S T A T E O F N E W Y O R K

S. 6260--C A. 9060--C

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to supervision and regulation of the state gaming industry; and to amend the racing, pari-mutuel wagering and breeding law, the general municipal law, the executive law and the tax law, in relation to the state gaming commission; and to repeal article 1 of the racing, pari-mutuel wagering and breeding law and sections 1602 and 1603 of the tax law relating thereto (Part A); intentionally omitted (Part B); to amend the public authorities law, in relation to transferring the Belleayre Mountain ski center from the department of environmental conservation to the New York state Olympic regional development authority (Part C); and to repeal section 285-a and subdivision 12 of section 283 of the agriculture and markets law, relating to direct marketing advisory councils for regional marketing areas; to repeal section 7 of chapter 654 of the laws of 1994, amending the transportation law and other laws relating to equipment requirements for registered farm vehicles, relating to the agricultural transportation review panel; to repeal section 285-b of the agriculture and markets law, relating to the Hudson valley agricultural advisory council; to repeal article 4 of the state technology law, relating to the statewide wireless network advisory council; to repeal section 372-a of the

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

LBD12675-05-2

social services law, relating to the child welfare research advisory panel; to amend the public health law, in relation to provision of information about the abandoned infant protection act; to repeal sections 520 and 521 of the executive law, relating to the boards of visitors; to repeal article 28 of the executive law and paragraph (p) of subdivision 1 of section 17 of the public officers law, relating to the upstate and downstate New York tourism councils; to repeal section 92-y of the state finance law, relating to the upstate New York tourism council fund; to amend the highway law and the education law, in relation to removing reference to the upstate and downstate New York tourism councils; to repeal section 27-0702 of the environmental conservation law, relating to the solid waste management board; to amend the environmental conservation law and the state finance law, in relation to removing reference to the solid waste management board; to amend the public authorities law, in relation to doing away with a technical advisory committee and the hazardous waste disposal advisory committee and to repeal certain provisions of law relating thereto; to repeal section 216-b of the vehicle and traffic law, relating to the tow truck advisory board; to repeal subdivision 9 of section 3.23 of the parks, recreation and historic preservation law, relating to the advisory council within the New York state conservation corps; to repeal section 89-mmm of the general business law, relating to the armored car carrier advisory board; to amend the executive law and the general business law, in relation to removing reference to the armored car carrier advisory board and to repeal certain provisions of the general business law relating thereto; to repeal section 923 of the executive law, relating to the Long Island Sound coastal advisory commission; to repeal section 433-a of the general business law, relating to the barbers board; to amend the social services law, in relation to doing away with the advisory committee on legal advocacy; to repeal subdivisions 8 and 9 of section 350, subdivision 16 of section 353, and sections 365, 365-a, 365-b, 365-c, 365-d, 365-e, 365-f and 365-g of the executive law, relating to the veterans' hall of fame and the New York state veterans' hall of fame council; to repeal title 11 of article 24 of the environmental conservation law, relating to appeal and review of matters affecting freshwater wetlands; to amend the environmental conservation law, in relation to appeal and reviews of matters affecting freshwater wetlands; to repeal subdivision 3 of section 1-0303, article 5, section 19-0917 and subdivision 4 of section 29-0103 of the environmental conservation law, relating to the state environmental board; to amend the environmental conservation law, in relation to removing reference to the state environmental board; to repeal sections 9-0705, 9-0707, 9-0709 and 9-0711 of the environmental conservation law, relating to the regional forest practice boards and the state forest practice board; to amend the environmental conservation law, in relation to removing reference to the regional forest practice boards; to repeal subdivision 1 of section 444-b of the real property law, relating to the state home inspection council; to amend the real property law, in relation to removing reference to the state home inspection council; to repeal subdivision 6 of section 69-n of the general business law, in relation to the advisory committee on the business of installing security or fire alarm systems; to repeal chapter 868 of the laws of 1976 relating to the organic food advisory committee, relating thereto; to repeal subdivisions 6, 7, 8, and 9 of section 73-b of the agriculture and markets law, relating to the New York state veterinary diagnostic

laboratory; to amend the agriculture and markets law, in relation to duties of the New York state veterinary diagnostic laboratory and in relation to the New York state animal health issues committee; to repeal section 13-0308 of the environmental conservation law, relating to the surf clam/ocean quahog management advisory board; to amend the environmental conservation law and the state finance law, in relation to removing reference to the surf clam/ocean quahog management advisory board; to repeal section 2407 and subdivision 5 of section 2409 of the public health law, relating to the breast and cervical cancer detection and education program advisory council and the ovarian cancer information advisory council; to amend the public health law, in relation to creating the breast, cervical and ovarian cancer detection and education program advisory council; and to repeal section 844-a of the executive law, relating to the New York statewide law enforcement telecommunications committee (Part D)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2012-2013 state fiscal year. Each component is wholly contained within a Part identified as Parts A through D. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Article 1 of the racing, pari-mutuel wagering and breeding law is REPEALED and a new article 1 is added to read as follows:

