

S. 6258--A

A. 9058--A

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

January 17, 2012

---

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2012-2013; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund; and to amend chapter 60 of the laws of 2011, authorizing funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2011-2012 and amending chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the effectiveness thereof (Part A); to amend the highway law and the state finance law, in relation to modifying the distribution of certain funds (Part B); to amend the transportation law, in relation to enacting a performance based bus inspection program (Part C); to amend the vehicle and traffic law, in relation to commercial driver's licenses and medical certifications; and to repeal paragraph (f) of subdivision 3 of section 510-a of the vehicle and traffic law, relating to commercial driver's licenses (Part D); to amend the public authorities law, in relation to notes, bonds and other obligations of the metropolitan transportation authority, Triborough bridge and tunnel authority and New York city transit authority (Part E); to amend vehicle and traffic law in relation to establishing an additional retention rate for county clerks acting as an agent of the department of motor vehicles based upon internet transactions (Part F); to amend the transportation law, the vehicle and traffic law, the general municipal law, the environmental conservation law and the executive law, in relation to federal revenue; and repeal-

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

LBD12673-02-2

ing section 214 of the transportation law relating thereto (Part G); to amend the environmental conservation law, in relation to the regulation of various fish and wildlife licenses, permits and fees; and repealing certain provisions of such law relating thereto (Part H); to amend the public service law, in relation to eliminating state regulation of VoIP service in order to facilitate competition and ensure consumers receive the maximum benefit of competition (Part I); to amend the environmental conservation law, in relation to hazardous waste program fees and surcharges (Part J); to amend the state finance law and the public authorities law, in relation to the sewage treatment and drinking water funds and the water pollution control and drinking water revolving funds (Part K); to amend the agriculture and markets law, in relation to seed testing (Part L); to amend the agriculture and markets law, in relation to fees for services (Part M); to amend the agriculture and markets law, in relation to food processing license fees; and to repeal subdivision 4 of section 128-a and subdivision 3 of section 133-a of the agriculture and markets law and section 90-b of the state finance law relating to the commercial feed licensing fund (Part N); 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 O); 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 P); to amend chapter 35 of the laws of 1979, relating to appropriating funds to the New York state urban development corporation for the acquisition and initial planning of convention and exhibition center facilities in New York county, in relation to additional powers of such corporation (Part Q); 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 R); to repeal subdivision 3 of section 16-m of the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part S); to amend the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make grants (Part T); to amend the state finance law, in relation to the excelsior linked deposit act (Part U); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part V); to amend the general business law and the real property law, in relation to increasing the term of licensure and registration from two to four years (Part W); to amend the racing, pari-mutuel wagering and breeding law, in relation to presenting uncashed pari-mutuel vouchers within a prescribed period of time (Part X); to amend the racing, pari-mutuel wagering and breeding law and the public officers law, in relation to employment of officials at harness race meetings (Part Y); to amend the agriculture and markets law, in relation to authorizing the creation of a dairy research and education order (Part Z); to amend the public authorities law, in relation to the recovery of state governmental costs from public authorities and public benefit corporations (Part AA); to amend the public authorities law, in relation to the powers and duties of the dormitory authority of the state of New York (Part BB); and to amend the banking law, the business corporation law, the cooperative corporations law, the general associations law,

the limited liability company law, the not-for-profit corporation law, the partnership law and the private housing finance law, in relation to facilitating an online corporate filing system, simplifying the filing of corporate documents and reducing costs and regulatory burdens on the state's businesses; and to repeal certain provisions of the business corporation law, the not-for-profit corporation law, the partnership law and the religious corporations law relating thereto (Part CC)

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 2012-2013  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through CC. 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, includ-  
7 ing 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 munici-  
28 pal 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:

State Fiscal Year	Amount
2012-13	\$39,700,000

1 (b) Three hundred four million three hundred thousand dollars  
2 (\$304,300,000) to counties, cities, towns and villages for reimbursement  
3 of eligible costs of local highway and bridge projects pursuant to  
4 sections 16 and 16-a of chapter 329 of the laws of 1991, as added by  
5 section 9 of chapter 330 of the laws of 1991, as amended. For the  
6 purposes of computing allocations to municipalities, the amount distrib-  
7 uted pursuant to section 16 of chapter 329 of the laws of 1991 shall be  
8 deemed to be \$121,520,000. The amount distributed pursuant to section  
9 16-a of chapter 329 of the laws of 1991 shall be deemed to be  
10 \$182,780,000. Notwithstanding the provisions of any general or special  
11 law, the amounts deemed distributed in accordance with section 16 of  
12 chapter 329 of the laws of 1991 shall be adjusted so that such amounts  
13 will not be less than 83.807 percent of the "funding level" as defined  
14 in subdivision 5 of section 10-c of the highway law for each such muni-  
15 cipality. In order to achieve the objectives of section 16 of chapter  
16 329 of the laws of 1991, to the extent necessary, the amounts in excess  
17 of 83.807 percent of the funding level to be deemed distributed to each  
18 municipality under this subdivision shall be reduced in equal propor-  
19 tion.

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

41 The program authorized pursuant to sections 16 and 16-a of chapter 329  
42 of the laws of 1991, as added by section 9 of chapter 330 of the laws of  
43 1991, as amended, shall additionally make payments for reimbursement  
44 according to the following schedule:

45 State Fiscal Year	Amount
46 2012-13	\$363,097,000

47 S 2. Subdivision (f) of section 16 of chapter 329 of the laws of 1991,  
48 amending the state finance law and other laws relating to the establish-  
49 ment of the dedicated highway and bridge trust fund, as added by section  
50 2 of part A of chapter 60 of the laws of 2011, is amended to read as  
51 follows:

52 (f) For purposes of this section and section 10-c of the highway law,  
53 for projects completed on or before March 31, [2012] 2013 local highway  
54 and bridge projects may also include the following work types: (1)  
55 microsurfacing, (2) paver placed surface treatment, (3) single course  
56 surface treatment involving chip seals and oil and stone, and (4) double

1 course surface treatment involving chip seals and oil and stone, howev-  
2 er, no reimbursement shall be made for (1) microsurfacing, (2) paver  
3 placed surface treatment, (3) single course surface treatment involving  
4 chip seals and oil and stone, and (4) double course surface treatment  
5 involving chip seals and oil and stone after March 31, [2012] 2013.  
6 Reimbursement for projects using these treatments may be made from the  
7 proceeds of bonds, notes or other obligations issued by the New York  
8 state thruway authority pursuant to section 380 of the public authori-  
9 ties law or otherwise as determined by the director of the budget.

10 S 3. Subdivision (f) of section 16-a of chapter 329 of the laws of  
11 1991, amending the state finance law and other laws relating to the  
12 establishment of the dedicated highway and bridge trust fund, as added  
13 by section 3 of part A of chapter 60 of the laws of 2011, is amended to  
14 read as follows:

15 (f) For purposes of this section and section 10-c of the highway law,  
16 for projects completed on or before March 31, [2012] 2013 local highway  
17 and bridge projects may also include the following work types: (1)  
18 microsurfacing, (2) paver placed surface treatment, (3) single course  
19 surface treatment involving chip seals and oil and stone, and (4) double  
20 course surface treatment involving chip seals and oil and stone, howev-  
21 er, no reimbursement shall be made for (1) microsurfacing, (2) paver  
22 placed surface treatment, (3) single course surface treatment involving  
23 chip seals and oil and stone, and (4) double course surface treatment  
24 involving chip seals and oil and stone after March 31, [2012] 2013.  
25 Reimbursement for projects using these treatments may be made from the  
26 proceeds of bonds, notes or other obligations issued by the New York  
27 state thruway authority pursuant to section 380 of the public authori-  
28 ties law or otherwise as determined by the director of the budget.

29 S 4. Subdivision (d) of section 11 of chapter 329 of the laws of 1991,  
30 amending the state finance law and other laws relating to the establish-  
31 ment of the dedicated highway and bridge trust fund, as amended by  
32 section 4 of part A of chapter 60 of the laws of 2011, is amended to  
33 read as follows:

34 (d) Any such service contract (i) shall provide that the obligation of  
35 the director of the budget or the state to fund or to pay the amounts  
36 therein provided for shall not constitute a debt of the state within the  
37 meaning of any constitutional or statutory provisions in the event the  
38 thruway authority assigns or pledges service contract payments as secu-  
39 rity for its bonds or notes, (ii) shall be deemed executory only to the  
40 extent moneys are available and that no liability shall be incurred by  
41 the state beyond the moneys available for the purpose, and that such  
42 obligation is subject to annual appropriation by the legislature, and  
43 (iii) shall provide that no funds shall be made available from the  
44 proceeds of bonds or notes issued pursuant to this chapter unless the  
45 commissioner of transportation has certified to the chairman of the  
46 thruway authority that such funds shall be used exclusively for the  
47 purposes authorized by subdivision (a) of this section, and/or  
48 construction, reconstruction or improvement of local highways, bridges  
49 and/or highway-railroad crossings, including right of way acquisition,  
50 preliminary engineering, and construction supervision and inspection,  
51 where the service life of the project is at least ten years or for  
52 projects completed on or before March 31, [2012] 2013 where the project  
53 is: (1) microsurfacing, (2) paver placed surface treatment, (3) single  
54 course surface treatment involving chip seals and oil and stone and (4)  
55 double course surface treatment involving chip seals and oil and stone,  
56 and unless the director of the budget has certified to the chairman of

1 the thruway authority that a spending plan has been submitted by the  
2 commissioner of transportation and has been approved by the director of  
3 the budget. No reimbursement shall be made for (1) microsurfacing, (2)  
4 paver placed surface treatment, (3) single course surface treatment  
5 involving chip seals and oil and stone, and (4) double course surface  
6 treatment involving chip seals and oil and stone after March 31, [2012]  
7 2013.

8 S 5. Subdivision (b) of section 16 of chapter 329 of the laws of 1991,  
9 amending the state finance law and other laws relating to the establish-  
10 ment of the dedicated highway and bridge trust fund, as amended by  
11 section 5 of part A of chapter 60 of the laws of 2011, is amended to  
12 read as follows:

13 (b) Each county, city, town and village shall certify to the commis-  
14 sioner of transportation that amounts to be reimbursed are for  
15 construction, reconstruction or improvement of local highways, bridges  
16 and/or highway-railroad crossings, including right of way acquisition,  
17 preliminary engineering, and construction supervision and inspection  
18 where the service life of the project is at least ten years or for  
19 projects completed on or before March 31, [2012] 2013 where the project  
20 is: (1) microsurfacing, (2) paver placed surface treatment, (3) single  
21 course surface treatment involving chip seals and oil and stone and (4)  
22 double course surface treatment involving chip seals and oil and stone.  
23 No reimbursement shall be made for (1) microsurfacing, (2) paver placed  
24 surface treatment, (3) single course surface treatment involving chip  
25 seals and oil and stone, and (4) double course surface treatment involv-  
26 ing chip seals and oil and stone after March 31, [2012] 2013. Such  
27 certification shall include any such information as may be necessary to  
28 maintain the federal tax exempt status of bonds, notes or other obli-  
29 gations issued by the New York state thruway authority pursuant to  
30 section 380 of the public authorities law. The commissioner of transpor-  
31 tation shall in writing request the municipalities to furnish such  
32 information as may be necessary to comply with this section.

33 S 6. Subdivision (b) of section 16-a of chapter 329 of the laws of  
34 1991, amending the state finance law and other laws relating to the  
35 establishment of the dedicated highway and bridge trust fund, as amended  
36 by section 6 of part A of chapter 60 of the laws of 2011, is amended to  
37 read as follows:

38 (b) Each county, city, town and village shall certify to the commis-  
39 sioner of transportation that amounts to be reimbursed are for  
40 construction, reconstruction or improvement of local highways, bridges  
41 and/or highway-railroad crossings, including right of way acquisition,  
42 preliminary engineering, and construction supervision and inspection  
43 where the service life of the project is at least ten years or for  
44 projects completed on or before March 31, [2012] 2013 where the project  
45 is: (1) microsurfacing, (2) paver placed surface treatment, (3) single  
46 course surface treatment involving chip seals and oil and stone and (4)  
47 double course surface treatment involving chip seals and oil and stone.  
48 No reimbursement shall be made for (1) microsurfacing, (2) paver placed  
49 surface treatment, (3) single course surface treatment involving chip  
50 seals and oil and stone, and (4) double course surface treatment involv-  
51 ing chip seals and oil and stone after March 31, [2012] 2013. Such  
52 certification shall include any such information as may be necessary to  
53 maintain the federal tax exempt status of bonds, notes or other obli-  
54 gations issued by the New York state thruway authority pursuant to  
55 section 380 of the public authorities law. The commissioner shall in

1 writing request the municipalities to furnish such information as may be  
2 necessary to comply with this section.

3 S 7. Section 7 of part A of chapter 60 of the laws of 2011, authoriz-  
4 ing funding for the Consolidated Local Street and Highway Improvement  
5 Program (CHIPS) and Marchiselli program for state fiscal year 2011-2012  
6 and amending chapter 329 of the laws of 1991, amending the state finance  
7 law and other laws relating to the establishment of the dedicated high-  
8 way and bridge trust fund, is amended to read as follows:

9 S 7. This act shall take effect immediately; provided, however, that  
10 sections two, three, four, five and six of this act shall expire and be  
11 deemed repealed on April 1, [2012] 2013.

12 S 8. This act shall take effect immediately; provided, however, that  
13 the amendments to subdivisions (f) and (b) of section 16 of chapter 329  
14 of the laws of 1991 made by sections two and five of this act, respec-  
15 tively, shall not affect the repeal of such subdivisions and shall be  
16 deemed repealed therewith; provided, further, that the amendments to  
17 subdivisions (f) and (b) of section 16-a of chapter 329 of the laws of  
18 1991 made by sections three and six of this act, respectively, shall not  
19 affect the repeal of such subdivisions and shall be deemed repealed  
20 therewith; and provided, further, that the amendments to subdivision (d)  
21 of section 11 of chapter 329 of the laws of 1991 made by section four of  
22 this act shall not affect the repeal of such subdivision and shall be  
23 deemed repealed therewith.

## 24 PART B

25 Section 1. Section 326 of the highway law, as amended by chapter 1110  
26 of the laws of 1971, is amended to read as follows:

27 S 326. Penalties, how recovered. All penalties or forfeitures given in  
28 this chapter, and not otherwise specially provided for, shall be recov-  
29 ered by the town superintendent, in the name of the town in which the  
30 offense shall be committed; and when recovered, shall be applied by them  
31 in improving the highways and bridges in such town, except that if the  
32 offense occurs on any highway included in the systems defined by section  
33 three hundred forty-one of this chapter, such penalties or forfeitures  
34 may be recovered by the commissioner of transportation and where so  
35 recovered shall be [paid to the state treasurer to the credit of the  
36 fund available for the maintenance and repair of state highways] DEPOS-  
37 ITED BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT  
38 ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED  
39 PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

40 S 2. Paragraph (a) of subdivision 3 of section 89-b of the state  
41 finance law, as amended by section 2 of chapter 165 of the laws of 2008,  
42 is amended to read as follows:

43 (a) The special obligation reserve and payment account shall consist  
44 (i) of all moneys required to be deposited in the dedicated highway and  
45 bridge trust fund pursuant to the provisions of sections two hundred  
46 five, two hundred eighty-nine-e, three hundred one-j, five hundred  
47 fifteen and eleven hundred sixty-seven of the tax law, section four  
48 hundred one of the vehicle and traffic law, and section thirty-one of  
49 chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all  
50 fees, fines or penalties collected by the commissioner of transportation  
51 pursuant to section fifty-two, SECTION THREE HUNDRED TWENTY-SIX, and  
52 subdivisions five, eight and twelve of section eighty-eight of the high-  
53 way law, subdivision fifteen of section three hundred eighty-five of the  
54 vehicle and traffic law, section two of the chapter of the laws of two

1 thousand three that amended this paragraph, subdivision (d) of section  
2 three hundred four-a, paragraph one of subdivision (a) and subdivision  
3 (d) of section three hundred five, subdivision six-a of section four  
4 hundred fifteen and subdivision (g) of section twenty-one hundred twenty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

13 S 3. Paragraph (a) of subdivision 3 of section 89-b of the state  
14 finance law, as amended by section 3 of chapter 165 of the laws of 2008,  
15 is amended to read as follows:

16 (a) The special obligation reserve and payment account shall consist  
17 (i) of all moneys required to be deposited in the dedicated highway and  
18 bridge trust fund pursuant to the provisions of sections two hundred  
19 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven  
20 hundred sixty-seven of the tax law, section four hundred one of the  
21 vehicle and traffic law, and section thirty-one of chapter fifty-six of  
22 the laws of nineteen hundred ninety-three, (ii) all fees, fines or  
23 penalties collected by the commissioner of transportation pursuant to  
24 section fifty-two, SECTION THREE HUNDRED TWENTY-SIX, and subdivisions  
25 five, eight and twelve of section eighty-eight of the highway law,  
26 subdivision fifteen of section three hundred eighty-five of the vehicle  
27 and traffic law, section fifteen of this chapter, excepting moneys  
28 deposited with the state on account of betterments performed pursuant to  
29 subdivision twenty-seven or subdivision thirty-five of section ten of  
30 the highway law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

35 S 4. This act shall take effect immediately, and shall be deemed to  
36 have been in full force and effect on and after April 1, 2012; and  
37 provided, however, that the amendments to paragraph (a) of subdivision 3  
38 of section 89-b of the state finance law made by section two of this act  
39 shall be subject to the expiration and reversion of such paragraph  
40 pursuant to section 13 of part U-1 of chapter 62 of the laws of 2003, as  
41 amended, when upon such date the provisions of section three of this act  
42 shall take effect.

43

## PART C

44 Section 1. Subdivision 3 of section 140 of the transportation law, as  
45 added by chapter 635 of the laws of 1983, is amended to read as follows:

46 3. No motor vehicle [carrying] DESIGNED TO CARRY passengers, as  
47 described in subdivision two of this section, shall be operated within  
48 the state unless it carries prominently displayed thereon the name of  
49 the operator and certificate evidencing an inspection in accordance with  
50 the rules and regulations of the commissioner [within a period of six  
51 months last preceding]. The commissioner may, by order, rule or regulation, exempt from the requirements of this subdivision, vehicles which  
52 are not operated exclusively in transportation services for which  
53 inspection is required, provided that written evidence of the names  
54



1 otherwise subject to prominent display and such a certificate of  
2 inspection are at all times carried within such vehicles to be made  
3 available for examination upon proper demand, while the vehicles are  
4 operated in such service.

5 S 2. This act shall take effect immediately and shall be deemed to  
6 have been in full force and effect on and after April 1, 2012.

7 PART D

8 Section 1. Subdivision 1 of section 502 of the vehicle and traffic  
9 law, as amended by section 2 of part CC of chapter 58 of the laws of  
10 2011, is amended to read as follows:

11 1. Application for license. Application for a driver's license shall  
12 be made to the commissioner. The fee prescribed by law may be submitted  
13 with such application. The applicant shall furnish such proof of identi-  
14 ty, age, and fitness as may be required by the commissioner. The commis-  
15 sioner may also provide that the application procedure shall include the  
16 taking of a photo image or images of the applicant in accordance with  
17 rules and regulations prescribed by the commissioner. In addition, the  
18 commissioner also shall require that the applicant provide his or her  
19 social security number and provide space on the application so that the  
20 applicant may register in the New York state organ and tissue donor  
21 registry under section forty-three hundred ten of the public health law.  
22 In addition, an applicant for a commercial driver's license who will  
23 operate a commercial motor vehicle in interstate commerce shall certify  
24 that such applicant meets the requirements to operate a commercial motor  
25 vehicle, as set forth in public law 99-570, title XII, and title 49 of  
26 the code of federal regulations, and all regulations promulgated by the  
27 United States secretary of transportation under the hazardous materials  
28 transportation act. In addition, an applicant for a commercial driver's  
29 license shall submit a medical certificate at such intervals as required  
30 by the federal motor carrier safety improvement act of 1999 and Part  
31 383.71(h) of title 49 of the code of federal regulations relating to  
32 medical certification and in a manner prescribed by the commissioner.  
33 For purposes of this section and sections five hundred three [and], five  
34 hundred ten-a, AND FIVE HUNDRED TEN-AA of this title, the [term] TERMS  
35 "medical certificate" AND "MEDICAL CERTIFICATION" shall mean a form  
36 substantially in compliance with the form set forth in Part 391.43(h) of  
37 title 49 of the code of federal regulations. Upon a determination that  
38 the holder of a commercial driver's license has made any false state-  
39 ment, with respect to the application for such license, the commissioner  
40 shall revoke such license.

41 S 2. Paragraph (b) of subdivision 1 of section 503 of the vehicle and  
42 traffic law, as amended by section 3 of part CC of chapter 58 of the  
43 laws of 2011, is amended to read as follows:

44 (b) An application for a license shall be valid for a period of time  
45 specified by regulation of the commissioner not to exceed five years. A  
46 learner's permit shall be valid from its issuance until the expiration  
47 of the application for a driver's license for which it was issued.  
48 Provided, however, that [if the medical certificate submitted in accord-  
49 ance with the requirements of the federal motor carrier safety improve-  
50 ment act of 1999 and Part 383.71(h) of title 49 of the code of federal  
51 regulations by an applicant for a commercial driver's license expires,  
52 any] A learner's permit [that may have been] issued by the commissioner  
53 in connection with [the] AN application FOR A COMMERCIAL DRIVER'S  
54 LICENSE shall be [suspended] CANCELLED UPON: (I) THE EXPIRATION OF THE

HOLDER'S MEDICAL CERTIFICATION OR MEDICAL VARIANCE DOCUMENTATION REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS; (II) THE HOLDER'S FAILURE TO SUBMIT SUCH MEDICAL CERTIFICATION OR MEDICAL VARIANCE DOCUMENTATION WHEN REQUIRED TO DO SO BY THE COMMISSIONER; OR (III) THE RECEIPT BY THE COMMISSIONER OF INFORMATION FROM THE ISSUING MEDICAL EXAMINER OR THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION THAT A MEDICAL CERTIFICATION OR MEDICAL VARIANCE WAS ISSUED IN ERROR.

S 3. Paragraph (f) of subdivision 3 of section 510-a of the vehicle and traffic law is REPEALED.

S 4. The vehicle and traffic law is amended by adding a new section 510-aa to read as follows:

S 510-AA. DOWNGRADE OF COMMERCIAL DRIVER'S LICENSES. A COMMERCIAL DRIVER'S LICENSE SHALL BE DOWNGRADED TO A NON-COMMERCIAL DRIVER'S LICENSE BY THE COMMISSIONER UPON THE EXPIRATION OF THE HOLDER'S MEDICAL CERTIFICATION OR MEDICAL VARIANCE DOCUMENTATION REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, OR UPON THE HOLDER'S FAILURE TO SUBMIT SUCH MEDICAL CERTIFICATION OR MEDICAL VARIANCE DOCUMENTATION WHEN REQUIRED TO DO SO BY THE COMMISSIONER. A COMMERCIAL DRIVER'S LICENSE SHALL ALSO BE DOWNGRADED TO A NON-COMMERCIAL DRIVER'S LICENSE BY THE COMMISSIONER UPON RECEIPT OF INFORMATION FROM THE ISSUING MEDICAL EXAMINER OR THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION THAT A MEDICAL CERTIFICATION OR MEDICAL VARIANCE WAS ISSUED IN ERROR. SUCH DOWNGRADE SHALL BE TERMINATED, AND THE COMMERCIAL DRIVER'S LICENSE RESTORED, UPON: (1) THE HOLDER'S SUBMISSION OF THE REQUIRED VALID MEDICAL EXAMINER'S CERTIFICATE OR MEDICAL VARIANCE DOCUMENTATION; OR (2) THE HOLDER'S SELF-CERTIFICATION SPECIFYING THE TYPE OF COMMERCIAL MOTOR VEHICLE OPERATION HE OR SHE ENGAGES, OR EXPECTS TO ENGAGE IN, AND THAT THE HOLDER IS THEREFORE NOT SUBJECT TO THE PHYSICAL QUALIFICATION REQUIREMENTS OF THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS.

S 5. Section 509 of the vehicle and traffic law is amended by adding a new subdivision 7-a to read as follows:

7-A. NO PERSON SHALL OPERATE A COMMERCIAL MOTOR VEHICLE UNLESS MEDICALLY CERTIFIED IN ACCORDANCE WITH THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS.

S 6. This act shall take effect immediately; provided, however, that if sections 2 and 3 of part CC of chapter 58 of the laws of 2011 shall not have taken effect on or before such date then sections one and two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2011 takes effect; provided further, however, that section five of this act shall take effect on the sixtieth day after it shall have become a law.

## PART E

Section 1. Subdivision 12 of section 1269 of the public authorities law, as amended by section 1 of part NN of chapter 59 of the laws of 2010, is amended to read as follows:

12. The aggregate principal amount of bonds, notes or other obligations issued after the first day of January, nineteen hundred ninety-three by the authority, the Triborough bridge and tunnel authority and the New York city transit authority to fund projects contained in capital program plans approved pursuant to section twelve hundred sixty-

1 nine-b of this [article] TITLE for the period nineteen hundred ninety-  
2 two through two thousand fourteen shall not exceed [thirty-four]  
3 FORTY-ONE billion eight hundred seventy-seven million dollars. Such  
4 aggregate principal amount of bonds, notes or other obligations or the  
5 expenditure thereof shall not be subject to any limitation contained in  
6 any other provision of law on the principal amount of bonds, notes or  
7 other obligations or the expenditure thereof applicable to the authori-  
8 ty, the Triborough bridge and tunnel authority or the New York city  
9 transit authority. The aggregate limitation established by this subdivi-  
10 sion shall not include (i) obligations issued to refund, redeem or  
11 otherwise repay, including by purchase or tender, obligations thereto-  
12 fore issued either by the issuer of such refunding obligations or by the  
13 authority, the New York city transit authority or the Triborough bridge  
14 and tunnel authority, (ii) obligations issued to fund any debt service  
15 or other reserve funds for such obligations, (iii) obligations issued or  
16 incurred to fund the costs of issuance, the payment of amounts required  
17 under bond and note facilities, federal or other governmental loans,  
18 security or credit arrangements or other agreements related thereto and  
19 the payment of other financing and related costs associated with such  
20 obligations, (iv) an amount equal to any original issue discount from  
21 the principal amount of such obligations or to fund capitalized inter-  
22 est, (v) obligations incurred pursuant to section twelve hundred seven-m  
23 of this article, (vi) obligations incurred to fund the acquisition of  
24 certain buses for the New York city transit authority as identified in a  
25 capital program plan approved pursuant to chapter fifty-three of the  
26 laws of nineteen hundred ninety-two, (vii) obligations incurred in  
27 connection with the leasing, selling or transferring of equipment, and  
28 (viii) bond anticipation notes or other obligations payable solely from  
29 the proceeds of other bonds, notes or other obligations which would be  
30 included in the aggregate principal amount specified in the first  
31 sentence of this subdivision, whether or not additionally secured by  
32 revenues of the authority, or any of its subsidiary corporations, New  
33 York city transit authority, or any of its subsidiary corporations, or  
34 Triborough bridge and tunnel authority.  
35 S 2. This act shall take effect immediately.

36

## PART F

37 Section 1. Section 205 of the vehicle and traffic law is amended by  
38 adding a new subdivision 3-a to read as follows:  
39 3-A. IN ADDITION TO THE FEES RETAINED PURSUANT TO SUBDIVISION THREE OF  
40 THIS SECTION, EACH COUNTY CLERK ACTING AS THE AGENT OF THE COMMISSIONER  
41 PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL RETAIN FOUR PERCENT OF  
42 "ENHANCED INTERNET AND ELECTRONIC PARTNER REVENUE" COLLECTED BY THE  
43 COMMISSIONER. FOR THE PURPOSES OF THIS SUBDIVISION, "ENHANCED INTERNET  
44 AND ELECTRONIC PARTNER REVENUE" SHALL MEAN THE AMOUNT OF GROSS RECEIPTS  
45 ATTRIBUTABLE TO ALL TRANSACTIONS CONDUCTED ON THE INTERNET BY RESIDENTS  
46 OF SUCH COUNTY AND BY DESIGNATED PARTNERS OF THE DEPARTMENT ON BEHALF OF  
47 SUCH RESIDENTS FOR THE CURRENT CALENDAR YEAR THAT EXCEEDS THE AMOUNT OF  
48 SUCH REVENUE COLLECTED BY THE COMMISSIONER DURING CALENDAR YEAR TWO  
49 THOUSAND ELEVEN. THE COMMISSIONER SHALL CERTIFY THE AMOUNTS TO BE  
50 RETAINED BY EACH COUNTY CLERK PURSUANT TO THIS SUBDIVISION. PROVIDED,  
51 HOWEVER, THAT IF THE AGGREGATE AMOUNT OF FEES RETAINED BY COUNTY CLERKS  
52 PURSUANT TO THIS SUBDIVISION IN CALENDAR YEARS TWO THOUSAND TWELVE AND  
53 TWO THOUSAND THIRTEEN COMBINED EXCEEDS EIGHTY-EIGHT MILLION FIVE HUNDRED  
54 THOUSAND DOLLARS, THEN THE PERCENTAGE OF FEES TO BE RETAINED THEREAFTER

1 SHALL BE REDUCED TO A PERCENTAGE THAT, IF APPLIED TO THE FEES COLLECTED  
2 DURING CALENDAR YEARS TWO THOUSAND TWELVE AND TWO THOUSAND THIRTEEN  
3 COMBINED, WOULD HAVE RESULTED IN AN AGGREGATE RETENTION OF EIGHTY-EIGHT  
4 MILLION FIVE HUNDRED THOUSAND DOLLARS OR 2.5 PERCENT OF ENHANCED INTER-  
5 NET AND ELECTRONIC PARTNER REVENUE, WHICHEVER IS HIGHER. IF THE AGGRE-  
6 GATE AMOUNT OF FEES RETAINED BY COUNTY CLERKS PURSUANT TO THIS SUBDIVI-  
7 SION IN CALENDAR YEARS TWO THOUSAND TWELVE AND TWO THOUSAND THIRTEEN  
8 COMBINED IS LESS THAN EIGHTY-EIGHT MILLION FIVE HUNDRED THOUSAND  
9 DOLLARS, THEN THE PERCENTAGE OF FEES TO BE RETAINED THEREAFTER SHALL BE  
10 INCREASED TO A PERCENTAGE THAT, IF APPLIED TO THE FEES COLLECTED DURING  
11 CALENDAR YEARS TWO THOUSAND TWELVE AND TWO THOUSAND THIRTEEN COMBINED,  
12 WOULD HAVE RESULTED IN AN AGGREGATE RETENTION OF EIGHTY-EIGHT MILLION  
13 FIVE HUNDRED THOUSAND DOLLARS, OR SIX PERCENT OF ENHANCED INTERNET AND  
14 ELECTRONIC PARTNER REVENUE, WHICHEVER IS LESS. ON AND AFTER APRIL FIRST,  
15 TWO THOUSAND SIXTEEN, THE PERCENT OF ENHANCED INTERNET AND ELECTRONIC  
16 PARTNER REVENUE TO BE RETAINED BY COUNTY CLERKS SHALL BE THE AVERAGE OF  
17 THE ANNUAL PERCENTAGES THAT WERE IN EFFECT BETWEEN APRIL FIRST, TWO  
18 THOUSAND TWELVE AND MARCH THIRTY-FIRST, TWO THOUSAND SIXTEEN.

19 S 2. This act shall take effect April 1, 2012.

20

## PART G

21 Section 1. Subdivision 1 of section 140 of the transportation law, as  
22 added by chapter 635 of the laws of 1983, is amended to read as follows:

23 1. Every [common and contract] FOR HIRE AND PRIVATE carrier of passen-  
24 ger by motor vehicle INVOLVED IN INTERSTATE, INTRASTATE, OR INTERNA-  
25 TIONAL COMMERCE DOMICILED IN NEW YORK shall furnish and provide with  
26 respect thereto such service and facilities as shall be safe and  
27 adequate. Any such carrier shall give immediate notice to the commis-  
28 sioner of every accident to which it shall, in the course of its oper-  
29 ations, have been a party.

30 S 2. Subparagraph (ii) of paragraph a of subdivision 2 of section 140  
31 of the transportation law, as amended by chapter 602 of the laws of  
32 1985, is amended to read as follows:

33 (ii) All MOTOR CARRIERS, EMPLOYEES AND motor vehicles [operated pursu-  
34 ant to or requiring a certificate or permit for the transportation of  
35 passengers or property from the interstate commerce commission or the  
36 commissioner] THAT TRANSPORT PROPERTY OR PASSENGERS IN INTRASTATE,  
37 INTERSTATE, OR INTERNATIONAL COMMERCE.

38 S 3. Paragraphs b and c of subdivision 2 of section 140 of the trans-  
39 portation law, paragraph b as amended by chapter 173 of the laws of 1990  
40 and paragraph c as amended by chapter 602 of the laws of 1985, are  
41 amended to read as follows:

42 b. [In addition to those vehicles operated pursuant to or requiring a  
43 certificate or a permit for the transportation of property from the  
44 interstate commerce commission or the commissioner as set forth in  
45 subparagraph (ii) of paragraph a of this subdivision, the commissioner  
46 shall have the power to adopt rules and regulations governing the safety  
47 of operation of other motor vehicles operated for the commercial trans-  
48 portation of property.

49 c.] The department shall have the power to examine vehicles, facili-  
50 ties and records subject to the provisions of this subdivision, at any  
51 time and place where they are found, to ascertain whether such rules and  
52 regulations are being obeyed. The rules and regulations of the commis-  
53 sioner shall provide for the inspection of all such vehicles, FACILITIES  
54 AND RECORDS SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION, at such peri-

ods and at such manner as the commissioner may direct, and, when adopted, shall have the full force and effect of law.

S 3-a. Paragraph d of subdivision 2 of section 140 of the transportation law is relettered paragraph c and subparagraph (i) of such paragraph, as added by chapter 173 of the laws of 1990, is amended to read as follows:

(i) No MOTOR CARRIER, EMPLOYEE OR motor vehicle [operated pursuant to or requiring a certificate or a permit for the transportation of property from the interstate commerce commission or the commissioner and no motor vehicle operated for the commercial transportation of property] THAT TRANSPORTS PROPERTY OR PASSENGERS IN INTRASTATE, INTERSTATE, OR INTERNATIONAL COMMERCE shall [be operated] OPERATE in this state unless [it] SUCH MOTOR CARRIER, EMPLOYEE OR MOTOR VEHICLE is in compliance with the department's safety rules and regulations.

S 4. Subdivisions 4 and 5 of section 140 of the transportation law, subdivision 4 as added by chapter 635 of the laws of 1983 and subdivision 5 as amended by chapter 731 of the laws of 1988, are amended to read as follows:

4. Each motor vehicle engaged in the interstate OR INTERNATIONAL transportation of passengers operated within the state shall be subject to subdivision three of this section as to the display of the name of the operator thereof, and of such certificate of inspection as to the safety of its appliances, equipment and mechanical operation, as the commissioner may, by rules and regulations require. In respect to such motor vehicle, the commissioner may, in lieu of a certificate of the commissioner, authorize the display of a certificate of inspection issued within a period of [six] TWELVE months last preceding, by a regulatory body of another state, or a province of Canada, having safety standards determined by the commissioner not to be substantially lower than those prescribed by the commissioner. The rules and regulations to be adopted under this subdivision shall insofar as practicable be uniform and the provisions of the vehicle and traffic law so far as applicable and not in conflict with the provisions of this subdivision, shall continue to apply to all such motor vehicles.

5. No motor vehicle with a seating capacity of more than eleven passengers manufactured after December thirty-first, nineteen hundred seventy-five, used in the business of transporting school children for hire or used for the transportation of school children, owned and/or operated by school districts or by any public or private school shall be operated within the state, unless each seat, other than the driver's seat, on such vehicle is equipped with a padded back at least twenty-eight inches in height of a type and specification approved by the commissioner. Any person who operates a motor vehicle in violation of the requirement for such seat backs shall be guilty of a violation, punishable by a fine not exceeding one hundred dollars. The provisions of this subdivision shall not apply to any bus used for the transportation of pupils, teachers and other persons acting in a supervisory capacity to and from school activities and which bus does not receive or discharge passengers on or along the public highways on regularly scheduled routes and which is being operated pursuant to [a permit or certificate of public convenience and necessity] FOR-HIRE OPERATING AUTHORITY issued by the commissioner or by the [interstate commerce commission] UNITED STATES DEPARTMENT OF TRANSPORTATION. School buses manufactured or assembled prior to April first, nineteen hundred seventy-seven may not be used to transport pupils, teachers and other persons acting in a supervisory capacity to and from school activities.

