants for employment;

17 ii. disclosure of items involving the medical or personal records of a
18 client or patient in a medical facility;

19 iii. sale or release of lists of names and addresses if such lists
20 would be used for solicitation or fund-raising purposes;

21 iv. disclosure of information of a personal nature when disclosure
22 would result in economic or personal hardship to the subject party and
23 such information is not relevant to the work of the agency requesting or
24 maintaining it; [or]

25 v. disclosure of information of a personal nature reported in confi-
26 dence to an agency and not relevant to the ordinary work of such agency;
27 [or]

28 vi. information of a personal nature contained in a workers' compen-
29 sation record, except as provided by section one hundred ten-a of the
30 workers' compensation law; OR

31 VII. DISCLOSURE OF ELECTRONIC CONTACT INFORMATION, SUCH AS AN E-MAIL
32 ADDRESS OR A SOCIAL NETWORK USERNAME, THAT HAS BEEN COLLECTED FROM A
33 TAXPAYER UNDER SECTION ONE HUNDRED FOUR OF THE REAL PROPERTY TAX LAW.

34 (c) Unless otherwise provided by this article, disclosure shall not be
35 construed to constitute an unwarranted invasion of personal privacy
36 pursuant to paragraphs (a) and (b) of this subdivision:

37 i. when identifying details are deleted;

38 ii. when the person to whom a record pertains consents in writing to
39 disclosure;

40 iii. when upon presenting reasonable proof of identity, a person seeks
41 access to records pertaining to him or her; or

42 iv. when a record or group of records relates to the right, title or
43 interest in real property, or relates to the inventory, status or char-
44 acteristics of real property, in which case disclosure and providing
45 copies of such record or group of records shall not be deemed an unwar-
46 ranted invasion of personal privacy, PROVIDED THAT NOTHING HEREIN SHALL
47 BE CONSTRUED TO AUTHORIZE THE DISCLOSURE OF ELECTRONIC CONTACT INFORMA-
48 TION, SUCH AS AN E-MAIL ADDRESS OR A SOCIAL NETWORK USERNAME, THAT HAS
49 BEEN COLLECTED FROM A TAXPAYER UNDER SECTION ONE HUNDRED FOUR OF THE
50 REAL PROPERTY TAX LAW.

51 S 12. The tax law is amended by adding a new section 35 to read as
52 follows:

53 S 35. USE OF ELECTRONIC MEANS OF COMMUNICATION. NOTWITHSTANDING ANY
54 OTHER PROVISION OF NEW YORK STATE LAW, WHERE THE DEPARTMENT HAS OBTAINED
55 AUTHORIZATION OF AN ONLINE SERVICES ACCOUNT HOLDER, IN SUCH FORM AS MAY
56 BE PRESCRIBED BY THE COMMISSIONER, THE DEPARTMENT MAY USE ELECTRONIC

1 MEANS OF COMMUNICATION TO FURNISH ANY DOCUMENT IT IS REQUIRED TO MAIL
2 PER LAW OR REGULATION. IF THE DEPARTMENT FURNISHES SUCH DOCUMENT IN
3 ACCORDANCE WITH THIS SECTION, DEPARTMENT RECORDS OF SUCH TRANSACTION
4 SHALL CONSTITUTE APPROPRIATE AND SUFFICIENT PROOF OF DELIVERY THEREOF
5 AND BE ADMISSIBLE IN ANY ACTION OR PROCEEDING.

6 S 13. Section 29 of the tax law, as added by section 1 of part UU1 of
7 chapter 57 of the laws of 2008 and paragraph (1) of subdivision (e) as
8 amended by section 1 of part G of chapter 57 of the laws of 2010, is
9 amended to read as follows:

10 S 29. Mandatory electronic filing and payment. (a) For purposes of
11 this section, the following terms have the specified meanings:

12 (1) "Authorized tax document" means a tax document which the commis-
13 sioner has authorized to be filed electronically.

14 (2) "Electronic" means computer technology.

15 (3) "Original tax document" means a tax document that is filed during
16 the calendar year for which that tax document is required or permitted
17 to be filed.