ARTICLE 1

SUPERVISION AND REGULATION

SECTION 100. LEGISLATIVE INTENT.
101. DEFINITIONS.
102. NEW YORK STATE GAMING COMMISSION.
103. ORGANIZATION AND DIVISIONS.
104. POWERS AND DUTIES OF THE COMMISSION.
105. QUORUM.
106. SALARY AND EXPENSES.
107. CONFLICTS PROHIBITED.
108. CERTAIN RESTRICTIONS ON WAGERING.
109. SUPPLEMENTARY REGULATORY POWERS OF THE COMMISSION.
110. STATEMENT OF STOCKHOLDERS TO BE FILED.
111. COMPULSIVE GAMBLING ASSISTANCE.
112. PARI-MUTUEL OPERATIONS; FILING OF TAX FORMS AND OTHER STATISTICS.
113. FILING OF PARI-MUTUEL TAX RETURNS OR REPORTS BY ELECTRONIC MEANS.
114. PRACTICE AND PROCEDURE.
115. REGULATORY FEES.

115-A. FEE FOR THE START OF A HORSE IN NEW YORK STATE PARI-MUTUEL RACES.
116. PENALTIES.
117. TRANSFER OF FUNCTIONS.
118. TRANSFER OF EMPLOYEES.
119. TRANSFER OF RECORDS.
120. CONTINUITY OF AUTHORITY.
121. COMPLETION OF UNFINISHED BUSINESS.
122. CONTINUATION OF RULES AND REGULATIONS.
123. TERMS OCCURRING IN LAWS, CONTRACTS AND OTHER DOCUMENTS.
124. EXISTING RIGHTS AND REMEDIES PRESERVED.
125. PENDING ACTIONS OR PROCEEDINGS.
126. TRANSFER OF APPROPRIATIONS HERETOFORE MADE.
127. TRANSFER OF ASSETS AND LIABILITIES.
128. PROMULGATION OF RULES AND REGULATIONS.
129. CONSTRUCTION OF OTHER LAWS OF PROVISIONS.

S 100. LEGISLATIVE INTENT. THE LEGISLATURE FINDS AND DETERMINES THAT THE GAMING INDUSTRIES CONSTITUTE A VITAL SECTOR OF NEW YORK STATE'S OVERALL ECONOMY. THE LEGISLATURE ALSO FINDS AND DETERMINES THAT RESPONSIVE, EFFECTIVE, INNOVATIVE, STATE GAMING REGULATION IS NECESSARY TO OPERATE IN A GLOBAL, EVOLVING AND INCREASINGLY COMPETITIVE MARKET PLACE. THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES THAT THIS LEGISLATION IS NECESSARY TO MODERNIZE AND TRANSFORM THE PRESENT STATE GAMING AGENCIES INTO A NEW INTEGRATED STATE GAMING COMMISSION.

THE CONTINUED GROWTH OF THE GAMING INDUSTRY WILL CONTRIBUTE TO ECONOMIC DEVELOPMENT AND JOB CREATION IN THIS STATE. THEREFORE, IT IS ESSENTIAL TO MAINTAIN THE PUBLIC CONFIDENCE AND TRUST IN THE CREDIBILITY AND INTEGRITY OF LEGALIZED GAMING ACTIVITIES. TO ENSURE SUCH PUBLIC CONFIDENCE AND TRUST, THIS ARTICLE PROVIDES THAT THE REGULATION OF SUCH GAMING IS TO BE CONDUCTED IN THE MOST EFFICIENT, TRANSPARENT AND EFFECTIVE MANNER POSSIBLE. BY CONSOLIDATING VARIOUS REGULATORY FUNCTIONS INTO A SINGLE OVERSIGHT BODY WITH BROAD POWERS, THIS ARTICLE ENSURES STRICT STATE REGULATION OF ALL CORPORATIONS, ASSOCIATIONS AND PERSONS ENGAGED IN GAMING ACTIVITY. FURTHER, BY CONSOLIDATING REGULATORY FUNCTIONS INTO A SINGLE OVERSIGHT BODY, THIS ARTICLE WILL INCREASE EFFICIENCY, REDUCE COSTS AND ELIMINATE ANY UNNECESSARY REDUNDANCIES IN REGULATION. THE IMPROVED REGULATORY STRUCTURE ESTABLISHED BY THIS ARTICLE WILL ENSURE, SO FAR AS PRACTICABLE, THE EXCLUSION OF UNSUITABLE PERSONS OR ENTITIES FROM PARTICIPATING IN ANY LEGALIZED GAMING ACTIVITY WITHIN THIS STATE. THE GOAL OF THIS ARTICLE IS THAT ALL GAMING ACTIVITY CONDUCTED IN THIS STATE WILL BE OF THE HIGHEST INTEGRITY, CREDIBILITY AND QUALITY AND THAT THE BEST INTERESTS OF THE PUBLIC, BOTH GAMING AND NON-GAMING, WILL BE SERVED. ADDITIONALLY, DURING THE TERM OF APPOINTMENT OR EMPLOYMENT, EVERY MEMBER, OFFICER AND EMPLOYEE OF THE COMMISSION SHALL BE HELD TO THE HIGHEST ETHICAL STANDARDS AND AVOID ANY CONFLICT OF INTEREST OR APPEARANCE THEREOF. FINALLY, IT IS DETERMINED BY THE LEGISLATURE THAT THE PUBLIC INTEREST IS BEST SERVED BY THOSE PERSONS OR ENTITIES ENGAGED IN GAMING ACTIVITY PAYING THE COST OF REGULATING SUCH ACTIVITY THROUGH REASONABLE REGULATORY FEES.