1 S 5. The closing paragraph of section 151 of the transportation law,  
2 as added by chapter 635 of the laws of 1983, is amended to read as  
3 follows:

4 For the purposes of this article, the term "sedan" or "sedans" as used  
5 herein shall include private passenger automobiles [larger than a  
6 conventional sedan and commonly known as a limousine], but shall not  
7 include [vans or buses] VEHICLES WITH A SEATING CAPACITY OF ELEVEN  
8 PERSONS OR MORE INCLUDING THE DRIVER.

9 S 6. Section 210 of the transportation law, as amended by chapter 488  
10 of the laws of 1979, is amended to read as follows:

11 S 210. Application of this article. The term "motor truck" as used in  
12 this article shall be deemed to mean and include any motor vehicle held  
13 and used for the transportation of goods, wares and merchandise for hire  
14 or for a business purpose, [including such motor vehicles commonly known  
15 as an auto truck or light delivery car] PURSUANT TO THE RULES AND REGU-  
16 LATIONS OF THE COMMISSIONER. The term "motor bus" as used in this arti-  
17 cle shall be deemed to mean and include any motor vehicle held and used  
18 for the transportation of passengers for hire OR FOR A BUSINESS PURPOSE,  
19 PURSUANT TO THE RULES AND REGULATIONS OF THE COMMISSIONER.

20 S 7. Section 211 of the transportation law, as amended by chapter 475  
21 of the laws of 1996, is amended to read as follows:

22 S 211. General provisions. No driver of a motor truck or motor bus  
23 shall drive such vehicle or be on duty for any period of time in excess  
24 of that authorized pursuant to regulation of the commissioner. The  
25 commissioner is hereby authorized to promulgate rules and regulations  
26 governing the hours of service of drivers of motor trucks and motor  
27 buses. Such rules and regulations shall be no less protective of public  
28 safety than the rules and regulations promulgated by the federal govern-  
29 ment with respect to hours of labor of operation of motor trucks and  
30 motor buses, provided, however, that with regard to drivers of motor  
31 buses [operated exclusively in a town or county or] operated by a public  
32 transportation authority operating exclusively within its jurisdictional  
33 area, the rules and regulations of the commissioner shall provide that  
34 no driver of such motor buses shall drive more than twelve hours follow-  
35 ing eight consecutive hours off duty and no driver of such motor buses  
36 shall drive for any period after having been on duty for fifteen hours  
37 following eight consecutive hours off duty and every driver of such  
38 motor buses shall have at least twenty-four consecutive hours off duty  
39 in every period of seven consecutive days and in no event shall such a  
40 driver be on duty for more than seventy-five hours in any period of  
41 seven consecutive days.

42 S 8. Section 212 of the transportation law, as added by chapter 342 of  
43 the laws of 1974, subdivision a as amended by chapter 843 of the laws of  
44 1980, is amended to read as follows:

45 S 212. Records. [a.] Every driver of a motor truck or motor bus shall  
46 keep and carry on the vehicle records showing the day and hour when and  
47 the place where he went and was released from duty, whether in this  
48 state or outside of this state. The commissioner shall prescribe the  
49 form of such records and may require such other information to be shown  
50 thereon as he shall deem advisable to insure the proper enforcement of  
51 this article. Such records shall be exhibited to the commissioner, his  
52 representatives, or to any peace officer, acting pursuant to his special  
53 duties or police officer who shall demand to see the same and shall be  
54 held available for further inspection for a period of sixty days within  
55 the state of New York in an office designated by the owner. Failure to  
56 produce such records upon demand shall be presumptive evidence of a

violation of this article relating to keeping such records. In any prosecution for the violation of any of the provisions of this article such records shall be prima facie evidence of the truth of the contents thereof.

[b. The provisions of this article with reference to the carrying of records on the vehicle shall not apply to the operation of a motor bus or motor buses operated on fixed schedules, but this shall not relieve any corporation, company, association, joint-stock association, partnership or person engaged in the operation of a motor bus or motor buses on fixed schedules from the necessity of keeping such records and having them available in an office within the state of New York.]

S 9. Section 214 of the transportation law is REPEALED.

S 10. Paragraph (a) of subdivision 1 of section 14-f of the transportation law, as added by chapter 963 of the laws of 1981, subparagraphs 7 and 8 as amended and subparagraphs 9, 10 and 11 as added by chapter 186 of the laws of 1987, subparagraph 9 as amended by chapter 180 and subparagraph 12 as amended by chapter 190 of the laws of 1989 and the second undesignated paragraph as amended by chapter 402 of the laws of 1993, is amended to read as follows:

(a) Have the power to make rules and regulations governing transportation of hazardous materials, which shall mean a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce, by all modes AS DEFINED BY THE RULES AND REGULATIONS OF THE DEPARTMENT. [For purposes of this section, the term "hazardous materials" shall include the following:

(1) "Irritating material" which shall mean a liquid or solid substance which upon contact with fire or when exposed to air gives off dangerous or intensely irritating fumes such as benzylcyanide, chloracetophenone, diphenylaminechlorarsine, and diphenyl chlorarsine, but not including any poisonous material, Class A;

(2) "Poison A" which shall mean those poisonous gases or liquids of such nature that a small amount of the gas, liquid or vapor of the liquid, when in contact with air is dangerous to life. This class includes the following: bromacetone, cyanogen, cyanogen chloride containing less than 0.9 percent water, diphosgene, ethyldichlorarsine, hydrocyanic acid, methyldichlorarsine, nitrogen peroxide (tetroxide), phosgene (diphosgene), nitrogen tetroxide - nitric oxide mixtures containing up to 33.2 percent weight nitric oxide;

(3) "Poison B" which shall mean those substances, liquid or solid (including pastes and semi-solids), other than Class A poisons or irritating materials, which are known to be so toxic as to be a hazard to health;

(4) "Corrosive materials" which shall mean those acids, alkaline caustic liquids and other corrosive liquids or solids which when in contact with living tissue, will cause severe damage of such tissue by chemical action; or in the case of leakage, will materially damage or destroy other freight by chemical action; or are liable to cause fire when in contact with organic matter or with certain chemicals that cause visible destruction or irreversible alteration in human skin tissue at the site of contact;

(5) "Oxidizing materials" which shall mean those substances such as a chlorate, permanganate, peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter;

(6) "Flammable solids" which shall mean any solid material, other than one designated an explosive, as further defined in this section, which under conditions incident to transportation, cause fires through fric-

tion, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from the manufacturing or processing. Included in this class are spontaneously combustible and water-reactive materials;

(7) "Flammable liquids" which shall mean any liquid, except any liquid meeting the definition of subparagraph nine, ten or eleven of this paragraph, which gives off flammable vapors below a temperature of one hundred degrees Fahrenheit;

(8) "Radioactive materials" which shall mean irradiated nuclear reactor fuel and the waste by-products of reprocessed irradiated nuclear reactor fuel and any other material or combination of materials that spontaneously emits ionizing radiation which the commissioner of transportation determines by regulation to present significant potential threat to public health and safety;

(9) "Liquefied compressed gas" which shall mean a gas liquefied through compression and under charged pressure is partially liquid at a temperature of seventy degrees Fahrenheit;

(9) "Regulated medical waste" which shall be defined as provided in subdivision one of section 27-1501 of the environmental conservation law.

(10) "Cryogenic liquid" which shall mean a refrigerated liquefied gas having a boiling point colder than minus one hundred thirty degrees Fahrenheit (minus ninety degrees centigrade) at one atmosphere absolute;

(11) "Flammable compressed gas" which shall mean any material or mixture having in the container an absolute pressure exceeding forty p.s.i. at seventy degrees Fahrenheit, or, regardless of the pressure at seventy degrees Fahrenheit, having an absolute pressure exceeding one hundred four p.s.i. at one hundred thirty degrees Fahrenheit, or any liquid flammable material having a vapor pressure exceeding forty p.s.i. absolute at one hundred degrees Fahrenheit as determined by ASTM test D-323, if any one of the following occurs:

(i) either a mixture of thirteen percent or less, (by volume) with air forms a flammable mixture or the flammable range with air is wider than twelve percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure;

(ii) using the bureau of explosives, association of American railroads flame projection apparatus, the flame projects more than eighteen inches beyond the ignition source with valve open fully, or, the flame flashes back and burns at the valve with any degree of valve opening;

(iii) using the bureau of explosives, association of American railroads open drum apparatus, there is any significant propagation of flame away from the ignition source;

(iv) using the bureau of explosives, association of American railroads close drum apparatus, there is any explosion of the vapor-air mixture in the drum; and

(12) Other identical or similar substances which shall from time to time be identified by the commissioner of transportation by rules and regulations promulgated pursuant to this section as being hazardous materials, provided, however, that this section shall not apply to the regular military or naval forces of the United States; nor to the duly authorized militia of any state or territory thereof; nor to the police or fire departments of this state, or of its counties, cities, towns, villages, agencies or instrumentalities, providing the same are acting within their official capacity and in the performance of their duties.

Such rules and regulations shall be no less protective of public safety than the rules and regulations promulgated by the federal government



1 with respect to the transportation of hazardous materials. The regu-  
2 lations shall set forth the criteria for identifying and listing, and a  
3 list of hazardous materials subject to this section as may be amended by  
4 the commissioner of transportation from time to time in a manner  
5 consistent with the state administrative procedure act and consistent  
6 with this section. Such regulations shall include specifications for  
7 marking and placarding of vehicles transporting hazardous materials as  
8 will be applied pursuant to paragraph (a) of subdivision three of this  
9 section. The regulations promulgated hereunder shall include notice that  
10 a violation of the rules and regulations is subject to a fine or a peri-  
11 od of imprisonment, and the rules and regulations shall set forth the  
12 penalty provisions contained in subdivision four of this section.  
13 Provided, however, that all local laws or ordinances, except those of  
14 cities having a population of one million or more, regulating the trans-  
15 portation of flammable liquids in trucks, trailers or semi-trailers, are  
16 hereby superseded and without force and hereafter no such local law or  
17 ordinance shall be adopted to regulate or control the equipment or means  
18 of transporting flammable liquids in trucks, trailers or semi-trailers.

19 For the purposes of this section, a "vehicle" shall mean every device  
20 in which property may be transported upon a highway, stationary rails or  
21 tracks, or on the navigable waterways of the state.]

22 S 11. Subdivision 3 of section 14-g of the transportation law, as  
23 amended by chapter 921 of the laws of 1983, is amended to read as  
24 follows:

25 3. For the purposes of this section, the term "intercity bus passenger  
26 service" shall mean transportation provided to the public on a regular  
27 and continuing basis by a person, firm, or corporation authorized to  
28 transport passengers in interstate commerce by the [interstate commerce  
29 commission] UNITED STATES DEPARTMENT OF TRANSPORTATION or in intrastate  
30 commerce by the state department of transportation that is primarily  
31 intended to satisfy longer distance travel demand between cities, and  
32 villages and unincorporated urban places that have a population of two  
33 thousand five hundred or more. Such term does not include services that  
34 are primarily local or commuter oriented in nature.

35 S 12. Subdivisions 1-a, 1-b and 2 of section 18 of the transportation  
36 law, as amended by chapter 199 of the laws of 1987, are amended to read  
37 as follows:

38 1-a. The department of transportation is hereby designated the offi-  
39 cial state agency to receive all notifications from the [federal inter-  
40 state commerce commission] UNITED STATES DEPARTMENT OF TRANSPORTATION or  
41 any other federal or state agency in regard to discontinuance of service  
42 or railroad property abandonment proceedings, including notification of  
43 applications from railroad companies for any such purposes.

44 1-b. The department of transportation shall promptly inform in writing  
45 all interested state agencies, transportation authorities, and every  
46 county, city, town and village in which such property is located and the  
47 appropriate entity designated by the governor pursuant to title IV of  
48 the federal intergovernmental cooperation act of nineteen hundred  
49 sixty-eight and the federal office of management and budget circular  
50 A-98 of (a) the issuance of any certificate from the [federal interstate  
51 commerce commission] UNITED STATES DEPARTMENT OF TRANSPORTATION or other  
52 federal or state agency authorizing discontinuance of railroad service  
53 or abandonment of railroad transportation property, (b) approval of  
54 discontinuance of service or a determination of abandonment of railroad  
55 transportation property pursuant to this section, and (c) the receipt of

1 an application to release a preferential acquisition right to railroad  
2 transportation property pursuant to this section.

3 2. For the purposes of this section, property shall be deemed to be  
4 abandoned for railroad transportation purposes (a) when, where required  
5 by law, a certificate of abandonment of the railroad line situate there-  
6 on has been issued by the [interstate commerce commission] UNITED STATES  
7 DEPARTMENT OF TRANSPORTATION and/or any other federal or state agency  
8 having jurisdiction thereof; or (b) when such a certificate of abandon-  
9 ment is not so required and the use of such property for railroad trans-  
10 portation purposes has been discontinued with the intent not to resume.  
11 Intent not to resume may be inferred from circumstances. Non-use of the  
12 property for railroad transportation purposes for two consecutive years  
13 shall create a presumption of abandonment. When use of such property  
14 for railroad transportation purposes has been discontinued and upon  
15 request of the property owner or his own motion, the commissioner shall  
16 undertake an investigation thereof, which may include consultation with  
17 the [interstate commerce commission] UNITED STATES DEPARTMENT OF TRANS-  
18 PORTATION, and shall render a determination as to whether or not (a) the  
19 property owner has definite plans for the use of such property for  
20 purposes ordinarily associated with the safe and normal operation of a  
21 railroad or associated transportation purposes; (b) such property  
22 continues to be suitable for such railroad transportation purposes; and  
23 (c) such property is necessary, either presently or in the future, for  
24 such railroad transportation purposes. Such property shall be deemed to  
25 be abandoned for railroad transportation purposes if the commissioner  
26 shall determine that (a) the property owner has no definite plans for  
27 the use of such property for purposes ordinarily associated with the  
28 safe and normal operation of a railroad or associated transportation  
29 purposes; or (b) such property is no longer suitable for such railroad  
30 transportation purposes; and (c) such property is not necessary, either  
31 presently or in the future, for such railroad transportation purposes.  
32 The commissioner shall render such determination within ninety days  
33 after the commencement of such investigation and such determination  
34 shall be conclusive except that if the property is determined not to be  
35 so abandoned such determination shall not preclude the undertaking of a  
36 subsequent investigation concerning the same property. Sales of aban-  
37 doned railroad transportation property for continued or resumed rail  
38 transportation use may be exempted at the commissioner's discretion from  
39 the preferential right of acquisition. This section shall not apply to  
40 the subsequent resale of property lawfully acquired subject to the  
41 provisions of this section as then applicable, except when the subse-  
42 quent sale involves property previously exempted from this section by  
43 the commissioner.

44 S 13. Section 98 of the transportation law, as added by chapter 267 of  
45 the laws of 1970, is amended to read as follows:

46 S 98. Tariff schedules; publication. Every common carrier shall file  
47 with the commissioner and shall print and keep open to public inspection  
48 schedules showing the rates, fares and charges for the transportation of  
49 passengers and property within the state between each point upon its  
50 route and all other points thereon; and between each point upon its  
51 route and all points upon every route leased, operated or controlled by  
52 it; and between each point on its route or upon any route leased, oper-  
53 ated or controlled by it and all points upon the route of any other  
54 common carrier, whenever a through route and joint rate shall have been  
55 established or ordered between any two such points. If no joint rate  
56 over a through route has been established, the several carriers in such

1 through route shall file, print and keep open to public inspection, as  
2 aforesaid, the separately established rates, fares and charges applied  
3 to the through transportation. The schedules printed as aforesaid shall  
4 plainly state the places between which property and passengers will be  
5 carried, and shall also contain the classification of passengers or  
6 property in force, and shall also state separately all terminal charges,  
7 storage charges, icing charges, and all other charges which the commis-  
8 sioner may require to be stated, all privileges or facilities granted or  
9 allowed, and any rules or regulations which may in anywise change,  
10 affect or determine any part, or the aggregate of, such aforesaid rates,  
11 fares and charges, or the value of the service rendered to the passen-  
12 ger, shipper or consignee. Such schedules shall be plainly printed in  
13 large type, and a copy thereof shall be kept by every such carrier read-  
14 ily accessible to and for convenient inspection by the public in every  
15 station or office of such carrier where passengers or property are  
16 respectively received for transportation, when such station or office is  
17 in charge of an agent, and in every station or office of such carrier  
18 where passenger tickets for transportation or tickets covering sleeping  
19 or parlor car or other train accommodation are sold or bills of lading  
20 or receipts for property are issued. All or any of such schedules kept  
21 as aforesaid shall be immediately produced by such carrier for  
22 inspection upon the demand of any person. A notice printed in bold type  
23 and stating that such schedules are on file with the agent and open to  
24 inspection by any person and that the agent will assist any such person  
25 to determine from such schedules any transportation rates or fares or  
26 rules or regulations which are in force shall be kept posted by the  
27 carrier in two public and conspicuous places in every such station or  
28 office. The form of every such schedule shall be prescribed by the  
29 commissioner and shall conform in the case of railroad company as nearly  
30 as may be to the form of schedule required by the [interstate commerce  
31 commission] UNITED STATES DEPARTMENT OF TRANSPORTATION under the act of  
32 congress entitled "An act to regulate commerce," approved February  
33 fourth, eighteen hundred and eighty-seven and the acts amendatory there-  
34 of and supplementary thereto. The commissioner shall have power, from  
35 time to time, in his discretion, to determine and prescribe by order  
36 such changes in the form of such schedules as may be found expedient,  
37 and to modify the requirements of this section in respect to publishing,  
38 posting and filing of schedules either in particular instances or by  
39 general order applicable to special or peculiar circumstances or condi-  
40 tions.

41 S 14. Section 126 of the transportation law, as added by chapter 267  
42 of the laws of 1970, is amended to read as follows:

43 S 126. Uniform system of accounts; access to accounts; forfeitures.  
44 The commissioner may, whenever he deems advisable, establish a system of  
45 accounts to be used by common carriers which are subject to his super-  
46 vision, or may classify the said carriers and prescribe a system of  
47 accounts for each class, and may prescribe the manner in which such  
48 accounts shall be kept. He may also in his discretion prescribe the  
49 forms of accounts, records and memoranda to be kept by such carriers,  
50 including the accounts, records and memoranda of the movement of traffic  
51 as well as the receipts and expenditures of moneys. Notice of alter-  
52 ations by the commissioner in the required method or form of keeping a  
53 system of accounts shall be given to such persons or carriers by the  
54 commissioner at least six months before the same are to take effect. The  
55 system of accounts established by the commissioner and the forms of  
56 accounts, records and memoranda prescribed by him as provided above

1 shall conform in the case of railroad companies as nearly as may be to  
2 those from time to time established and prescribed by the [interstate  
3 commerce commission] UNITED STATES DEPARTMENT OF TRANSPORTATION under  
4 the provisions of the act of congress entitled "An act to regulate  
5 commerce" approved February fourth, eighteen hundred eighty-seven, and  
6 the acts amendatory thereof or supplementary thereto. The commissioner  
7 shall at all times have access to all accounts, records and memoranda  
8 kept by common carriers and may designate any officers or employees of  
9 the department who shall thereupon have authority under the order of the  
10 commissioner to inspect and examine any and all accounts, records and  
11 memoranda kept by such carriers. The commissioner may, after hearing,  
12 prescribe by order the accounts in which particular outlays and receipts  
13 shall be entered, charged or credited. At any such hearing the burden of  
14 proof shall be on the common carrier to establish the correctness of the  
15 accounts in which such outlays and receipts have been entered, and the  
16 commissioner may suspend a charge or credit pending submission of proof  
17 by such carrier. Where the commissioner has prescribed the forms of  
18 accounts, records and memoranda to be kept by such carriers it shall be  
19 unlawful for them to keep any other accounts, records or memoranda than  
20 those so prescribed, or those prescribed by or under authority of the  
21 United States.

22 S 15. Section 134 of the transportation law, as added by chapter 267  
23 of the laws of 1970, is amended to read as follows:

24 S 134. Duties of commissioner as to interstate traffic. The commis-  
25 sioner may investigate interstate freight or passenger rates or inter-  
26 state freight or passenger service on railroads within the state, and  
27 when such rates are, in the opinion of the commissioner, excessive or  
28 discriminatory or are levied or laid in violation of the act of congress  
29 entitled "An act to regulate commerce," approved February fourth, eigh-  
30 teen hundred and eighty-seven, and the acts amendatory thereof and  
31 supplementary thereto, or in conflict with the rulings, orders or regu-  
32 lations of the [interstate commerce commission] UNITED STATES DEPARTMENT  
33 OF TRANSPORTATION, the commissioner may apply by petition to the [inter-  
34 state commerce commission] UNITED STATES DEPARTMENT OF TRANSPORTATION  
35 for relief or may present to the [interstate commerce commission] UNITED  
36 STATES DEPARTMENT OF TRANSPORTATION all facts coming to his knowledge,  
37 as to violations of the rulings, orders, or regulations of that commis-  
38 sion or as to violations of the said act to regulate commerce or acts  
39 amendatory thereof or supplementary thereto.

40 S 16. The opening paragraph of section 432 of the transportation law,  
41 as amended by chapter 385 of the laws of 1994 and as further amended by  
42 section 1 of part W of chapter 56 of the laws of 2010, is amended to  
43 read as follows:

44 The level of railroad participation in the program for the period  
45 nineteen hundred eighty-seven through nineteen hundred ninety-one shall  
46 depend on the estimated tax abatement as computed by the commissioner of  
47 taxation and finance pursuant to either subdivision (c) of section four  
48 hundred eighty-nine-j or subdivision (c) of section four hundred eight-  
49 y-nine-hh of the real property tax law. The nature of railroad partic-  
50 ipation in the program, as set forth below, shall be based on the rail-  
51 road's economic or exemption factor under title two-A and title two-B of  
52 article four of the real property tax law, as applicable, and the rail-  
53 road's size classification as determined by the [interstate commerce  
54 commission] UNITED STATES DEPARTMENT OF TRANSPORTATION, based on rail-  
55 road system gross revenues. Regardless of the level of their partic-  
56 ipation, all railroads shall annually certify to the commissioner that

1 to the best of their knowledge and belief such railroads are in substan-  
2 tial compliance with the terms and conditions of any contracts they may  
3 have with the department.

4 S 17. The opening paragraph of subdivision 1 of section 1690 of the  
5 vehicle and traffic law, as amended by chapter 420 of the laws of 2001,  
6 is amended to read as follows:

7 Notwithstanding any other provision of law, where the trial of a traf-  
8 fic or parking infraction is authorized or required to be tried before  
9 the Nassau county district court, and such traffic and parking infrac-  
10 tion does not constitute a misdemeanor, felony, violation of subdivision  
11 one of section eleven hundred ninety-two, subdivision five of section  
12 eleven hundred ninety-two, section three hundred ninety-seven-a, or  
13 subdivision (g) of section eleven hundred eighty of this chapter, or a  
14 violation of paragraph (b) of subdivision four of section fourteen-f or  
15 clause (b) of subparagraph (iii) of paragraph [d] C of subdivision two  
16 of section one hundred forty of the transportation law, or any offense  
17 that is part of the same criminal transaction, as that term is defined  
18 in subdivision two of section 40.10 of the criminal procedure law, as  
19 such a misdemeanor, felony, violation of subdivision one of section  
20 eleven hundred ninety-two, subdivision two of section eleven hundred  
21 ninety-two, section three hundred ninety-seven-a or subdivision (g) of  
22 section eleven hundred eighty of this chapter, or a violation of para-  
23 graph (b) of subdivision four of section fourteen-f or clause (b) of  
24 subparagraph (iii) of paragraph d of subdivision two of section one  
25 hundred forty of the transportation law, the administrative judge of the  
26 county in which the trial court is located, may assign judicial hearing  
27 officers to conduct such a trial. Such judicial hearing officers shall  
28 be village court justices or retired judges either of which shall have  
29 at least two years of experience conducting trials of traffic and park-  
30 ing violations cases and shall be admitted to practice law in this  
31 state. Where such assignment is made, the judicial hearing officer shall  
32 entertain the case in the same manner as a court and shall:

33 S 18. Subdivision 2 of section 371 of the general municipal law, as  
34 amended by chapter 19 of the laws of 2009, is amended to read as  
35 follows:

36 2. The Nassau county traffic and parking violations agency, as estab-  
37 lished, may be authorized to assist the Nassau county district court in  
38 the disposition and administration of infractions of traffic and parking  
39 laws, ordinances, rules and regulations and the liability of owners for  
40 violations of subdivision (d) of section eleven hundred eleven of the  
41 vehicle and traffic law in accordance with section eleven hundred  
42 eleven-b of such law, except that such agency shall not have jurisdic-  
43 tion over (a) the traffic infraction defined under subdivision one of  
44 section eleven hundred ninety-two of the vehicle and traffic law; (b)  
45 the traffic infraction defined under subdivision five of section eleven  
46 hundred ninety-two of the vehicle and traffic law; (c) the violation  
47 defined under paragraph (b) of subdivision four of section fourteen-f of  
48 the transportation law and the violation defined under clause (b) of  
49 subparagraph (iii) of paragraph [d] C of subdivision two of section one  
50 hundred forty of the transportation law; (d) the traffic infraction  
51 defined under section three hundred ninety-seven-a of the vehicle and  
52 traffic law and the traffic infraction defined under subdivision (g) of  
53 section eleven hundred eighty of the vehicle and traffic law; (e) any  
54 misdemeanor or felony; or (f) any offense that is part of the same crim-  
55 inal transaction, as that term is defined in subdivision two of section  
56 40.10 of the criminal procedure law, as a violation of subdivision one

1 of section eleven hundred ninety-two of the vehicle and traffic law, a  
2 violation of subdivision five of section eleven hundred ninety-two of  
3 the vehicle and traffic law, a violation of paragraph (b) of subdivision  
4 four of section fourteen-f of the transportation law, a violation of  
5 clause (b) of subparagraph (iii) of paragraph d of subdivision two of  
6 section one hundred forty of the transportation law, a violation of  
7 section three hundred ninety-seven-a of the vehicle and traffic law, a  
8 violation of subdivision (g) of section eleven hundred eighty of the  
9 vehicle and traffic law or any misdemeanor or felony.

10 S 19. Subdivision 1 of section 27-1321 of the environmental conserva-  
11 tion law, as added by chapter 915 of the laws of 1983, is amended to  
12 read as follows:

13 1. Notwithstanding any other provision of law to the contrary, any  
14 person who is, by professional training or experience and attainment,  
15 qualified to analyze and interpret matters pertaining to the treatment,  
16 storage, disposal, or transport of hazardous materials or hazardous  
17 wastes, and who voluntarily and without expectation of monetary compen-  
18 sation provides assistance or advice in mitigating the effects of an  
19 accidental or threatened discharge of any hazardous materials or hazard-  
20 ous wastes, or in preventing, cleaning up, or disposing of any such  
21 discharge, shall not be subject to a penalty or to civil liability for  
22 damages or injuries alleged to have been sustained by any person or  
23 entity by reason of an act or omission in the giving of such assistance  
24 or advice. For the purposes of this section, the term "hazardous materi-  
25 als" shall have the same meaning [given] AS that term [in subdivision  
26 one of] IS DEFINED IN REGULATIONS PROMULGATED BY THE COMMISSIONER OF  
27 TRANSPORTATION PURSUANT TO section fourteen-f of the transportation law,  
28 and the term "hazardous wastes" shall mean those wastes identified or  
29 listed pursuant to section 27-0903 of this article and any rules and  
30 regulations promulgated thereunder.

31 S 20. Subdivision 1 of section 156-a of the executive law, as amended  
32 by section 1 of part D of chapter 1 of the laws of 2004, is amended to  
33 read as follows:

34 1. The state fire administrator shall[, in his or her discretion,  
35 consult with the fire fighting and code enforcement personnel standards  
36 and education commission established pursuant to section one hundred  
37 fifty-nine-a of this article, to] establish a specialized hazardous  
38 materials emergency response training program for individuals responsi-  
39 ble for providing emergency response recovery following incidents  
40 involving hazardous materials as SUCH TERM IS defined in [accordance  
41 with] REGULATIONS PROMULGATED BY THE COMMISSIONER OF TRANSPORTATION  
42 PURSUANT TO section fourteen-f of the transportation law. The state fire  
43 administrator shall inform all fire companies, municipal corporations  
44 and districts, including agencies and departments thereof and all fire-  
45 fighters, both paid and volunteer, and related officers and employees  
46 and police officers of the implementation and availability of the  
47 hazardous materials emergency response training program and shall,  
48 subject to the availability of an appropriation, conduct such training  
49 with sufficient frequency to assure adequate response to incidents  
50 involving hazardous materials and protection of responders in all  
51 geographic areas of the state.

52 S 21. This act shall take effect immediately; provided, however that  
53 the amendments to subdivision 2 of section 371 of the general municipal  
54 law, made by section eighteen of this act shall not affect the expira-  
55 tion of such section and shall be deemed to expire therewith.

1

## PART H

2 Section 1. Subdivisions 1 and 2 of section 11-0515 of the environ-  
3 mental conservation law, as amended by chapter 528 of the laws of 1986,  
4 are amended to read as follows:

5 1. The department may issue to any person a license revocable at its  
6 pleasure to collect or possess fish, wildlife, shellfish, crustacea, OR  
7 aquatic insects, birds' nests or eggs for propagation, banding, scien-  
8 tific or exhibition purposes. The department in its discretion may  
9 require an applicant to pay a license fee of ten dollars, [to submit  
10 written testimonials from two well-known persons] and to file a bond of  
11 two hundred dollars to be approved by the department that he OR SHE will  
12 not violate any provisions of this article. Each licensee shall file  
13 with the department [on or before February 1] a report [of his oper-  
14 ations during the preceding calendar year] CONTAINING SUCH INFORMATION  
15 AS THE DEPARTMENT MAY REQUIRE. Such license shall be [effective until  
16 revoked] IN FORCE FOR ONE YEAR ONLY AND SHALL NOT BE TRANSFERABLE.

17 2. The department may also issue a license revocable at its pleasure  
18 to possess and sell protected fish, wildlife, shellfish, crustacea or  
19 aquatic insects for propagation, scientific or exhibition purposes. The  
20 department in its discretion may require a license fee of ten dollars.  
21 Such license shall be in force for one year only and shall not be trans-  
22 ferable. Each licensee shall [make] FILE WITH THE DEPARTMENT a report  
23 [of his or her operations at the expiration of the license] CONTAINING  
24 SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE. Fish, wildlife, shellf-  
25 ish, crustacea or aquatic insects lawfully possessed under this section  
26 may be sold at any time by the licensee for propagation, scientific or  
27 exhibition purposes only.

28 S 2. Subdivision 1 of section 11-0521 of the environmental conserva-  
29 tion law, as amended by chapter 600 of the laws of 1993, is amended to  
30 read as follows:

31 1. The department may direct any environmental conservation officer,  
32 or issue a permit to any person, to take any wildlife at any time when-  
33 ever it becomes a nuisance, destructive to public or private property or  
34 a threat to public health or welfare, provided, however, that where such  
35 wildlife is a bear, no such permit shall be issued except upon proof of  
36 damage to such property or threat to public health or safety presented  
37 to the department. Upon presentation of such proof, the department may  
38 issue a permit authorizing the use of trained tracking dogs pursuant to  
39 section 11-0928 of this article, and, if the department has determined  
40 that no other alternative is feasible, a separate permit to take the  
41 bear. Wildlife so taken shall be disposed of as the department may  
42 direct. ANY PERSON, AGENCY, CORPORATION OR MUNICIPALITY WHO OBTAINS A  
43 MIGRATORY BIRD DEPREDATION PERMIT OR ORDER ISSUED BY THE FEDERAL DEPART-  
44 MENT OF THE INTERIOR PURSUANT TO 50 C.F.R. 13 AND 50 C.F.R. 21, AS MAY  
45 BE AMENDED FROM TIME TO TIME, SHALL NOT BE REQUIRED TO OBTAIN A PERMIT  
46 FROM THE DEPARTMENT TO CONDUCT THE AUTHORIZED ACTIVITIES.

47 S 3. Subdivisions 6 and 9 of section 11-0523 of the environmental  
48 conservation law, subdivision 6 as added by chapter 911 of the laws of  
49 1990 and subdivision 9 as amended by chapter 114 of the laws of 1981,  
50 are amended to read as follows:

51 6. Raccoons, MUSKRATS, coyotes or fox injuring private property may be  
52 taken by the owner, occupant or lessee thereof, or an employee or family  
53 member of such owner, occupant or lessee, at any time in any manner.

54 9. Varying hares, cottontail rabbits, skunks, black, grey and fox  
55 squirrels, raccoons, MUSKRATS, opossums or weasels taken pursuant to

1 this section in the closed season or in a manner not permitted by  
2 section 11-0901 shall be immediately buried or cremated. No person shall  
3 possess or traffic in such skunks or raccoons or the pelts thereof or in  
4 such varying hares or cottontail rabbits or the flesh thereof.

5 S 4. Subdivision 4 of section 11-0524 of the environmental conserva-  
6 tion law, as added by chapter 265 of the laws of 2002, is amended to  
7 read as follows:

8 4. The fee for a nuisance wildlife control operator license shall be  
9 fifty dollars paid annually to be deposited in the conservation fund  
10 established pursuant to section eighty-three of the state finance law,  
11 PROVIDED, HOWEVER, THAT A MUNICIPALITY SHALL NOT BE SUBJECT TO THIS FEE.

12 S 5. Subdivisions 3 and 4 of section 11-0927 of the environmental  
13 conservation law, are amended to read as follows:

14 3. Wild game shall not be taken by shooting or otherwise killed in the  
15 course of a field trial. Other game on which a field trial may be held  
16 as provided in this section may be taken by shooting in the course of a  
17 field trial, except a field trial held on a licensed dog training area,  
18 provided a license for such shooting has been procured from the depart-  
19 ment. Game so taken shall be immediately [tagged for identification with  
20 seals, to be supplied to the licensee] IDENTIFIED ON FORMS PROVIDED by  
21 the department [at the price of five cents each, and such seals shall  
22 not be removed] until the game is finally prepared for consumption.

23 4. Game so [tagged] IDENTIFIED may be possessed, transported, bought  
24 and sold at any time, without limitation by section 11-0917.

25 S 6. Subdivision 2 of section 11-0931 of the environmental conserva-  
26 tion law, as amended by chapter 483 of the laws of 2010, is amended to  
27 read as follows:

28 2. No firearm or crossbow except a pistol or revolver shall be carried  
29 or possessed in or on a motor vehicle unless it is unloaded, for a  
30 firearm in both the chamber and the magazine, except that a loaded  
31 firearm which may be legally used for taking migratory game birds may be  
32 carried or possessed in a motorboat while being legally used in hunting  
33 migratory game birds, and no person except a law enforcement officer in  
34 the performance of his official duties shall, while in or on a motor  
35 vehicle, use a jacklight, spotlight or other artificial light upon lands  
36 inhabited by deer if he is in possession or is accompanied by a person  
37 who is in possession, at the time of such use, of a longbow, crossbow or  
38 a firearm of any kind except a pistol or revolver, unless such longbow  
39 is unstrung or such firearm or crossbow is taken down or securely  
40 fastened in a case or locked in the trunk of the vehicle. For purposes  
41 of this subdivision, motor vehicle shall mean every vehicle or other  
42 device operated by any power other than muscle power, and which shall  
43 include but not be limited to automobiles, trucks, motorcycles, trac-  
44 tors, trailers and motorboats, snowmobiles and snowtravelers, whether  
45 operated on or off public highways. Notwithstanding the provisions of  
46 this subdivision, the department may issue a permit to any person who is  
47 non-ambulatory, except with the use of a mechanized aid, to possess a  
48 loaded firearm in or on a motor vehicle as defined in this section,  
49 subject to such restrictions as the department may deem necessary in the  
50 interest of public safety[, and for a fee of five dollars]. Nothing in  
51 this section permits the possession of a pistol or a revolver contrary  
52 to the penal law.

53 S 7. Subdivision 2 of section 11-0931 of the environmental conserva-  
54 tion law, as amended by section 50 of part F of chapter 82 of the laws  
55 of 2002, is amended to read as follows:



1 2. No firearm except a pistol or revolver shall be carried or  
2 possessed in or on a motor vehicle unless it is unloaded in both the  
3 chamber and the magazine, except that a loaded firearm which may be  
4 legally used for taking migratory game birds may be carried or possessed  
5 in a motorboat while being legally used in hunting migratory game birds,  
6 and no person except a law enforcement officer in the performance of his  
7 official duties shall, while in or on a motor vehicle, use a jacklight,  
8 spotlight or other artificial light upon lands inhabited by deer if he  
9 is in possession or is accompanied by a person who is in possession, at  
10 the time of such use, of a longbow, crossbow or a firearm of any kind  
11 except a pistol or revolver, unless such longbow is unstrung or such  
12 firearm is taken down or securely fastened in a case or locked in the  
13 trunk of the vehicle. For purposes of this subdivision, motor vehicle  
14 shall mean every vehicle or other device operated by any power other  
15 than muscle power, and which shall include but not be limited to automo-  
16 biles, trucks, motorcycles, tractors, trailers and motorboats, snowmo-  
17 biles and snowtravelers, whether operated on or off public highways.  
18 Notwithstanding the provisions of this subdivision, the department may  
19 issue a permit to any person who is non-ambulatory, except with the use  
20 of a mechanized aid, to possess a loaded firearm in or on a motor vehi-  
21 cle as defined in this section, subject to such restrictions as the  
22 department may deem necessary in the interest of public safety[, and for  
23 a fee of five dollars]. Nothing in this section permits the possession  
24 of a pistol or a revolver contrary to the penal law.