18 (4) "Tax" means any tax or other matter administered by the commis-
19 sioner pursuant to this chapter or any other provision of law[;
20 provided, however, that the term "tax" does not include the taxes
21 imposed by, or pursuant to the authority of, articles twenty-two, thir-
22 ty, thirty-A or thirty-B of this chapter].

23 (5) "Tax document" means a return, report or any other document relat-
24 ing to a tax or other matter administered by the commissioner.

25 (6) "Tax return preparer" means any person who prepares for compen-
26 sation, or who employs or engages one or more persons to prepare for
27 compensation, any authorized tax document. For purposes of this section,
28 the term "tax return preparer" also includes a payroll service.

29 (7) "Tax software" means any computer software program intended for
30 tax return preparation purposes. For purposes of this section, the term
31 "tax software" includes, but is not limited to, an off-the-shelf soft-
32 ware program loaded onto a tax return preparer's or taxpayer's computer,
33 an online tax preparation application, or a tax preparation application
34 hosted by the department.

35 (b) If a tax return preparer [prepared more than one hundred] PREPARES
36 ANY original tax [documents during any calendar year beginning on or
37 after January first, two thousand seven, and if, in any succeeding
38 calendar year that tax return preparer prepares one or more authorized
39 tax documents] DOCUMENT using tax software, then[, for that succeeding
40 calendar year and for each subsequent calendar year thereafter,] THAT
41 ORIGINAL TAX DOCUMENT AND all SUBSEQUENT authorized tax documents
42 prepared by that tax return preparer must be filed electronically, in
43 accordance with instructions prescribed by the commissioner.

44 (c) If a taxpayer does not utilize a tax return preparer to prepare an
45 authorized tax document [during any calendar year beginning on or after
46 January first, two thousand eight], but instead prepares that document
47 itself using tax software, then[, for that calendar year and for each
48 subsequent calendar year thereafter,] all authorized tax documents
49 prepared by the taxpayer using tax software must be filed electron-
50 ically, in accordance with instructions prescribed by the commissioner.

51 (d) [Any] THE COMMISSIONER MAY REQUIRE tax liability or other amount
52 due shown on, or required to be paid with, an authorized tax document
53 required to be filed electronically pursuant to subdivision (b) or (c)
54 of this section [must] TO be paid by the taxpayer electronically, in
55 accordance with instructions prescribed by the commissioner.

1 (e) Failure to electronically file or electronically pay. (1) If a
2 tax return preparer is required to file authorized tax documents elec-
3 tronically pursuant to subdivision (b) of this section, and that prepar-
4 er fails to file one or more of those documents electronically, then
5 that preparer will be subject to a penalty of [fifty] FIVE HUNDRED
6 dollars for [each] THE FIRST failure to electronically file an author-
7 ized tax document, AND ONE THOUSAND DOLLARS FOR EACH SUCCEEDING FAILURE
8 TO ELECTRONICALLY FILE AN AUTHORIZED TAX DOCUMENT, unless it is shown
9 that the failure is due to reasonable cause and not due to willful
10 neglect.

11 (2) If a taxpayer is required to ELECTRONICALLY FILE ANY AUTHORIZED
12 TAX DOCUMENTS OR electronically pay any tax liability or other amount
13 due shown on, or required to be paid with, an authorized tax document
14 required to be filed electronically pursuant to subdivision (b) or (c)
15 of this section, and that taxpayer fails to ELECTRONICALLY FILE ONE OR
16 MORE OF THOSE TAX DOCUMENTS OR electronically pay one or more of those
17 liabilities or other amounts due, then that taxpayer will be subject to
18 a penalty of fifty dollars for each INDIVIDUAL TAXPAYER'S failure to
19 ELECTRONICALLY FILE AN AUTHORIZED TAX DOCUMENT REQUIRED BY OR PURSUANT
20 TO THE AUTHORITY OF ARTICLE TWENTY-TWO, THIRTY, THIRTY-A OR THIRTY-B OF
21 THIS CHAPTER OR electronically pay ANY PERSONAL INCOME TAX IMPOSED BY OR
22 PURSUANT TO THE AUTHORITY OF ANY OF THOSE ARTICLES, AND ONE HUNDRED
23 DOLLARS FOR EACH FAILURE TO ELECTRONICALLY FILE ANY OTHER AUTHORIZED TAX
24 DOCUMENT OR ELECTRONICALLY PAY ANY OTHER TAX, UNLESS IT IS SHOWN THAT
25 THE FAILURE IS DUE TO REASONABLE CAUSE AND NOT DUE TO WILLFUL NEGLECT.
26 IN ADDITION, ANY TAXPAYER THAT FAILS TO ELECTRONICALLY FILE AN AUTHOR-
27 IZED TAX DOCUMENT FOR ANY TAX OTHER THAN AN INDIVIDUAL TAXPAYER WHO
28 FAILS TO FILE AN AUTHORIZED TAX DOCUMENT FOR ANY PERSONAL INCOME TAX
29 IMPOSED BY OR PURSUANT TO THE AUTHORITY OF ARTICLE TWENTY-TWO, THIRTY,
30 THIRTY-A OR THIRTY-B WILL BE SUBJECT TO THE PENALTY IMPOSED UNDER THE
31 APPLICABLE ARTICLE FOR THE FAILURE TO FILE A RETURN OR REPORT, WHETHER A
32 PAPER RETURN OR REPORT HAS BEEN FILED OR NOT.