S 101. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "PUBLIC OFFICER" SHALL MEAN EVERY ELECTED STATE AND LOCAL OFFICER AND EVERY OTHER STATE AND LOCAL OFFICER, AS DEFINED IN SECTION TWO OF THE PUBLIC OFFICERS LAW, WHOSE DUTIES RELATE TO PARI-MUTUEL RACING ACTIVITIES OR THE TAXATION THEREOF, WHO IS REQUIRED TO DEVOTE ALL OR SUBSTANTIALLY ALL OF HIS OR HER TIME TO THE DUTIES OF HIS OR HER OFFICE

FOR WHICH HE OR SHE RECEIVES COMPENSATION OR IF EMPLOYED ON A PART-TIME OR OTHER BASIS RECEIVES COMPENSATION IN EXCESS OF TWELVE THOUSAND DOLLARS PER ANNUM, A MEMBER OR OFFICER OF THE STATE LEGISLATURE, A MEMBER, DIRECTOR OR OFFICER OF THE STATE GAMING COMMISSION, OR ANY REGIONAL OFF-TRACK BETTING CORPORATION, OR A MEMBER OF A LOCAL LEGISLATIVE BODY.

2. "PUBLIC EMPLOYEE" SHALL MEAN EVERY PERSON EMPLOYED BY THE STATE OR ANY MUNICIPALITY OR OTHER POLITICAL SUBDIVISION THEREOF OR BY A LOCAL LEGISLATIVE BODY, OTHER THAN A PUBLIC OFFICER DEFINED IN SUBDIVISION ONE OF THIS SECTION, WHO IS REQUIRED TO DEVOTE ALL OR SUBSTANTIALLY ALL OF HIS OR HER TIME TO THE DUTIES OF HIS OR HER EMPLOYMENT FOR WHICH HE OR SHE RECEIVES COMPENSATION, OR IF EMPLOYED ON A PART-TIME BASIS RECEIVES COMPENSATION IN EXCESS OF TWELVE THOUSAND DOLLARS PER ANNUM, OR AN EMPLOYEE OF THE STATE LEGISLATURE OR AN EMPLOYEE OF THE STATE GAMING COMMISSION.

3. "PARTY OFFICER" SHALL MEAN THE FOLLOWING MEMBERS OR OFFICERS OF ANY POLITICAL PARTY:

(A) A MEMBER OF A NATIONAL COMMITTEE;

(B) A CHAIRMAN, VICE-CHAIRMAN, SECRETARY, TREASURER OR COUNSEL OF A STATE COMMITTEE, OR MEMBER OF THE EXECUTIVE COMMITTEE OF A STATE COMMITTEE;

(C) A COUNTY LEADER, CHAIRMAN, VICE-CHAIRMAN, COUNSEL, SECRETARY OR TREASURER OF A COUNTY COMMITTEE.

4. "LOCAL LEGISLATIVE BODY" SHALL MEAN THE LEGISLATIVE BODY OF A COUNTY; THE COUNCIL, COMMON COUNCIL OR BOARD OF ALDERMEN AND THE BOARD OF ESTIMATE, THE BOARD OF ESTIMATE AND APPORTIONMENT OR BOARD OF ESTIMATE AND CONTRACT, IF THERE BE ONE, OF A CITY; THE TOWN BOARD OF A TOWN AND THE VILLAGE BOARD OF A VILLAGE.

5. "GAMING ACTIVITY" SHALL MEAN THE CONDUCT OF ANY FORM OF LEGALIZED GAMING, INCLUDING, BUT NOT LIMITED TO, CLASS III GAMING UNDER THE INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2701 ET SEQ., PARI-MUTUEL WAGERING, BOTH ON-TRACK AND OFF-TRACK, BINGO AND CHARITABLE GAMES OF CHANCE AND THE STATE LOTTERY FOR EDUCATION.