25 S 8. Section 11-1003 of the environmental conservation law, as amended  
26 by section 51 of part F of chapter 82 of the laws of 2002, is amended to  
27 read as follows:

28 S 11-1003. Falconry license.

29 Any resident of this state may be issued a falconry license. The  
30 department shall prescribe and furnish forms for application for such  
31 license. The fee for the license shall be [twenty] FORTY dollars.  
32 Falconry licenses shall expire on December 31 every [second] FIFTH year  
33 and shall be renewable at the discretion of the department. A falconry  
34 license shall authorize the licensee to obtain, buy, sell, barter,  
35 possess and train raptors for falconry and to engage in falconry,  
36 provided that no game shall be taken or killed except during an open  
37 season therefor, and further provided that such licensee shall also  
38 possess a license pursuant to this chapter which authorizes the holder  
39 to hunt wildlife. Any non-resident, who legally possesses a raptor  
40 where he or she resides and who may legally engage in falconry where he  
41 or she resides, may engage in falconry in New York without a falconry  
42 license provided he or she possesses a valid non-resident hunting  
43 license.

44 S 9. Section 11-1721 of the environmental conservation law, subdivi-  
45 sion 2 as amended by chapter 528 of the laws of 1986, is amended to read  
46 as follows:

47 S 11-1721. [Tagging] IDENTIFICATION of carcasses and parts thereof.

48 1. The provisions of this section apply to carcasses and parts thereof  
49 of

50 a. domestic game killed on the premises of the holder of a domestic  
51 game bird breeder's license PURSUANT TO SECTION 11-1901 OF THIS ARTICLE,  
52 domestic game animal breeder's license PURSUANT TO SECTION 11-1905 OF  
53 THIS ARTICLE or shooting preserve license PURSUANT TO SECTION 11-1903 OF  
54 THIS ARTICLE;

55 b. [domestic game raised outside the state on the premises of a holder  
56 of a certificate under section 11-1715, subdivision 1;

1 c. foreign game imported from outside the United States;

2 d. wild deer (other than white-tailed deer), moose, elk, caribou and  
3 antelope, coming from outside the state, imported pursuant to section  
4 11-1711;

5 e.] bear possessed under license pursuant to section 11-0515 or  
6 outside the state under a license similar in principle and killed for  
7 food purposes[, and bought and sold for such purpose under permit from  
8 the department pursuant to section 11-1713];

9 [f.] C. trout, black bass, lake trout, landlocked salmon, muskellunge,  
10 pike, pickerel and walleye taken from fishing preserve waters licensed  
11 pursuant to section 11-1913.

12 2. All such [game] CARCASSES AND PARTS shall be [tagged] IDENTIFIED  
13 with a [tag or seal, which shall be supplied] FORM PROVIDED by the  
14 department [for a fee of five cents for each tag or seal. The tag or  
15 seal shall be affixed to each game bird, and in the case of foreign game  
16 shall be affixed to the breast skin, and to the flesh of each quarter  
17 and loin of other game, and shall remain so affixed until the game is  
18 finally prepared for consumption. Trout, black bass, lake trout, land-  
19 locked salmon, muskellunge, pike, pickerel and walleye taken from fish-  
20 ing preserve waters licensed pursuant to section 11-1913 shall be tagged  
21 as prescribed by the department, with a seal, which shall be supplied by  
22 the department for a fee of five cents for each seal].

23 3. [Domestic game killed in this state] CARCASSES AND PARTS shall not  
24 be possessed unless [tagged] ACCOMPANIED BY A FORM PROVIDED BY THE  
25 DEPARTMENT as required by this section. [Foreign game imported from  
26 outside the United States and domestic and wild game coming from outside  
27 the state shall be tagged before it is brought into the state or imme-  
28 diately upon its receipt within this state by the consignee.

29 4. No person shall counterfeit any seal or tag issued by the depart-  
30 ment. No person shall attach such a tag to game which is not game  
31 described in subdivision 1, nor attach to any game described in subdivi-  
32 sion 1 a tag or seal other than the tag or seal prescribed by the  
33 department for the tagging of such game.]

34 S 10. Section 11-1723 of the environmental conservation law is amended  
35 to read as follows:

36 S 11-1723. Sale of game and trout; transportation within the state.

37 1. a. Except as provided in paragraph b, game and trout required by  
38 section 11-1721 to be [tagged, when so tagged] IDENTIFIED, may be  
39 possessed, bought and sold, and subject to section 11-1725 may be trans-  
40 ported within and from within to without the state by any means.

41 b. No domestic duck, goose, brant or swan killed by shooting shall be  
42 bought or sold unless marked [by having had the hind toe of the right  
43 foot removed as provided in subdivision 5 of section 11-1901] IN ACCORD-  
44 ANCE WITH REQUIREMENTS SET FORTH IN RULES AND REGULATIONS ESTABLISHED BY  
45 THE DEPARTMENT OF THE INTERIOR PURSUANT TO 50 C.F.R. 21 AS MAY BE  
46 AMENDED FROM TIME TO TIME.

47 2. No person shall sell or offer for sale any such game or trout  
48 unless it is so [tagged] IDENTIFIED.

49 S 11. Section 11-1725 of the environmental conservation law is amended  
50 to read as follows:

51 S 11-1725. Shipment by carriers.

52 1. Carriers may receive, and may transport, within and from within to  
53 without the state, carcasses and parts thereof of game, described in  
54 subdivision 1 of section 11-1721[, tagged] AND IDENTIFIED as provided in  
55 that section, when they are also labeled as provided in this section.

1 2. a. When received in this state by a carrier, or transported within  
2 or from within to without the state by a carrier, every shipment of game  
3 required by section 11-1721 to be [tagged] IDENTIFIED, shall also have  
4 attached a card or label with the following data plainly printed or  
5 written thereon: names and addresses of consignor and consignee, number  
6 and kind of carcasses or parts thereof[, and that the same is (as the  
7 case may be) domestic game, imported foreign game, or game imported  
8 under permit (in the case of game imported pursuant to section 11-1711  
9 or 11-1713)].

10 b. If the consignor is the person who holds the game breeder's license  
11 or shooting preserve license[, or the certificate under section 11-1715,  
12 or the permit under section 11-1711 or 11-1713,] by authority of which  
13 such game (other than imported foreign game) is saleable, or if the game  
14 is imported foreign game shipped by a licensed game dealer, the card or  
15 label shall also state the name and address of the holder of such  
16 license, [certificate or permit] and the number of the license[, certif-  
17 icate or permit].

18 3. No carrier or employee thereof shall, while engaged in such busi-  
19 ness, transport as owner any fish or game not lawfully saleable. No  
20 carrier or employee thereof shall knowingly receive or possess any fish  
21 or game, whether packed or unpacked, for shipment for any person, unless  
22 (a) if it is game or trout described in section 11-1721, it is [tagged]  
23 IDENTIFIED as required by that section, and (b) in any case, it bears  
24 the tag, card, IDENTIFICATION or label required by this section or by  
25 sections 11-0911, 11-0917, 11-1319 or 11-1913.

26 S 12. Subdivisions 1, 5 and 8 of section 11-1901 of the environmental  
27 conservation law, paragraphs a and b of subdivision 1 as amended by  
28 chapter 528 of the laws of 1986, are amended to read as follows:

29 1. The department may, in its discretion, issue to an owner or lessee  
30 of wholly enclosed lands, or an entire island, a domestic game bird  
31 breeder's license permitting him to possess and propagate such species  
32 of domestic game birds as, in its opinion, he has facilities for propa-  
33 gating on the licensed premises. The license shall expire on March 31  
34 [in each] EVERY FIFTH year. The department shall prescribe and furnish  
35 forms for application for such license. Applicants shall pay to the  
36 department, and the department shall be entitled to receive, fees  
37 according to the type of license so issued as follows:

38 a. Class A license, [fifty] TWO HUNDRED dollars. This license shall  
39 allow the holder thereof to purchase, possess, propagate, transport and  
40 sell domestic game birds, dead or alive, and their eggs.

41 b. Class B license, [ten] FORTY dollars. This license shall allow the  
42 holder thereof to purchase, possess and propagate domestic game birds  
43 for his own use. Birds may be killed for food or released to the wild  
44 for restocking. No live birds or their eggs or carcasses may be sold,  
45 exchanged or given away.

46 5. Each such domestic duck, goose, brant and swan [before attaining  
47 the age of four weeks] shall be marked [by having the hind toe of the  
48 right foot removed, and no such duck, goose, brant or swan, over four  
49 weeks of age, may be possessed or sold without such mark] IN ACCORDANCE  
50 WITH REQUIREMENTS SET FORTH IN RULES AND REGULATIONS ESTABLISHED BY THE  
51 DEPARTMENT OF THE INTERIOR PURSUANT TO 50 C.F.R. 21 AS MAY BE AMENDED  
52 FROM TIME TO TIME. Birds so marked, which have escaped, may be recap-  
53 tured by the licensee. [Other such domestic game birds which have  
54 escaped may be recaptured by the licensee provided they are marked as  
55 prescribed in the rules and regulations of the department.] Escaped  
56 birds may be recaptured only on the premises of the licensee. [However,

1 removal of the hind toe of the right foot shall not be required for  
2 captive geese, brant and swans, which were adult birds on March 1, 1967  
3 and previously had been marked with a V-shaped mark on the web of one  
4 foot.]

5 8. [a. The department shall supply tags, for which the licensee shall  
6 pay a fee of five cents each, which shall be affixed to the carcass of a  
7 domestic game bird and remain so affixed until the bird is finally  
8 prepared for consumption. No domestic game bird so killed shall be  
9 possessed without such tag, and only an authorized person shall have in  
10 his possession such tags.

11 b. Notwithstanding any provision in this section to the contrary, no  
12 untagged carcass may be removed from the premises except carcasses which  
13 are removed for the purpose of processing. When transporting untagged  
14 carcasses for such processing, the bearer must have a statement signed  
15 by the licensee stating the number of carcasses being transported and  
16 the name and address of the processor. The bearer must also have in his  
17 possession tags equal in number to the carcasses transported. The  
18 processor or bearer, after picking and dressing the carcasses, shall  
19 affix the tags, furnished by the licensee, to each carcass.

20 c. The licensee shall keep records of the number of tags used, and no  
21 tags shall be removed from the licensed premises except as provided in  
22 this subdivision. If a game bird breeder's license is not renewed on its  
23 expiration date, all unused tags and inventory shall be returned to the  
24 nearest regional office of the department not later than ten days after  
25 the expiration date of the license. There shall be no refund of money  
26 for such returned tags, which shall be immediately invalidated.

27 d. The tagging required by this subdivision shall constitute compli-  
28 ance with the tagging requirements of section 11-1721. Carcasses of  
29 domestic game birds, tagged as provided in this subdivision, may be  
30 possessed, bought, sold, offered for sale and transported, to the extent  
31 permitted by sections 11-1719 and 11-1723.] DOMESTIC GAME BIRD CARCASSES  
32 AND PARTS SHALL BE IDENTIFIED AS REQUIRED BY SECTION 11-1721 OF THIS  
33 ARTICLE.

34 S 13. Subdivisions 2, 4 and 6 of section 11-1903 of the environmental  
35 conservation law are REPEALED and subdivisions 1, 3, 7, and 10, para-  
36 graph c of subdivision 1 as amended by chapter 528 of the laws of 1986,  
37 subdivision 3 as amended by chapter 465 of the laws of 1976, and para-  
38 graph d of subdivision 7 as amended by chapter 37 of the laws of 1978,  
39 are amended to read as follows:

40 1. The department may, in its discretion, issue to an owner or lessee  
41 of wholly enclosed lands or an entire island a shooting preserve license  
42 permitting him OR HER to purchase, possess, rear and transport, and to  
43 release and take by shooting therein, domestic game birds legally  
44 possessed or acquired. No birds may be held for propagation after [March  
45 31] APRIL 15 unless the owner or lessee also has a domestic game bird  
46 breeder's license as provided for in section 11-1901. In the case of  
47 leased lands, the applicant shall furnish with his OR HER application  
48 evidence of a written lease executed by each lessor covering the prem-  
49 ises to be licensed. The license shall expire on [March 31 in each]  
50 APRIL 15 EVERY FIFTH year. The department shall prescribe and furnish  
51 forms for application for such license. Applicants shall pay, and the  
52 department shall be entitled to receive, fees according to the type of  
53 license issued as follows:

54 a. Class A license, [fifty] TWO HUNDRED dollars [for the first one  
55 hundred acres and five dollars for each additional one hundred acres or  
56 portion thereof comprising the premises described in the application].

1 This license shall allow the holder thereof to operate a commercial CLUB  
2 OR MEMBERSHIP shooting preserve WITH A MINIMUM OF ONE HUNDRED ACRES and  
3 charge a daily fee for hunting or charge a fee for each bird killed or a  
4 combination thereof. Birds may be killed by the licensee for his OR HER  
5 own use and may be sold dead or alive.

6 b. [Class B license, twenty-five dollars for the first one hundred  
7 acres and two dollars and fifty cents for each additional one hundred  
8 acres or portion thereof comprising the premises described in the appli-  
9 cation. This license shall allow the holder thereof to operate a nonpro-  
10 fit shooting preserve or a nonprofit club or membership shooting  
11 preserve with use limited to members and guests. Birds may be killed by  
12 the licensee for his own use but no live birds, or their eggs, or  
13 carcasses may be sold unless the licensee holds a Class A game bird  
14 breeder's license.

15 c.] Class [C] B license, [fifteen] SIXTY dollars [for the first one  
16 hundred acres and two dollars for each additional one hundred acres or  
17 portion thereof comprising the premises described in the application].  
18 This license shall allow the holder thereof to operate a shooting  
19 preserve with use restricted to the licensee, his OR HER family and  
20 invitees, provided no fees are charged for the privilege of hunting or  
21 for birds shot. Birds may be killed by the licensee for his OR HER own  
22 use but no live birds, or their eggs, or carcasses may be sold unless  
23 the licensee holds a Class A game bird breeder's license.

24 3. The department may revoke the license of any licensee convicted of  
25 a violation of this section, and no license shall be issued to him OR  
26 HER for the ensuing two years. The licensee, unless he OR SHE shall  
27 waive such right, shall have an opportunity to be heard. Notice of hear-  
28 ing shall be given by mailing the same in writing to the licensee at the  
29 address contained in his OR HER license. Attendance of witnesses may be  
30 compelled by subpoena. Revocation shall be deemed an administrative act  
31 reviewable by the supreme court as such.

32 7. Domestic game birds may not be killed, by shooting, on the premises  
33 specified in the application for the license, except under the following  
34 conditions:

35 a. Birds [must be at least fourteen weeks of age before liberation.  
36 Ducks, geese, brant and swans] shall be marked [by having had the hind  
37 toe of the right foot removed, except] as provided in subdivision 5 of  
38 section 11-1901[, and no such duck, goose, brant or swan, over four  
39 weeks of age, may be possessed, sold or killed by shooting without such  
40 mark]. Birds so marked, which have escaped, may be recaptured by the  
41 licensee. [Other such domestic game birds which have escaped may be  
42 recaptured by the licensee provided they are marked as prescribed in the  
43 rules and regulations of the department.] Escaped birds may be recap-  
44 tured only on the premises of the licensee.

45 [b. Before any shooting of domestic game birds may be done on a  
46 licensed shooting preserve the licensee must advise the department in  
47 writing of the numbers of each species of domestic game birds reared,  
48 purchased or otherwise acquired for liberation, and request and receive  
49 in writing a shooting authorization which shall state the numbers of  
50 each species of game bird that may be taken by shooting. The number of  
51 birds authorized to be taken by shooting shall not be less than eighty  
52 per cent of the number liberated.

53 Shooting authorization shall be based on the actual number of birds on  
54 hand or on contract at the time of application for such authorization.  
55 If birds are purchased, the applicant shall submit one copy of the  
56 contract agreement signed by the purchaser and seller on forms furnished

1 by the department. The contract shall state the name, address and  
2 license number of the party from whom purchased as well as the numbers  
3 of birds purchased and the dates of delivery.

4 c.] B. Ducks, geese, brant and swans liberated under this section may  
5 be taken only under rules and regulations made by the department OR  
6 ADOPTED BY THE FEDERAL DEPARTMENT OF THE INTERIOR.

7 [d] C. On the premises described in the application for the license,  
8 the licensee may kill domestic game birds by shooting from September 1  
9 through [March 31] APRIL 15 and in any manner, other than by shooting,  
10 at any time, or any person may take domestic game birds by shooting from  
11 September 1 through [March 31] APRIL 15 with the consent of the licen-  
12 see. [When an investigation made by the department in the month of March  
13 of any year reveals that during the current shooting preserve season  
14 reasonable opportunities were not afforded to harvest domestic game  
15 birds in any area or areas of the state because of abnormal weather  
16 conditions, the department shall have power to extend by order the  
17 shooting preserve season in such area or areas for a period not to  
18 exceed 15 days.]

19 10. a. [The department shall supply tags, for which the licensee shall  
20 pay a fee of five cents each, which shall be affixed to the carcass]  
21 CARCASSES AND PARTS of [a] domestic game [bird and remain so affixed  
22 until the bird is finally prepared for consumption] BIRDS SHALL BE  
23 ACCOMPANIED BY A FORM PROVIDED BY THE DEPARTMENT PURSUANT TO SECTION  
24 11-1721 OF THIS ARTICLE. No domestic game birds so killed shall be  
25 possessed OR TRANSPORTED without such [tag] FORM. Only an authorized  
26 person as provided in the rules and regulations of the department shall  
27 have in his OR HER possession such [tags] FORM.

28 b. [Notwithstanding any provision in this section to the contrary, no  
29 untagged carcass may be removed from the premises except carcasses which  
30 are removed for processing. When transporting untagged carcasses for  
31 processing, the bearer must have a statement signed by the licensee  
32 stating the number of carcasses transported and the name and address of  
33 the processor. The bearer must also have in his possession tags equal in  
34 number to the carcasses transported. The processor or bearer, after  
35 picking and dressing the carcasses, shall affix the tags, furnished by  
36 the licensee, to each carcass.

37 c. The licensee shall keep records of the number of tags used. If a  
38 shooting preserve license is not renewed on its expiration date, all  
39 unused tags on inventory shall be returned to the nearest regional  
40 office of the department not later than ten days after the expiration  
41 date of the license. There shall be no refund of money for such returned  
42 tags, which shall be immediately invalidated.

43 d. The tagging required by this subdivision shall constitute compli-  
44 ance with the tagging requirements of section 11-1721. Carcasses of  
45 domestic game birds, tagged as provided in this subdivision, may be  
46 possessed and transported by all licensees under this section, and they  
47 may be bought, sold and offered for sale to the extent permitted by  
48 sections 11-1719 and 11-1723, except that no domestic duck, goose, brant  
49 or swan shall be bought, sold or killed by shooting unless marked as  
50 provided in subdivision 7 of this section] DOMESTIC GAME BIRD CARCASSES  
51 AND PARTS SHALL BE IDENTIFIED AS REQUIRED BY SECTION 11-1721 OF THIS  
52 ARTICLE.

53 S 14. Subdivisions 1 and 6 of section 11-1905 of the environmental  
54 conservation law, the opening paragraph of subdivision 1 as amended by  
55 chapter 41 of the laws of 1973, paragraphs a and b of subdivision 1 as

1 amended by chapter 528 of the laws of 1986, are amended to read as  
2 follows:

3 1. The department may, in its discretion, issue to an owner or lessee  
4 of wholly enclosed lands or an entire island a domestic game animal  
5 breeder's license permitting him to possess and propagate domestic game  
6 animals provided such animals are confined and cared for according to  
7 specifications and regulations which the department, by order, shall  
8 adopt. The license shall expire on March 31 [of each] EVERY FIFTH year.  
9 The department shall prescribe and furnish forms for application for  
10 such license. Applicants shall pay, and the department shall be entitled  
11 to receive, fees in accordance with the type of license issued.

12 a. Class A license, [fifty] TWO HUNDRED dollars. This license shall  
13 allow the holder thereof to purchase, possess, propagate, transport and  
14 sell domestic game animals dead or alive.

15 b. Class B license, [ten] FORTY dollars. This license shall allow the  
16 holder thereof to purchase, possess and propagate domestic game animals  
17 for his own use. No animals may be sold, exchanged or given away except  
18 that portions of the carcass may be given away provided they are pack-  
19 aged and the package bears the name and license number of the licensee.

20 6. [a. The department shall supply tags for Class A licenses, for  
21 which the licensees shall pay five cents each, which shall be affixed to  
22 each quarter and loin of each carcass of domestic game animals killed by  
23 Class A licensees and remain so affixed until the game is finally  
24 prepared for consumption. No domestic game animal so killed, nor any  
25 portion of the carcass thereof, shall be possessed without such tag, and  
26 no person shall sell such quarter or loin without such tag attached.

27 b. The tagging required by this subdivision shall constitute compli-  
28 ance with the tagging requirements of section 11-1721. Loins or quarters  
29 of domestic game animals, killed by Class A licensees and tagged as  
30 provided in this subdivision, may be possessed, bought, sold and offered  
31 for sale, and transported as provided in section 11-1723 and may be sold  
32 and offered for sale by the holder of a Class A license under this  
33 section without the game dealer's license provided for in section  
34 11-1719.] DOMESTIC GAME ANIMAL CARCASSES AND PARTS SHALL BE IDENTIFIED  
35 AS REQUIRED BY SECTION 11-1721 OF THIS ARTICLE.

36 S 15. Section 11-1907 of the environmental conservation law is amended  
37 by adding a new subdivision 3 to read as follows:

38 3. ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE DEPARTMENT SHALL  
39 NOT ISSUE ANY NEW LICENSES PURSUANT TO THIS SECTION.

40 S 16. Subparagraph 4 of paragraph b of subdivision 2 and subdivision 6  
41 of section 11-1913 of the environmental conservation law, paragraph a of  
42 subdivision 6 as amended by chapter 528 of the laws of 1986, are amended  
43 to read as follows:

44 (4) specify the manner of [tagging] IDENTIFICATION OF fish taken from  
45 the licensed waters, and

46 6. a. All trout, black bass, lake trout, landlocked salmon, muskel-  
47 lunge, pike, pickerel and walleye taken from the licensed fishing  
48 preserve waters, shall be immediately [tagged] IDENTIFIED ON FORMS  
49 PROVIDED BY THE DEPARTMENT as prescribed in the license or by order of  
50 the department. [Such tags shall be furnished by the department and sold  
51 to the licensee at the cost of five cents per tag.]

52 b. The [tag so affixed] IDENTIFICATION FORM shall [not be removed  
53 from] ACCOMPANY the fish until the same is finally prepared for consump-  
54 tion.

55 c. No fish, required to be [tagged] IDENTIFIED as specified in para-  
56 graph a of this subdivision, taken pursuant to this section shall be

1 possessed off the premises of the fishing preserve without such [tag]  
2 IDENTIFICATION FORM, and no person shall sell such fish without such  
3 [tag attached, except for scientific, exhibition or stocking purposes]  
4 IDENTIFICATION FORM.

5 d. Fish taken from such fishing preserves and [tagged] IDENTIFIED as  
6 provided in this subdivision, may be possessed, bought, sold and offered  
7 for sale, and transported without restriction. Fish raised or possessed  
8 under license issued under this section may be sold at any time for  
9 scientific, exhibition, propagation or stocking purposes.

10 S 17. Subdivision 14 of section 13-0309 of the environmental conserva-  
11 tion law, as amended by section 1 of part A of chapter 59 of the laws of  
12 2006, is amended to read as follows:

13 14. The department, until April first, two thousand [ten] SIXTEEN  
14 shall be entitled to collect fifteen cents per bushel of surf clams and  
15 ten cents per bushel of ocean quahogs taken from all certified waters to  
16 be deposited in the surf clam/ocean quahog account as provided in  
17 section eighty-three of the state finance law.

18 S 18. Subdivision 3 of section 11-0103 of the environmental conserva-  
19 tion law, as added by chapter 664 of the laws of 1972, is amended to  
20 read as follows:

21 3. "Wild game" means all game, except (a) domestic game bird and  
22 domestic game animal as defined in subdivision 4; (b) carcasses of  
23 foreign game as defined in section 11-1717, imported from outside the  
24 United States [and tagged as provided in section 11-1721]; (c) game  
25 propagated or kept alive in captivity as provided in section 11-1907;  
26 (d) game imported alive pursuant to license of the department, or arti-  
27 ficially propagated, until such game is liberated; and (e) game so  
28 imported or propagated when liberated for the purpose of a field trial  
29 and taken during the field trial for which it was liberated.

30 S 19. Subdivision 2 of section 11-1717 of the environmental conserva-  
31 tion law, as added by chapter 664 of the laws of 1972, is amended to  
32 read as follows:

33 2. The carcasses, or parts thereof, of foreign game imported from  
34 outside the United States may be bought and sold [when tagged as  
35 required in section 11-1721, subject to the provisions of section  
36 11-1719 with respect to dealers' licenses].

37 S 20. This act shall take effect immediately, except that if this act  
38 shall have become a law on or after April 1, 2012 this act shall take  
39 effect immediately and shall be deemed to have been in full force and  
40 effect on and after April 1, 2012; provided that the amendments to  
41 subdivision 2 of section 11-0931 of the environmental conservation law  
42 made by section six of this act shall be subject to the expiration and  
43 reversion of such subdivision pursuant to chapter 483 of the laws of  
44 2010, as amended, when upon such date the provisions of section seven of  
45 this act shall take effect.

## 46 PART I

47 Section 1. Section 2 of the public service law is amended by adding a  
48 new subdivision 28 to read as follows:

49 28. THE TERM "VOICE-OVER-INTERNET PROTOCOL SERVICE" OR "VOIP SERVICE"  
50 WHEN USED IN THIS CHAPTER, SHALL MEAN ANY SERVICE THAT: (A) ENABLES  
51 REAL-TIME TWO-WAY VOICE COMMUNICATIONS THAT ORIGINATE FROM OR TERMINATE  
52 TO THE USER'S LOCATION USING INTERNET PROTOCOL OR ANY SUCCESSOR PROTO-  
53 COL; (B) USES A BROADBAND CONNECTION FROM THE USER'S LOCATION; AND (C)  
54 PERMITS USERS GENERALLY TO RECEIVE CALLS THAT ORIGINATE ON THE PUBLIC



1 SWITCHED TELEPHONE NETWORK AND TO TERMINATE CALLS TO THE PUBLIC SWITCHED  
2 TELEPHONE NETWORK.

3 S 2. Paragraph d of subdivision 1 of section 5 of the public service  
4 law, as amended by chapter 155 of the laws of 1970, is amended to read  
5 as follows:

6 d. To every telephone line which lies wholly within the state and that  
7 part within the state of New York of every telephone line which lies  
8 partly within and partly without the state and to the persons or corpo-  
9 rations owning, leasing or operating any such telephone line. NOTWITH-  
10 STANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NEITHER THE COMMIS-  
11 SION, THE DEPARTMENT OF PUBLIC SERVICE, NOR ANY OTHER DEPARTMENT OR  
12 AGENCY OF THIS STATE, OR ANY POLITICAL SUBDIVISION THEREOF, SHALL HAVE  
13 AUTHORITY TO REGULATE THE ENTRY, RATES OR OTHER TERMS OF SERVICE OF  
14 VOICE-OVER-INTERNET PROTOCOL SERVICE. PROVIDED, HOWEVER, THAT NOTHING  
15 IN THIS PARAGRAPH SHALL AFFECT THE AUTHORITY OF THE STATE OR ITS AGEN-  
16 CIES TO ENFORCE SUCH REQUIREMENTS AS ARE OTHERWISE EXPRESSLY PROVIDED  
17 FOR BY FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, CONNECTION TO 911  
18 FACILITIES, THE COLLECTION OF ENHANCED 911 FEES, TELECOMMUNICATIONS  
19 RELAY SERVICE FEES, OR FEDERAL UNIVERSAL SERVICE FUND FEES ON  
20 VOICE-OVER-INTERNET PROTOCOL SERVICES THAT MAY BE DETERMINED TO APPLY,  
21 OR BE CONSTRUED TO (1) MODIFY OR AFFECT THE RIGHTS, OBLIGATIONS OR  
22 AUTHORITY OF ANY ENTITY, INCLUDING BUT NOT LIMITED TO THE PUBLIC SERVICE  
23 COMMISSION, TO ACT PURSUANT TO, OR ENFORCE THE PROVISIONS OF 47 U.S.C.  
24 251, 47 U.S.C. 252, ANY APPLICABLE TARIFF, OR ANY STATE LAW, RULE, REGU-  
25 LATION OR ORDER RELATED TO WHOLESALE RIGHTS, DUTIES AND OBLIGATIONS,  
26 INCLUDING THE RIGHTS, DUTIES, AND OBLIGATIONS OF LOCAL EXCHANGE CARRIERS  
27 TO INTERCONNECT AND EXCHANGE VOICE TRAFFIC; (2) MODIFY OR AFFECT THE  
28 AUTHORITY OF THE PUBLIC SERVICE COMMISSION TO IMPLEMENT, CARRY OUT, AND  
29 ENFORCE SUCH PROVISIONS, RIGHTS, DUTIES, OBLIGATIONS OR TARIFF THROUGH  
30 ARBITRATION PROCEEDINGS OR OTHER AVAILABLE MECHANISMS AND PROCEDURES; OR  
31 (3) AFFECT THE PAYMENT OF SWITCHED NETWORK ACCESS RATES OR OTHER INTER-  
32 CARRIER COMPENSATION RATES, AS APPLICABLE. NOTHING HEREIN SHALL BE  
33 CONSTRUED TO AFFECT THE APPLICATION OR ENFORCEMENT OF OTHER STATUTES OR  
34 REGULATIONS THAT APPLY GENERALLY TO THE CONDUCT OF BUSINESS IN THE  
35 STATE, INCLUDING CONSUMER PROTECTION, TAXATION OR UNFAIR OR DECEPTIVE  
36 TRADE PRACTICES RULES OF GENERAL APPLICABILITY.

37 S 3. Subdivision 1 of section 90 of the public service law, as amended  
38 by chapter 414 of the laws of 1981, is amended to read as follows:

39 1. [The] EXCEPT AS PROVIDED IN PARAGRAPH D OF SUBDIVISION ONE OF  
40 SECTION FIVE OF THIS CHAPTER, THE provisions of this article shall apply  
41 to communication by telegraph or telephone between one point and another  
42 within the state of New York and to every telegraph corporation and  
43 telephone corporation.

44 S 4. This act shall take effect immediately.

45 PART J

46 Section 1. Paragraph f of subdivision 1 of section 72-0402 of the  
47 environmental conservation law, as added by chapter 99 of the laws of  
48 2010, is amended to read as follows:

49 f. In any case where a generator EITHER (I) recycles more than ninety  
50 percent of the [amount] TOTAL TONS of hazardous waste or more than nine-  
51 ty percent of the [amount] TOTAL TONS of hazardous wastewater WHICH it  
52 [produces in any] GENERATED DURING THAT calendar year, as certified to  
53 the commissioner, [upon which a fee is imposed pursuant to this section,  
54 any such fee imposed or to be imposed in such case] OR (II) RECYCLES

MORE THAN FOUR THOUSAND TONS OF HAZARDOUS WASTE OR MORE THAN FOUR THOUSAND TONS OF HAZARDOUS WASTEWATER WHICH IT GENERATED IN THAT CALENDAR YEAR, AS CERTIFIED TO THE COMMISSIONER, THE FEE IMPOSED PURSUANT TO THIS SECTION shall be [determined] CALCULATED AND IMPOSED based upon the net amount of hazardous waste or THE NET AMOUNT OF hazardous wastewater generated[, as applicable, which] THAT is not [so] recycled in [such] THAT calendar year, rather than upon the gross [amount] AMOUNTS of hazardous waste [or] AND hazardous wastewater generated in such calendar year.

S 2. This act shall take effect immediately and shall apply to hazardous waste program fee bills issued by the department of environmental conservation after January 1, 2012 for hazardous waste or hazardous wastewater generated during calendar year 2011 or later.

#### PART K

Section 1. Subdivisions 2 and 4 of section 97-1 of the state finance law, as added by chapter 565 of the law of 1989, are amended to read as follows:

2. The sewage treatment program management and administration fund [shall] MAY consist of (a) all moneys transferred to the state from the water pollution control revolving fund pursuant to section twelve hundred eighty-five-j of the public authorities law, (b) all OR A PORTION OF moneys made available to New York state for the purposes of administering and managing financial assistance provided to municipalities from the water pollution control revolving fund pursuant to the Federal Water Pollution Control Act, and (c) all other moneys credited or transferred thereto from any other fund or source pursuant to law. Notwithstanding the foregoing, no money reserved for planning pursuant to section six hundred four (b) of the Federal Water Pollution Control Act shall be deposited in the sewage treatment program management and administration fund.

4. Moneys in such fund, following appropriation by the legislature, [shall] MAY be used, for the purpose of paying all costs of the department of environmental conservation and New York state environmental facilities corporation for management and administration of the sewage treatment program established by section 17-1909 of the environmental conservation law and of the water pollution control revolving fund established by section twelve hundred eighty-five-j of the public authorities law.

S 2. Subdivisions 2 and 4 of section 97-ddd of the state finance law, as added by chapter 432 of the laws of 1997, are amended to read as follows:

2. The drinking water program management and administration fund [shall] MAY consist of (a) all moneys transferred to the state from the drinking water revolving fund pursuant to section twelve hundred eighty-five-m of the public authorities law, (b) all OR A PORTION OF moneys made available to New York state for purposes of administering and managing financial assistance provided to recipients from the drinking water revolving fund pursuant to the Federal Safe Drinking Water Act, and (c) all other moneys credited or transferred thereto from any other fund or source pursuant to law.

4. Moneys in the fund, following appropriation by the legislature, [shall] MAY be used, for the purpose of paying all costs of the department of health and New York state environmental facilities corporation for management and administration of the drinking water program estab-

lished by title four of article eleven of the public health law and of the drinking water revolving fund established by section twelve hundred eighty-five-m of the public authorities law.

S 3. Subdivisions 5 and 7 of section 1285-j of the public authorities law, subdivision 5 as amended by chapter 134 of the laws of 2007 and subdivision 7 as added by chapter 565 of the laws of 1989, are amended to read as follows:

5. The corporation [shall] MAY make payments to the sewage treatment program management and administration fund in accordance with subdivision seven of this section to reimburse such fund for expenditures made pursuant to appropriation to pay the cost of the corporation and the department of environmental conservation for administering and managing the water pollution control revolving fund program established in section ninety-seven-l of the state finance law, for such costs. Such reimbursement shall be made from (a) available investment earnings on all amounts in the water pollution control revolving fund excluding all amounts in the fund which are the subject of allocations or other financial assistance to a municipality; and (b) payments received from a municipality for such purpose pursuant to a project financing agreement or loan agreement; and (c) if the sources of revenue described in this paragraph and paragraphs (a) and (b) of this subdivision are or are anticipated to be insufficient, then from the proceeds of federal capitalization grants, awards or assistance appropriated to the fund for administration and management of such program.

Notwithstanding the foregoing, if the sources of revenues described in paragraphs (a), (b) and (c) of this subdivision are at any time insufficient to make a reimbursement to the state pursuant to this subdivision when due, the corporation shall make such reimbursement from any other available amounts in the water pollution control revolving fund, excluding all amounts that are the subject of allocations, provided, that the amounts paid from fund sources other than those described in paragraphs (a), (b) and (c) of this subdivision shall be reimbursed upon a determination by the director of the budget that future revenues obtained from sources described in paragraphs (a), (b) and (c) of this subdivision are in excess of the amounts reasonably needed to make future reimbursements pursuant to this subdivision.

7. The corporation [shall] MAY transfer to the sewage treatment program management and administration fund established pursuant to section ninety-seven-l of the state finance law no less frequently than semi-monthly amounts from the fund sufficient to reimburse the sewage treatment program management and administration fund in accordance with the provisions of subdivision five of this section.

S 4. Subdivision 7 of section 1285-m of the public authorities law, as added by chapter 413 of the laws of 1996, is amended to read as follows:

7. The corporation [shall] MAY transfer to the state on such schedule as the corporation and the department of health shall agree amounts from the fund to reimburse the state in accordance with the provisions of subdivision five of this section.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012.