33 (3) The penalties provided for by this subdivision must be paid upon
34 notice and demand, and will be assessed, collected and paid in the same
35 manner as the tax to which the electronic transaction relates. However,
36 if the electronic transaction relates to another matter administered by
37 the commissioner, then the [penally] PENALTY will be assessed, collected
38 and paid in the same manner as prescribed by article twenty-seven of
39 this chapter.

40 (4) IF A TAXPAYER OR TAX RETURN PREPARER FAILS TO ELECTRONICALLY FILE
41 AN AUTHORIZED TAX DOCUMENT WHEN REQUIRED TO DO SO PURSUANT TO SUBDIVI-
42 SION (B) OR (C) OF THIS SECTION, THE TAXPAYER SHALL NOT BE ELIGIBLE TO
43 RECEIVE INTEREST ON ANY OVERPAYMENT IN ACCORDANCE WITH THE OVERPAYMENT
44 PROVISIONS OF THIS CHAPTER UNTIL SUCH DOCUMENT IS FILED ELECTRONICALLY.

45 (f) The provisions of sections nine and ten of this chapter are not
46 affected by this section and will remain in full force and effect.

47 (g) The commissioner is authorized to promulgate any regulations
48 necessary to implement this section.

49 S 14. Paragraph 10 of subsection (g) of section 658 of the tax law is
50 REPEALED.

51 S 15. Paragraph 10 of subdivision (g) of section 11-1758 of the admin-
52 istrative code of the city of New York is REPEALED.

53 S 16. Paragraph 5 of subsection (u) of section 685 of the tax law is
54 REPEALED.

55 S 17. Paragraph 5 of subdivision (t) of section 11-1785 of the admin-
56 istrative code of the city of New York is REPEALED.

1 S 18. Subparagraph (A) of paragraph 3 of subsection (c) of section 658
2 of the tax law, as amended by section 1 of part H-1 of chapter 57 of the
3 laws of 2009, is amended to read as follows:

4 (A) Every subchapter K limited liability company, every limited
5 liability company that is a disregarded entity for federal income tax
6 purposes, and every partnership which has any income derived from New
7 York sources, determined in accordance with the applicable rules of
8 section six hundred thirty-one of this article as in the case of a
9 nonresident individual, shall, within [thirty] SIXTY days after the last
10 day of the taxable year, make a payment of a filing fee. The amount of
11 the filing fee is the amount set forth in subparagraph (B) of this para-
12 graph. The minimum filing fee is twenty-five dollars for taxable years
13 beginning in two thousand eight and thereafter. Limited liability compa-
14 nies that are disregarded entities for federal income tax purposes must
15 pay a filing fee of twenty-five dollars for taxable years beginning on
16 or after January first, two thousand eight.