6. "COMMISSION" OR "STATE GAMING COMMISSION" SHALL MEAN THE NEW YORK STATE GAMING COMMISSION CREATED PURSUANT TO SECTION ONE HUNDRED TWO OF THIS ARTICLE.

S 102. NEW YORK STATE GAMING COMMISSION. 1. THERE IS HEREBY CREATED WITHIN THE EXECUTIVE DEPARTMENT THE NEW YORK STATE GAMING COMMISSION. THE COMMISSION SHALL CONSIST OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. OF THE SEVEN MEMBERS, ONE SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND ONE SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. ALL MEMBERS SHALL CONTINUE IN OFFICE UNTIL THEIR SUCCESSORS HAVE BEEN APPOINTED AND QUALIFIED.

2. MEMBERS OF THE COMMISSION SHALL EACH POSSESS NO LESS THAN FIVE YEARS OF RESPONSIBLE ADMINISTRATIVE EXPERIENCE IN PUBLIC OR BUSINESS ADMINISTRATION AND HAVE ANY ONE OR MORE OF THE FOLLOWING QUALIFICATIONS:

(A) SIGNIFICANT SERVICE AS A CERTIFIED PUBLIC ACCOUNTANT EXPERIENCED IN ACCOUNTING AND AUDITING,

(B) A COMPREHENSIVE KNOWLEDGE OF CORPORATE FINANCE AND SECURITIES,

(C) PROFESSIONAL EXPERIENCE IN GAMING OR RACING REGULATORY ADMINISTRATION OR GAMING OR RACING INDUSTRY MANAGEMENT, OR

(D) SIGNIFICANT EXPERIENCE IN THE FIELDS OF CRIMINAL INVESTIGATION, LAW ENFORCEMENT, OR LAW.

3. A MEMBER SHALL BE DESIGNATED AS CHAIR OF THE COMMISSION BY THE GOVERNOR TO SERVE IN SUCH CAPACITY AT THE PLEASURE OF THE GOVERNOR OR

UNTIL HIS OR HER TERM AS COMMISSION MEMBER EXPIRES, WHICHEVER FIRST OCCURS. THE MEMBERS SHALL BE APPOINTED FOR TERMS OF FIVE YEARS; PROVIDED, HOWEVER, THAT INITIAL APPOINTMENTS TO THE COMMISSION SHALL BE FOR TERMS AS FOLLOWS:

(A) ONE MEMBER APPOINTED BY THE GOVERNOR SHALL SERVE FOR A ONE YEAR TERM, ONE MEMBER APPOINTED BY THE GOVERNOR SHALL SERVE FOR A TWO YEAR TERM, ONE MEMBER APPOINTED BY THE GOVERNOR SHALL SERVE FOR A THREE YEAR TERM, ONE MEMBER APPOINTED BY THE GOVERNOR SHALL SERVE FOR A FOUR YEAR TERM, ONE MEMBER APPOINTED BY THE GOVERNOR SHALL SERVE FOR A FIVE YEAR TERM; AND

(B) EACH OF THE MEMBERS APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY SHALL SERVE FOR A FOUR YEAR TERM.

4. THE MEMBERS SHALL, WHEN PERFORMING THE WORK OF THE COMMISSION, BE COMPENSATED AT A RATE OF THREE HUNDRED DOLLARS PER DAY, TOGETHER WITH AN ALLOWANCE FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF THEIR DUTIES.

5. THE MEMBERS OF THE COMMISSION SHALL NOT HOLD ANY OTHER PUBLIC OFFICE OR PUBLIC EMPLOYMENT FOR WHICH THEY SHALL RECEIVE COMPENSATION, OTHER THAN NECESSARY TRAVEL OR OTHER EXPENSES INCURRED IN THE PERFORMANCE OF THE DUTIES OF SUCH OFFICE OR EMPLOYMENT. MEMBERS MAY ENGAGE IN PRIVATE EMPLOYMENT OR IN A PROFESSION OR BUSINESS, PROVIDED, HOWEVER, SUCH EMPLOYMENT DOES NOT INTERFERE OR CONFLICT WITH THE PERFORMANCE OR PROPER DISCHARGE OF HIS OR HER DUTIES.

6. EACH MEMBER OF THE COMMISSION SHALL BE A RESIDENT OF THE STATE OF NEW YORK. NO MEMBER OF THE LEGISLATURE OR PERSON HOLDING ANY ELECTIVE OR APPOINTIVE OFFICE IN THE FEDERAL, STATE OR LOCAL GOVERNMENT SHALL BE ELIGIBLE TO SERVE AS A MEMBER OF THE COMMISSION.