## PART L

Section 1. Section 140 of the agriculture and markets law, as added by chapter 631 of the laws of 1955, subdivision 1 as amended by chapter 592 of the laws of 2003, is amended to read as follows:

1 S 140. Samples; publication of results of tests. 1. The commissioner  
2 or his or her duly authorized representatives shall take samples of  
3 seeds [and submit them to the director of the New York state agricul-  
4 tural experiment station] for examination, analysis, and testing BY THE  
5 DEPARTMENT. THE COMMISSIONER MAY CONTRACT WITH A QUALIFIED LABORATORY TO  
6 PERFORM SUCH EXAMINATION, ANALYSIS, AND TESTING. When the analysis of an  
7 official sample indicates that seed is mislabeled, the results of such  
8 analysis shall be provided to the person responsible for the labeling of  
9 the seed and, upon that person's request, made within fifteen days of  
10 his or her receipt of said results, the commissioner or his or her  
11 authorized agent shall furnish such person with a portion of the sample  
12 taken.

13 2. [The director of the New York state agricultural experiment station  
14 shall examine, analyze, or test, or cause to be examined, analyzed or  
15 tested such samples of seeds taken under the provisions of this article  
16 as shall be submitted to him for that purpose by the commissioner, and  
17 shall report the results of such analysis, examination, or testing to  
18 the commissioner. For this purpose the New York state agricultural  
19 experiment station may establish and maintain trial grounds and a seed  
20 laboratory with the necessary equipment, and may employ experts and  
21 incur such expense as may be necessary to comply with the requirements  
22 of this article.

23 3.] From time to time the [New York state agricultural experiment  
24 station, in cooperation with the] department of agriculture and markets,  
25 shall make public the results of examinations, analyses, trials, and  
26 tests of any sample or samples so procured, together with such addi-  
27 tional information as circumstances advise. These published results  
28 shall be the property of the state of New York and shall not be used for  
29 advertising or regulatory purposes by any person or agency, governmental  
30 or otherwise without requested and granted permission of the commission-  
31 er [of agriculture and markets].

32 S 2. Section 140-a of the agriculture and markets law, as added by  
33 chapter 631 of the laws of 1955, is amended to read as follows:

34 S 140-a. Provision for seed tests. Any citizen of this state shall  
35 have the privilege of submitting to the [New York state agricultural  
36 experiment station] DEPARTMENT samples of seeds for [test] TESTING and  
37 analysis subject to [such rules and regulations as may be adopted by the  
38 director of said experiment station and approved by Cornell university]  
39 PAYMENT OF A FEE TO THE COMMISSIONER THAT SHALL, AT A MINIMUM, COVER THE  
40 FULL COSTS OF THE SERVICES PROVIDED. ALL MONIES RECEIVED BY THE COMMIS-  
41 SIONER PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN AN ACCOUNT WITHIN  
42 THE MISCELLANEOUS SPECIAL RECEIVE FUND AND SHALL BE USED TO DEFRAY THE  
43 EXPENSES INCIDENTAL TO CARRYING OUT THE SERVICES AUTHORIZED BY THIS  
44 SECTION.

45 S 3. This act shall take effect immediately.

46

#### PART M

47 Section 1. Subdivision 25-c of section 16 of the agriculture and  
48 markets law, as added by section 1 of part H of chapter 59 of the laws  
49 of 2006, is amended to read as follows:

50 25-c. The commissioner may enter into a contract or cooperative agree-  
51 ment under which [laboratory] services, INCLUDING, BUT NOT LIMITED TO,  
52 LABORATORY SERVICES AND SERVICES RELATING TO FOOD SAFETY AND INSPECTION,  
53 ANIMAL HEALTH, INVASIVE SPECIES CONTROL, THE COLLECTION OF SAMPLES FOR  
54 RESEARCH STUDIES AND SIMILAR SERVICES RELATING TO THE DUTIES AND RESPON-

1 SIBILITIES of the department may be made available to federal, state,  
2 local, and educational entities when, in the commissioner's judgment,  
3 such contract or cooperative agreement shall be in the public interest  
4 and shall not adversely affect the department's obligations under this  
5 chapter. Such contracts or cooperative agreements shall require payment  
6 by contractors and cooperators of, at a minimum, the full costs of the  
7 services provided. All moneys received by the commissioner pursuant to  
8 such contracts and agreements shall be deposited in an account within  
9 the miscellaneous special revenue fund and shall be used to defray the  
10 expenses incidental to carrying out the services authorized by this  
11 subdivision.

12 S 2. This act shall take effect immediately.

13

#### PART N

14 Section 1. Section 251-z-3 of the agriculture and markets law, as  
15 amended by chapter 307 of the laws of 2004, the second undesignated  
16 paragraph as amended by section 2 of part II of chapter 59 of the laws  
17 of 2009, is amended to read as follows:

18 S 251-z-3. Licenses; fees. No person shall maintain or operate a food  
19 processing establishment unless licensed biennially by the commissioner.  
20 Application for a license to operate a food processing establishment  
21 shall be made, upon a form prescribed by the commissioner[, on or before  
22 the fifteenth of the month preceding the applicable license period as  
23 herein prescribed. The license period shall begin February fifteenth for  
24 applicants who apply for a license between February fifteenth and May  
25 fourteenth, May fifteenth for applicants who apply for a license between  
26 May fifteenth and August fourteenth, August fifteenth for applicants who  
27 apply for a license between August fifteenth and November fourteenth,  
28 and November fifteenth for applicants who apply for a license between  
29 November fifteenth and February fourteenth]. RENEWAL APPLICATIONS SHALL  
30 BE SUBMITTED TO THE COMMISSIONER AT LEAST THIRTY DAYS PRIOR TO THE  
31 COMMENCEMENT OF THE NEXT LICENSE PERIOD.

32 The applicant shall furnish evidence of his or her good character,  
33 experience and competency, that the establishment has adequate facili-  
34 ties and equipment for the business to be conducted, that the establish-  
35 ment is such that the cleanliness of the premises can be maintained,  
36 that the product produced therein will not become adulterated and, if  
37 the applicant is a retail food store, that the applicant has an individ-  
38 ual in a position of management or control who has completed an approved  
39 food safety education program pursuant to section two hundred fifty-one-  
40 z-twelve of this article. The commissioner, if so satisfied, shall issue  
41 to the applicant, upon payment of the license fee of four hundred  
42 dollars, a license to operate the food processing establishment  
43 described in the application. However, the license fee shall be nine  
44 hundred dollars for a food processing establishment determined by the  
45 commissioner, pursuant to duly promulgated regulations, to require more  
46 intensive regulatory oversight due to the volume of the products  
47 produced, the potentially hazardous nature of the product produced or  
48 the multiple number of processing operations conducted in the establish-  
49 ment. The license application for retail food stores shall be accompa-  
50 nied by documentation in a form approved by the commissioner which  
51 demonstrates that the food safety education program requirement has been  
52 met. The license shall take effect on the date of issuance and continue  
53 [until the last day of the applicable license period set forth in this  
54 section] FOR TWO YEARS FROM SUCH DATE.

1 [Notwithstanding any other provision of law to the contrary, the  
2 commissioner is hereby authorized and directed to deposit all money  
3 received pursuant to this section in an account within the miscellaneous  
4 special revenue fund.]

5 S 2. Subdivision 4 of section 128-a of the agriculture and markets law  
6 is REPEALED and subdivisions 5, 6, 7, 8, 9 and 10 are renumbered subdivi-  
7 sions 4, 5, 6, 7, 8 and 9.

8 S 3. Subdivision 3 of section 133-a of the agriculture and markets law  
9 is REPEALED.

10 S 4. Section 90-b of the state finance law is REPEALED.

11 S 5. This act shall take effect immediately.

12 PART O

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

17 S 2. This act shall take effect immediately and shall be deemed to  
18 have been in full force and effect on and after April 1, 2012.

19 PART P

20 Section 1. Expenditures of moneys appropriated in a chapter of the  
21 laws of 2012 to the energy research and development authority, under the  
22 research, development and demonstration program, from the special reven-  
23 ue funds - other/state operations, miscellaneous special revenue fund -  
24 339, energy research and planning account, and special revenue funds -  
25 other/aid to localities, miscellaneous special revenue fund - 339, ener-  
26 gy research and planning account shall be subject to the provisions of  
27 this section. Notwithstanding the provisions of subdivision 4-a of  
28 section 18-a of the public service law, all moneys committed or expended  
29 shall be reimbursed by assessment against gas corporations and electric  
30 corporations as defined in section 2 of the public service law, and the  
31 total amount which may be charged to any gas corporation and any elec-  
32 tric corporation shall not exceed one cent per one thousand cubic feet  
33 of gas sold and .010 cent per kilowatt-hour of electricity sold by such  
34 corporations in their intrastate utility operations in calendar year  
35 2010. Such amounts shall be excluded from the general assessment  
36 provisions of subdivision 2 of section 18-a of the public service law,  
37 but shall be billed and paid in the manner set forth in such subdivision  
38 and upon receipt shall be paid to the state comptroller for deposit in  
39 the state treasury for credit to the miscellaneous special revenue fund.  
40 The director of the budget shall not issue a certificate of approval  
41 with respect to the commitment and expenditure of moneys hereby appro-  
42 priated until the chair of such authority shall have submitted, and the  
43 director of the budget shall have approved, a comprehensive financial  
44 plan encompassing all moneys available to and all anticipated commit-  
45 ments and expenditures by such authority from any source for the oper-  
46 ations of such authority. Copies of the approved comprehensive financial  
47 plan shall be immediately submitted by the director of the budget to the  
48 chairs and secretaries of the legislative fiscal committees.

49 S 2. This act shall take effect immediately and shall be deemed to  
50 have been in full force and effect on and after April 1, 2012.

51 PART Q

1 Section 1. Paragraphs (c) and (d) of subdivision 3 of section 5 of  
2 chapter 35 of the laws of 1979, relating to appropriating funds to the  
3 New York state urban development corporation for the acquisition and  
4 initial planning of convention and exhibition center facilities in New  
5 York county, as amended by chapter 3 of the laws of 2004, are amended  
6 and a new paragraph (e) is added to read as follows:

7 (c) Enter into such other agreements with the city, the state, the New  
8 York state urban development corporation, the operating corporation,  
9 Triborough bridge and tunnel authority and the state of New York mort-  
10 gage agency as the parties thereto deem appropriate to effectuate the  
11 provisions of this act, and to effectuate the expansion project and any  
12 convention center hotel and the financing thereof pursuant to the chap-  
13 ter of the laws of 2004 which amended this paragraph; [and]

14 (d) If the subsidiary enters into an agreement with the metropolitan  
15 transportation authority for the acquisition of the Quill building, then  
16 any and all proceeds shall be applied to and used for the metropolitan  
17 transportation authority's capital plan[.]; AND

18 (E) SELL, GRANT OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY  
19 OWNED BY THE NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION INCLUD-  
20 ING, WITHOUT LIMITATION, THE PROPERTIES IN THE BOROUGH OF MANHATTAN IN  
21 THE CITY OF NEW YORK, LOCATED BETWEEN 11TH AND 12TH AVENUES AND 33RD  
22 STREET AND 34TH STREET AND BETWEEN 35TH STREET AND 36TH STREET ALONG THE  
23 EASTERN BORDER OF 11TH AVENUE, THAT IS DETERMINED BY THE NEW YORK  
24 CONVENTION CENTER DEVELOPMENT CORPORATION TO BE UNNECESSARY FOR THE  
25 OPERATION OF THE CONVENTION CENTER, THE EXPANSION PROJECT OR ANY CONVEN-  
26 TION CENTER HOTEL, SUBJECT TO ANY OBLIGATIONS SET FORTH IN ANY APPLICA-  
27 BLE BOND RESOLUTION OR CREDIT SUPPORT AGREEMENT AND SUBJECT TO THE PRIOR  
28 APPROVAL OF THE DIRECTOR OF THE BUDGET, PROVIDED THAT ANY PROCEEDS FROM  
29 THE DISPOSITION OF THE PROPERTY SHALL BE TRANSFERRED TO THE STATE TREAS-  
30 URY TO THE CREDIT OF THE GENERAL FUND.

31 S 2. This act shall take effect immediately.

32 PART R

33 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the  
34 New York state urban development corporation act, relating to the powers  
35 of the New York state urban development corporation to make loans, as  
36 amended by section 1 of part G of chapter 60 of the laws of 2011, is  
37 amended to read as follows:

38 S 2. This act shall take effect immediately [provided, however, that  
39 section one of this act shall expire on July 1, 2012, at which time the  
40 provisions of subdivision 26 of section 5 of the New York state urban  
41 development corporation act shall be deemed repealed; provided, however,  
42 that neither the expiration nor the repeal of such subdivision as  
43 provided for herein shall be deemed to affect or impair in any manner  
44 any loan made pursuant to the authority of such subdivision prior to  
45 such expiration and repeal].

46 S 2. This act shall take effect immediately and shall be deemed to  
47 have been in full force and effect on and after April 1, 2012.

48 PART S

49 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174  
50 of the laws of 1968, constituting the New York state urban development  
51 corporation act, is REPEALED.

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, 2009.

3 PART T

4 Section 1. Subdivisions 27, 28, 29 and 30 of section 5 of section 1 of  
5 chapter 174 of the laws of 1968, constituting the New York state urban  
6 development corporation act, subdivisions 28 and 29 as renumbered by  
7 chapter 686 of the laws of 1986, are renumbered subdivisions 28, 29, 30  
8 and 31 and a new subdivision 27 is added to read as follows:

9 (27) TO MAKE GRANTS USING FUNDS FROM ANY SOURCE ON SUCH TERMS AND  
10 CONDITIONS AS THE CORPORATION MAY DEEM ADVISABLE, IN FURTHERANCE OF THE  
11 LEGISLATIVE FINDINGS AND PURPOSES OF THIS ACT, TO ANY PERSON OR ENTITY,  
12 WHETHER PUBLIC OR PRIVATE, PROVIDED THAT SUCH GRANTS ARE MADE OR ISSUED  
13 IN COMPLIANCE WITH GUIDELINES ESTABLISHED BY THE CORPORATION.

14 S 2. This act shall take effect immediately.

15 PART U

16 Section 1. Subdivision 1 of section 218 of the state finance law, as  
17 amended by chapter 424 of the laws of 2009, is amended to read as  
18 follows:

19 1. Linked loans made to certified businesses in empire zones or to  
20 eligible businesses in highly distressed areas or to eligible businesses  
21 that are defined in paragraph (b-1) of subdivision eleven of section two  
22 hundred thirteen of this article that are located in a renewal community  
23 or defined in paragraph (b-2) of such subdivision that are located in an  
24 empowerment zone or defined in paragraph (b-3) of such subdivision that  
25 are located in an enterprise community, respectively for eligible  
26 projects defined in paragraph (c) of subdivision twelve of section two  
27 hundred thirteen of this article or to minority- or women-owned business  
28 enterprises for an eligible project defined in paragraph (e) of subdivi-  
29 sion twelve of section two hundred thirteen of this article or to a  
30 defense industry manufacturer for a project defined in paragraph (d) of  
31 subdivision twelve of section two hundred thirteen of this article OR TO  
32 AN ELIGIBLE BUSINESS PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ELEVEN OF  
33 SECTION TWO HUNDRED THIRTEEN OF THIS ARTICLE THAT PRODUCES PRODUCTS  
34 DEFINED IN SUBDIVISION TWO OF SECTION THREE HUNDRED ONE OF THE AGRICUL-  
35 TURE AND MARKETS LAW FOR AN ELIGIBLE PROJECT AS DEFINED IN PARAGRAPH (B)  
36 OF SUBDIVISION TWELVE OF SECTION TWO HUNDRED THIRTEEN OF THIS ARTICLE  
37 shall bear interest at a fixed rate equal to three percentage points  
38 below the fixed interest rate the lender would have charged for the loan  
39 in the absence of a linked deposit based on its usual credit consider-  
40 ations. All other linked loans shall bear interest at a fixed rate  
41 equal to two percentage points below the fixed interest rate the lender  
42 would have charged for the loan in the absence of a linked deposit based  
43 on its usual credit considerations. Lenders shall certify to the commis-  
44 sioner of economic development that the rate to be charged on a linked  
45 loan is two percentage points or three percentage points, as the case  
46 may be, below the interest rate the lender would have charged for the  
47 loan in the absence of a linked deposit.

48 S 2. Paragraph (a) of subdivision 11 and paragraph (b) of subdivision  
49 12 of section 213 of the state finance law, as added by chapter 705 of  
50 the laws of 1993, are amended to read as follows:

51 (a) a manufacturing firm OR AGRICULTURAL BUSINESS which employs five  
52 hundred or fewer employees within the state on a full-time basis; or



1 (b) for manufacturing, AGRICULTURAL and service firms, projects which  
2 involve the preparation of strategic plans for improving productivity  
3 and competitiveness; the introduction of modern equipment and/or an  
4 expansion of facilities as part of a modernization plan; the introduc-  
5 tion of advanced technologies to improve productivity and quality;  
6 improvements in production processes and operations, INCLUDING AGRICUL-  
7 TURAL OPERATIONS; introduction of computerized information, reporting  
8 and control systems; reorganization or improvement of work place systems  
9 and the introduction of total quality and employee participation  
10 programs; development and introduction of new products; identification  
11 and development of new markets, including entry into foreign markets;  
12 financial restructuring for purposes of enabling modernization activ-  
13 ities; buyouts of viable companies by employees or local owners residing  
14 in the state; and the provision of working capital for other moderniza-  
15 tion activities that will improve the competitiveness and productivity  
16 of a firm and result in the creation or retention of jobs; or  
17 S 3. This act shall take effect immediately.

18 PART V

19 Section 1. Notwithstanding any other law, rule or regulation to the  
20 contrary, expenses of the department of health public service education  
21 program incurred pursuant to appropriations from the cable television  
22 account of the state miscellaneous special revenue funds shall be deemed  
23 expenses of the department of public service.  
24 S 2. This act shall take effect immediately and shall be deemed to  
25 have been in full force and effect on and after April 1, 2012.

26 PART W

27 Section 1. Subdivision 10 of section 89-h of the general business law,  
28 as amended by chapter 699 of the laws of 2004, is amended to read as  
29 follows:  
30 10. Fees: pay (a) a fee of [thirty-six] SEVENTY-TWO dollars for proc-  
31 essing of the application, investigation of the applicant and for the  
32 initial [biennial] FOUR YEAR registration period. Such fees shall be  
33 deposited to the credit of the business and licensing services account  
34 established pursuant to the provisions of section ninety-seven-y of the  
35 state finance law; and (b) a fee pursuant to subdivision eight-a of  
36 section eight hundred thirty-seven of the executive law, and amendments  
37 thereto, for the cost of the division's full search and retain proce-  
38 dures, and a fee as determined by the federal bureau of investigation  
39 for the cost of its fingerprint search procedures, which fees shall be  
40 remitted by the department to the division and federal bureau of inves-  
41 tigation; and  
42 S 2. Subdivision 1 of section 89-m of the general business law, as  
43 added by chapter 336 of the laws of 1992, is amended to read as follows:  
44 1. Registration cards shall expire [two] FOUR years from the date of  
45 issuance or last renewal as the case may be. Not less than sixty nor  
46 more than ninety days prior to the expiration date of a registration  
47 card, the department shall mail to each registrant at his last known  
48 address, notice of renewal and a registration renewal form. Registration  
49 cards shall not be renewed unless not more than sixty nor less than  
50 thirty days prior to the expiration date of the registration card, the  
51 holder submits to the department, a registration renewal form sworn to  
52 or affirmed by the holder under the penalty of perjury together with a

1 [biennial] renewal fee in the amount of [twenty-five] FIFTY dollars  
2 payable to the department and a certificate certifying that the holder  
3 has satisfactorily completed the required annual in-service training  
4 courses as prescribed by the commissioner pursuant to subdivision one of  
5 section eight hundred forty-one-c of the executive law. Unless the  
6 department determines the existence of facts which would constitute  
7 cause for denial, revocation or suspension of the registration card  
8 pursuant to this article, it shall renew the registration card. Denial  
9 of renewal hereunder shall be reviewable by an administrative hearing as  
10 set forth in section seventy-nine of this chapter. The [twenty-five]  
11 FIFTY dollar [biennial] renewal fee collected by the department shall be  
12 deposited to the licensing examinations services account established  
13 pursuant to the provisions of section 97-aa of the state finance law.  
14 Notice that a registration card has expired or has not been renewed  
15 pursuant to this section shall be given by the secretary to the holder  
16 of such registration card and to the security guard company by which  
17 such holder was employed at the time of such expiration or non-renewal.

18 S 3. Subdivision 2 and paragraph (a) of subdivision 3 of section 441  
19 of the real property law, subdivision 2 as amended by chapter 81 of the  
20 laws of 1995 and paragraph (a) of subdivision 3 as amended by chapter  
21 474 of the laws of 2007, are amended to read as follows:

22 2. Renewals. Any license granted under the provision hereof may be  
23 renewed by the department upon application therefor by the holder there-  
24 of, in such form as the department may prescribe and conforming to the  
25 requirements of section 3-503 of the general obligations law, and  
26 payment of the fee for such license. In case of application for renewal  
27 of license, the department may dispense with the requirement of such  
28 statements as it deems unnecessary in view of those contained in the  
29 original application for license but may not dispense with the require-  
30 ments of section 3-503 of the general obligations law. A renewal period  
31 within the meaning of this act is considered as being a period of [two]  
32 FOUR years from the date of expiration of a previously issued license.  
33 The department shall require any applicant, who does not apply for  
34 renewal of license within such period, to qualify by passing the written  
35 examination as provided herein, and may require any licensee who has not  
36 yet passed the written examination, and who cannot reasonably prove to  
37 the satisfaction of the department, that he can meet the competency  
38 requirements, to pass the written examination before a renewal of  
39 license shall be granted; provided, however, that a person who failed or  
40 was unable to renew his license by reason of his induction or enlistment  
41 in the armed forces of the United States shall not be required to take  
42 or pass such examination.

43 (a) No renewal license shall be issued any licensee under this article  
44 for any license period commencing [November first, nineteen hundred  
45 ninety-five] APRIL FIRST, TWO THOUSAND SEVENTEEN unless such licensee  
46 shall have within the [two] FOUR year period immediately preceding such  
47 renewal attended at least [twenty-two and one-half] FORTY-FIVE hours  
48 which shall include at least [three] SIX hours of instruction pertaining  
49 to fair housing and/or discrimination in the sale or rental of real  
50 property or an interest in real property and successfully completed a  
51 continuing education real estate course or courses approved by the  
52 secretary of state as to method, content and supervision, which approval  
53 may be withdrawn if in the opinion of the secretary of state such course  
54 or courses are not being conducted properly as to method, content and  
55 supervision. APPLICANTS WITH A LICENSE EXPIRING PRIOR TO APRIL FIRST,  
56 TWO THOUSAND FIFTEEN, SHALL HAVE WITHIN THE TWO YEAR PERIOD IMMEDIATELY

PRECEDING SUCH RENEWAL ATTENDED AT LEAST TWENTY-TWO AND ONE-HALF HOURS WHICH SHALL INCLUDE AT LEAST THREE HOURS OF INSTRUCTION PERTAINING TO FAIR HOUSING AND/OR DISCRIMINATION IN THE SALE OR RENTAL OF REAL PROPERTY OR AN INTEREST IN REAL PROPERTY AND SUCCESSFULLY COMPLETED A CONTINUING EDUCATION REAL ESTATE COURSE OR COURSES APPROVED BY THE SECRETARY OF STATE AS TO METHOD, CONTENT AND SUPERVISION, WHICH APPROVAL MAY BE WITHDRAWN IF IN THE OPINION OF THE SECRETARY OF STATE SUCH COURSE OR COURSES ARE NOT BEING CONDUCTED PROPERLY AS TO METHOD, CONTENT AND SUPERVISION. The licensee shall provide an affidavit, in a form acceptable to the department of state, establishing the nature of the continuing education acquired and shall provide such further proof as required by the department of state. The provisions of this paragraph shall not apply to any licensed real estate broker who is engaged full time in the real estate business and who has been licensed under this article prior to July first, two thousand eight for at least fifteen consecutive years immediately preceding such renewal.

S 4. Subdivisions 2 and 7 of section 441-a of the real property law, subdivision 2 as amended by chapter 324 of the laws of 1998 and subdivision 7 as amended by chapter 497 of the laws of 1985, are amended to read as follows:

2. Terms. A license issued or reissued under the provisions of this article shall entitle the person, co-partnership, limited liability company or corporation to act as a real estate broker, or, if the application is for a real estate salesman's license, to act as a real estate salesman in this state [up to and including the thirty-first day of October of the year in which the license by its terms expires] FOR A PERIOD OF FOUR YEARS FOLLOWING THE ISSUANCE OF SAID LICENSE.

7. License term. From and after the date when this subdivision shall take effect, the term for which a license shall be issued or reissued under this article shall be a period of [two] FOUR years.

S 5. Subdivision 1 of section 441-b of the real property law, as amended by chapter 324 of the laws of 1998, is amended to read as follows:

1. The fee for a license issued or reissued under the provisions of this article entitling a person, co-partnership, limited liability company or corporation to act as a real estate broker shall be [one hundred fifty] THREE HUNDRED dollars. The fee for a license issued or reissued under the provisions of this article entitling a person to act as a real estate salesman shall be [fifty] ONE HUNDRED dollars. Notwithstanding the provisions of subdivision seven of section four hundred forty-one-a of this article, after January first, nineteen hundred eighty-six, the secretary of state shall assign staggered expiration dates for outstanding licenses that have been previously renewed on October thirty-first of each year from the assigned date unless renewed. [If the assigned date results in a term that exceeds twenty-four months, the applicant shall pay an additional prorated adjustment together with the regular renewal fee.] The secretary of state shall assign dates to existing licenses in a manner which shall result in a term of not less than [two] FOUR years.

S 6. This act shall take effect immediately; provided, however, that sections three, four and five of this act shall take effect April 1, 2013.

1 Section 1. Subdivision 3 of section 235 of the racing, pari-mutuel  
2 wagering and breeding law is renumbered subdivision 4 and a new subdivi-  
3 sion 3 is added to read as follows:

4 3. THE RULES SHALL PROVIDE THAT ALL WINNING CASH VOUCHERS MUST BE  
5 PRESENTED FOR PAYMENT BEFORE APRIL FIRST OF THE YEAR FOLLOWING THE YEAR  
6 OF THEIR PURCHASE AND FAILURE TO PRESENT ANY SUCH VOUCHER WITHIN THE  
7 PRESCRIBED PERIOD OF TIME SHALL CONSTITUTE A WAIVER OF THE RIGHT TO  
8 PARTICIPATE IN THE AWARD OR DIVIDEND. THE FUNDS RECEIVED FROM UNCASHED  
9 VOUCHERS SHALL BE PAID TO THE RACING REGULATION ACCOUNT ESTABLISHED  
10 PURSUANT TO SECTION ONE HUNDRED ELEVEN OF THIS CHAPTER.

11 S 2. Paragraph c of subdivision 2 of section 301 of the racing, pari-  
12 mutuel wagering and breeding law, as relettered by chapter 211 of the  
13 laws of 1999, is relettered paragraph d and a new paragraph c is added  
14 to read as follows:

15 C. THE RULES OF THE BOARD SHALL PROVIDE THAT ALL WINNING CASH VOUCHERS  
16 MUST BE PRESENTED FOR PAYMENT BEFORE APRIL FIRST OF THE YEAR FOLLOWING  
17 THE YEAR OF THEIR PURCHASE AND FAILURE TO PRESENT ANY SUCH VOUCHER WITH-  
18 IN THE PRESCRIBED PERIOD OF TIME SHALL CONSTITUTE A WAIVER OF THE RIGHT  
19 TO PARTICIPATE IN THE AWARD OR DIVIDEND. THE FUNDS RECEIVED FROM  
20 UNCASHED VOUCHERS SHALL BE PAID TO THE RACING REGULATION ACCOUNT ESTAB-  
21 LISHED PURSUANT TO SECTION ONE HUNDRED ELEVEN OF THIS CHAPTER.

22 S 3. Subdivision 2 of section 401 of the racing, pari-mutuel wagering  
23 and breeding law is amended to read as follows:

24 2. Without limiting the generality of the foregoing, and in addition  
25 to its other powers:

26 a. [The state racing and wagering board shall have power to fix mini-  
27 mum and maximum charges for admission to quarter horse race meetings at  
28 which pari-mutuel betting is conducted provided, however, that the state  
29 racing and wagering board shall have power to fix the charge for admis-  
30 sion of members of the armed forces of the United States in uniform at  
31 one-half of the amount fixed for such admission generally under authori-  
32 ty of this section.

33 b.] The state racing and wagering board shall prescribe rules and  
34 regulations for effectually preventing the use of improper devices, the  
35 administration of drugs or stimulants or other improper acts for the  
36 purpose of affecting the speed of quarter horses in any race in which  
37 they are about to participate.

38 [c.] B. The rules of the board shall also provide that all winning  
39 pari-mutuel tickets must be presented for payment before April first of  
40 the year following the year of their purchase and failure to present any  
41 such ticket within the prescribed period of time shall constitute a  
42 waiver of the right to participate in the award or dividend.

43 C. THE RULES OF THE BOARD SHALL ALSO PROVIDE THAT ALL WINNING CASH  
44 VOUCHERS MUST BE PRESENTED FOR PAYMENT BEFORE APRIL FIRST OF THE YEAR  
45 FOLLOWING THE YEAR OF THEIR PURCHASE AND FAILURE TO PRESENT ANY SUCH  
46 VOUCHER WITHIN THE PRESCRIBED PERIOD OF TIME SHALL CONSTITUTE A WAIVER  
47 OF THE RIGHT TO PARTICIPATE IN THE AWARD OR DIVIDEND. THE FUNDS RECEIVED  
48 FROM UNCASHED VOUCHERS SHALL BE PAID TO THE RACING REGULATION ACCOUNT  
49 ESTABLISHED PURSUANT TO SECTION ONE HUNDRED ELEVEN OF THIS CHAPTER.

50 d. The board shall have power in its discretion, consistent with the  
51 powers of the state tax commission, to prescribe uniform methods of  
52 keeping accounts, records and books to be observed by associations or  
53 corporations licensed under the provisions of this article or by any  
54 association or corporation which owns stock in, or shares in the  
55 profits, or participates in the management or affairs of, such licensed  
56 association or corporation, or by any person, firm, association or

1 corporation holding any concession, right or privilege to perform any  
2 service or sell any article at any track at which pari-mutuel quarter  
3 horse racing meets are conducted. The board may also in its discretion,  
4 consistent with the powers of the state tax commission, prescribe by  
5 order forms of accounts, records and memoranda to be kept by such  
6 persons, firms, associations or corporations. The board shall have power  
7 to visit, investigate, and place expert accountants, or such other  
8 persons as it may deem necessary, in the offices, tracks or other places  
9 of business of any such person, firm, association or corporation for the  
10 purpose of seeing that the provisions of sections two hundred twenty-two  
11 through seven hundred five of this chapter and rules and regulations  
12 issued by the board thereunder are strictly complied with. Such persons,  
13 firms, associations or corporations shall annually file with the board,  
14 on such date as the board shall prescribe, a report showing their finan-  
15 cial condition and financial transactions during the fiscal year,  
16 including a balance sheet and a profit and loss statement, verified by  
17 the oath of at least two of its principal officers, if it be an associ-  
18 ation or corporation having officers, and by one or more of the owners  
19 or proprietors thereof if not an association or corporation. The report  
20 shall be in such form and contain such other matters as the board may  
21 determine from time to time to be necessary to disclose accurately the  
22 financial condition and operation of such persons, firms, associations  
23 or corporations during the preceding fiscal year. The board may for good  
24 cause shown grant a reasonable extension of time for the filing of any  
25 such report.

26 S 4. Subdivision 2 of section 529 of the racing, pari-mutuel wagering  
27 and breeding law, is renumbered subdivision 3 and a new subdivision 2 is  
28 added to read as follows:

29 2. THE RULES SHALL PROVIDE THAT ALL WINNING CASH VOUCHERS MUST BE  
30 PRESENTED FOR PAYMENT BEFORE APRIL FIRST OF THE YEAR FOLLOWING THE YEAR  
31 OF THEIR PURCHASE AND FAILURE TO PRESENT ANY SUCH VOUCHER WITHIN THE  
32 PRESCRIBED PERIOD OF TIME SHALL CONSTITUTE A WAIVER OF THE RIGHT TO  
33 PARTICIPATE IN THE AWARD OR DIVIDEND. THE FUNDS RECEIVED FROM UNCASHED  
34 VOUCHERS SHALL BE PAID TO THE RACING REGULATION ACCOUNT ESTABLISHED  
35 PURSUANT TO SECTION ONE HUNDRED ELEVEN OF THIS CHAPTER.

36 S 5. This act shall take effect immediately; provided, however, that  
37 effective immediately, the addition, amendment and/or repeal of any rule  
38 or regulation necessary for the implementation of this act on its effec-  
39 tive date is authorized and directed to be made and completed on or  
40 before such effective date.

41

#### PART Y

42 Section 1. Section 308 of the racing, pari-mutuel wagering and breed-  
43 ing law is amended to read as follows:

44 S 308. Officials at harness horse race meetings. At all harness race  
45 meetings licensed by the state racing and wagering board in accordance  
46 with the provisions of sections two hundred twenty-two through seven  
47 hundred five of this chapter qualified judges and [starters] RACING  
48 OFFICIALS shall be designated by the state racing and wagering board.  
49 THE LICENSED RACING ASSOCIATIONS AND CORPORATIONS SHALL EMPLOY AND  
50 APPOINT ONE ASSOCIATE JUDGE AND THE STARTER TO SERVE AT HARNESS RACE  
51 MEETINGS, SUBJECT TO WRITTEN APPROVAL OF THE STATE RACING AND WAGERING  
52 BOARD BEFORE ENTERING UPON THE DISCHARGE OF THEIR DUTIES. Such officials  
53 shall enforce the rules and regulations of the state racing and wagering  
54 board and shall render regular written reports of the activities and

conduct of such race meetings to the state racing and wagering board, PROVIDED HOWEVER, THAT THE JUDGES AND STARTERS EMPLOYED BY THE RACING ASSOCIATION OR CORPORATION SHALL NOT HAVE THE POWER TO IMPOSE FINES OR ISSUE SUSPENSIONS OF OCCUPATIONAL RACING LICENSES.

S 2. Subdivision 8 of section 73 of the public officers law is amended by adding a new paragraph (j) to read as follows:

(J) THE PROVISIONS OF SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY TO ANY PERSON AS A RESULT OF HIS OR HER EMPLOYMENT BY THE NEW YORK STATE RACING AND WAGERING BOARD IN THE CIVIL SERVICE TITLE OF STARTER OR ASSOCIATE JUDGE WHOSE EMPLOYMENT WAS TERMINATED WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH AS A RESULT OF THE ABOLITION OF HIS OR HER POSITION.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.

## PART Z

Section 1. The agriculture and markets law is amended by adding a new article 21-A to read as follows:

### ARTICLE 21-A

#### DAIRY RESEARCH AND EDUCATION

SECTION 258-S. LEGISLATIVE DECLARATION.

258-T. DEFINITIONS.

258-U. POWERS AND DUTIES OF THE COMMISSIONER.

258-V. RULES AND REGULATIONS; ENFORCEMENT.

S 258-S. LEGISLATIVE DECLARATION. IT IS HEREBY DECLARED THAT THE DAIRY INDUSTRY IS OF VITAL SIGNIFICANCE TO THE STATE'S ECONOMY, SOCIAL FABRIC, AND WELFARE OF THE PEOPLE OF THIS STATE, AND THAT RESEARCH, EDUCATION AND DEVELOPMENT ASSOCIATED WITH DAIRY PRODUCTION IS IMPERATIVE TO ENSURE THAT THE STATE'S DAIRY FARMS AND INDUSTRY REMAIN COMPETITIVE AND PROFITABLE. IT IS THEREFORE DECLARED TO BE THE LEGISLATIVE INTENT AND POLICY OF THE STATE:

1. TO ENABLE MILK PRODUCERS AND OTHERS IN THE DAIRY INDUSTRY, WITH THE AID OF THE STATE, TO MORE ECONOMICALLY AND EFFECTIVELY PRODUCE MILK AND DAIRY PRODUCTS,

2. TO PROVIDE METHODS AND MEANS FOR THE DEVELOPMENT OF NEW, IMPROVED OR INNOVATIVE DAIRY INDUSTRY PRODUCTION PRACTICES, AND TO PROMOTE THEIR USE, AND

3. TO IMPROVE THE ECONOMIC STRENGTH, FARM PROFITABILITY AND WELL-BEING OF THE MILK PRODUCERS OF THIS STATE THROUGH APPLIED RESEARCH, FARMER EDUCATION AND TRAINING.