17 S 19. Subdivision 4 of section 1315 of the abandoned property law, as
18 amended by section 2 of part II of chapter 57 of the laws of 2010, is
19 amended to read as follows:

20 4. Any amount representing an unpaid check or draft issued by the
21 state of New York which shall have remained unpaid after one year from
22 the date of issuance OR A DEBIT CARD ISSUED ON BEHALF OF THE STATE OF
23 NEW YORK FOR THE PURPOSE OF PAYING A TAX REFUND WHICH SHALL NOT HAVE
24 BEEN ACTIVATED FOR ONE YEAR FROM THE DATE OF ISSUANCE in accordance with
25 section one hundred two of the state finance law shall be deemed aban-
26 doned property and shall be paid to the state comptroller.

27 S 20. Section 102 of the state finance law, as amended by section 7 of
28 part P of chapter 62 of the laws of 2003, is amended to read as follows:

29 S 102. Amounts of unpaid checks, DRAFTS OR DEBIT CARDS to be paid into
30 abandoned property fund. Upon audit and statement of the comptroller,
31 the amounts of all checks or drafts on bank accounts of any funds of the
32 state, AND THE AMOUNTS OF ALL DEBIT CARDS ISSUED ON BEHALF OF THE STATE
33 FOR THE PURPOSE OF PAYING A TAX REFUND which checks or drafts have not
34 been paid OR WHICH DEBIT CARDS HAVE NOT BEEN ACTIVATED and which shall
35 have been outstanding for more than one year from the respective dates
36 thereof, shall be paid into the abandoned property fund pursuant to
37 subdivision four of section one thousand three hundred fifteen of the
38 abandoned property law. The proper disbursing officers or agents of such
39 funds shall notify the bank or banks on which such checks [or], drafts
40 OR DEBIT CARDS were drawn not to pay OR PERMIT THE ACTIVATION OF the
41 same. The comptroller shall keep a record of all such checks [or],
42 drafts OR DEBIT CARDS and upon presentation to him by the lawful holder
43 of any such check [or], draft OR DEBIT CARD at any time, the amount of
44 which shall thus have been paid into the state treasury to the credit of
45 the general fund, the comptroller, to the extent appropriations are
46 available, shall issue a new check [or], draft OR ELECTRONIC PAYMENT to
47 the payee upon submission of proof satisfactory to the comptroller as to
48 the legitimacy of the claim and, if insufficient appropriations are
49 available, shall include in his next request for appropriations by the
50 legislature the amount or amounts of any such checks [or], drafts OR
51 DEBIT CARDS so presented to him, for the purpose of payment without
52 interest to the lawful holder or holders thereof.

53 S 21. Subdivision (a) of section 1135 of the tax law is amended by
54 adding a new paragraph 3 to read as follows:

55 (3) (I) FOR THE PURPOSES OF THE PROPER ADMINISTRATION OF THIS ARTICLE
56 AND TO ENSURE THE COLLECTION AND PAYMENT OVER OF THE TAXES IMPOSED BY

1 THIS ARTICLE AND PURSUANT TO THE AUTHORITY OF ARTICLE TWENTY-NINE OF
2 THIS CHAPTER, THE COMMISSIONER IS AUTHORIZED TO REQUIRE ANY PERSON
3 REQUIRED TO COLLECT TAX WHO FAILS TO COLLECT, TRUTHFULLY ACCOUNT FOR,
4 PAY OVER TAX, OR FILE RETURNS OF THE TAX AS REQUIRED BY THIS ARTICLE,
5 AND WHOSE TOTAL TAX DUE FOR THE FOUR MOST RECENT QUARTERLY PERIODS FOR
6 WHICH DATA IS AVAILABLE EXCEEDS THREE THOUSAND DOLLARS, TO USE A SYSTEM
7 (CONSISTING OF EQUIPMENT, SOFTWARE, SERVICES OR SOME COMBINATION OF
8 THESE) CERTIFIED BY THE COMMISSIONER THAT: (A) CAPTURES INFORMATION
9 INCLUDING THE SUBJECT OF THE TRANSACTION, THE AMOUNT CHARGED, THE TIME
10 AND DATE OF THE TRANSACTION, AND THE AMOUNT OF SALES TAX COLLECTED, IF
11 ANY; (B) CALCULATES THE TAXES IMPOSED BY THIS ARTICLE OR PURSUANT TO THE
12 AUTHORITY OF ARTICLE TWENTY-NINE OF THIS CHAPTER ON EACH TRANSACTION FOR
13 WHICH SUCH PERSON IS REQUIRED TO COLLECT AND PAY OVER TAX; (C) DETER-
14 MINES THE AMOUNT OF SUCH TAXES REQUIRED TO BE REMITTED WITH SUCH
15 PERSON'S RETURN; (D) DOCUMENTS EACH EXEMPT TRANSACTION AND ASSOCIATES
16 ANY REQUIRED EXEMPTION CERTIFICATE OR OTHER DOCUMENTATION WITH THE
17 EXEMPT TRANSACTION; AND (E) MAINTAINS THE RECORDS REQUIRED FOR EACH SUCH
18 TRANSACTION IN ACCORDANCE WITH THIS SECTION AND ANY OTHER REQUIREMENT OF
19 THIS CHAPTER. SUCH PERSON SHALL BE REQUIRED TO PROCESS ALL OF ITS SALES,
20 RENTS OR OCCUPANCIES USING SUCH SYSTEM.