7. THE GOVERNOR MAY REMOVE ANY MEMBER FOR INEFFICIENCY, NEGLECT OF DUTY OR MISCONDUCT IN OFFICE AFTER GIVING HIM OR HER A COPY OF THE CHARGES AGAINST THEM, AND AN OPPORTUNITY OF BEING HEARD IN PERSON OR BY COUNSEL IN THEIR OWN DEFENSE, UPON NOT LESS THAN TEN DAYS' NOTICE. IF SUCH MEMBER SHALL BE REMOVED, THE GOVERNOR SHALL FILE IN THE OFFICE OF THE DEPARTMENT OF STATE A COMPLETE STATEMENT OF CHARGES MADE AGAINST SUCH MEMBER, AND HIS OR HER FINDINGS THEREON, TOGETHER WITH A COMPLETE RECORD OF THE PROCEEDING.

S 103. ORGANIZATION AND DIVISIONS. 1. THE COMMISSION SHALL ESTABLISH A PLAN OF ORGANIZATION AND MAY INCUR EXPENSES WITHIN THE LIMITS OF FUNDS AVAILABLE TO IT. AN EXECUTIVE DIRECTOR SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, WHO SHALL SERVE AT HIS OR HER PLEASURE. THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE FOR THE CONDUCT OF THE ADMINISTRATIVE AFFAIRS OF THE COMMISSION.

2. THE COMMISSION SHALL ESTABLISH AND SUPERVISE FOUR DIVISIONS TO RESPECTIVELY CARRY OUT RESPONSIBILITIES RELATING TO THE REGULATION AND ENFORCEMENT OF THE FOLLOWING: LOTTERY, CHARITABLE GAMING, GAMING, AND HORSE RACING AND PARI-MUTUEL WAGERING. EACH SUCH DIVISION SHALL BE SUPERVISED BY A DIVISION DIRECTOR, EACH TO SERVE IN SUCH CAPACITY AT THE PLEASURE OF THE GOVERNOR.

(A) DIVISION OF LOTTERY. THE DIVISION OF LOTTERY SHALL BE RESPONSIBLE TO OPERATE AND ADMINISTER THE STATE LOTTERY FOR EDUCATION, AS PRESCRIBED BY ARTICLE THIRTY-FOUR OF THE TAX LAW, EXCEPTING RESPONSIBILITIES FOR VIDEO LOTTERY GAMING. NOTWITHSTANDING THE FOREGOING, THE DIVISION SHALL RETAIN THE RESPONSIBILITY FOR ALL ASPECTS OF PROMOTIONAL ACTIVITIES RELATED TO VIDEO LOTTERY GAMING.

(B) CHARITABLE GAMING. THE DIVISION OF CHARITABLE GAMING SHALL BE RESPONSIBLE FOR THE SUPERVISION AND ADMINISTRATION OF THE GAMES OF

CHANCE LICENSING LAW, BINGO LICENSING LAW AND BINGO CONTROL LAW AS PRESCRIBED BY ARTICLES NINE-A AND FOURTEEN-H OF THE GENERAL MUNICIPAL LAW AND NINETEEN-B OF THE EXECUTIVE LAW.

(C) GAMING. THE DIVISION OF GAMING SHALL BE RESPONSIBLE FOR THE APPROPRIATE ADMINISTRATION, REGULATION OR OVERSIGHT OF INDIAN GAMING AS DEFINED BY TRIBAL-STATE COMPACTS IN EFFECT PURSUANT TO THE INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2701, ET SEQ., AND OPERATION AND ADMINISTRATION OF VIDEO LOTTERY GAMING, AS PRESCRIBED BY ARTICLE THIRTY-FOUR OF THE TAX LAW.

(D) HORSE RACING AND PARI-MUTUEL WAGERING. THE DIVISION OF HORSE RACING AND PARI-MUTUEL WAGERING SHALL BE RESPONSIBLE FOR THE SUPERVISION, REGULATION AND ADMINISTRATION OF ALL HORSE RACING AND PARI-MUTUEL WAGERING ACTIVITIES, AS PRESCRIBED BY ARTICLES TWO THROUGH ELEVEN OF THIS CHAPTER.

S 104. POWERS AND DUTIES OF THE COMMISSION. THE COMMISSION SHALL HAVE THE AUTHORITY AND RESPONSIBILITY:

1. TO HAVE GENERAL JURISDICTION OVER ALL GAMING ACTIVITIES WITHIN THE STATE AND OVER THE CORPORATIONS, ASSOCIATIONS AND PERSONS ENGAGED THEREIN.

2. TO HEAR AND DECIDE PROMPTLY AND IN REASONABLE ORDER ALL LICENSE, REGISTRATION, CERTIFICATE AND PERMIT APPLICATIONS, AND CAUSES AFFECTING THE GRANTING, SUSPENSION, REVOCATION OR RENEWAL THEREOF, OF CORPORATIONS, ASSOCIATIONS OR PERSONS ENGAGED OR SEEKING TO ENGAGE IN GAMING ACTIVITY.