S 258-T. DEFINITIONS. 1. "ADVISORY BOARD" MEANS THE PERSONS APPOINTED BY THE COMMISSIONER FROM NOMINATIONS FROM PRODUCERS AS HEREIN DEFINED TO ASSIST THE COMMISSIONER IN ADMINISTERING A DAIRY RESEARCH AND EDUCATION ORDER.

2. "AREA" MEANS THE ENTIRE GEOGRAPHIC AREA OF THE STATE OF NEW YORK.

3. "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE AND MARKETS OF THE STATE OF NEW YORK.

4. "COOPERATIVE" MEANS AN ASSOCIATION OR FEDERATION OR COOPERATIVE OF MILK PRODUCERS ORGANIZED UNDER THE LAWS OF NEW YORK STATE, OR ANY OTHER STATE, HAVING AGREEMENTS WITH ITS PRODUCER MEMBERS TO MARKET, BARGAIN FOR OR SELL THE MILK OF SUCH PRODUCERS, AND IS ACTUALLY PERFORMING ONE OR MORE OF THESE SERVICES IN THE MARKETING OF THE MILK PRODUCED BY ITS MEMBERS, THROUGH THE COOPERATIVE OR THROUGH A FEDERATION OF MILK COOPERATIVES IN WHICH THE COOPERATIVE HAS MEMBERSHIP.

5. "DAIRY PRODUCTS" MEANS MILK AND PRODUCTS DERIVED THEREFROM.

1 6. "DAIRY RESEARCH AND EDUCATION ORDER" MEANS AN ORDER ISSUED BY THE  
2 COMMISSIONER, PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

3 7 "MILK" MEANS COW'S MILK.

4 8. "MILK DEALER" MEANS ANY PERSON WHO PURCHASES OR HANDLES OR RECEIVES  
5 OR SELLS MILK, INCLUDING INDIVIDUALS, PARTNERSHIPS, CORPORATIONS, COOP-  
6 ERATIVE ASSOCIATIONS, AND UNINCORPORATED COOPERATIVE ASSOCIATIONS.

7 9. "PRODUCER" MEANS ANY PERSON IN THIS STATE WHO IS ENGAGED IN THE  
8 PRODUCTION OF MILK FOR COMMERCIAL USE.

9 S 258-U. POWERS AND DUTIES OF THE COMMISSIONER. 1. IN ORDER TO EFFEC-  
10 TUATE THE DECLARED POLICY OF THIS ARTICLE, THE COMMISSIONER MAY, AFTER  
11 DUE NOTICE AND OPPORTUNITY FOR HEARING, MAKE AND ISSUE A DAIRY RESEARCH  
12 AND EDUCATION ORDER.

13 2. SUCH ORDER SHALL BE ISSUED AND AMENDED OR TERMINATED IN ACCORDANCE  
14 WITH THE FOLLOWING PROCEDURES:

15 (A) BEFORE ANY SUCH ORDER MAY BECOME EFFECTIVE IT MUST BE APPROVED BY  
16 FIFTY-ONE PER CENTUM OF THE PRODUCERS OF MILK VOTING IN THE REFERENDUM  
17 FOR THE AREA TO BE REGULATED BY SUCH ORDER. SUCH REFERENDUM SHALL NOT  
18 CONSTITUTE VALID APPROVAL UNLESS FIFTY-ONE PER CENTUM OF ALL MILK  
19 PRODUCERS FOR THE AREA TO BE REGULATED VOTE IN THE REFERENDUM. PRODUCERS  
20 MAY VOTE BY INDIVIDUAL BALLOT OR THROUGH THEIR COOPERATIVES IN ACCORD-  
21 ANCE WITH THE FOLLOWING PROCEDURES:

22 (I) COOPERATIVES MAY SUBMIT WRITTEN APPROVAL OF SUCH ORDER WITHIN A  
23 PERIOD OF NINETY DAYS AFTER THE COMMISSIONER HAS ANNOUNCED A REFERENDUM  
24 ON A PROPOSED ORDER, FOR SUCH PRODUCERS WHO ARE LISTED AND CERTIFIED TO  
25 THE COMMISSIONER AS MEMBERS OF SUCH COOPERATIVE, PROVIDED, HOWEVER, THAT  
26 ANY COOPERATIVE BEFORE SUBMITTING SUCH WRITTEN APPROVAL SHALL GIVE AT  
27 LEAST THIRTY DAYS PRIOR WRITTEN NOTICE TO EACH PRODUCER WHO IS ITS  
28 MEMBER, OF THE INTENTION OF THE COOPERATIVE TO APPROVE SUCH PROPOSED  
29 ORDER, AND FURTHER PROVIDE THAT IF SUCH COOPERATIVE DOES NOT INTEND TO  
30 APPROVE SUCH PROPOSED ORDER, IT SHALL LIKEWISE GIVE WRITTEN NOTICE TO  
31 EACH SUCH PRODUCER WHO IS ITS MEMBER, OF ITS INTENTION NOT TO APPROVE OF  
32 SUCH PROPOSED ORDER.

33 (II) IN ORDER TO ENSURE THAT ALL MILK PRODUCERS ARE INFORMED REGARDING  
34 A PROPOSED ORDER, THE COMMISSIONER SHALL NOTIFY ALL MILK PRODUCERS THAT  
35 AN ORDER IS BEING CONSIDERED AND THAT EACH PRODUCER MAY REGISTER  
36 APPROVAL OR DISAPPROVAL WITH THE COMMISSIONER EITHER DIRECTLY OR THROUGH  
37 THE PRODUCER'S COOPERATIVE.

38 (III) ANY PRODUCER MAY OBTAIN A BALLOT FROM THE COMMISSIONER IN ORDER  
39 TO REGISTER HIS OR HER OWN APPROVAL OR DISAPPROVAL OF THE PROPOSED  
40 ORDER. INDIVIDUAL BALLOTS SHALL BE CONSIDERED CONFIDENTIAL AND NOT  
41 SUBJECT TO PUBLIC DISCLOSURE, EXCEPT SUCH BALLOTS SHALL NOT BE CONSID-  
42 ERED CONFIDENTIAL AS DEEMED NECESSARY BY THE COMMISSIONER TO IMPLEMENT  
43 THE PURPOSES OF THIS ARTICLE.

44 (IV) A PRODUCER WHO IS A MEMBER OF A COOPERATIVE THAT HAS NOTIFIED THE  
45 PRODUCER OF ITS INTENT TO APPROVE OR NOT TO APPROVE A PROPOSED ORDER,  
46 AND WHO OBTAINS A BALLOT AND WITH SUCH BALLOT EXPRESSES APPROVAL OR  
47 DISAPPROVAL OF THE PROPOSED ORDER, SHALL NOTIFY THE COMMISSIONER AS TO  
48 THE NAME OF THE COOPERATIVE OF WHICH THE PRODUCER IS A MEMBER, AND THE  
49 COMMISSIONER SHALL REMOVE SUCH PRODUCER'S NAME FROM THE LIST CERTIFIED  
50 BY SUCH COOPERATIVE.

51 (V) THE COMMISSIONER MAY APPOINT A REFERENDUM ADVISORY COMMITTEE TO  
52 ASSIST AND ADVISE IN THE CONDUCT OF THE REFERENDUM. SUCH COMMITTEE SHALL  
53 REVIEW REFERENDUM PROCEDURES AND THE TABULATION OF RESULTS, AND SHALL  
54 ADVISE THE COMMISSIONER OF ITS FINDINGS. THE FINAL CERTIFICATION OF THE  
55 REFERENDUM RESULTS SHALL BE MADE BY THE COMMISSIONER. THE COMMITTEE  
56 SHALL CONSIST OF NOT LESS THAN THREE MEMBERS, NONE OF WHOM SHALL BE

PERSONS DIRECTLY AFFECTED BY THE PROPOSED DAIRY RESEARCH AND EDUCATION ORDER. TWO MEMBERS SHALL BE REPRESENTATIVES OF GENERAL FARM ORGANIZATIONS WHICH ARE NOT DIRECTLY AFFECTED BY THE PROPOSED ORDER. THE MEMBERS OF THE COMMITTEE SHALL NOT RECEIVE A SALARY BUT SHALL BE ENTITLED TO ACTUAL AND REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

3. THE COMMISSIONER SHALL ADMINISTER AND ENFORCE ANY SUCH DAIRY RESEARCH AND EDUCATION ORDER WHILE IT IS IN EFFECT, TO:

(A) ENCOURAGE THE STABILITY AND CONTINUED GROWTH OF THE DAIRY INDUSTRY,

(B) PROVIDE FOR RESEARCH AND EDUCATION PROGRAMS DESIGNED TO IMPROVE MILK PRODUCTION AND FARM PROFITABILITY,

(C) CARRY OUT, IN OTHER WAYS, THE DECLARED POLICY AND INTENT OF THIS ARTICLE.

4. THE COMMISSIONER MAY, AND UPON WRITTEN PETITION OF NOT LESS THAN TWENTY-FIVE PER CENTUM OF THE PRODUCERS IN THE AREA, EITHER AS INDIVIDUALS OR THROUGH COOPERATIVE REPRESENTATION, SHALL CALL A HEARING TO CONSIDER AMENDING OR TERMINATING SUCH ORDER, AND ANY SUCH AMENDMENT OR TERMINATION SHALL BE EFFECTIVE ONLY UPON APPROVAL OF FIFTY-ONE PER CENTUM OF THE PRODUCERS OF MILK FOR THE AREA REGULATED PARTICIPATING IN A REFERENDUM VOTE AS PROVIDED PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

5. THE COMMISSIONER SHALL PREPARE A BUDGET FOR THE ADMINISTRATION AND OPERATING COSTS AND EXPENSES ASSOCIATED WITH ANY DAIRY RESEARCH AND EDUCATION ORDER ISSUED PURSUANT TO THIS ARTICLE.

6. ANY DAIRY RESEARCH AND EDUCATION ORDER ISSUED BY THE COMMISSIONER PURSUANT TO THIS ARTICLE MAY CONTAIN ANY OR ALL OF THE FOLLOWING:

(A) PROVISIONS FOR LEVYING AN ASSESSMENT AGAINST ALL PRODUCERS SUBJECT TO THE ORDER FOR THE PURPOSES OF CARRYING OUT THE PROVISIONS AND PAYING THE COSTS OF ADMINISTERING AND ENFORCING SUCH ORDER. IN ORDER TO COLLECT ANY SUCH ASSESSMENTS, PROVISION SHALL BE MADE FOR EACH MILK DEALER WHO RECEIVES MILK FROM PRODUCERS TO DEDUCT THE AMOUNT OF ASSESSMENT FROM MONEYS OTHERWISE DUE TO PRODUCERS FOR THE MILK SO DELIVERED. THE RATE OF SUCH ASSESSMENT SHALL NOT EXCEED ONE-TENTH OF ONE PERCENT PER HUNDRED-WEIGHT OF THE AVERAGE STATISTICAL UNIFORM PRICE FOR THE NORTHEAST FEDERAL MILK MARKETING ORDER, OR ANY SUCCESSOR THERETO, AT ONONDAGA COUNTY FOR THE PRECEDING YEAR. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION, THE COMMISSIONER, UPON WRITTEN PETITION OF NO LESS THAN TWENTY-FIVE PERCENT OF PRODUCERS IN THE AREA, EITHER AS INDIVIDUALS OR THROUGH COOPERATIVE REPRESENTATION, MAY CALL A HEARING FOR THE SOLE PURPOSE OF CONSIDERING ESTABLISHING A NEW RATE OF ASSESSMENT HEREUNDER AND MAY SUBMIT A PROPOSED CHANGE IN THE RATE OF ASSESSMENT TO THE PRODUCERS FOR ACCEPTANCE OR REJECTION WITHOUT OTHERWISE AFFECTING THE ORDER. THE PRODUCERS IN THE AREA MAY VOTE ON THE PROPOSED RATE EITHER AS INDIVIDUALS OR THOROUGH COOPERATIVE REPRESENTATION.

(B) PROVISIONS FOR PAYMENTS TO INSTITUTIONS OR ORGANIZATIONS ENGAGED IN RESEARCH LEADING TO THE DEVELOPMENT OF NEW, INNOVATIVE OR IMPROVED PRACTICES OR METHODS FOR DAIRY PRODUCTION AND FARM PROFITABILITY.

(C) PROVISIONS FOR PAYMENTS TO INSTITUTIONS OR ORGANIZATIONS ENGAGED IN EDUCATIONAL ACTIVITIES TO PROMOTE THE USE OF NEW, INNOVATIVE OR IMPROVED PRACTICES OR METHODS FOR DAIRY PRODUCTION AND FARM PROFITABILITY.

(D) PROVISIONS FOR REQUIRING RECORDS TO BE KEPT AND REPORTS TO BE FILED BY MILK DEALERS WITH RESPECT TO MILK RECEIVED FROM PRODUCERS AND WITH RESPECT TO ASSESSMENTS ON THE MILK OF SUCH PRODUCERS.



1 (E) PROVISIONS FOR THE AUDITING OF THE RECORDS OF SUCH MILK DEALERS  
2 FOR THE PURPOSE OF VERIFYING PAYMENT OF PRODUCER ASSESSMENTS.

3 (F) PROVISIONS FOR AN ADVISORY BOARD AS HEREINAFTER INDICATED.

4 (G) SUCH OTHER PROVISIONS AS MAY BE NECESSARY TO EFFECTUATE THE  
5 DECLARED POLICES OF THIS ARTICLE.

6 7. THE COMMISSIONER MAY TEMPORARILY SUSPEND THE OPERATION OF AN EFFEC-  
7 TIVE DAIRY RESEARCH AND EDUCATION ORDER FOR A CONTINUING PERIOD OF NOT  
8 LONGER THAN ONE YEAR, IF THE PURPOSES OF THIS ARTICLE ARE DEEMED UNNEC-  
9 ESSARY DURING SUCH YEAR.

10 8. PRIOR TO THE ISSUANCE, AMENDMENT OR TERMINATION OF ANY DAIRY  
11 RESEARCH AND EDUCATION ORDER, THE COMMISSIONER MAY REQUIRE THE PETITION-  
12 ERS FOR SUCH ISSUANCE, AMENDMENT OR TERMINATION TO DEPOSIT WITH HIM OR  
13 HER SUCH AMOUNT AS HE OR SHE MAY DEEM NECESSARY TO DEFRAY THE EXPENSES  
14 OF PREPARING AND MAKING EFFECTIVE, AMENDING OR TERMINATING THE ORDER.  
15 SUCH FUNDS SHALL BE RECEIVED, DEPOSITED AND DISBURSED BY THE COMMISSION-  
16 ER IN THE SAME MANNER AS OTHER MONEYS RECEIVED BY THE COMMISSIONER UNDER  
17 THIS ARTICLE AND, IN THE EVENT THE APPLICATION FOR ADOPTION, AMENDMENT  
18 OR TERMINATION OF A RESEARCH AND EDUCATION ORDER IS APPROVED IN A REFER-  
19 ENDUM, THE COMMISSIONER SHALL REIMBURSE ANY SUCH APPLICANT IN THE AMOUNT  
20 OF ANY SUCH DEPOSIT FROM ANY UNEXPENDED MONIES COLLECTED UNDER THE  
21 RESEARCH ORDER AFFECTED BY SUCH REFERENDUM.

22 9. ANY MONEYS COLLECTED BY THE COMMISSIONER PURSUANT TO THIS ARTICLE  
23 SHALL NOT BE DEEMED STATE FUNDS AND SHALL BE DEPOSITED IN A BANK OR  
24 OTHER DEPOSITORY IN THIS STATE, APPROVED BY THE COMMISSIONER, AND SHALL  
25 BE DISBURSED BY THE COMMISSIONER ONLY FOR THE NECESSARY EXPENSES  
26 INCURRED BY THE COMMISSIONER WITH RESPECT TO THE ORDER, ALL IN ACCORD-  
27 ANCE WITH THE RULES AND REGULATIONS OF THE COMMISSIONER. ALL SUCH  
28 EXPENDITURES SHALL BE AUDITED BY THE STATE COMPTROLLER OR A CERTIFIED  
29 PUBLIC ACCOUNTANT AT LEAST EVERY TWO YEARS AND WITHIN FORTY-FIVE DAYS  
30 AFTER THE COMPLETION THEREOF THE STATE COMPTROLLER OR CERTIFIED PUBLIC  
31 ACCOUNTANT SHALL GIVE A COPY THEREOF TO THE COMMISSIONER AND THE ADVI-  
32 SORY BOARD. ANY MONEYS REMAINING IN SUCH FUND MAY, IN THE DISCRETION OF  
33 THE COMMISSIONER, BE REFUNDED AT THE CLOSE OF ANY FISCAL YEAR UPON A  
34 PRO-RATA BASIS TO ALL PERSONS FROM WHOM ASSESSMENTS THEREFORE WERE  
35 COLLECTED OR, WHENEVER THE COMMISSIONER FINDS THAT SUCH MONEYS MAY BE  
36 NECESSARY TO DEFRAY THE COST OF OPERATING SUCH RESEARCH AND EDUCATION  
37 ORDER IN A SUCCEEDING FISCAL YEAR, THE COMMISSIONER MAY CARRY OVER ALL  
38 OR ANY PORTION OF SUCH MONEYS INTO THE NEXT SUCH SUCCEEDING YEAR. UPON  
39 THE TERMINATION BY THE COMMISSIONER OF ANY DAIRY RESEARCH AND EDUCATION  
40 ORDER, ALL MONEYS REMAINING AND NOT REQUIRED BY THE COMMISSIONER TO  
41 DEFRAY THE EXPENSES OF OPERATING SUCH DAIRY RESEARCH AND EDUCATION  
42 ORDER, SHALL BE REFUNDED BY THE COMMISSIONER UPON A PRO-RATA BASIS TO  
43 ALL PERSONS FROM WHOM ASSESSMENTS THEREFORE WERE COLLECTED; PROVIDED,  
44 HOWEVER, THAT IF THE COMMISSIONER FINDS THAT THE AMOUNTS SO REFUNDABLE  
45 ARE SO SMALL AS TO MAKE IMPRACTICABLE THE COMPUTATION AND REFUNDING OF  
46 SUCH REFUNDS, THE COMMISSIONER MAY USE SUCH MONEYS TO DEFRAY THE  
47 EXPENSES INCURRED IN THE FORMULATION, ISSUANCE, ADMINISTRATION OR  
48 ENFORCEMENT OF ANY SUBSEQUENT RESEARCH ORDER.

49 10. ADVISORY BOARD. (A) ANY DAIRY RESEARCH AND EDUCATION ORDER ISSUED  
50 PURSUANT TO THIS ARTICLE SHALL PROVIDE FOR THE ESTABLISHMENT OF AN ADVI-  
51 SORY BOARD TO ADVISE AND ASSIST THE COMMISSIONER IN THE ADMINISTRATION  
52 OF SUCH ORDER. THIS BOARD SHALL CONSIST OF NOT LESS THAN FIVE MEMBERS.  
53 AT LEAST THREE MEMBERS SHALL REPRESENT DAIRY COOPERATIVES, ONE MEMBER  
54 SHALL REPRESENT A GENERAL FARM ORGANIZATION, AND ONE MEMBER SHALL BE AN  
55 AT-LARGE PRODUCER REPRESENTATIVE. MEMBERS SHALL SERVE THREE-YEAR TERMS  
56 AND SHALL BE APPOINTED BY THE COMMISSIONER FROM NOMINATIONS SUBMITTED BY

PRODUCERS LOCATED IN THE AREA TO WHICH THE ORDER APPLIES. THE COMMISSIONER SHALL MAKE EVERY EFFORT TO ENSURE THAT THERE IS GEOGRAPHICAL REPRESENTATION FROM THE MAJOR DAIRY PRODUCING REGIONS OF THE STATE. NOMINATING PROCEDURES, QUALIFICATIONS, REPRESENTATION AND SIZE OF THE ADVISORY BOARD SHALL BE PRESCRIBED IN THE ORDER.

(B) NO MEMBER OF AN ADVISORY BOARD SHALL RECEIVE A SALARY BUT SHALL BE ENTITLED TO ACTUAL AND REASONABLE EXPENSES INCURRED WHILE PERFORMING DUTIES AS AUTHORIZED IN THIS SECTION.

(C) THE DUTIES AND RESPONSIBILITIES OF THE ADVISORY BOARD SHALL BE PRESCRIBED BY THE COMMISSIONER IN THE DAIRY RESEARCH AND EDUCATION ORDER, AND MAY INCLUDE ALL OR ANY OF THE FOLLOWING DUTIES AND RESPONSIBILITIES:

(1) RECOMMENDING TO THE COMMISSIONER OF ADMINISTRATIVE RULES AND REGULATIONS RELATING TO THE ORDER.

(2) RECOMMENDING TO THE COMMISSIONER SUCH AMENDMENTS TO THE ORDER AS DEEMED ADVISABLE.

(3) PREPARING AND SUBMITTING TO THE COMMISSIONER AN ESTIMATED BUDGET REQUIRED FOR THE PROPER OPERATION OF THE ORDER.

(4) REVIEWING, EVALUATING AND RECOMMENDING TO THE COMMISSIONER RESEARCH AND EDUCATION ACTIVITIES FOR FUNDING THAT ARE DESIGNED TO IMPROVE MILK PRODUCTION AND FARM PROFITABILITY.

(5) RECOMMENDING TO THE COMMISSIONER METHODS FOR ASSESSING PRODUCERS AND METHODS FOR COLLECTING THE NECESSARY FUNDS.

(6) ASSISTING THE COMMISSIONER IN THE COLLECTION AND ASSEMBLY OF INFORMATION AND DATA NECESSARY FOR THE PROPER ADMINISTRATION OF THE ORDER.

(7) THE PERFORMANCE OF SUCH OTHER DUTIES IN CONNECTION WITH THE ORDER AS THE COMMISSIONER SHALL DESIGNATE.

S 258-V. RULES AND REGULATIONS; ENFORCEMENT. 1. THE COMMISSIONER MAY MAKE AND PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO EFFECTUATE THE PROVISIONS AND INTENT OF THIS ARTICLE AND TO ENFORCE THE PROVISION OF ANY DAIRY RESEARCH AND EDUCATION ORDER, ALL OF WHICH SHALL HAVE THE FORCE AND EFFECT OF LAW.

2. THE COMMISSIONER MAY INSTITUTE SUCH ACTION AT LAW OR IN EQUITY AS MAY APPEAR NECESSARY TO ENFORCE COMPLIANCE WITH ANY PROVISION OF THIS ARTICLE, OR ANY RULE OR REGULATION, OR RESEARCH AND EDUCATION ORDER, COMMITTED TO HIS OR HER ADMINISTRATION, AND IN ADDITION TO ANY OTHER REMEDY UNDER ARTICLE THREE OF THIS CHAPTER OR OTHERWISE, MAY APPLY FOR RELIEF BY INJUNCTION IF NECESSARY TO PROTECT THE PUBLIC INTEREST WITHOUT BEING COMPELLED TO ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES NOT EXIST. SUCH APPLICATION MAY BE MADE TO THE SUPREME COURT IN ANY DISTRICT OR COUNTY AS PROVIDED IN THE CIVIL PRACTICE LAW AND RULES, OR TO THE SUPREME COURT IN THE THIRD JUDICIAL DISTRICT.

S 2. This act shall take effect immediately.

#### PART AA

Section 1. Paragraph (b) of subdivision 2 of section 2975 of the public authorities law, as amended by section 1 of part J of chapter 60 of the laws of 2011, 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

1 extraordinary hardship upon the affected public benefit corporation. The  
2 aggregate amount assessed under this section in any given state fiscal  
3 year may not exceed [sixty] SIXTY-TWO million dollars.  
4 S 2. This act shall take effect immediately.

## PART BB

6 Section 1. Paragraph (b) of subdivision 2 of section 1676 of the  
7 public authorities law is amended by adding a new undesignated paragraph  
8 to read as follows:

9 THE STATE OF NEW YORK AND ANY PUBLIC CORPORATION.

10 S 2. Subdivision 1 of section 1680 of the public authorities law is  
11 amended by adding a new undesignated paragraph to read as follows:

12 THE STATE OF NEW YORK AND ANY PUBLIC CORPORATION.

13 S 3. Section 1680 of the public authorities law is amended by adding a  
14 new subdivision 41 to read as follows:

15 41. THE DORMITORY AUTHORITY IS EMPOWERED AND AUTHORIZED TO ENTER INTO  
16 A LEASE, SUBLEASE OR OTHER AGREEMENT WITH THE STATE OF NEW YORK OR A  
17 PUBLIC CORPORATION THEREIN, PURSUANT TO WHICH ONE OR MORE FACILITIES ARE  
18 TO BE FINANCED, DESIGNED, ACQUIRED, CONSTRUCTED, RECONSTRUCTED, REHABIL-  
19 ITATED, IMPROVED OR OTHERWISE PROVIDED FOR THE STATE OR SUCH PUBLIC  
20 CORPORATION, OR SUCH FACILITIES ARE TO BE FURNISHED OR EQUIPPED.

21 S 4. This act shall take effect immediately.

## PART CC

23 Section 1. Section 579 of the banking law, as amended by chapter 629  
24 of the laws of 2002, is amended to read as follows:

25 S 579. Doing business without license prohibited. Only a [type B]  
26 not-for-profit corporation [as defined in section two hundred one of the  
27 not-for-profit corporation law of this state,] or an entity incorporated  
28 in another state and having a similar not-for-profit status, shall  
29 engage in the business of budget planning as defined in subdivision one  
30 of section four hundred fifty-five of the general business law [of this  
31 state] except as authorized by this article and without first obtaining  
32 a license from the superintendent.

33 S 2. Paragraph (d) of section 304 of the business corporation law is  
34 amended to read as follows:

35 (d) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE  
36 SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS  
37 AGENT OF A DOMESTIC CORPORATION OR FOREIGN CORPORATION SHALL BE DEEMED  
38 TO BE THE POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS STATE, TO WHICH A  
39 PERSON SHALL MAIL A COPY OF PROCESS SERVED AGAINST THE CORPORATION AS  
40 REQUIRED BY THIS ARTICLE. Any designated [post-office] POST OFFICE  
41 address to which the secretary of state OR A PERSON shall mail a copy of  
42 process served upon [him] THE SECRETARY OF STATE as agent of a domestic  
43 corporation or a foreign corporation, shall continue until the filing of  
44 a certificate under this chapter directing the mailing to a different  
45 [post-office] POST OFFICE address.

46 S 2-a. Paragraphs (b), (c) and (d) of section 306 of the business  
47 corporation law are REPEALED and six new paragraphs (b), (c), (d), (e),  
48 (f) and (g) are added to read as follows:

49 (B) SERVICE OF SUCH PROCESS UPON THE SECRETARY OF STATE AS AGENT OF A  
50 DOMESTIC OR AUTHORIZED FOREIGN CORPORATION, OR OTHER BUSINESS ENTITY  
51 THAT HAS DESIGNATED THE SECRETARY OF STATE AS AGENT FOR SERVICE OF PROC-  
52 ESS PURSUANT TO ARTICLE NINE OF THIS CHAPTER, SHALL BE MADE BY

PERSONALLY DELIVERING TO AND LEAVING WITH THE SECRETARY OF STATE OR A DEPUTY, OR WITH A PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE SUCH SERVICE, AT THE OFFICE OF THE DEPARTMENT OF STATE IN THE CITY OF ALBANY, A COPY OF SUCH PROCESS TOGETHER WITH THE STATUTORY FEE, WHICH FEE SHALL BE A TAXABLE DISBURSEMENT. SUCH SERVICE SHALL BE SUFFICIENT IF NOTICE OF SUCH SERVICE ON THE SECRETARY OF STATE AND A COPY OF THE PROCESS ARE:

(1) DELIVERED PERSONALLY, WITHIN OR WITHOUT THE STATE, TO SUCH CORPORATION BY A PERSON AND IN THE MANNER AUTHORIZED TO SERVE PROCESS BY LAW OF THE JURISDICTION IN WHICH SERVICE IS MADE, OR

(2) SENT BY OR ON BEHALF OF THE PLAINTIFF TO SUCH CORPORATION BY CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED, AT THE POST OFFICE ADDRESS SPECIFIED FOR THE PURPOSE OF MAILING PROCESS, ON FILE IN THE DEPARTMENT OF STATE.

(C) (1) WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY PERSONAL SERVICE, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION FILED, TOGETHER WITH THE PROCESS, WITHIN THIRTY DAYS AFTER SUCH SERVICE, WITH THE CLERK OF THE COURT IN WHICH THE ACTION OR SPECIAL PROCEEDING IS PENDING. SERVICE OF PROCESS SHALL BE COMPLETE TEN DAYS AFTER SUCH PAPERS ARE FILED WITH THE CLERK OF THE COURT.

(2) WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY MAILING IN ACCORDANCE WITH THIS SECTION, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION FILED, TOGETHER WITH THE PROCESS, WITHIN THIRTY DAYS AFTER RECEIPT OF THE RETURN RECEIPT SIGNED BY THE CORPORATION, OR OTHER OFFICIAL PROOF OF DELIVERY OR OF THE ORIGINAL ENVELOPE MAILED. IF A COPY OF THE PROCESS IS MAILED IN ACCORDANCE WITH THIS SECTION, THERE SHALL BE FILED WITH THE AFFIDAVIT OF COMPLIANCE EITHER THE RETURN RECEIPT SIGNED BY SUCH CORPORATION OR OTHER OFFICIAL PROOF OF DELIVERY OR, IF ACCEPTANCE WAS REFUSED BY IT, THE ORIGINAL ENVELOPE WITH A NOTATION BY THE POSTAL AUTHORITIES THAT ACCEPTANCE WAS REFUSED. IF ACCEPTANCE WAS REFUSED, A COPY OF THE NOTICE AND PROCESS TOGETHER WITH NOTICE OF THE MAILING BY CERTIFIED MAIL AND REFUSAL TO ACCEPT SHALL BE PROMPTLY SENT TO SUCH CORPORATION AT THE SAME ADDRESS BY ORDINARY MAIL AND THE AFFIDAVIT OF COMPLIANCE SHALL SO STATE. SERVICE OF PROCESS SHALL BE COMPLETE TEN DAYS AFTER SUCH PAPERS ARE FILED WITH THE CLERK OF THE COURT. THE REFUSAL TO ACCEPT DELIVERY OF THE CERTIFIED MAIL OR TO SIGN THE RETURN RECEIPT SHALL NOT AFFECT THE VALIDITY OF THE SERVICE AND SUCH CORPORATION REFUSING TO ACCEPT SUCH CERTIFIED MAIL SHALL BE CHARGED WITH KNOWLEDGE OF THE CONTENTS THEREOF.

(D) SERVICE MADE AS PROVIDED IN THIS SECTION SHALL HAVE THE SAME FORCE AS PERSONAL SERVICE MADE WITHIN THIS STATE.

(E) AN ADDITIONAL SERVICE OF THE SUMMONS MAY BE MADE PURSUANT TO PARAGRAPH FOUR OF SUBDIVISION (G) OF SECTION THIRTY-TWO HUNDRED FIFTEEN OF THE CIVIL PRACTICE LAW AND RULES.

(F) IF AN ACTION OR SPECIAL PROCEEDING IS INSTITUTED IN A COURT OF LIMITED JURISDICTION, SERVICE OF PROCESS MAY BE MADE IN THE MANNER PROVIDED IN THIS SECTION IF THE OFFICE OF THE DOMESTIC OR FOREIGN CORPORATION IS WITHIN THE TERRITORIAL JURISDICTION OF THE COURT.

(G) NOTHING IN THIS SECTION SHALL AFFECT THE RIGHT TO SERVE PROCESS IN ANY OTHER MANNER PERMITTED BY LAW.

S 3. Subparagraphs 2 and 3 of paragraph (a), paragraph (b) and clause (i) of subparagraph 2 of paragraph (e) of section 306-A of the business corporation law, as added by chapter 469 of the laws of 1997, are amended to read as follows:

(2) That the address of the party has been designated by the corporation as the post office address to which [the secretary of state] A

PERSON shall mail a copy of any process served on the secretary of state as agent for such corporation, SUCH ADDRESS and that such party wishes to resign.

(3) That sixty days prior to the filing of the certificate of resignation FOR RECEIPT OF PROCESS with the department of state the party has sent a copy of the certificate of resignation for receipt of process by registered or certified mail to the address of the registered agent of the designating corporation, if other than the party filing the certificate of resignation[,] for receipt of process, or if the [resigning] DESIGNATING corporation has no registered agent, then to the last address of the designating corporation known to the party, specifying the address to which the copy was sent. If there is no registered agent and no known address of the designating corporation, the party shall attach an affidavit to the certificate stating that a diligent but unsuccessful search was made by the party to locate the corporation, specifying what efforts were made.

(b) Upon the failure of the designating corporation to file a certificate of amendment or change providing for the designation by the corporation of the new address after the filing of a certificate of resignation for receipt of process with the secretary of state, its authority to do business in this state shall be suspended unless the corporation has previously filed a BIENNIAL statement [of addresses and directors] under section four hundred eight of this chapter, the address of the principal executive office stated in the last filed BIENNIAL statement [of addresses and directors] shall constitute the new address for process of the corporation, and the corporation shall not be deemed suspended.

(i) delivered personally within or without this state to such corporation by a person and in THE manner authorized to serve process by law of the jurisdiction in which service is made, or

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

(7) A designation of the secretary of state as agent of the corporation upon whom process against it may be served and the post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process against it served upon [him] THE SECRETARY OF STATE.

S 5. Subparagraph (c) of paragraph 1 of section 408 of the business corporation law, as added by chapter 55 of the laws of 1992, is amended to read as follows:

(c) The post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process against it served upon [him or her] THE SECRETARY OF STATE. Such address shall supersede any previous address on file with the department of state for this purpose.

S 6. Subparagraph 4 of paragraph (b) of section 801 of the business corporation law is amended to read as follows:

(4) To specify or change the post office address to which [the secretary of state] A PERSON shall mail a copy of any process against the corporation served upon [him] THE SECRETARY OF STATE.

S 7. Subparagraph 2 of paragraph (b) of section 803 of the business corporation law, as amended by chapter 803 of the laws of 1965, is amended to read as follows:

(2) To specify or change the post office address to which [the secretary of state] A PERSON shall mail a copy of any process against the corporation served upon [him] THE SECRETARY OF STATE.

1 S 8. Paragraph (b) of section 805-A of the business corporation law,  
2 as added by chapter 725 of the laws of 1964, is amended to read as  
3 follows:

4 (b) A certificate of change which changes only the post office address  
5 to which [the secretary of state] A PERSON shall mail a copy of any  
6 process against a corporation served upon [him] THE SECRETARY OF STATE  
7 or the address of the registered agent, provided such address being  
8 changed is the address of a person, partnership, LIMITED LIABILITY  
9 COMPANY or other corporation whose address, as agent, is the address to  
10 be changed or who has been designated as registered agent for such  
11 corporation, may be signed[, verified] and delivered to the department  
12 of state by such agent. The certificate of change shall set forth the  
13 statements required under subparagraphs [(a)] (1), (2) and (3) OF PARA-  
14 GRAPH (A) of this section; that a notice of the proposed change was  
15 mailed to the corporation by the party signing the certificate not less  
16 than thirty days prior to the date of delivery to the department and  
17 that such corporation has not objected thereto; and that the party sign-  
18 ing the certificate is the agent of such corporation to whose address  
19 [the secretary of state] A PERSON is required to mail [copies] A COPY of  
20 process SERVED ON THE SECRETARY OF STATE or the registered agent, if  
21 such be the case. A certificate signed[, verified] and delivered under  
22 this paragraph shall not be deemed to effect a change of location of the  
23 office of the corporation in whose behalf such certificate is filed.

24 S 9. Subparagraph 8 of paragraph (a) of section 904-a of the business  
25 corporation law, as amended by chapter 177 of the laws of 2008, is  
26 amended to read as follows:

27 (8) If the surviving or resulting entity is a foreign corporation or  
28 other business entity, a designation of the secretary of state as its  
29 agent upon whom process against it may be served in the manner set forth  
30 in paragraph (b) of section three hundred six of this chapter, in any  
31 action or special proceeding, and a post office address, within or with-  
32 out this state, to which [the secretary of state] A PERSON shall mail a  
33 copy of any process against it served upon [him] THE SECRETARY OF STATE.  
34 Such post office address shall supersede any prior address designated as  
35 the address to which process shall be mailed;

36 S 10. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of  
37 the business corporation law, as amended by chapter 494 of the laws of  
38 1997, is amended to read as follows:

39 (G) A designation of the secretary of state as its agent upon whom  
40 process against it may be served in the manner set forth in paragraph  
41 (b) of section 306 (Service of process), in any action or special  
42 proceeding, and a post office address, within or without this state, to  
43 which [the secretary of state] A PERSON shall mail a copy of any process  
44 against it served upon [him] THE SECRETARY OF STATE. Such post office  
45 address shall supersede any prior address designated as the address to  
46 which process shall be mailed.