21 (II) A PERSON REQUIRED TO COLLECT TAX THAT USES A SYSTEM DESCRIBED IN
22 SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT IS CERTIFIED BY THE COMMISSIONER
23 SHALL BE RELIEVED OF LIABILITY FOR: (A) INCORRECTLY CALCULATING THE
24 AMOUNT OF TAX DUE ON ANY TRANSACTION OR THE AMOUNT REQUIRED TO BE REMIT-
25 TED WITH SUCH PERSON'S RETURN WITH RESPECT TO ANY SUCH TRANSACTION PROC-
26 ESSED THROUGH SUCH SYSTEM THAT OCCURS AS A RESULT OF AN ERROR CAUSED BY
27 SUCH SYSTEM, PROVIDED SUCH PERSON COLLECTS THE AMOUNT OF TAX CALCULATED
28 BY THE SYSTEM FOR EACH SALE AND REMITS THE TAX THE SYSTEM DETERMINES IS
29 REQUIRED TO BE REMITTED WITH SUCH PERSON'S RETURN; AND (B) THE FAILURE
30 OF SUCH SYSTEM TO ACCURATELY MAINTAIN THE DOCUMENTATION OR RECORDS
31 REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH.

32 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, NOTH-
33 ING IN THIS PARAGRAPH OR ANY OTHER PROVISION OF THIS CHAPTER SHALL
34 AFFECT THE LIABILITY OF A PERSON REQUIRED TO COLLECT TAX FOR THE TAX
35 IMPOSED, COLLECTED OR REQUIRED TO BE COLLECTED UNDER THIS ARTICLE OR
36 PURSUANT TO THE AUTHORITY OF ARTICLE TWENTY-NINE OF THIS CHAPTER.

37 S 22. Paragraph 1 of subdivision (a) of section 1136 of the tax law,
38 as amended by chapter 2 of the laws of 1995, is amended to read as
39 follows:

40 (1) Every person required to register with the commissioner as
41 provided in section eleven hundred thirty-four OF THIS PART whose taxa-
42 ble receipts, amusement charges and rents total less than three hundred
43 thousand dollars, or in the case of any such person who is a distributor
44 whose sales of automotive fuel total less than one hundred thousand
45 gallons, in every quarter of the preceding four quarters, shall only
46 file a return quarterly with the commissioner. PROVIDED, HOWEVER, THAT
47 IF THE COMMISSIONER IN THE EXERCISE OF HIS OR HER DISCRETION DEEMS IT
48 NECESSARY TO PROTECT THE REVENUES TO BE OBTAINED UNDER THIS ARTICLE, HE
49 OR SHE MAY GIVE NOTICE REQUIRING SUCH PERSON, IN ADDITION TO FILING A
50 QUARTERLY RETURN, TO FILE EITHER SHORT-FORM OR LONG-FORM PART QUARTERLY
51 RETURNS, AS SPECIFIED IN SUCH NOTICE.

52 S 23. This act shall take effect immediately; provided, however, that
53 sections thirteen, fourteen, fifteen, sixteen and seventeen of this act
54 shall apply to tax documents filed or required to be filed on or after
55 the sixtieth day after this act shall become a law.

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

10 S 3. This act shall take effect immediately provided, however, that
11 the applicable effective date of Parts A through Z of this act shall be
12 as specifically set forth in the last section of such Parts.