3. TO TEST OR CAUSE TO HAVE TESTED AND APPROVE SURVEILLANCE SYSTEMS, GAMES OF CHANCE, GAMING DEVICES AND LOTTERY GAMES.

4. TO MONITOR ANY CORPORATION, ASSOCIATION OR PERSON ENGAGED IN GAMING ACTIVITY FOR COMPLIANCE WITH THIS CHAPTER.

5. TO, AT ANY TIME, EXAMINE THE BOOKS, PAPERS, RECORDS AND ACCOUNTS OF ANY CORPORATION, ASSOCIATION OR PERSON ENGAGED IN GAMING ACTIVITY PURSUANT TO A LICENSE, REGISTRATION, FRANCHISE, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION.

6. TO CONDUCT INVESTIGATIONS AND HEARINGS PERTAINING TO VIOLATIONS OF THIS CHAPTER. EACH MEMBER OF THE COMMISSION AND SUCH OFFICERS, EMPLOYEES OR AGENTS OF THE COMMISSION AS MAY BE DESIGNATED BY THE COMMISSION FOR SUCH PURPOSE SHALL HAVE THE POWER TO ADMINISTER OATHS AND EXAMINE WITNESSES.

7. EACH MEMBER OF THE COMMISSION, AND SUCH OFFICERS, EMPLOYEES OR AGENTS OF THE COMMISSION AS MAY BE DESIGNATED BY THE COMMISSION FOR SUCH PURPOSE, SHALL HAVE THE POWER TO ADMINISTER OATHS AND EXAMINE WITNESSES, AND MAY ISSUE SUBPOENAS TO COMPEL ATTENDANCE OF WITNESSES, AND THE PRODUCTION OF ALL RELEVANT AND MATERIAL REPORTS, BOOKS, PAPERS, DOCUMENTS, CORRESPONDENCE AND OTHER EVIDENCE.

8. TO COLLECT ALL LICENSE AND REGISTRATION FEES IMPOSED BY STATE LAW, OR RULES OR REGULATIONS PROMULGATED THEREUNDER, AND ANY PAYMENTS FROM AN INDIAN NATION OR TRIBE UNDER THE TERMS OF A TRIBAL-STATE COMPACT THAT IS IN EFFECT PURSUANT TO THE FEDERAL INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2701, ET SEQ.

9. TO LEVY AND COLLECT CIVIL PENALTIES AND FINES FOR ANY VIOLATION OF THIS CHAPTER.

10. TO BE PRESENT THROUGH ITS EMPLOYEES AND AGENTS DURING THE OPERATION OF ANY RACE TRACK, GAMING FACILITY, CHARITABLE GAMING ORGANIZATION, SIMULCASTING FACILITY OR VIDEO LOTTERY GAMING FACILITY FOR THE PURPOSE OF CERTIFYING THE REVENUE THEREOF, RECEIVING COMPLAINTS FROM THE PUBLIC RELATING TO THE CONDUCT OF GAMING AND SIMULCAST WAGERING ACTIVITIES, EXAMINING RECORDS OF REVENUES AND PROCEDURES, AND CONDUCTING PERIODIC

REVIEWS OF OPERATIONS AND FACILITIES FOR PURPOSES OF EVALUATING ANY CURRENT OR SUGGESTED PROVISION OF LAW, RULE OR REGULATION.

11. TO ENSURE COMPLIANCE WITH TRIBAL-STATE GAMING COMPACTS THAT ARE IN EFFECT PURSUANT TO THE FEDERAL INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2701, ET SEQ.

12. TO REFER TO A LAW ENFORCEMENT AGENCY OF COMPETENT JURISDICTION ANY EVIDENCE OF A VIOLATION OF LAW.

13. TO CAUSE BACKGROUND INVESTIGATIONS TO BE CONDUCTED ON ANY APPLICANT FOR A LICENSE, REGISTRATION, CERTIFICATE, PERMIT OR APPROVAL.