47 S 11. Subparagraph 6 of paragraph (a) of section 1304 of the business  
48 corporation law, as amended by chapter 684 of the laws of 1963 and as  
49 renumbered by chapter 590 of the laws of 1982, is amended to read as  
50 follows:

51 (6) A designation of the secretary of state as its agent upon whom  
52 process against it may be served and the post office address, within or  
53 without this state, to which [the secretary of state] A PERSON shall  
54 mail a copy of any process against it served upon [him] THE SECRETARY OF  
55 STATE.

1 S 12. Subparagraph 7 of paragraph (a) of section 1308 of the business  
2 corporation law, as amended by chapter 725 of the laws of 1964 and as  
3 renumbered by chapter 186 of the laws of 1983, is amended to read as  
4 follows:

5 (7) To specify or change the post office address to which [the secre-  
6 tary of state] A PERSON shall mail a copy of any process against it  
7 served upon [him] THE SECRETARY OF STATE.

8 S 13. Subparagraph 2 of paragraph (a) and paragraph (c) of section  
9 1309-A of the business corporation law, subparagraph 2 of paragraph (a)  
10 as added by chapter 725 of the laws of 1964 and paragraph (c) as amended  
11 by chapter 172 of the laws of 1999, are amended to read as follows:

12 (2) To specify or change the post office address to which [the secre-  
13 tary of state] A PERSON shall mail a copy of any process against it  
14 served upon [him] THE SECRETARY OF STATE.

15 (c) A certificate of change of application for authority which changes  
16 only the post office address to which [the secretary of state] A PERSON  
17 shall mail a copy of any process against an authorized foreign corpo-  
18 ration served upon [him] THE SECRETARY OF STATE or which changes the  
19 address of its registered agent, provided such address is the address of  
20 a person, partnership, LIMITED LIABILITY COMPANY or other corporation  
21 whose address, as agent, is the address to be changed or who has been  
22 designated as registered agent for such authorized foreign corporation,  
23 may be signed and delivered to the department of state by such agent.  
24 The certificate of change of application for authority shall set forth  
25 the statements required under subparagraphs (1), (2), (3) and (4) of  
26 paragraph (b) of this section; that a notice of the proposed change was  
27 mailed by the party signing the certificate to the authorized foreign  
28 corporation not less than thirty days prior to the date of delivery to  
29 the department and that such corporation has not objected thereto; and  
30 that the party signing the certificate is the agent of such foreign  
31 corporation to whose address [the secretary of state] A PERSON is  
32 required to mail [copies] A COPY of process SERVED ON THE SECRETARY OF  
33 STATE or the registered agent, if such be the case. A certificate signed  
34 and delivered under this paragraph shall not be deemed to effect a  
35 change of location of the office of the corporation in whose behalf such  
36 certificate is filed.

37 S 14. Subparagraphs 1 and 6 of paragraph (a) of section 1310 of the  
38 business corporation law, subparagraph 1 as amended by chapter 590 of  
39 the laws of 1982, are amended to read as follows:

40 (1) The name of the foreign corporation as it appears on the index of  
41 names of existing domestic and authorized foreign corporations of any  
42 type or kind in the department of state, division of corporations [or,]  
43 AND the fictitious name, IF ANY, the corporation has agreed to use in  
44 this state pursuant to paragraph (d) of section 1301 (AUTHORIZATION OF  
45 FOREIGN CORPORATIONS) of this [chapter] ARTICLE.

46 (6) A post office address, within or without this state, to which [the  
47 secretary of state] A PERSON shall mail a copy of any process against it  
48 served upon [him] THE SECRETARY OF STATE.

49 S 15. Subparagraph 4 of paragraph (d) of section 1310 of the business  
50 corporation law is amended to read as follows:

51 (4) The changed post office address, within or without this state, to  
52 which [the secretary of state] A PERSON shall mail a copy of any process  
53 against it served upon [him] THE SECRETARY OF STATE.

54 S 16. Section 1311 of the business corporation law, as amended by  
55 chapter 375 of the laws of 1998, is amended to read as follows:

56 S 1311. Termination of existence.

1 When an authorized foreign corporation is dissolved or its authority  
2 or existence is otherwise terminated or cancelled in the jurisdiction of  
3 its incorporation or when such foreign corporation is merged into or  
4 consolidated with another foreign corporation, a certificate of the  
5 secretary of state, or official performing the equivalent function as to  
6 corporate records, of the jurisdiction of incorporation of such foreign  
7 corporation attesting to the occurrence of any such event or a certified  
8 copy of an order or decree of a court of such jurisdiction directing the  
9 dissolution of such foreign corporation, the termination of its exist-  
10 ence or the cancellation of its authority shall be delivered to the  
11 department of state. The filing of the certificate, order or decree  
12 shall have the same effect as the filing of a certificate of surrender  
13 of authority under section 1310 (Surrender of authority). The secretary  
14 of state shall continue as agent of the foreign corporation upon whom  
15 process against it may be served in the manner set forth in paragraph  
16 (b) of section 306 (Service of process), in any action or special  
17 proceeding based upon any liability or obligation incurred by the  
18 foreign corporation within this state prior to the filing of such  
19 certificate, order or decree and [he] THE PERSON SERVING SUCH PROCESS  
20 shall promptly cause a copy of any such process to be mailed by [regis-  
21 tered] CERTIFIED mail, return receipt requested, to such foreign corpo-  
22 ration at the post office address on file in [his] THE office OF THE  
23 SECRETARY OF STATE specified for such purpose. The post office address  
24 may be changed by signing and delivering to the department of state a  
25 certificate of change setting forth the statements required under  
26 section 1309-A (Certificate of change; contents) to effect a change in  
27 the post office address under subparagraph [(a) (4)] (7) OF PARAGRAPH  
28 (A) of section 1308 (Amendments or changes).

29 S 17. The opening paragraph of subdivision 1 of section 5 of the  
30 cooperative corporations law, as amended by chapter 158 of the laws of  
31 1978, is amended to read as follows:

32 The business corporation law applies to every corporation heretofore  
33 or hereafter formed under this chapter, or under any other statute or  
34 special act of this state, or under laws other than the statutes of this  
35 state, which has as its purpose or among its purposes the cooperative  
36 rendering of mutual help and service to its members and which, if formed  
37 under laws other than the statutes of this state, would, if it were to  
38 be formed currently under the laws of this state, be formed under this  
39 chapter except a membership cooperative as defined in section three of  
40 this chapter, to which the not-for-profit corporation law shall apply.  
41 Any corporation to which the business corporation law is made applicable  
42 by this section shall be treated as a "corporation," "domestic corpo-  
43 ration," or "foreign corporation," as such terms are used in the busi-  
44 ness corporation law; provided, however, that neither the purposes for  
45 which any such corporation may be formed under this chapter nor its  
46 classification as a non-profit corporation shall thereby be extended or  
47 affected. [Any corporation to which the not-for-profit corporation law  
48 is made applicable by this section shall be a type D not-for-profit  
49 corporation.]

50 S 18. Section 11 of the cooperative corporations law, subdivision 8 as  
51 amended by chapter 664 of the laws of 1966 and subdivisions 10 and 11 as  
52 added by chapter 97 of the laws of 1969, is amended to read as follows:

53 S 11. CERTIFICATE OF INCORPORATION; CONTENTS. Five or more persons may  
54 form a corporation, under this chapter, by making[, acknowledging] and  
55 filing a certificate of incorporation ENTITLED "CERTIFICATE OF INCORPO-



1 RATION OF ..... (NAME OF CORPORATION) UNDER SECTION 11 OF THE COOPER-  
2 ATIVE CORPORATIONS LAW" which shall state:  
3 1. Its name. The name shall include the word "Cooperative."  
4 2. Its purposes, as permitted by this chapter.  
5 3. Its duration.  
6 4. The city, village or town and the county in which its office is to  
7 be located.  
8 5. The names and post office addresses of its incorporators.  
9 6. The number of its directors, or that the number of directors shall  
10 be within a stated minimum and maximum as the by-laws may from time to  
11 time provide. In either case, the number shall be not less than five.  
12 7. The names and post office addresses of the directors until the  
13 first annual meeting.  
14 8. Whether organized with or without capital stock. If organized with  
15 stock, the total amount thereof, the total number, if any, of the shares  
16 without par value, and the total number and par value of any shares  
17 having a par value. If the shares are to be classified, the number of  
18 shares to be included in each class and all of the designations, prefer-  
19 ences, privileges, and voting rights or restrictions and qualifications  
20 of the shares of each class.  
21 9. That all of the subscribers are of full age; that at least two-  
22 thirds of them are citizens of the United States; that at least one of  
23 them is a resident of the state of New York; and that of the persons  
24 named as directors at least one is a citizen of the United States and a  
25 resident of the state of New York.  
26 10. A designation of the secretary of state as agent of the corpo-  
27 ration upon whom process against it may be served and the post office  
28 address, within or without this state, to which [the secretary of state]  
29 A PERSON shall mail a copy of any process against it served upon [him]  
30 THE SECRETARY OF STATE.  
31 11. If the corporation is to have a registered agent, [his] SUCH  
32 AGENT'S name and address within this state and a statement that the  
33 registered agent is to be the agent of the corporation upon whom process  
34 against it may be served.  
35 S 19. The opening paragraph of subdivision 2 and subdivision 3 of  
36 section 18 of the general associations law, as amended by chapter 13 of  
37 the laws of 1938, are amended to read as follows:  
38 Every association doing business within this state shall file in the  
39 department of state a certificate in its associate name, signed [and  
40 acknowledged] by its president, or a vice-president, or secretary, or  
41 treasurer, or managing director, or trustee, designating the secretary  
42 of state as an agent upon whom process in any action or proceeding  
43 against the association may be served within this state, and setting  
44 forth an address to which [the secretary of state] A PERSON shall mail a  
45 copy of any process against the association which may be served upon  
46 [him] THE SECRETARY OF STATE pursuant to law. Annexed to the certif-  
47 icate of designation shall be a statement, executed in the same manner  
48 as the certificate is required to be executed under this section, which  
49 shall set forth:  
50 3. Any association, from time to time, may change the address to  
51 which [the secretary of state] A PERSON is directed to mail [copies] A  
52 COPY of process SERVED ON THE SECRETARY OF STATE, by filing a statement  
53 to that effect, executed[, ] AND signed [and acknowledged] in like manner  
54 as a certificate of designation as herein provided.  
55 S 20. Section 18 of the general associations law is amended by adding  
56 two new subdivisions 5 and 6 to read as follows:

1 5. ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE  
2 SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS  
3 AGENT IN ANY ACTION OR PROCEEDING AGAINST THE ASSOCIATION SHALL BE  
4 DEEMED TO BE THE POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS STATE, TO  
5 WHICH A PERSON SHALL MAIL A COPY OF PROCESS SERVED AGAINST THE ASSOCI-  
6 ATION AS REQUIRED BY THIS ARTICLE. ANY DESIGNATED POST OFFICE ADDRESS TO  
7 WHICH THE SECRETARY OF STATE OR A PERSON SHALL MAIL A COPY OF ANY PROC-  
8 ESS SERVED UPON THE SECRETARY OF STATE AS AGENT IN ANY ACTION OR  
9 PROCEEDING AGAINST THE ASSOCIATION SHALL CONTINUE UNTIL THE FILING OF A  
10 CERTIFICATE UNDER THIS CHAPTER DIRECTING THE MAILING TO A DIFFERENT POST  
11 OFFICE ADDRESS.

12 6. "PROCESS" MEANS JUDICIAL PROCESS AND ALL ORDERS, DEMANDS, NOTICES  
13 OR OTHER PAPERS REQUIRED OR PERMITTED BY LAW TO BE PERSONALLY SERVED ON  
14 AN ASSOCIATION, FOR THE PURPOSE OF ACQUIRING JURISDICTION OF SUCH ASSO-  
15 CIATION IN ANY ACTION OR PROCEEDING, CIVIL OR CRIMINAL, WHETHER JUDI-  
16 CIAL, ADMINISTRATIVE, ARBITRATIVE OR OTHERWISE, IN THIS STATE OR IN THE  
17 FEDERAL COURTS SITTING IN OR FOR THIS STATE.

18 S 21. Section 19 of the general associations law, as amended by chap-  
19 ter 166 of the laws of 1991, is amended to read as follows:

20 S 19. Service of process. 1. Service of process against an association  
21 upon the secretary of state shall be made by personally delivering to  
22 and leaving with [him] THE SECRETARY OF STATE or a deputy [secretary of  
23 state or an associate attorney, senior attorney or attorney in the  
24 corporation division of the department of state, duplicate copies of  
25 such process at the office of the department of state in the city of  
26 Albany], OR WITH A PERSON AUTHORIZED BY THE SECRETARY OF STATE TO  
27 RECEIVE SUCH SERVICE AT THE OFFICE OF THE DEPARTMENT OF STATE IN THE  
28 CITY OF ALBANY, A COPY OF SUCH PROCESS TOGETHER WITH THE STATUTORY FEE  
29 OF FORTY DOLLARS, WHICH FEE SHALL BE A TAXABLE DISBURSEMENT. [At the  
30 time of such service the plaintiff shall pay a fee of forty dollars to  
31 the secretary of state which shall be a taxable disbursement. If the  
32 cost of registered mail for transmitting a copy of the process shall  
33 exceed two dollars, an additional fee equal to such excess shall be paid  
34 at the time of the service of such process. The secretary of state shall  
35 forthwith send by registered mail one of such copies to the association  
36 at the address fixed for that purpose, as herein provided.]

37 2. SUCH SERVICE SHALL BE SUFFICIENT IF NOTICE OF SUCH SERVICE ON THE  
38 SECRETARY OF STATE AND A COPY OF THE PROCESS ARE:

39 (A) DELIVERED PERSONALLY, WITHIN OR WITHOUT THE STATE, TO SUCH ASSOCI-  
40 ATION BY A PERSON AND IN THE MANNER AUTHORIZED TO SERVE PROCESS BY LAW  
41 OF THE JURISDICTION IN WHICH SERVICE IS MADE, OR

42 (B) SENT BY OR ON BEHALF OF THE PLAINTIFF TO SUCH ASSOCIATION BY  
43 CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED, AT THE POST OFFICE ADDRESS  
44 SPECIFIED FOR THE PURPOSE OF MAILING PROCESS, ON FILE IN THE DEPARTMENT  
45 OF STATE.

46 3. (A) WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY PERSONAL  
47 SERVICE, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS  
48 SECTION FILED, TOGETHER WITH THE PROCESS, WITHIN THIRTY DAYS AFTER SUCH  
49 SERVICE, WITH THE CLERK OF THE COURT IN WHICH THE ACTION OR SPECIAL  
50 PROCEEDING IS PENDING. SERVICE OF PROCESS SHALL BE COMPLETE TEN DAYS  
51 AFTER SUCH PAPERS ARE FILED WITH THE CLERK OF THE COURT.

52 (B) WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY MAILING IN  
53 ACCORDANCE WITH THIS SECTION, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF  
54 COMPLIANCE WITH THIS SECTION FILED, TOGETHER WITH THE PROCESS, WITHIN  
55 THIRTY DAYS AFTER RECEIPT OF THE RETURN RECEIPT SIGNED BY THE ASSOCI-  
56 ATION, OR OTHER OFFICIAL PROOF OF DELIVERY OR OF THE ORIGINAL ENVELOPE

1 MAILED. IF A COPY OF THE PROCESS IS MAILED IN ACCORDANCE WITH THIS  
2 SECTION, THERE SHALL BE FILED WITH THE AFFIDAVIT OF COMPLIANCE EITHER  
3 THE RETURN RECEIPT SIGNED BY SUCH ASSOCIATION OR OTHER OFFICIAL PROOF OF  
4 DELIVERY OR, IF ACCEPTANCE WAS REFUSED BY IT, THE ORIGINAL ENVELOPE WITH  
5 A NOTATION BY THE POSTAL AUTHORITIES THAT ACCEPTANCE WAS REFUSED. IF  
6 ACCEPTANCE WAS REFUSED, A COPY OF THE NOTICE AND PROCESS TOGETHER WITH  
7 NOTICE OF THE MAILING BY CERTIFIED MAIL AND REFUSAL TO ACCEPT SHALL BE  
8 PROMPTLY SENT TO SUCH ASSOCIATION AT THE SAME ADDRESS BY ORDINARY MAIL  
9 AND THE AFFIDAVIT OF COMPLIANCE SHALL SO STATE. SERVICE OF PROCESS SHALL  
10 BE COMPLETE TEN DAYS AFTER SUCH PAPERS ARE FILED WITH THE CLERK OF THE  
11 COURT. THE REFUSAL TO ACCEPT DELIVERY OF THE CERTIFIED MAIL OR TO SIGN  
12 THE RETURN RECEIPT SHALL NOT AFFECT THE VALIDITY OF THE SERVICE AND SUCH  
13 ASSOCIATION REFUSING TO ACCEPT SUCH CERTIFIED MAIL SHALL BE CHARGED WITH  
14 KNOWLEDGE OF THE CONTENTS THEREOF.

15 4. If the action or proceeding is instituted in a court of limited  
16 jurisdiction, service of process may be made in the manner provided in  
17 this section if the cause of action arose within the territorial juris-  
18 diction of the court and the office of the defendant, as set forth in  
19 its statement filed pursuant to section eighteen of this [chapter] ARTI-  
20 CLE, is within such territorial jurisdiction.

21 S 22. Paragraph 4 of subdivision (e) of section 203 of the limited  
22 liability company law, as added by chapter 470 of the laws of 1997, is  
23 amended to read as follows:

24 (4) a designation of the secretary of state as agent of the limited  
25 liability company upon whom process against it may be served and the  
26 post office address, within or without this state, to which [the secre-  
27 tary of state] A PERSON shall mail a copy of any process against the  
28 limited liability company served upon [him or her] THE SECRETARY OF  
29 STATE;

30 S 23. Paragraph 6 of subdivision (d) of section 211 of the limited  
31 liability company law is amended to read as follows:

32 (6) a change in the post office address to which [the secretary of  
33 state] A PERSON shall mail a copy of any process against the limited  
34 liability company served upon [him or her] THE SECRETARY OF STATE if  
35 such change is made other than pursuant to section three hundred one of  
36 this chapter;

37 S 24. Subdivisions (a) and (b) of section 211-A of the limited liabil-  
38 ity company law, as added by chapter 448 of the laws of 1998, are  
39 amended to read as follows:

40 (a) A limited liability company may amend its articles of organization  
41 from time to time to (i) specify or change the location of the limited  
42 liability company's office; (ii) specify or change the post office  
43 address to which [the secretary of state] A PERSON shall mail a copy of  
44 any process against the limited liability company served upon [him] THE  
45 SECRETARY OF STATE; and (iii) make, revoke or change the designation of  
46 a registered agent, or specify or change the address of the registered  
47 agent. Any one or more such changes may be accomplished by filing a  
48 certificate of change which shall be entitled "Certificate of Change  
49 of ..... (name of limited liability company) under section 211-A of  
50 the Limited Liability Company Law" and shall be signed and delivered to  
51 the department of state. It shall set forth:

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

54 (2) the date the articles of organization were filed by the department  
55 of state; and

56 (3) each change effected thereby.

1 (b) A certificate of change which changes only the post office address  
2 to which [the secretary of state] A PERSON shall mail a copy of any  
3 process against a limited liability company served upon [him] THE SECRE-  
4 TARY OF STATE or the address of the registered agent, provided such  
5 address being changed is the address of a person, partnership, LIMITED  
6 LIABILITY COMPANY or corporation whose address, as agent, is the address  
7 to be changed or who has been designated as registered agent for such  
8 limited liability company may be signed and delivered to the department  
9 of state by such agent. The certificate of change shall set forth the  
10 statements required under subdivision (a) of this section; that a notice  
11 of the proposed change was mailed to the domestic limited liability  
12 company by the party signing the certificate not less than thirty days  
13 prior to the date of delivery to the department of state and that such  
14 domestic limited liability company has not objected thereto; and that  
15 the party signing the certificate is the agent of such limited liability  
16 company to whose address [the secretary of state] A PERSON is required  
17 to mail [copies] A COPY of process SERVED ON THE SECRETARY OF STATE or  
18 the registered agent, if such be the case. A certificate signed and  
19 delivered under this subdivision shall not be deemed to effect a change  
20 of location of the office of the limited liability company in whose  
21 behalf such certificate is filed.

22 S 24-a. Paragraph 2 of subdivision (b) of section 213 of the limited  
23 liability company law is amended to read as follows:

24 (2) to change the post office address to which [the secretary of  
25 state] A PERSON shall mail a copy of any process against the limited  
26 liability company served upon [him or her] THE SECRETARY OF STATE; and

27 S 25. Subdivisions (c) and (e) of section 301 of the limited liability  
28 company law, subdivision (e) as amended by chapter 643 of the laws of  
29 1995, are amended to read as follows:

30 (c) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE  
31 SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS  
32 AGENT OF A DOMESTIC LIMITED LIABILITY COMPANY OR FOREIGN LIMITED LIABIL-  
33 ITY COMPANY SHALL BE DEEMED TO BE THE POST OFFICE ADDRESS, WITHIN OR  
34 WITHOUT THIS STATE, TO WHICH A PERSON SHALL MAIL A COPY OF PROCESS  
35 SERVED AGAINST THE LIMITED LIABILITY COMPANY AS REQUIRED BY THIS ARTI-  
36 CLE. Any designated post office address to which the secretary of state  
37 OR A PERSON shall mail a copy of process served upon [him or her] THE  
38 SECRETARY OF STATE as agent of a domestic limited liability company or a  
39 foreign limited liability company shall continue until the filing of a  
40 certificate under this chapter directing the mailing to a different post  
41 office address.

42 [(e)] (D) Every limited liability company to which this chapter  
43 applies, shall biennially in the calendar month during which its arti-  
44 cles of organization or application for authority were filed, or effec-  
45 tive date thereof if stated, file on forms prescribed by the secretary  
46 of state, a statement setting forth the post office address, within or  
47 without this state, to which [the secretary of state] A PERSON shall  
48 mail a copy of any process accepted against it served upon [him or her]  
49 THE SECRETARY OF STATE. Such address shall supersede any previous  
50 address on file with the department of state for this purpose.

51 S 26. Paragraphs 2 and 3 of subdivision (a), subdivision (c), subpara-  
52 graph (ii) of paragraph 2 and subparagraph (ii) of paragraph 3 of subdi-  
53 vision (e) of section 301-A of the limited liability company law, as  
54 added by chapter 448 of the laws of 1998, are amended to read as  
55 follows:

1 (2) that the address of the party has been designated by the limited  
2 liability company as the post office address to which [the secretary of  
3 state] A PERSON shall mail a copy of any process served on the secretary  
4 of state as agent for such limited liability company, SUCH ADDRESS and  
5 that such party wishes to resign.

6 (3) that sixty days prior to the filing of the certificate of resigna-  
7 tion FOR RECEIPT OF PROCESS with the department of state the party has  
8 sent a copy of the certificate of resignation for receipt of process by  
9 registered or certified mail to the address of the registered agent of  
10 the [designated] DESIGNATING limited liability company, if other than  
11 the party filing the certificate of resignation[,] for receipt of proc-  
12 ess, or if the [resigning] DESIGNATING limited liability company has no  
13 registered agent, then to the last address of the [designated] DESIGNAT-  
14 ING limited liability company known to the party, specifying the address  
15 to which the copy was sent. If there is no registered agent and no known  
16 address of the designating limited liability company, the party shall  
17 attach an affidavit to the certificate stating that a diligent but  
18 unsuccessful search was made by the party to locate the limited liabil-  
19 ity company, specifying what efforts were made.

20 (c) The filing by the department of state of a certificate of amend-  
21 ment [or], certificate of change OR BIENNIAL STATEMENT providing for a  
22 new address by a designating limited liability company shall annul the  
23 suspension and its authority to do business in this state shall be  
24 restored and continued as if no suspension had occurred.

25 (ii) sent by or on behalf of the plaintiff to such limited LIABILITY  
26 company by registered or certified mail with return receipt requested to  
27 the last address of such limited liability company known to the plain-  
28 tiff.

29 (ii) Where service of a copy of process was effected by mailing in  
30 accordance with this section, proof of service shall be by affidavit of  
31 compliance with this section filed, together with the process, within  
32 thirty days after receipt of the return receipt signed by the limited  
33 liability company or other official proof of delivery or of the original  
34 envelope mailed. If a copy of the process is mailed in accordance with  
35 this section, there shall be filed with the affidavit of compliance  
36 either the return receipt signed by such limited LIABILITY company or  
37 other official proof of delivery, if acceptance was refused by it, the  
38 original envelope with a notation by the postal authorities that accept-  
39 ance was refused. If acceptance was refused a copy of the notice and  
40 process together with notice of the mailing by registered or certified  
41 mail and refusal to accept shall be promptly sent to such limited  
42 liability company at the same address by ordinary mail and the affidavit  
43 of compliance shall so state. Service of process shall be complete ten  
44 days after such papers are filed with the clerk of the court. The  
45 refusal to accept delivery of the registered or certified mail or to  
46 sign the return receipt shall not affect the validity of the service and  
47 such limited liability company refusing to accept such registered or  
48 certified mail shall be charged with knowledge of the contents thereof.

49 S 27. Section 303 of the limited liability company law, subdivisions  
50 (a) and (b) as relettered by chapter 341 of the laws of 1999, is amended  
51 to read as follows:

52 S 303. Service of process on limited liability companies. (a) Service  
53 of process on the secretary of state as agent of a domestic limited  
54 liability company [or], authorized foreign limited liability company, OR  
55 OTHER BUSINESS ENTITY THAT HAS DESIGNATED THE SECRETARY OF STATE AS  
56 AGENT FOR SERVICE OF PROCESS PURSUANT TO ARTICLE TEN OF THIS CHAPTER

1 shall be made by personally delivering to and leaving with the secretary  
2 of state or [his or her] A deputy, or with any person authorized by the  
3 secretary of state to receive such service, at the office of the depart-  
4 ment of state in the city of Albany, [duplicate copies] A COPY of such  
5 process together with the statutory fee, which fee shall be a taxable  
6 disbursement. [Service of process on such limited liability company  
7 shall be complete when the secretary of state is so served. The secre-  
8 tary of state shall promptly send one of such copies by certified mail,  
9 return receipt requested, to such limited liability company at the post  
10 office address on file in the department of state specified for that  
11 purpose.]

12 (b) SUCH SERVICE SHALL BE SUFFICIENT IF NOTICE OF SUCH SERVICE ON THE  
13 SECRETARY OF STATE AND A COPY OF THE PROCESS ARE:

14 (1) DELIVERED PERSONALLY, WITHIN OR WITHOUT THE STATE, TO SUCH LIMITED  
15 LIABILITY COMPANY BY A PERSON AND IN THE MANNER AUTHORIZED TO SERVE  
16 PROCESS BY LAW OF THE JURISDICTION IN WHICH SERVICE IS MADE, OR

17 (2) SENT BY OR ON BEHALF OF THE PLAINTIFF TO SUCH LIMITED LIABILITY  
18 COMPANY BY CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED AT THE POST  
19 OFFICE ADDRESS SPECIFIED FOR THE PURPOSE OF MAILING PROCESS ON FILE IN  
20 THE DEPARTMENT OF STATE.

21 (C) WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY PERSONAL  
22 SERVICE, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS  
23 SECTION FILED, TOGETHER WITH THE PROCESS, WITHIN THIRTY DAYS AFTER SUCH  
24 SERVICE WITH THE CLERK OF THE COURT IN WHICH THE ACTION OR SPECIAL  
25 PROCEEDING IS PENDING. SERVICE OF PROCESS SHALL BE COMPLETE TEN DAYS  
26 AFTER SUCH PAPERS ARE FILED WITH THE CLERK OF THE COURT.

27 (D) WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY MAILING IN  
28 ACCORDANCE WITH THIS SECTION, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF  
29 COMPLIANCE WITH THIS SECTION FILED, TOGETHER WITH THE PROCESS, WITHIN  
30 THIRTY DAYS AFTER RECEIPT OF THE RETURN RECEIPT SIGNED BY THE LIMITED  
31 LIABILITY COMPANY, OR OTHER OFFICIAL PROOF OF DELIVERY OR OF THE  
32 ORIGINAL ENVELOPE MAILED. IF A COPY OF THE PROCESS IS MAILED IN ACCORD-  
33 ANCE WITH THIS SECTION, THERE SHALL BE FILED WITH THE AFFIDAVIT OF  
34 COMPLIANCE EITHER THE RETURN RECEIPT SIGNED BY SUCH LIMITED LIABILITY  
35 COMPANY OR OTHER PROOF OF DELIVERY OR, IF ACCEPTANCE WAS REFUSED BY IT,  
36 THE ORIGINAL ENVELOPE WITH A NOTATION BY THE POSTAL AUTHORITIES THAT  
37 ACCEPTANCE WAS REFUSED. IF ACCEPTANCE WAS REFUSED, A COPY OF THE NOTICE  
38 AND PROCESS TOGETHER WITH NOTICE OF THE MAILING BY CERTIFIED MAIL AND  
39 REFUSAL TO ACCEPT SHALL BE PROMPTLY SENT TO SUCH LIMITED LIABILITY  
40 COMPANY AT THE SAME ADDRESS BY ORDINARY MAIL AND THE AFFIDAVIT OF  
41 COMPLIANCE SHALL SO STATE. SERVICE OF PROCESS SHALL BE COMPLETE TEN DAYS  
42 AFTER SUCH PAPERS ARE FILED WITH THE CLERK OF THE COURT. THE REFUSAL TO  
43 ACCEPT DELIVERY OF THE CERTIFIED MAIL OR TO SIGN THE RETURN RECEIPT  
44 SHALL NOT AFFECT THE VALIDITY OF THE SERVICE AND SUCH LIMITED LIABILITY  
45 COMPANY REFUSING TO ACCEPT SUCH CERTIFIED MAIL SHALL BE CHARGED WITH  
46 KNOWLEDGE OF THE CONTENTS THEREOF. Nothing in this section shall limit  
47 or affect the right to serve any process required or permitted by law to  
48 be served upon a limited liability company in any other manner now or  
49 hereafter permitted by law or applicable rules of procedure.

50 S 28. Paragraphs 1 and 4 of subdivision (a) of section 802 of the  
51 limited liability company law, paragraph 1 as amended by chapter 643 of  
52 the laws of 1995 and paragraph 4 as amended by chapter 470 of the laws  
53 of 1997, are amended to read as follows:

54 (1) the name of the foreign limited liability company and, if a  
55 foreign LIMITED liability company's name is not acceptable for authori-  
56 zation pursuant to section two hundred four of this chapter, the ficti-

1   tious name under which it proposes to apply for authority and do busi-  
2   ness in this state, which name shall be in compliance with section two  
3   hundred four of this chapter and shall be used by the foreign limited  
4   liability company in all its dealings with the department of state and  
5   in the conduct of its business in this state. The provisions of section  
6   one hundred thirty of the general business law shall not apply to any  
7   fictitious name filed by a foreign limited liability company pursuant to  
8   this section, and a filing under section one hundred thirty of the  
9   general business law shall not constitute the adoption of a fictitious  
10  name;

11   (4) a designation of the secretary of state as its agent upon whom  
12   process against it may be served and the post office address, within or  
13   without this state, to which [the secretary of state] A PERSON shall  
14   mail a copy of any process against it served upon [him or her] THE  
15   SECRETARY OF STATE;

16   S 29. Section 804-A of the limited liability company law, as added by  
17   chapter 448 of the laws of 1998, is amended to read as follows:

18   S 804-A. Certificate of change. (a) A foreign limited liability compa-  
19   ny may amend its application for authority from time to time to (i)  
20   specify or change the location of the limited liability company's  
21   office; (ii) specify or change the post office address to which [the  
22   secretary of state] A PERSON shall mail a copy of any process against  
23   the limited liability company served upon [him] THE SECRETARY OF STATE;  
24   and (iii) to make, revoke or change the designation of a registered  
25   agent, or to specify or change the address of a registered agent. Any  
26   one or more such changes may be accomplished by filing a certificate of  
27   change which shall be entitled "Certificate of Change of ..... (name  
28   of limited liability company) under section 804-A of the Limited Liabil-  
29   ity Company Law" and shall be signed and delivered to the department of  
30   state. It shall set forth:

31   (1) the name of the foreign limited liability company and, if applica-  
32   ble, the fictitious name the limited liability company has agreed to use  
33   in this state pursuant to section eight hundred two of this article OR  
34   SECTION THIRTEEN HUNDRED SIX OF THIS CHAPTER;

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

37   (3) each change effected thereby[,].

38   (b) A certificate of change which changes only the post office address  
39   to which [the secretary of state] A PERSON shall mail a copy of any  
40   process against a foreign limited liability company served upon [him]  
41   THE SECRETARY OF STATE or the address of the registered agent, provided  
42   such address being changed is the address of a person, partnership [or],  
43   corporation OR OTHER LIMITED LIABILITY COMPANY whose address, as agent,  
44   is the address to be changed or who has been designated as registered  
45   agent for such limited liability company may be signed and delivered to  
46   the department of state by such agent. The certificate of change shall  
47   set forth the statements required under subdivision (a) of this section;  
48   that a notice of the proposed change was mailed to the foreign limited  
49   liability company by the party signing the certificate not less than  
50   thirty days prior to the date of delivery to the department of state and  
51   that such foreign limited liability company has not objected thereto;  
52   and that the party signing the certificate is the agent of such foreign  
53   limited liability company to whose address [the secretary of state] A  
54   PERSON is required to mail [copies] A COPY of process SERVED ON THE  
55   SECRETARY OF STATE or the registered agent, if such be the case. A  
56   certificate signed and delivered under this subdivision shall not be

1 deemed to effect a change of location of the office of the foreign  
2 limited liability company in whose behalf such certificate is filed.

3 S 30. Paragraph 6 of subdivision (b) of section 806 of the limited  
4 liability company law is amended to read as follows:

5 (6) a post office address within or without this state to which [the  
6 secretary of state] A PERSON shall mail a copy of any process against it  
7 served upon [him or her] THE SECRETARY OF STATE.

8 S 31. Paragraph 11 of subdivision (a) of section 1003 of the limited  
9 liability company law, as amended by chapter 374 of the laws of 1998, is  
10 amended to read as follows:

11 (11) a designation of the secretary of state as its agent upon whom  
12 process against it may be served in the manner set forth in article  
13 three of this chapter in any action or special proceeding, and a post  
14 office address, within or without this state, to which [the secretary of  
15 state] A PERSON shall mail a copy of any process served upon [him or  
16 her] THE SECRETARY OF STATE. Such post office address shall supersede  
17 any prior address designated as the address to which process shall be  
18 mailed;

19 S 32. Subdivisions (b) and (c) of section 1101 of the limited liabil-  
20 ity company law are amended to read as follows:

21 (b) For the change of address of the post office address to which [the  
22 secretary of state] A PERSON shall mail a copy of any process against  
23 the limited liability company served upon [him or her] THE SECRETARY OF  
24 STATE pursuant to section three hundred one of this chapter, twenty  
25 dollars.

26 (c) For the statement of address of the post office address to which  
27 [the secretary of state] A PERSON shall mail a copy of any process  
28 against the limited liability company served upon [him or her] THE  
29 SECRETARY OF STATE pursuant to section three hundred one of this chap-  
30 ter, nine dollars.