14. TO ACCESS THE CRIMINAL HISTORY RECORDS OF THE DIVISION OF CRIMINAL JUSTICE SERVICES, PURSUANT TO SUBDIVISION EIGHT-A OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW, IN CONNECTION WITH EXECUTING THE RESPONSIBILITIES OF THE COMMISSION RELATING TO THE REGULATION, OVERSIGHT, LICENSING, PERMITTING OR CERTIFICATION, INCLUDING FINGERPRINTING, CRIMINAL HISTORY RECORD CHECKS AND BACKGROUND INVESTIGATIONS, OF PERSONS APPLYING TO ENGAGE IN GAMING ACTIVITIES. AT THE REQUEST OF THE COMMISSION, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL SUBMIT A FINGERPRINT CARD, ALONG WITH THE SUBJECT'S PROCESSING FEE, TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A CRIMINAL HISTORY SEARCH AND RETURNING A REPORT THEREON. THE COMMISSION SHALL ALSO BE ENTITLED TO REQUEST AND RECEIVE, PURSUANT TO A WRITTEN MEMORANDUM OF UNDERSTANDING FILED WITH THE DEPARTMENT OF STATE, ANY INFORMATION IN THE POSSESSION OF THE STATE ATTORNEY GENERAL RELATING TO THE INVESTIGATION OF ORGANIZED CRIME, GAMING OFFENSES, OTHER REVENUE CRIMES OR TAX EVASION. PROVIDED HOWEVER, THE ATTORNEY GENERAL MAY WITHHOLD ANY INFORMATION THAT (A) WOULD IDENTIFY A CONFIDENTIAL SOURCE OR DISCLOSE CONFIDENTIAL INFORMATION RELATING TO A CRIMINAL INVESTIGATION, (B) WOULD INTERFERE WITH LAW ENFORCEMENT INVESTIGATIONS OR JUDICIAL PROCEEDINGS, (C) REVEAL CRIMINAL INVESTIGATIVE TECHNIQUES OR PROCEDURES, THAT, IF DISCLOSED, COULD ENDANGER THE LIFE OR SAFETY OF ANY PERSON, OR (D) CONSTITUTES RECORDS RECEIVED FROM OTHER STATE, LOCAL OR FEDERAL AGENCIES THAT THE ATTORNEY GENERAL IS PROHIBITED BY LAW, REGULATION OR AGREEMENT FROM DISCLOSING.

15. (A) THE COMMISSION SHALL HAVE THE POWER TO APPOINT SUCH DEPUTIES, SECRETARY, OFFICERS, REPRESENTATIVES AND COUNSEL AS THE COMMISSION MAY DEEM NECESSARY, WHO SHALL BE DESIGNATED TO BE IN THE EXEMPT CLASS OF CIVIL SERVICE. ANY NEWLY HIRED EMPLOYEES WHO ARE NOT DESIGNATED TO BE IN THE EXEMPT CLASS OF CIVIL SERVICE PURSUANT TO THIS SUBDIVISION AND WHO ARE NOT SUBJECT TO THE TRANSFER PROVISIONS SET FORTH IN SECTION ONE HUNDRED EIGHTEEN OF THIS ARTICLE SHALL BE CONSIDERED FOR PURPOSES OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW TO BE PUBLIC EMPLOYEES IN THE CIVIL SERVICE OF THE STATE, AND SHALL BE ASSIGNED TO THE APPROPRIATE COLLECTIVE BARGAINING UNIT. EMPLOYEES SERVING IN POSITIONS IN NEWLY CREATED TITLES SHALL BE ASSIGNED TO THE SAME COLLECTIVE BARGAINING UNIT AS THEY WOULD HAVE BEEN ASSIGNED TO WERE SUCH TITLES CREATED PRIOR TO THE ESTABLISHMENT OF THE COMMISSION.

(B) IT SHALL BE THE DUTY OF THE SECRETARY TO KEEP A FULL AND FAITHFUL RECORD OF THE PROCEEDINGS OF THE COMMISSION, PRESERVE AT THE GENERAL OFFICE OF THE COMMISSION ALL BOOKS, MAPS, DOCUMENTS AND PAPERS ENTRUSTED TO HIS OR HER CARE, PREPARE FOR SERVICE SUCH PAPERS AND NOTICES AS MAY BE REQUIRED BY THE COMMISSION, AND PERFORM SUCH OTHER DUTIES AS THE COMMISSION MAY PRESCRIBE.

16. TO OPERATE, OR IMMEDIATELY APPOINT OR CONTRACT WITH AN INDEPENDENT THIRD PARTY TO OPERATE, ANY VIDEO LOTTERY GAMING FACILITY SUBJECT TO LICENSURE BY THE COMMISSION ON AN INTERIM BASIS IN THE EVENT THAT THE LICENSED OPERATOR OR OPERATORS OF SUCH FACILITY DISCONTINUES OPERATIONS

DUE TO FINANCIAL, REGULATORY OR ANY OTHER CIRCUMSTANCES, INCLUDING, BUT NOT LIMITED TO, LICENSE REVOCATION, RELINQUISHMENT OR EXPIRATION, AND THE COMMISSION DETERMINES, AFTER NOTICE AND AN OPPORTUNITY FOR HEARING, THAT IT WOULD FURTHER THE PUBLIC INTEREST TO CONTINUE SUCH OPERATIONS. SUCH OPERATION SHALL BE ON A TEMPORARY BASIS, NOT TO EXCEED ONE HUNDRED EIGHTY DAYS, UNTIL SUCH TIME AS A PERMANENT OPERATOR IS LICENSED AND AUTHORIZED TO OPERATE SUCH FACILITY.