31 S 33. Paragraphs 1, 5 and 6 of subdivision (a) of section 1306 of the  
32 limited liability company law are amended to read as follows:

33 (1) the name of the foreign professional service limited liability  
34 company. A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE  
35 LIMITED LIABILITY COMPANY NAME IS NOT ACCEPTABLE FOR AUTHORIZATION  
36 PURSUANT TO SECTION TWO HUNDRED FOUR OF THIS CHAPTER, MAY SUBMIT IN ITS  
37 APPLICATION FOR AUTHORITY A FICTITIOUS NAME UNDER WHICH IT SHALL DO  
38 BUSINESS IN THIS STATE. A FICTITIOUS NAME SUBMITTED PURSUANT TO THIS  
39 SECTION SHALL BE SUBJECT TO THE PROVISIONS OF SECTION TWO HUNDRED FOUR  
40 OF THIS CHAPTER. A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPA-  
41 NY AUTHORIZED TO DO BUSINESS IN THIS STATE UNDER A FICTITIOUS NAME  
42 PURSUANT TO THIS SECTION SHALL USE SUCH FICTITIOUS NAME IN ALL OF ITS  
43 DEALINGS WITH THE SECRETARY OF STATE AND IN THE CONDUCT OF ITS BUSINESS  
44 IN THIS STATE. THE PROVISIONS OF SECTION ONE HUNDRED THIRTY OF THE  
45 GENERAL BUSINESS LAW SHALL NOT APPLY TO ANY FICTITIOUS NAME FILED BY A  
46 FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY PURSUANT TO THIS  
47 SECTION AND A FILING UNDER SECTION ONE HUNDRED THIRTY OF THE GENERAL  
48 BUSINESS LAW SHALL NOT CONSTITUTE THE ADOPTION OF A FICTITIOUS NAME. If  
49 the name does not end with the words "Professional Limited Liability  
50 Company" or "Limited Liability Company" or the abbreviation "P.L.L.C.",  
51 "PLLC", "L.L.C." or "LLC", it shall in addition to the foregoing set  
52 forth the name to be used in this state, ending with the words "Profes-  
53 sional Limited Liability Company" or "Limited Liability Company" or the  
54 abbreviation "P.L.L.C.", "PLLC", "L.L.C." or "LLC";

55 (5) the [city, incorporated village or town and the] county within  
56 this state in which its office is to be located, OR IF IT SHALL MAINTAIN



1 MORE THAN ONE OFFICE IN THIS STATE, THE COUNTY WITHIN THE STATE IN WHICH  
2 THE PRINCIPAL OFFICE OF THE FOREIGN PROFESSIONAL SERVICE LIMITED LIABIL-  
3 ITY COMPANY IS TO BE LOCATED;

4 (6) a designation of the secretary of state as its agent upon whom  
5 process against it may be served and the post office address within or  
6 without this state to which [the secretary of state] A PERSON shall mail  
7 a copy of any process against it served upon [him or her] THE SECRETARY  
8 OF STATE; and

9 S 33-a. Paragraphs (a) and (c) of section 103 of the not-for-profit  
10 corporation law, paragraph (a) as amended by chapter 807 of the laws of  
11 1973 and paragraph (c) as amended by chapter 961 of the laws of 1972,  
12 are amended to read as follows:

13 (a) Except as otherwise provided in this section, this chapter  
14 applies to every domestic corporation as herein defined, and to every  
15 foreign corporation as herein defined which is authorized to conduct or  
16 which conducts any activities in this state. This chapter also applies  
17 to any other domestic corporation or foreign corporation of any type or  
18 kind to the extent, if any, provided under this chapter or any law  
19 governing such corporation and, if no such provision for application is  
20 made, to the extent, if any, that the membership corporations law  
21 applied to such corporation as of the effective date of this chapter. A  
22 corporation formed by a special act of this state which has as its prin-  
23 cipal purpose an education purpose and which is a member of the univer-  
24 sity of the state of New York, is an "education corporation" under  
25 section two hundred sixteen-a of the education law.

26 To the extent that the membership corporations law or the general  
27 corporation law applied to it as of the effective date of this chapter,  
28 the corresponding provisions of this chapter apply to a corporation  
29 heretofore formed by or pursuant to a special act of this state other  
30 than a religious corporation or an "education corporation" under clause  
31 (b) of subdivision one of section two hundred sixteen-a of the education  
32 law, if (1) its principal purpose is a religious, charitable or educa-  
33 tion purpose, and (2) it is operated, supervised or controlled by or in  
34 connection with a religious organization. Any such corporation may  
35 elect hereunder at any time after the effective date of this chapter to  
36 file a RESTATED certificate of [type] INCORPORATION under section [one]  
37 EIGHT hundred [thirteen (Certificate of type of not-for-profit corpo-  
38 ration)] FIVE (RESTATED CERTIFICATE OF INCORPORATION). SUCH RESTATED  
39 CERTIFICATE OF INCORPORATION SHALL INCLUDE:

40 (1) A STATEMENT THAT SUCH CORPORATION IS PERMITTED PURSUANT TO THIS  
41 SECTION TO ELECT TO BECOME AND BE A NOT-FOR-PROFIT CORPORATION;

42 (2) A STATEMENT THAT SUCH CORPORATION HAS ELECTED TO BECOME AND BE A  
43 NOT-FOR-PROFIT CORPORATION OPERATED UNDER THIS CHAPTER;

44 (3) THE CHAPTER AND YEAR OF THE SPECIAL ACT OF THE LEGISLATURE CREAT-  
45 ING SUCH CORPORATION;

46 (4) THE CERTIFICATE OF INCORPORATION IN THE SAME MANNER AS IF NEWLY  
47 INCORPORATED PURSUANT TO SECTION FOUR HUNDRED TWO (CERTIFICATE OF INCOR-  
48 PORATION; CONTENTS), HOWEVER SUCH CERTIFICATE NEED NOT INCLUDE STATE-  
49 MENTS AS TO THE INCORPORATOR OR INCORPORATORS, OR THE INITIAL DIRECTORS  
50 OF SUCH CORPORATION.

51 Upon the filing of such certificate by the department of state, this  
52 chapter shall apply in all respects to such corporation.

53 This chapter also applies to any other corporation of any type or  
54 kind, formed not for profit under any other chapter of the laws of this  
55 state except a chapter of the consolidated laws, to the extent that  
56 provisions of this chapter do not conflict with the provisions of such

1 unconsolidated law. If an applicable provision of such unconsolidated  
2 law relates to a matter embraced in this chapter but is not in conflict  
3 therewith, both provisions shall apply. Any corporation to which this  
4 chapter is made applicable by this paragraph shall be treated as a  
5 "corporation" or "domestic corporation" as such terms are used in this  
6 chapter, except that the purposes of any such corporation formed or  
7 formable under such unconsolidated law shall not thereby be extended.  
8 For the purpose of this paragraph, the effective date of this chapter as  
9 to corporations to which this chapter is made applicable by this para-  
10 graph shall be September one, nineteen hundred seventy-three.

11 (c) If any provision in articles one to thirteen inclusive of this  
12 chapter conflicts with a provision of any subsequent articles or of any  
13 special act under which a corporation to which this chapter applies is  
14 formed, the provision in such subsequent article or special act  
15 prevails. A provision of any such subsequent article or special act  
16 relating to a matter referred to in articles one to thirteen inclusive  
17 and not in conflict therewith is supplemental and both shall apply.  
18 Whenever the board of a [Type B] corporation, formed under a special  
19 act, reasonably makes an interpretation as to whether a provision of the  
20 special act or this chapter prevails, or both apply, such interpretation  
21 shall govern unless and until a court determines otherwise, if such  
22 board has acted in good faith for a purpose which it reasonably believes  
23 to be in the best interests of the corporation, provided however, that  
24 such interpretation shall not bind any governmental body or officer.

25 S 34. Subparagraphs 7 and 8 of paragraph (a) of section 112 of the  
26 not-for-profit corporation law, subparagraph 7 as amended by chapter  
27 1058 of the laws of 1971, are amended to read as follows:

28 (7) To enforce any right given under this chapter to members, a  
29 director or an officer of a [Type B or Type C] corporation. The attor-  
30 ney-general shall have the same status as such members, director or  
31 officer.

32 (8) To compel the directors and officers, or any of them, of a [Type  
33 B or Type C] corporation which has been dissolved [under section 1011  
34 (Dissolution for failure to file certificate of type of Not-for-Profit  
35 Corporation Law under section 113)] to account for the assets of the  
36 dissolved corporation.

37 S 35. Section 113 of the not-for-profit corporation law is REPEALED.

38 S 36. Section 114 of the not-for-profit corporation law, as added by  
39 chapter 847 of the laws of 1970, is amended to read as follows:

40 S 114. Visitation of supreme court.

41 [Type B and Type C corporations] CORPORATIONS, whether formed under  
42 general or special laws, with their books and vouchers, shall be subject  
43 to the visitation and inspection of a justice of the supreme court, or  
44 of any person appointed by the court for that purpose. If it appears by  
45 the verified petition of a member or creditor of any such corporation,  
46 that it, or its directors, officers or agents, have misappropriated any  
47 of the funds or property of the corporation, or diverted them from the  
48 purpose of its incorporation, or that the corporation has acquired prop-  
49 erty in excess of the amount which it is authorized by law to hold, or  
50 has engaged in any business other than that stated in its certificate of  
51 incorporation, the court may order that notice of at least eight days,  
52 with a copy of the petition, be served on the corporation and the  
53 persons charged with misconduct, requiring them to show cause at a time  
54 and place specified, why they should not be required to make and file an  
55 inventory and account of the property, effects and liabilities of such  
56 corporation with a detailed statement of its transactions during the

1 twelve months next preceding the granting of such order. On the hearing  
2 of such application, the court may make an order requiring such invento-  
3 ry, account and statement to be filed, and proceed to take and state an  
4 account of the property and liabilities of the corporation, or may  
5 appoint a referee for that purpose. When such account is taken and  
6 stated, after hearing all the parties to the application, the court may  
7 enter a final order determining the amount of property so held by the  
8 corporation, its annual income, whether any of the property or funds of  
9 the corporation have been misappropriated or diverted to any other  
10 purpose than that for which such corporation was incorporated, and  
11 whether such corporation has been engaged in any activity not covered by  
12 its certificate of incorporation. An appeal may be taken from the order  
13 by any party aggrieved to the appellate division of the supreme court,  
14 and to the court of appeals, as in a civil action. No corporation shall  
15 be required to make and file more than one inventory and account in any  
16 one year, nor to make a second account and inventory, while proceedings  
17 are pending for the statement of an account under this section.

18 S 37. Section 201 of the not-for-profit corporation law, paragraph (b)  
19 as amended by chapter 847 of the laws of 1970 and paragraph (c) as  
20 amended by chapter 1058 of the laws of 1971, is amended to read as  
21 follows:

22 S 201. Purposes.

23 (a) A corporation, as defined in subparagraph (5)[,] OF paragraph (a)  
24 of [S] SECTION 102 OF THIS CHAPTER (Definitions), may be formed under  
25 this chapter as provided in paragraph (b) OF THIS SECTION unless it may  
26 be formed under any other corporate law of this state in which event it  
27 may not be formed under this chapter unless such other corporate law  
28 expressly so provides.

29 (b) A corporation, [of a type and] for a purpose or purposes as  
30 follows, may be formed under this chapter, provided consents required  
31 under any other statute of this state have been obtained:

32 [Type A -] (1) A not-for-profit corporation [of this type] may be  
33 formed for any lawful non-business purpose or purposes including, but  
34 not limited to, any one or more of the following non-pecuniary purposes:  
35 civic, patriotic, political, social, fraternal, athletic, agricultural,  
36 horticultural, animal husbandry, and for a professional, commercial,  
37 industrial, trade or service association[.

38 Type B - A not-for-profit corporation of this type may be formed for  
39 any one or more of the following non-business purposes:], charitable,  
40 educational, religious, scientific, literary, cultural or for the  
41 prevention of cruelty to children or animals.

42 [Type C -] (2) A not-for-profit corporation [of this type] may be  
43 formed for any lawful business purpose to achieve a lawful public or  
44 quasi-public objective.

45 [Type D -] (3) A not-for-profit corporation [of this type] may be  
46 formed under this chapter when such formation is authorized by any other  
47 corporate law of this state for any business or non-business, or pecuni-  
48 ary or non-pecuniary, purpose or purposes specified by such other law[,  
49 whether such purpose or purposes are also within types A, B, C above or  
50 otherwise.

51 (c) If a corporation is formed for purposes which are within both type  
52 A and type B above, it is a type B corporation. If a corporation has  
53 among its purposes any purpose which is within type C, such corporation  
54 is a type C corporation. A type D corporation is subject to all  
55 provisions of this chapter which are applicable to a type B corporation  
56 under this chapter unless provided to the contrary in, and subject to

1 the contrary provisions of, the other corporate law authorizing forma-  
2 tion under this chapter of the type D corporation].

3 S 38. Paragraph (d) of section 304 of the not-for-profit corporation  
4 law, as amended by chapter 168 of the laws of 1982, is amended to read  
5 as follows:

6 (d) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE  
7 SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS  
8 AGENT OF A DOMESTIC CORPORATION OR FOREIGN CORPORATION SHALL BE DEEMED  
9 TO BE THE POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS STATE, TO WHICH A  
10 PERSON SHALL MAIL A COPY OF PROCESS SERVED AGAINST THE CORPORATION AS  
11 REQUIRED BY THIS ARTICLE. Any designated [post-office] POST OFFICE  
12 address to which the secretary of state OR A PERSON shall mail a copy of  
13 process served upon [him] THE SECRETARY OF STATE as agent of a domestic  
14 corporation formed under article four of this chapter or foreign corpo-  
15 ration, shall continue until the filing of a certificate under this  
16 chapter directing the mailing to a different [post-office] POST OFFICE  
17 address.

18 S 39. Paragraph (b) of section 306 of the not-for-profit corporation  
19 law is REPEALED.

20 S 40. Paragraphs (c) and (d) of section 306 of the not-for-profit  
21 corporation law are relettered paragraphs (d) and (e) and two new para-  
22 graphs (b) and (c) are added to read as follows:

23 (B) SERVICE OF SUCH PROCESS UPON THE SECRETARY OF STATE AS AGENT OF A  
24 DOMESTIC OR AUTHORIZED FOREIGN CORPORATION, OR OTHER BUSINESS ENTITY  
25 THAT HAS DESIGNATED THE SECRETARY OF STATE AS AGENT FOR SERVICE OF PROC-  
26 ESS PURSUANT TO ARTICLE NINE OF THIS CHAPTER, SHALL BE MADE BY  
27 PERSONALLY DELIVERING TO AND LEAVING WITH THE SECRETARY OF STATE OR A  
28 DEPUTY, OR WITH A PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE  
29 SUCH SERVICE, AT THE OFFICE OF THE DEPARTMENT OF STATE IN THE CITY OF  
30 ALBANY, A COPY OF SUCH PROCESS TOGETHER WITH THE STATUTORY FEE, WHICH  
31 FEE SHALL BE A TAXABLE DISBURSEMENT. SUCH SERVICE SHALL BE SUFFICIENT IF  
32 NOTICE OF SUCH SERVICE ON THE SECRETARY OF STATE AND A COPY OF THE PROC-  
33 ESS ARE:

34 (1) DELIVERED PERSONALLY, WITHIN OR WITHOUT THE STATE, TO SUCH CORPO-  
35 RATION BY A PERSON AND IN A MANNER AUTHORIZED TO SERVE PROCESS BY LAW OF  
36 THE JURISDICTION IN WHICH SERVICE IS MADE; OR

37 (2) SENT BY OR ON BEHALF OF THE PLAINTIFF TO SUCH CORPORATION BY  
38 CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED AT THE POST OFFICE ADDRESS  
39 SPECIFIED FOR THE PURPOSE OF MAILING PROCESS ON FILE IN THE DEPARTMENT  
40 OF STATE.

41 (C) 1. WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY PERSONAL  
42 SERVICE, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS  
43 SECTION, FILED TOGETHER WITH THE PROCESS, WITHIN THIRTY DAYS AFTER SUCH  
44 SERVICE, WITH THE CLERK OF THE COURT IN WHICH THE ACTION OR SPECIAL  
45 PROCEEDING IS PENDING. SERVICE OF PROCESS SHALL BE COMPLETE TEN DAYS  
46 AFTER SUCH PAPERS ARE FILED WITH THE CLERK OF THE COURT.

47 2. WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY MAILING IN  
48 ACCORDANCE WITH THIS SECTION, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF  
49 COMPLIANCE WITH THIS SECTION, FILED TOGETHER WITH THE PROCESS, WITHIN  
50 THIRTY DAYS AFTER RECEIPT OF THE RETURN RECEIPT SIGNED BY THE CORPO-  
51 RATION, OR OTHER OFFICIAL PROOF OF DELIVERY OR OF THE ORIGINAL ENVELOPE  
52 MAILED. IF A COPY OF THE PROCESS IS MAILED IN ACCORDANCE WITH THIS  
53 SECTION, THERE SHALL BE FILED WITH THE AFFIDAVIT OF COMPLIANCE EITHER  
54 THE RETURN RECEIPT SIGNED BY SUCH CORPORATION OR OTHER OFFICIAL PROOF OF  
55 DELIVERY OR, IF ACCEPTANCE WAS REFUSED BY IT, THE ORIGINAL ENVELOPE WITH  
56 A NOTATION BY THE POSTAL AUTHORITIES THAT ACCEPTANCE WAS REFUSED. IF

1 ACCEPTANCE WAS REFUSED, A COPY OF THE NOTICE AND PROCESS TOGETHER WITH  
2 NOTICE OF THE MAILING BY CERTIFIED MAIL AND REFUSAL TO ACCEPT SHALL BE  
3 PROMPTLY SENT TO SUCH CORPORATION AT THE SAME ADDRESS BY ORDINARY MAIL  
4 AND THE AFFIDAVIT OF COMPLIANCE SHALL SO STATE. SERVICE OF PROCESS SHALL  
5 BE COMPLETE TEN DAYS AFTER SUCH PAPERS ARE FILED WITH THE CLERK OF THE  
6 COURT. THE REFUSAL TO ACCEPT DELIVERY OF THE CERTIFIED MAIL OR TO SIGN  
7 THE RETURN RECEIPT SHALL NOT AFFECT THE VALIDITY OF THE SERVICE AND SUCH  
8 CORPORATION REFUSING TO ACCEPT SUCH CERTIFIED MAIL SHALL BE CHARGED WITH  
9 KNOWLEDGE OF THE CONTENTS THEREOF.

10 S 41. Subparagraphs 2, 4 and 6 of paragraph (a) of section 402 of the  
11 not-for-profit corporation law, subparagraph 2 as amended by chapter 847  
12 of the laws of 1970, subparagraph 4 as amended by chapter 679 of the  
13 laws of 1985, and subparagraph 6 as added by chapter 564 of the laws of  
14 1981 and as renumbered by chapter 132 of the laws of 1985, are amended  
15 to read as follows:

16 (2) That the corporation is a corporation as defined in subparagraph  
17 (5) OF PARAGRAPH (a) [(5)] of section 102 (Definitions); the purpose or  
18 purposes for which it is formed [and the type of corporation it shall be  
19 under section 201 (Purposes)]; and in the case of a [Type C] corporation  
20 FORMED FOR ANY LAWFUL BUSINESS PURPOSE OR PURPOSES, the lawful public or  
21 quasi-public objective which each business purpose will achieve.

22 (4) [In the case of a Type A, Type B, or Type C corporation, the] THE  
23 names and addresses of the initial directors. [In the case of a Type D  
24 corporation, the names and addresses of the initial directors, if any,  
25 may but need not be set forth.]

26 (6) A designation of the secretary of state as agent of the corpo-  
27 ration upon whom process against it may be served and the post office  
28 address, within or without [this] THE state, to which [the secretary of  
29 state] A PERSON shall mail a copy of any process against it served upon  
30 [him] THE SECRETARY OF STATE.

31 S 42. Paragraph (d) of section 502 of the not-for-profit corporation  
32 law is amended to read as follows:

33 (d) A member's capital contribution shall be evidenced by a capital  
34 certificate [which shall be non-transferable, except that the certif-  
35 icate of incorporation of a Type A corporation may provide that its  
36 capital certificates, or some of them, may be transferable to other  
37 members with the consent of the corporation upon specified terms and  
38 conditions]. A CAPITAL CERTIFICATE SHALL BE NON-TRANSFERABLE EXCEPT AS  
39 OTHERWISE PROVIDED IN THE CERTIFICATE OF INCORPORATION OF A CORPORATION  
40 THAT IS NOT ORGANIZED FOR CHARITABLE PURPOSES.

41 S 43. Subparagraph 1 of paragraph (b) of section 503 of the not-for-  
42 profit corporation law is REPEALED.

43 S 44. Subparagraph 1 of paragraph (b) of section 505 of the not-for-  
44 profit corporation law is REPEALED.

45 S 45. Subparagraph 3 of paragraph (a) of section 510 of the not-for-  
46 profit corporation law, as amended by chapter 847 of the laws of 1970,  
47 is amended to read as follows:

48 (3) [If the corporation is, or would be if formed under this chapter,  
49 classified as a Type B or Type C corporation under section 201,  
50 (Purposes) such] A sale, lease, exchange or other disposition shall in  
51 addition require leave of the supreme court in the judicial district or  
52 of the county court of the county in which the corporation has its  
53 office or principal place of carrying out the purposes for which it was  
54 formed.

1 S 46. Paragraph (a) of section 513 of the not-for-profit corporation  
2 law, as amended by chapter 690 of the laws of 1978, is amended to read  
3 as follows:

4 (a) A corporation [which is, or would be if formed under this chapter,  
5 classified as a Type B corporation] shall hold full ownership rights in  
6 any assets consisting of funds or other real or personal property of any  
7 kind, that may be given, granted, bequeathed or devised to or otherwise  
8 vested in such corporation in trust for, or with a direction to apply  
9 the same to, any purpose specified in its certificate of incorporation,  
10 and shall not be deemed a trustee of an express trust of such assets.  
11 Any other corporation subject to this chapter may similarly hold assets  
12 so received, unless otherwise provided by law or in the certificate of  
13 incorporation.

14 S 47. Paragraph (a) of section 601 of the not-for-profit corporation  
15 law, as amended by chapter 1058 of the laws of 1971, is amended to read  
16 as follows:

17 (a) A corporation [shall] MAY have one or more classes of members, or,  
18 [in the case of a Type B corporation,] may have no members[, in which  
19 case any such provision for classes of members or for no members]. A  
20 CORPORATION WHICH HAS ONE OR MORE CLASSES OF MEMBERS shall [be] set  
21 forth in the certificate of incorporation or the by-laws SUCH PROVISIONS  
22 FOR CLASSES OF MEMBERS. Corporations, joint-stock associations, unin-  
23 corporated associations and partnerships, as well as any other person  
24 without limitation, may be members.

25 S 48. Subparagraph 7 of paragraph (b) of section 801 of the not-for-  
26 profit corporation law, as amended by chapter 438 of the laws of 1984,  
27 is amended to read as follows:

28 (7) To specify or change the post office address to which [the secre-  
29 tary of state] A PERSON shall mail a copy of any process against the  
30 corporation served upon [him] THE SECRETARY OF STATE.

31 S 49. Subparagraph 2 of paragraph (c) of section 802 of the not-for-  
32 profit corporation law, as amended by chapter 186 of the laws of 1983,  
33 is amended to read as follows:

34 (2) To specify or change the post office address to which [the secre-  
35 tary of state] A PERSON shall mail a copy of any process against the  
36 corporation served upon [him] THE SECRETARY OF STATE.

37 S 50. Subparagraphs 3 and 6 of paragraph (a) of section 803 of the  
38 not-for-profit corporation law, paragraphs 3 and 6 as amended by chapter  
39 168 of the laws of 1982 and paragraph 6 as renumbered by chapter 145 of  
40 the laws of 1983, are amended to read as follows:

41 (3) That the corporation is a corporation as defined in subparagraph  
42 (5) OF PARAGRAPH (a) [(5)] of section 102 (Definitions)[; the type of  
43 corporation it is under section 201 (Purposes); and if the corporate  
44 purposes are enlarged, limited or otherwise changed, the type of corpo-  
45 ration it shall thereafter be under section 201].

46 (6) A designation of the secretary of state as agent of the corpo-  
47 ration upon whom process against it may be served and the post office  
48 address, within or without this state, to which [the secretary of state]  
49 A PERSON shall mail a copy of any process against it served upon [him]  
50 THE SECRETARY OF STATE.

51 S 51. Paragraph (b) of section 803-A of the not-for-profit corporation  
52 law, as amended by chapter 172 of the laws of 1999, is amended to read  
53 as follows:

54 (b) A certificate of change which changes only the post office address  
55 to which [the secretary of state] A PERSON shall mail a copy of any  
56 process against the corporation served upon [him] THE SECRETARY OF STATE

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

19 S 52. Subparagraph (ii) of paragraph (a) of section 804 of the not-  
20 for-profit corporation law, as amended by chapter 139 of the laws of  
21 1993, is amended to read as follows:

22 [(ii)] Every certificate of amendment of a corporation [classified as  
23 type B or type C under section 201 (Purposes)] which seeks to change or  
24 eliminate a purpose or power enumerated in the corporation's certificate  
25 of incorporation, or to add a power or purpose not enumerated therein,  
26 shall have endorsed thereon or annexed thereto the approval of a justice  
27 of the supreme court of the judicial district in which the office of the  
28 corporation is located. Ten days' written notice of the application for  
29 such approval shall be given to the attorney-general.

30 S 53. Clause (E) of subparagraph 2 of paragraph (d) of section 906 of  
31 the not-for-profit corporation law, as amended by chapter 1058 of the  
32 laws of 1971, is amended to read as follows:

33 (E) A designation of the secretary of state as its agent upon whom  
34 process against it may be served in the manner set forth in paragraph  
35 (b) of section 306 (Service of process), in any action or special  
36 proceeding described in [subparagraph] CLAUSE (D) OF THIS SUBPARAGRAPH  
37 and a post office address, within or without this state, to which [the  
38 secretary of state] A PERSON shall mail a copy of the process in such  
39 action or special proceeding SERVED UPON THE SECRETARY OF STATE.

40 S 54. Paragraphs (a) and (c) of section 907 of the not-for-profit  
41 corporation law are amended to read as follows:

42 (a) [Where any constituent corporation or the consolidated corporation  
43 is, or would be if formed under this chapter, a Type B or a Type C  
44 corporation under section 201 (Purposes) of this chapter, no] NO certif-  
45 icate shall be filed pursuant to section 904 (Certificate of merger or  
46 consolidation; contents) or section 906 (Merger or consolidation of  
47 domestic and foreign corporations) until an order approving the plan of  
48 merger or consolidation and authorizing the filing of the certificate  
49 has been made by the supreme court, as provided in this section. A  
50 certified copy of such order shall be annexed to the certificate of  
51 merger or consolidation. Application for the order may be made in the  
52 judicial district in which the principal office of the surviving or  
53 consolidated corporation is to be located, or in which the office of one  
54 of the domestic constituent corporations is located. The application  
55 shall be made by all the constituent corporations jointly and shall set  
56 forth by affidavit (1) the plan of merger or consolidation, (2) the

1 approval required by section 903 (Approval of plan) or paragraph (b) of  
2 section 906 (Merger or consolidation of domestic and foreign corpo-  
3 rations) for each constituent corporation, (3) the objects and purposes  
4 of each such corporation to be promoted by the consolidation, (4) a  
5 statement of all property, and the manner in which it is held, and of  
6 all liabilities and of the amount and sources of the annual income of  
7 each such corporation, (5) whether any votes against adoption of the  
8 resolution approving the plan of merger or consolidation were cast at  
9 the meeting at which the resolution as adopted by each constituent  
10 corporation, and (6) facts showing that the consolidation is authorized  
11 by the laws of the jurisdictions under which each of the constituent  
12 corporations is incorporated.

13 (c) If the court shall find that any of the assets of any of the  
14 constituent corporations are held for [a] ANY purpose specified [as Type  
15 B] in paragraph (b) of section 201 or are legally required to be used  
16 for a particular purpose, but not upon a condition requiring return,  
17 transfer or conveyance by reason of the merger or consolidation, the  
18 court may, in its discretion, direct that such assets be transferred or  
19 conveyed to the surviving or consolidated corporation subject to such  
20 purpose or use, or that such assets be transferred or conveyed to the  
21 surviving or consolidated corporation or to one or more other domestic  
22 or foreign corporations or organizations engaged in substantially simi-  
23 lar activities, upon an express trust the terms of which shall be  
24 approved by the court.

25 S 55. Paragraph (a), clause (F) of subparagraph 2 of paragraph (d) and  
26 paragraph (f) of section 908 of the not-for-profit corporation law are  
27 amended to read as follows:

28 (a) One or more domestic or foreign corporations [which is, or would  
29 be if formed under this chapter, a type A or type C corporation under  
30 section 201 (Purposes)] may be merged or consolidated into a domestic or  
31 foreign corporation which is, or would be if formed under the laws of  
32 this state, a corporation formed under the business corporation law of  
33 this state if such merger or consolidation is not contrary to the law of  
34 the state of incorporation of any constituent corporation. With respect  
35 to such merger or consolidation, any reference in paragraph (b) of  
36 section 901 [of this article] (POWER OF MERGER OR CONSOLIDATION) or  
37 paragraph (b) of section 901 of the business corporation law to a corpo-  
38 ration shall, unless the context otherwise requires, include both domes-  
39 tic and foreign corporations.

40 (F) A designation of the secretary of state as his OR HER agent upon  
41 whom process against it may be served in the manner set forth in para-  
42 graph (b) of section 306 (Service of process), in any action or special  
43 proceeding described in [subparagraph] CLAUSE (D) OF THIS SUBPARAGRAPH  
44 and a post office address, within or without the state, to which [the  
45 secretary of state] A PERSON shall mail a copy of the process in such  
46 action or special proceeding SERVED UPON THE SECRETARY OF STATE.

47 (f) [Where any constituent corporation is, or would be if formed under  
48 this chapter, a Type C corporation under section 201 (Purposes), no] NO  
49 certificate shall be filed pursuant to this section until an order  
50 approving the plan of merger or consolidation and authorizing the filing  
51 of the certificate has been made by the supreme court, as provided in  
52 section 907 (Approval by the supreme court).

53 S 56. Paragraphs (b) and (c) and subparagraph 3 of paragraph (d) of  
54 section 1001 of the not-for-profit corporation law, as amended by chap-  
55 ter 434 of the laws of 2006, are amended to read as follows:



1 (b) If the corporation [is a Type B, C or D corporation and] has no  
2 assets to distribute and no liabilities at the time of dissolution, the  
3 plan of dissolution shall include a statement to that effect.

4 (c) If the corporation [is a Type B, C or D corporation and] has no  
5 assets to distribute, other than a reserve not to exceed twenty-five  
6 thousand dollars for the purpose of paying ordinary and necessary  
7 expenses of winding up its affairs including attorney and accountant  
8 fees, and liabilities not in excess of ten thousand dollars at the time  
9 of adoption of the plan of dissolution, the plan of dissolution shall  
10 include a statement to that effect.

11 (3) if there are assets received and held by the corporation [either]  
12 for a purpose specified [as Type B] in paragraph (b) of section 201  
13 (Purposes) or which are legally required to be used for a particular  
14 purpose, a statement that the assets owned by the corporation, subject  
15 to any unpaid liabilities of the corporation, shall be distributed as  
16 required by any gift instrument or to a charitable organization or  
17 organizations exempt from taxation pursuant to federal and state laws  
18 and engaged in activities substantially similar to those of the  
19 dissolved corporation. Each such recipient organization shall be iden-  
20 tified and the governing instrument and amendments thereto of each of  
21 the proposed recipient organizations shall be annexed to such statement,  
22 along with the financial reports of each recipient organization for the  
23 last three years and a sworn affidavit from a director and officer of  
24 each recipient organization stating the purposes of the organization,  
25 and that it is currently exempt from federal income taxation.

26 S 57. Section 1002 of the not-for-profit corporation law, as amended  
27 by chapter 434 of the laws of 2006, is amended to read as follows:  
28 S 1002. Authorization of plan.

29 (a) Upon adopting a plan of dissolution and distribution of assets,  
30 the board shall submit it to a vote of the members, if any, and such  
31 plan shall be approved at a meeting of members by two-thirds vote as  
32 provided in paragraph (c) of section 613 (Vote of members); provided,  
33 however, that if the corporation [is a Type B, C or D corporation],  
34 other than a corporation incorporated pursuant to article 15 (Public  
35 cemetery corporations), [and] has no assets to distribute, other than a  
36 reserve not to exceed twenty-five thousand dollars for the purpose of  
37 paying ordinary and necessary expenses of winding up its affairs includ-  
38 ing attorney and accountant fees, and liabilities not in excess of ten  
39 thousand dollars at the time of adoption of the plan of dissolution, the  
40 vote required by the corporation's board of directors for adoption of  
41 the plan of dissolution of such a corporation or by the corporation's  
42 members for the authorization thereof shall be:

43 (1) In the case of a vote by the board of directors: (i) the number of  
44 directors required under the certificate of incorporation, by-laws, this  
45 chapter and any other applicable law; or

46 (ii) if the number of directors actually holding office as such at the  
47 time of the vote to adopt the plan is less than the number required to  
48 constitute a quorum of directors under the certificate of incorporation,  
49 the by-laws, this chapter or any other applicable law, the remaining  
50 directors unanimously;

51 (2) In the case of a vote by the members, (i) the number of members  
52 required under the certificate of incorporation, by-laws, this chapter  
53 and any other applicable law; or (ii) by the vote of members authorized  
54 by an order of the supreme court pursuant to section 608 [of this chap-  
55 ter] (QUORUM AT MEETING OF MEMBERS) permitting the corporation to  
56 dispense with the applicable quorum requirement.

1 Notice of a special or regular meeting of the board of directors or of  
2 the members entitled to vote on adoption and authorization or approval  
3 of the plan of dissolution shall be sent to all the directors and  
4 members of record entitled to vote. Unless otherwise directed by order  
5 of the supreme court pursuant to section 608 [of this chapter] (QUORUM  
6 AT MEETING OF MEMBERS), the notice shall be sent by certified mail,  
7 return receipt requested, to the last known address of record of each  
8 director and member not fewer than thirty, and not more than sixty days  
9 before the date of each meeting provided, however, that if the last  
10 known address of record of any director or member is not within the  
11 United States, the notice to such director shall be sent by any other  
12 reasonable means.

13 (b) If there are no members entitled to vote on the dissolution of the  
14 corporation, the plan of dissolution and distribution of assets shall be  
15 deemed authorized upon its adoption by the board.

16 (c) Whenever a statute creating, or authorizing the formation of, a  
17 corporation requires approval by a governmental body or officer for the  
18 formation of such corporation, dissolution shall not be authorized with-  
19 out the approval of such body or officer.

20 (d) The plan of dissolution and distribution of assets shall have  
21 annexed thereto the approval of a justice of the supreme court in the  
22 judicial district in which the office of the corporation is located [in  
23 the case of a Type B, C or D corporation, and in the case of any other  
24 corporation which holds assets at the time of dissolution legally  
25 required to be used for a particular purpose,] except that no such  
26 approval shall be required with respect to the plan of dissolution of a  
27 corporation, other than a corporation incorporated pursuant to article  
28 15 (Public cemetery corporations), which has no assets to distribute at  
29 the time of dissolution, other than a reserve not to exceed twenty-five  
30 thousand dollars for the purpose of paying ordinary and necessary  
31 expenses of winding up its affairs including attorney and accountant  
32 fees, and liabilities not in excess of ten thousand dollars, and which  
33 has complied with the requirements of section 1001 (Plan of dissolution  
34 and distribution of assets) and this section applicable to such a corpo-  
35 ration. Application to the supreme court for an order for such approval  
36 shall be by verified petition, with the plan of dissolution and distrib-  
37 ution of assets and certified copies of the consents prescribed by this  
38 section annexed thereto, and upon ten days written notice to the attor-  
39 ney general accompanied by copies of such petition, plan and consents.  
40 In such case where approval of a justice of the supreme court is not  
41 required [for a Type B, C or D corporation,] a copy of such plan certi-  
42 fied under penalties of perjury shall be filed with the attorney general  
43 within ten days after its authorization.

44 S 58. Subparagraph 1 of paragraph (c) of section 1002-a of the not-  
45 for-profit corporation law, as amended by chapter 434 of the laws of  
46 2006, is amended to read as follows:

47 (1) assets received and held by the corporation [either for a purpose  
48 specified as Type B in paragraph (b) of section 201 (Purposes) or which  
49 are legally required to be used for a particular purpose,] shall be  
50 distributed to one or more domestic or foreign corporations or other  
51 organizations engaged in activities substantially similar to those of  
52 the dissolved corporation pursuant to the plan of dissolution and  
53 distribution or, if applicable, as ordered by the court to which such  
54 plan is submitted for approval under section 1002 (Authorization of  
55 plan). Any disposition of assets contained in a will or other instru-  
56 ment, in trust or otherwise, made before or after the dissolution, to or

1 for the benefit of any corporation so dissolved shall inure to or for  
2 the benefit of the corporation or organization acquiring such assets of  
3 the dissolved corporation as provided in this section, and so far as is  
4 necessary for that purpose the corporation or organization acquiring  
5 such disposition shall be deemed a successor to the dissolved corpo-  
6 ration with respect to such assets; provided, however, that such dispo-  
7 sition shall be devoted by the acquiring corporation or organization to  
8 the purposes intended by the testator, donor or grantor.

9 S 59. Subparagraph 4 of paragraph (a) of section 1003 of the not-for-  
10 profit corporation law is REPEALED.

11 S 60. Subparagraph 2 of paragraph (b) of section 1003 of the not-for-  
12 profit corporation law, as amended by chapter 434 of the laws of 2006,  
13 is amended to read as follows:

14 (2) By the attorney general [in the case of a Type B, C or D corpo-  
15 ration, or any other corporation that holds assets at the time of  
16 dissolution legally required to be used for a particular purpose].

17 S 61. Subparagraph 15 of paragraph (a) of section 1008 of the not-for-  
18 profit corporation law, as amended by chapter 434 of the laws of 2006,  
19 is amended to read as follows:

20 (15) Where assets were received and held by the corporation either for  
21 a purpose specified [as Type B] in paragraph (b) of section 201  
22 (Purposes), or were legally required to be used for a particular  
23 purpose, the distribution of such assets to one or more domestic or  
24 foreign corporations or other organizations engaged in activities  
25 substantially similar to those of the dissolved corporation, on notice  
26 to the attorney general and to such other persons, and in such manner,  
27 as the court may deem proper.

28 S 62. Subparagraph 6 of paragraph (a) and paragraph (h) of section  
29 1012 of the not-for-profit corporation law are REPEALED.

30 S 63. Section 1302 of the not-for-profit corporation law, as amended  
31 by chapter 847 of the laws of 1970, is amended to read as follows:

32 S 1302. Application to existing authorized foreign corporations.

33 Every foreign corporation which on the effective date of this chapter  
34 is authorized to conduct activities in this state under a certificate of  
35 authority heretofore issued to it by the secretary of state shall  
36 continue to have such authority. Such foreign corporation, its members,  
37 directors, and officers shall have the same rights, franchises, and  
38 privileges and shall be subject to the same limitations, restrictions,  
39 liabilities, and penalties as a foreign corporation authorized under  
40 this chapter, its members, directors, and officers respectively. [A  
41 foreign corporation may by amendment to its certificate of authority set  
42 forth the type of corporation it is under section 201 (Purposes); and in  
43 the absence of such amendment an authorized foreign corporation shall be  
44 a Type B corporation.] Reference in this chapter to an application for  
45 authority shall, unless the context otherwise requires, include the  
46 statement and designation and any amendment thereof required to be filed  
47 by the secretary of state under prior statutes to obtain a certificate  
48 of authority.

49 S 64. Intentionally omitted.

50 S 65. Subparagraphs 4 and 6 of paragraph (a) of section 1304 of the  
51 not-for-profit corporation law, subparagraph 4 as amended by chapter 847  
52 of the laws of 1970 and such subparagraphs as renumbered by chapter 590  
53 of the laws of 1982, are amended to read as follows:

54 (4) That the corporation is a foreign corporation as defined in  
55 subparagraph [(a)] (7) OF PARAGRAPH (A) of section 102 (Definitions);  
56 [the type of corporation it shall be under section 201 (Purposes);] a

1 statement of its purposes to be pursued in this state and of the activ-  
2 ities which it proposes to conduct in this state; a statement that it is  
3 authorized to conduct those activities in the jurisdiction of its incor-  
4 poration; and in the case of a [Type C] corporation THAT WILL PURSUE ANY  
5 LAWFUL BUSINESS PURPOSE OR PURPOSES IN THIS STATE, the lawful public or  
6 quasi-public objective which each business purpose will achieve.

7 (6) A designation of the secretary of state as its agent upon whom  
8 process against it may be served and the post office address, within or  
9 without this state, to which [the secretary of state] A PERSON shall  
10 mail a copy of any process against it served upon [him] THE SECRETARY OF  
11 STATE.

12 S 66. Subparagraph 7 of paragraph (a) of section 1308 of the not-for-  
13 profit corporation law, as renumbered by chapter 186 of the laws of  
14 1983, is amended to read as follows:

15 (7) To specify or change the post office address to which [the secre-  
16 tary of state] A PERSON shall mail a copy of any process against it  
17 served upon [him] THE SECRETARY OF STATE.

18 S 67. Subparagraph 2 of paragraph (a) and paragraph (c) of section  
19 1310 of the not-for-profit corporation law, paragraph (c) as amended by  
20 chapter 172 of the laws of 1999, are amended to read as follows:

21 (2) To specify or change the post office address to which [the secre-  
22 tary of state] A PERSON shall mail a copy of any process against it  
23 served upon [him] THE SECRETARY OF STATE.

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

46 S 68. Subparagraph 6 of paragraph (a) and subparagraph 4 of paragraph  
47 (d) of section 1311 of the not-for-profit corporation law are amended to  
48 read as follows:

49 (6) A post office address, within or without this state, to which [the  
50 secretary of state] A PERSON shall mail a copy of any process against it  
51 served upon [him] THE SECRETARY OF STATE.

52 (4) The changed post office address, within or without this state, to  
53 which [the secretary of state] A PERSON shall mail a copy of any process  
54 against it served upon [him] THE SECRETARY OF STATE.

55 S 69. Section 1312 of the not-for-profit corporation law, as amended  
56 by chapter 375 of the laws of 1998, is amended to read as follows:

1 S 1312. Termination of existence.

2 When an authorized foreign corporation is dissolved or its authority  
3 or existence is otherwise terminated or cancelled in the jurisdiction of  
4 its incorporation or when such foreign corporation is merged into or  
5 consolidated with another foreign corporation, a certificate of the  
6 secretary of state, or official performing the equivalent function as to  
7 corporate records, of the jurisdiction of incorporation of such foreign  
8 corporation attesting to the occurrence of any such event or a certified  
9 copy of an order or decree of a court of such jurisdiction directing the  
10 dissolution of such foreign corporation, the termination of its exist-  
11 ence or the cancellation of its authority shall be delivered to the  
12 department of state. The filing of the certificate, order or decree  
13 shall have the same effect as the filing of a certificate of surrender  
14 of authority under section 1311 (Surrender of authority). The secretary  
15 of state shall continue as agent of the foreign corporation upon whom  
16 process against it may be served in the manner set forth in paragraph  
17 (b) of section 306 (Service of process), in any action or special  
18 proceeding based upon any liability or obligation incurred by the  
19 foreign corporation within this state prior to the filing of such  
20 certificate, order or decree and [he] THE PERSON SERVING SUCH PROCESS  
21 shall promptly cause a copy of any such process to be mailed by [regis-  
22 tered] CERTIFIED mail, return receipt requested, to such foreign corpo-  
23 ration at the post office address on file in [his] THE office OF THE  
24 SECRETARY OF STATE specified for such purpose. The post office address  
25 may be changed by signing and delivering to the department of state a  
26 certificate of change setting forth the statements required under  
27 section 1310 (Certificate of change, contents) to effect a change in the  
28 post office address under subparagraph [(a)] (4) OF PARAGRAPH (A) of  
29 section 1308 (Amendments or changes).

30 S 70. Subparagraphs 1, 2 and 3 of paragraph (a) of section 1321 of the  
31 not-for-profit corporation law, as amended by chapter 847 of the laws of  
32 1970, are amended to read as follows:

33 [(1)] The [corporation is a Type A corporation under this chapter;  
34 its] CORPORATION'S principal activities are conducted outside this  
35 state; [the greater part of its property is located outside this state;]  
36 and (1) less than one third of its members are residents of this state;  
37 or

38 (2) [The corporation is a Type B corporation under this chapter; its  
39 principal activities are conducted outside this state; the greater part  
40 of its property is located outside this state; and] less than ten per  
41 cent of its annual revenues is derived from solicitation of funds within  
42 this state; or

43 (3) [The corporation is a Type C corporation under this chapter; its  
44 principal activities are conducted outside this state; the greater part  
45 of its property is located outside this state; and] less than one half  
46 of its revenues for the preceding three fiscal years, or such portion  
47 thereof as the foreign corporation was in existence, was derived from  
48 sources within this state.

49 S 71. Paragraph (d) of section 1401 of the not-for-profit corporation  
50 law is REPEALED.

51 S 72. Paragraph (b) of section 1402 of the not-for-profit corporation  
52 law is REPEALED.

53 S 73. Paragraph (c) of section 1403 of the not-for-profit corporation  
54 law is REPEALED.

55 S 74. Paragraph (b) of section 1404 of the not-for-profit corporation  
56 law is REPEALED.

1 S 75. Paragraph (b) of section 1405 of the not-for-profit corporation  
2 law is REPEALED.

3 S 76. Paragraph (b) of section 1406 of the not-for-profit corporation  
4 law is REPEALED.

5 S 77. Paragraph (b) of section 1407 of the not-for-profit corporation  
6 law is REPEALED.

7 S 78. Paragraph (b) of section 1408 of the not-for-profit corporation  
8 law is REPEALED.

9 S 79. Paragraph (b) of section 1409 of the not-for-profit corporation  
10 law is REPEALED.

11 S 80. Paragraph (b) of section 1410 of the not-for-profit corporation  
12 law is REPEALED.

13 S 81. Paragraph (b) of section 1411 of the not-for-profit corporation  
14 law is REPEALED.

15 S 82. Paragraph (d) of section 1412 of the not-for-profit corporation  
16 law is REPEALED.

17 S 83. Paragraph (c) of section 1505 of the not-for-profit corporation  
18 law is REPEALED.

19 S 84. Subdivision (c) of section 121-104 of the partnership law, as  
20 added by chapter 950 of the laws of 1990, is amended to read as follows:

21 (c) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF  
22 STATE SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF  
23 STATE AS AGENT OF A DOMESTIC LIMITED PARTNERSHIP OR FOREIGN LIMITED  
24 PARTNERSHIP SHALL BE DEEMED TO BE THE POST OFFICE ADDRESS, WITHIN OR  
25 WITHOUT THIS STATE, TO WHICH A PERSON SHALL MAIL A COPY OF PROCESS  
26 SERVED AGAINST THE LIMITED PARTNERSHIP AS REQUIRED BY THIS ARTICLE. Any  
27 designated post office address to which the secretary of state OR A  
28 PERSON shall mail a copy of process served upon [him] THE SECRETARY OF  
29 STATE as agent of a domestic limited partnership or foreign limited  
30 partnership shall continue until the filing of a certificate under this  
31 article directing the mailing to a different post office address.

32 S 85. Paragraphs 1, 2 and 3 of subdivision (a) of section 121-104-A of  
33 the partnership law, as added by chapter 448 of the laws of 1998, are  
34 amended to read as follows:

35 (1) the name of the limited partnership and the date that its [arti-  
36 cles of organization] CERTIFICATE OF LIMITED PARTNERSHIP or application  
37 for authority was filed by the department of state.

38 (2) that the address of the party has been designated by the limited  
39 partnership as the post office address to which [the secretary of state]  
40 A PERSON shall mail a copy of any process served on the secretary of  
41 state as agent for such limited partnership, and that such party wishes  
42 to resign.

43 (3) that sixty days prior to the filing of the certificate of resigna-  
44 tion FOR RECEIPT OF PROCESS with the department of state the party has  
45 sent a copy of the certificate of resignation for receipt of process by  
46 registered or certified mail to the address of the registered agent of  
47 the [designated] DESIGNATING limited partnership, if other than the  
48 party filing the certificate of resignation[,] for receipt of process,  
49 or if the [resigning] DESIGNATING limited partnership has no registered  
50 agent, then to the last address of the [designated] DESIGNATING limited  
51 partnership, known to the party, specifying the address to which the  
52 copy was sent. If there is no registered agent and no known address of  
53 the designating limited partnership the party shall attach an affidavit  
54 to the certificate stating that a diligent but unsuccessful search was  
55 made by the party to locate the limited partnership, specifying what  
56 efforts were made.

1 S 86. Subdivision (a) of section 121-109 of the partnership law is  
2 REPEALED and a new subdivision (a) is added to read as follows:

3 (A) (1) SERVICE OF SUCH PROCESS UPON THE SECRETARY OF STATE AS AGENT  
4 OF A DOMESTIC OR AUTHORIZED FOREIGN LIMITED PARTNERSHIP, OR OTHER BUSI-  
5 NESS ENTITY THAT HAS DESIGNATED THE SECRETARY OF STATE AS AGENT FOR  
6 SERVICE OF PROCESS PURSUANT TO THIS CHAPTER, SHALL BE MADE BY PERSONALLY  
7 DELIVERING TO AND LEAVING WITH THE SECRETARY OF STATE OR A DEPUTY, OR  
8 WITH A PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE SUCH  
9 SERVICE, AT THE OFFICE OF THE DEPARTMENT OF STATE IN THE CITY OF ALBANY,  
10 A COPY OF SUCH PROCESS TOGETHER WITH THE STATUTORY FEE, WHICH FEE SHALL  
11 BE A TAXABLE DISBURSEMENT. SUCH SERVICE SHALL BE SUFFICIENT IF NOTICE OF  
12 SUCH SERVICE ON THE SECRETARY OF STATE AND A COPY OF THE PROCESS ARE:

13 (I) DELIVERED PERSONALLY, WITHIN OR WITHOUT THE STATE, TO SUCH LIMITED  
14 PARTNERSHIP BY A PERSON AND IN THE MANNER AUTHORIZED TO SERVE PROCESS BY  
15 LAW OF THE JURISDICTION IN WHICH SERVICE IS MADE, OR

16 (II) SENT BY OR ON BEHALF OF THE PLAINTIFF TO SUCH LIMITED PARTNERSHIP  
17 BY CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED, AT THE POST OFFICE  
18 ADDRESS SPECIFIED FOR THE PURPOSE OF MAILING PROCESS, ON FILE IN THE  
19 DEPARTMENT OF STATE.

20 (2) WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY PERSONAL  
21 SERVICE, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS  
22 SECTION FILED, TOGETHER WITH THE PROCESS, WITHIN THIRTY DAYS AFTER SUCH  
23 SERVICE, WITH THE CLERK OF THE COURT IN WHICH THE ACTION OR SPECIAL  
24 PROCEEDING IS PENDING. SERVICE OF PROCESS SHALL BE COMPLETE TEN DAYS  
25 AFTER SUCH PAPERS ARE FILED WITH THE CLERK OF THE COURT.

26 (3) WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY MAILING IN  
27 ACCORDANCE WITH THIS SECTION, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF  
28 COMPLIANCE WITH THIS SECTION FILED, TOGETHER WITH THE PROCESS, WITHIN  
29 THIRTY DAYS AFTER RECEIPT OF THE RETURN RECEIPT SIGNED BY THE LIMITED  
30 PARTNERSHIP, OR OTHER OFFICIAL PROOF OF DELIVERY OR OF THE ORIGINAL  
31 ENVELOPE MAILED. IF A COPY OF THE PROCESS IS MAILED IN ACCORDANCE WITH  
32 THIS SECTION, THERE SHALL BE FILED WITH THE AFFIDAVIT OF COMPLIANCE  
33 EITHER THE RETURN RECEIPT SIGNED BY SUCH LIMITED PARTNERSHIP OR OTHER  
34 OFFICIAL PROOF OF DELIVERY OR, IF ACCEPTANCE WAS REFUSED BY IT, THE  
35 ORIGINAL ENVELOPE WITH A NOTATION BY THE POSTAL AUTHORITIES THAT ACCEPT-  
36 ANCE WAS REFUSED. IF ACCEPTANCE WAS REFUSED, A COPY OF THE NOTICE AND  
37 PROCESS TOGETHER WITH NOTICE OF THE MAILING BY CERTIFIED MAIL AND  
38 REFUSAL TO ACCEPT SHALL BE PROMPTLY SENT TO SUCH LIMITED PARTNERSHIP AT  
39 THE SAME ADDRESS BY ORDINARY MAIL AND THE AFFIDAVIT OF COMPLIANCE SHALL  
40 SO STATE. SERVICE OF PROCESS SHALL BE COMPLETE TEN DAYS AFTER SUCH  
41 PAPERS ARE FILED WITH THE CLERK OF THE COURT. THE REFUSAL TO ACCEPT  
42 DELIVERY OF THE CERTIFIED MAIL OR TO SIGN THE RETURN RECEIPT SHALL NOT  
43 AFFECT THE VALIDITY OF THE SERVICE AND SUCH LIMITED PARTNERSHIP REFUSING  
44 TO ACCEPT SUCH CERTIFIED MAIL SHALL BE CHARGED WITH KNOWLEDGE OF THE  
45 CONTENTS THEREOF.

46 S 87. Paragraph 3 of subdivision (a) of section 121-201 of the part-  
47 nership law, as amended by chapter 264 of the laws of 1991, is amended  
48 to read as follows:

49 (3) a designation of the secretary of state as agent of the limited  
50 partnership upon whom process against it may be served and the post  
51 office address, within or without this state, to which [the secretary of  
52 state] A PERSON shall mail a copy of any process against it served upon  
53 [him] THE SECRETARY OF STATE;

54 S 88. Paragraph 4 of subdivision (b) of section 121-202 of the part-  
55 nership law, as amended by chapter 576 of the laws of 1994, is amended  
56 to read as follows:

(4) a change in the name of the limited partnership, or a change in the post office address to which [the secretary of state] A PERSON shall mail a copy of any process against the limited partnership served on [him] THE SECRETARY OF STATE, or a change in the name or address of the registered agent, if such change is made other than pursuant to section 121-104 or 121-105 of this article.

S 89. Section 121-202-A of the partnership law, as added by chapter 448 of the laws of 1998, paragraph 2 of subdivision (a) as amended by chapter 172 of the laws of 1999, is amended to read as follows:

S 121-202-A. Certificate of change. (a) A certificate of limited partnership may be changed by filing with the department of state a certificate of change entitled "Certificate of Change of ..... (name of limited partnership) under Section 121-202-A of the Revised Limited Partnership Act" and shall be signed and delivered to the department of state. A certificate of change may (i) specify or change the location of the limited partnership's office; (ii) specify or change the post office address to which [the secretary of state] A PERSON shall mail a copy of process against the limited partnership served upon [him] THE SECRETARY OF STATE; and (iii) make, revoke or change the designation of a registered agent, or to specify or change the address of its registered agent. It shall set forth:

(1) the name of the limited partnership, and if it has been changed, the name under which it was formed;

(2) the date its certificate of limited partnership was filed by the department of state; and

(3) each change effected thereby.

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

S 90. Paragraph 4 of subdivision (a) of section 121-902 of the partnership law, as amended by chapter 172 of the laws of 1999, is amended to read as follows:

(4) a designation of the secretary of state as its agent upon whom process against it may be served and the post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process against it served upon [him] THE SECRETARY OF STATE;



1 S 91. Section 121-903-A of the partnership law, as added by chapter  
2 448 of the laws of 1998, is amended to read as follows:

3 S 121-903-A. Certificate of change. (a) A foreign limited partnership  
4 may change its application for authority by filing with the department  
5 of state a certificate of change entitled "Certificate of Change  
6 of ..... (name of limited partnership) under Section 121-903-A of the  
7 Revised Limited Partnership Act" and shall be signed and delivered to  
8 the department of state. A certificate of change may (i) change the  
9 location of the limited partnership's office; (ii) change the post  
10 office address to which [the secretary of state] A PERSON shall mail a  
11 copy of process against the limited partnership served upon [him] THE  
12 SECRETARY OF STATE; and (iii) make, revoke or change the designation of  
13 a registered agent, or to specify or change the address of its regis-  
14 tered agent. It shall set forth:

15 (1) the name of the foreign limited partnership and, if applicable,  
16 the fictitious name the foreign limited partnership has agreed to use in  
17 this state pursuant to section 121-902 of this article;

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

20 (3) each change effected thereby.

21 (b) A certificate of change which changes only the post office address  
22 to which [the secretary of state] A PERSON shall mail a copy of any  
23 process against a foreign limited partnership served upon [him] THE  
24 SECRETARY OF STATE or the address of the registered agent, provided such  
25 address being changed is the address of a person, partnership, LIMITED  
26 LIABILITY COMPANY or corporation whose address, as agent, is the address  
27 to be changed or who has been designated as registered agent for such  
28 foreign limited partnership shall be signed and delivered to the depart-  
29 ment of state by such agent. The certificate of change shall set forth  
30 the statements required under subdivision (a) of this section; that a  
31 notice of the proposed change was mailed to the foreign limited partner-  
32 ship by the party signing the certificate not less than thirty days  
33 prior to the date of delivery to the department of state and that such  
34 foreign limited partnership has not objected thereto; and that the party  
35 signing the certificate is the agent of such foreign limited partnership  
36 to whose address [the secretary of state] A PERSON is required to mail  
37 [copies] A COPY of process SERVED ON THE SECRETARY OF STATE or the  
38 registered agent, if such be the case. A certificate signed and deliv-  
39 ered under this subdivision shall not be deemed to effect a change of  
40 location of the office of the limited partnership in whose behalf such  
41 certificate is filed.

42 S 92. Paragraph 6 of subdivision (b) of section 121-905 of the part-  
43 nership law, as added by chapter 950 of the laws of 1990, is amended to  
44 read as follows:

45 (6) a post office address, within or without this state, to which [the  
46 secretary of state] A PERSON shall mail a copy of any process against it  
47 served upon [him] THE SECRETARY OF STATE.

48 S 93. Paragraph 7 of subdivision (a) of section 121-1103 of the part-  
49 nership law, as added by chapter 950 of the laws of 1990, is amended to  
50 read as follows:

51 (7) A designation of the secretary of state as its agent upon whom  
52 process against it may be served in the manner set forth in section  
53 121-109 of this article in any action or special proceeding, and a post  
54 office address, within or without this state, to which [the secretary of  
55 state] A PERSON shall mail a copy of any process served upon [him] THE

1 SECRETARY OF STATE. Such post office address shall supersede any prior  
2 address designated as the address to which process shall be mailed.

3 S 94. Subparagraphs 2 and 4 of paragraph (I) of subdivision (a) of  
4 section 121-1500 of the partnership law, subparagraph 2 as added by  
5 chapter 576 of the laws of 1994 and subparagraph 4 as amended by chapter  
6 643 of the laws of 1995 and such paragraph as redesignated by chapter  
7 767 of the laws of 2005, are amended to read as follows:

8 (2) the address, WITHIN THIS STATE, of the principal office of the  
9 partnership without limited partners;

10 (4) a designation of the secretary of state as agent of the partner-  
11 ship without limited partners upon whom process against it may be served  
12 and the post office address, within or without this state, to which [the  
13 secretary of state] A PERSON shall mail a copy of any process against it  
14 [or] served [upon it] ON THE SECRETARY OF STATE;

15 S 95. Subdivision (j-1) of section 121-1500 of the partnership law, as  
16 added by chapter 448 of the laws of 1998, is amended to read as follows:

17 (j-1) A certificate of change which changes only the post office  
18 address to which [the secretary of state] A PERSON shall mail a copy of  
19 any process against a registered limited liability partnership served  
20 upon [him] THE SECRETARY OF STATE or the address of the registered  
21 agent, provided such address being changed is the address of a person,  
22 partnership, LIMITED LIABILITY COMPANY, or corporation whose address, as  
23 agent, is the address to be changed or who has been designated as regis-  
24 tered agent for such registered limited liability partnership shall be  
25 signed and delivered to the department of state by such agent. The  
26 certificate of change shall set forth: (i) the name of the registered  
27 limited liability partnership and, if it has been changed, the name  
28 under which it was originally filed with the department of state; (ii)  
29 the date of filing of its initial registration or notice statement;  
30 (iii) each change effected thereby; (iv) that a notice of the proposed  
31 change was mailed to the limited liability partnership by the party  
32 signing the certificate not less than thirty days prior to the date of  
33 delivery to the department of state and that such limited liability  
34 partnership has not objected thereto; and (v) that the party signing the  
35 certificate is the agent of such limited liability partnership to whose  
36 address [the secretary of state] A PERSON is required to mail [copies] A  
37 COPY of process SERVED ON THE SECRETARY OF STATE or the registered  
38 agent, if such be the case. A certificate signed and delivered under  
39 this subdivision shall not be deemed to effect a change of location of  
40 the office of the limited liability partnership in whose behalf such  
41 certificate is filed. The certificate of change shall be accompanied by  
42 a fee of five dollars.

43 S 96. Subdivision (a) of section 121-1502 of the partnership law, as  
44 amended by chapter 643 of the laws of 1995, paragraph (v) as amended by  
45 chapter 470 of the laws of 1997, is amended to read as follows:

46 (a) In order for a foreign limited liability partnership to carry on  
47 or conduct or transact business or activities as a New York registered  
48 foreign limited liability partnership in this state, such foreign limit-  
49 ed liability partnership shall file with the department of state a  
50 notice which shall set forth: (i) the name under which the foreign  
51 limited liability partnership intends to carry on or conduct or transact  
52 business or activities in this state; (ii) the date on which and the  
53 jurisdiction in which it registered as a limited liability partnership;  
54 (iii) the address, WITHIN THIS STATE, of the principal office of the  
55 foreign limited liability partnership; (iv) the profession or  
56 professions to be practiced by such foreign limited liability partner-

1 ship and a statement that it is a foreign limited liability partnership  
2 eligible to file a notice under this chapter; (v) a designation of the  
3 secretary of state as agent of the foreign limited liability partnership  
4 upon whom process against it may be served and the post office address,  
5 within or without this state, to which [the secretary of state] A PERSON  
6 shall mail a copy of any process against it [or] served upon [it] THE  
7 SECRETARY OF STATE; (vi) if the foreign limited liability partnership is  
8 to have a registered agent, its name and address in this state and a  
9 statement that the registered agent is to be the agent of the foreign  
10 limited liability partnership upon whom process against it may be  
11 served; (vii) a statement that its registration as a limited liability  
12 partnership is effective in the jurisdiction in which it registered as a  
13 limited liability partnership at the time of the filing of such notice;  
14 (viii) a statement that the foreign limited liability partnership is  
15 filing a notice in order to obtain status as a New York registered  
16 foreign limited liability partnership; (ix) if the registration of the  
17 foreign limited liability partnership is to be effective on a date later  
18 than the time of filing, the date, not to exceed sixty days from the  
19 date of filing, of such proposed effectiveness; and (x) any other  
20 matters the foreign limited liability partnership determines to include  
21 in the notice. Such notice shall be accompanied by either (1) a copy of  
22 the last registration or renewal registration (or similar filing), if  
23 any, filed by the foreign limited liability partnership with the juris-  
24 diction where it registered as a limited liability partnership or (2) a  
25 certificate, issued by the jurisdiction where it registered as a limited  
26 liability partnership, substantially to the effect that such foreign  
27 limited liability partnership has filed a registration as a limited  
28 liability partnership which is effective on the date of the certificate  
29 (if such registration, renewal registration or certificate is in a  
30 foreign language, a translation thereof under oath of the translator  
31 shall be attached thereto). Such notice shall also be accompanied by a  
32 fee of two hundred fifty dollars.

33 S 97. Subdivision (i-1) of section 121-1502 of the partnership law, as  
34 added by chapter 448 of the laws of 1998, is amended to read as  
35 follows:

36 (i-1) A certificate of change which changes only the post office  
37 address to which the secretary of state shall mail a copy of any process  
38 against a New York registered foreign limited liability partnership  
39 served upon him or the address of the registered agent, provided such  
40 address being changed is the address of a person, partnership, LIMITED  
41 LIABILITY COMPANY or corporation whose address, as agent, is the address  
42 to be changed or who has been designated as registered agent of such  
43 registered foreign limited liability partnership shall be signed and  
44 delivered to the department of state by such agent. The certificate of  
45 change shall set forth: (i) the name of the New York registered foreign  
46 limited liability partnership; (ii) the date of filing of its initial  
47 registration or notice statement; (iii) each change effected thereby;  
48 (iv) that a notice of the proposed change was mailed to the limited  
49 liability partnership by the party signing the certificate not less than  
50 thirty days prior to the date of delivery to the department of state and  
51 that such limited liability partnership has not objected thereto; and  
52 (v) that the party signing the certificate is the agent of such limited  
53 liability partnership to whose address [the secretary of state] A PERSON  
54 is required to mail [copies] A COPY of process SERVED ON THE SECRETARY  
55 OF STATE or the registered agent, if such be the case. A certificate  
56 signed and delivered under this subdivision shall not be deemed to

1 effect a change of location of the office of the limited liability part-  
2 nership in whose behalf such certificate is filed. The certificate of  
3 change shall be accompanied by a fee of five dollars.

4 S 98. Subdivision (a) of section 121-1505 of the partnership law is  
5 REPEALED and three new subdivisions (a), (d) and (e) are added to read  
6 as follows:

7 (A) (1) SERVICE OF PROCESS ON THE SECRETARY OF STATE AS AGENT OF A  
8 REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN  
9 LIMITED LIABILITY PARTNERSHIP UNDER THIS ARTICLE SHALL BE MADE BY  
10 PERSONALLY DELIVERING TO AND LEAVING WITH THE SECRETARY OF STATE OR A  
11 DEPUTY, OR WITH A PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE  
12 SUCH SERVICE, AT THE OFFICE OF THE DEPARTMENT OF STATE IN THE CITY OF  
13 ALBANY, A COPY OF SUCH PROCESS TOGETHER WITH THE STATUTORY FEE, WHICH  
14 FEE SHALL BE A TAXABLE DISBURSEMENT. SUCH SERVICE SHALL BE SUFFICIENT IF  
15 NOTICE OF SUCH SERVICE ON THE SECRETARY OF STATE AND A COPY OF THE PROC-  
16 ESS ARE:

17 (I) DELIVERED PERSONALLY, WITHIN OR WITHOUT THE STATE, TO SUCH REGIS-  
18 TERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN  
19 LIMITED LIABILITY PARTNERSHIP BY A PERSON AND IN THE MANNER AUTHORIZED  
20 TO SERVE PROCESS BY LAW OF THE JURISDICTION IN WHICH SERVICE IS MADE, OR

21 (II) SENT BY OR ON BEHALF OF THE PLAINTIFF TO SUCH REGISTERED LIMITED  
22 LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN LIMITED LIABILITY  
23 PARTNERSHIP BY CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED, AT THE POST  
24 OFFICE ADDRESS SPECIFIED FOR THE PURPOSE OF MAILING PROCESS, ON FILE IN  
25 THE DEPARTMENT OF STATE.

26 (2) WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY PERSONAL  
27 SERVICE, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS  
28 SECTION FILED, TOGETHER WITH THE PROCESS, WITHIN THIRTY DAYS AFTER SUCH  
29 SERVICE, WITH THE CLERK OF THE COURT IN WHICH THE ACTION OR SPECIAL  
30 PROCEEDING IS PENDING. SERVICE OF PROCESS SHALL BE COMPLETE TEN DAYS  
31 AFTER SUCH PAPERS ARE FILED WITH THE CLERK OF THE COURT.

32 (3) WHERE SERVICE OF A COPY OF PROCESS WAS EFFECTED BY MAILING IN  
33 ACCORDANCE WITH THIS SECTION, PROOF OF SERVICE SHALL BE BY AFFIDAVIT OF  
34 COMPLIANCE WITH THIS SECTION FILED, TOGETHER WITH THE PROCESS, WITHIN  
35 THIRTY DAYS AFTER RECEIPT OF THE RETURN RECEIPT SIGNED BY THE REGISTERED  
36 LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN LIMITED  
37 LIABILITY PARTNERSHIP, OR OTHER OFFICIAL PROOF OF DELIVERY OR OF THE  
38 ORIGINAL ENVELOPE MAILED. IF A COPY OF THE PROCESS IS MAILED IN ACCORD-  
39 ANCE WITH THIS SECTION, THERE SHALL BE FILED WITH THE AFFIDAVIT OF  
40 COMPLIANCE EITHER THE RETURN RECEIPT SIGNED BY SUCH REGISTERED LIMITED  
41 LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN LIMITED LIABILITY  
42 PARTNERSHIP OR OTHER OFFICIAL PROOF OF DELIVERY OR, IF ACCEPTANCE WAS  
43 REFUSED BY IT, THE ORIGINAL ENVELOPE WITH A NOTATION BY THE POSTAL  
44 AUTHORITIES THAT ACCEPTANCE WAS REFUSED. IF ACCEPTANCE WAS REFUSED, A  
45 COPY OF THE NOTICE AND PROCESS TOGETHER WITH NOTICE OF THE MAILING BY  
46 CERTIFIED MAIL AND REFUSAL TO ACCEPT SHALL BE PROMPTLY SENT TO SUCH  
47 REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN  
48 LIMITED LIABILITY PARTNERSHIP AT THE SAME ADDRESS BY ORDINARY MAIL AND  
49 THE AFFIDAVIT OF COMPLIANCE SHALL SO STATE. SERVICE OF PROCESS SHALL BE  
50 COMPLETE TEN DAYS AFTER SUCH PAPERS ARE FILED WITH THE CLERK OF THE  
51 COURT. THE REFUSAL TO ACCEPT DELIVERY OF THE CERTIFIED MAIL OR TO SIGN  
52 THE RETURN RECEIPT SHALL NOT AFFECT THE VALIDITY OF THE SERVICE AND SUCH  
53 REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN  
54 LIMITED LIABILITY PARTNERSHIP REFUSING TO ACCEPT SUCH CERTIFIED MAIL  
55 SHALL BE CHARGED WITH KNOWLEDGE OF THE CONTENTS THEREOF.

(D) THE DEPARTMENT OF STATE SHALL KEEP A RECORD OF EACH PROCESS SERVED UPON THE SECRETARY OF STATE UNDER THIS CHAPTER, INCLUDING THE DATE OF SUCH SERVICE. IT SHALL, UPON REQUEST MADE WITHIN TEN YEARS OF SUCH SERVICE, ISSUE A CERTIFICATE UNDER ITS SEAL CERTIFYING AS TO THE RECEIPT OF THE PROCESS BY AN AUTHORIZED PERSON, THE DATE AND PLACE OF SUCH SERVICE AND THE RECEIPT OF THE STATUTORY FEE. PROCESS SERVED UPON THE SECRETARY OF STATE UNDER THIS CHAPTER SHALL BE DESTROYED BY THE SECRETARY OF STATE AFTER A PERIOD OF TEN YEARS FROM SUCH SERVICE.

(E) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT OF A REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP SHALL BE DEEMED TO BE THE POST OFFICE ADDRESS, WITHIN OR WITHOUT THE STATE, TO WHICH A PERSON SHALL MAIL A COPY OF PROCESS SERVED AGAINST THE REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP AS REQUIRED BY THIS ARTICLE. ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE OR A PERSON SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT OF A REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP SHALL CONTINUE UNTIL THE FILING OF A CERTIFICATE UNDER THIS CHAPTER DIRECTING THE MAILING TO A DIFFERENT POST OFFICE ADDRESS.

S 99. Subdivision (b) of section 121-1506 of the partnership law, as added by chapter 448 of the laws of 1998, paragraph 4 as amended by chapter 172 of the laws of 1999, is amended to read as follows:

(b) The party (or the party's legal representative) whose post OFFICE address has been supplied by a limited liability partnership as its address for process may resign. A certificate entitled "Certificate of Resignation for Receipt of Process under Section 121-1506(b) of the Partnership Law" shall be signed by such party and delivered to the department of state. It shall set forth:

(1) The name of the limited liability partnership and the date that its certificate of registration was filed by the department of state.

(2) That the address of the party has been designated by the limited liability partnership as the post office address to which [the secretary of state] A PERSON shall mail a copy of any process served on the secretary of state as agent for such limited liability partnership and that such party wishes to resign.

(3) That sixty days prior to the filing of the certificate of resignation with the department of state the party has sent a copy of the certificate of resignation for receipt of process by registered or certified mail to the address of the registered agent of the [designated] DESIGNATING limited liability partnership, if other than the party filing the certificate of resignation[,] for receipt of process, or if the [resigning] DESIGNATING limited liability partnership has no registered agent, then to the last address of the [designated] DESIGNATING limited liability partnership, known to the party, specifying the address to which the copy was sent. If there is no registered agent and no known address of the designating limited liability partnership the party shall attach an affidavit to the certificate stating that a diligent but unsuccessful search was made by the party to locate the limited liability partnership, specifying what efforts were made.

(4) That the [designated] DESIGNATING limited liability partnership is required to deliver to the department of state a certificate of amendment providing for the designation by the limited liability partnership

1 of a new address and that upon its failure to file such certificate, its  
2 authority to do business in this state shall be suspended.

3 S 100. Paragraph 16 of subdivision 1 of section 103 of the private  
4 housing finance law, as added by chapter 22 of the laws of 1970, is  
5 amended to read as follows:

6 (16) A designation of the secretary of state as agent of the corpo-  
7 ration upon whom process against it may be served and the post office  
8 address, within or without this state, to which [the secretary of state]  
9 A PERSON shall mail a copy of any process against it served upon [him]  
10 THE SECRETARY OF STATE.

11 S 101. Subdivision 2 of section 2-b of the religious corporations law  
12 is REPEALED.

13 S 102. This act shall take effect on the ninetieth day after it shall  
14 have become a law.

15 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
16 sion, section or part of this act shall be adjudged by any court of  
17 competent jurisdiction to be invalid, such judgment shall not affect,  
18 impair, or invalidate the remainder thereof, but shall be confined in  
19 its operation to the clause, sentence, paragraph, subdivision, section  
20 or part thereof directly involved in the controversy in which such judg-  
21 ment shall have been rendered. It is hereby declared to be the intent of  
22 the legislature that this act would have been enacted even if such  
23 invalid provisions had not been included herein.

24 S 3. This act shall take effect immediately provided, however, that  
25 the applicable effective date of Parts A through CC of this act shall be  
26 as specifically set forth in the last section of such Parts.