17. TO RETAIN AND EMPLOY PRIVATE CONSULTANTS AND AGENCIES ON A CONTRACT BASIS FOR RENDERING TECHNICAL OR OTHER ASSISTANCE AND ADVICE FOR THE PERFORMANCE OF ITS DUTIES.

18. TO ANNUALLY REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE, ITS PROCEEDINGS FOR THE PRECEDING CALENDAR YEAR AND ANY SUGGESTIONS AND RECOMMENDATIONS AS IT SHALL DEEM DESIRABLE.

19. TO PROMULGATE ANY RULES AND REGULATIONS THAT IT DEEMS NECESSARY TO CARRY OUT ITS RESPONSIBILITIES.

20. THE COMMISSION SHALL SERVE AS A HOST RACING COMMISSION AND AN OFF-TRACK BETTING COMMISSION FOR PURPOSES OF 15 U.S.C. 3001, ET SEQ.

S 105. QUORUM. A MAJORITY OF THE DULY APPOINTED MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM AND NOT LESS THAN A MAJORITY OF SUCH QUORUM MAY TRANSACT ANY BUSINESS, PERFORM ANY DUTY OR EXERCISE ANY POWER OF THE COMMISSION.

S 106. SALARY AND EXPENSES. 1. THE COMMISSION SHALL FIX THE COMPENSATION FOR ITS OFFICERS AND EMPLOYEES WITHIN THE AMOUNTS APPROPRIATED THEREFOR.

2. THE MEMBERS, OFFICERS AND EMPLOYEES OF THE COMMISSION SHALL BE REIMBURSED FOR ALL ACTUAL AND NECESSARY TRAVELING AND OTHER EXPENSES AND DISBURSEMENTS INCURRED OR MADE BY THEM IN THE DISCHARGE OF THEIR OFFICIAL DUTIES.

S 107. CONFLICTS PROHIBITED. 1. NO PERSON SHALL BE APPOINTED TO OR EMPLOYED BY THE COMMISSION IF, DURING THE PERIOD COMMENCING THREE YEARS PRIOR TO APPOINTMENT OR EMPLOYMENT, SAID PERSON HELD ANY DIRECT OR INDIRECT INTEREST IN, OR EMPLOYMENT BY, ANY CORPORATION, ASSOCIATION OR PERSON ENGAGED IN GAMING ACTIVITY WITHIN THE STATE. PRIOR TO APPOINTMENT OR EMPLOYMENT, EACH MEMBER, OFFICER OR EMPLOYEE OF THE COMMISSION SHALL SWEAR OR AFFIRM THAT HE OR SHE POSSESSES NO INTEREST IN ANY CORPORATION OR ASSOCIATION HOLDING A FRANCHISE, LICENSE, REGISTRATION, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION. THEREAFTER, NO MEMBER OR OFFICER OF THE COMMISSION SHALL HOLD ANY DIRECT INTEREST IN OR BE EMPLOYED BY ANY APPLICANT FOR OR BY ANY CORPORATION, ASSOCIATION OR PERSON HOLDING A LICENSE, REGISTRATION, FRANCHISE, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION FOR A PERIOD OF FOUR YEARS COMMENCING ON THE DATE HIS OR HER MEMBERSHIP WITH THE COMMISSION TERMINATES. FURTHER, NO EMPLOYEE OF THE COMMISSION MAY ACQUIRE ANY DIRECT OR INDIRECT INTEREST IN, OR ACCEPT EMPLOYMENT WITH, ANY APPLICANT FOR OR ANY PERSON HOLDING A LICENSE, REGISTRATION, FRANCHISE, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION FOR A PERIOD OF TWO YEARS COMMENCING AT THE TERMINATION OF EMPLOYMENT WITH THE COMMISSION.

2. NO MEMBER, OFFICER, OFFICIAL OR EMPLOYEE OF THE COMMISSION SHALL PARTICIPATE AS AN OWNER OF A HORSE OR OTHERWISE AS A CONTESTANT IN ANY HORSE RACE AT A RACE MEETING WHICH IS UNDER THE JURISDICTION OR SUPERVISION OF THE COMMISSION, OR HAVE ANY PECUNIARY INTEREST, DIRECT OR INDIRECT, IN THE PURSE, PRIZE, PREMIUM OR STAKE CONTESTED FOR AT ANY SUCH HORSE RACE OR IN THE OPERATIONS OF ANY LICENSEE OF THE COMMISSION OR STATE RACING FRANCHISEE. PARTICIPATION AS AN OWNER OF A HORSE OR OTHERWISE AS A CONTESTANT IN ANY SUCH HORSE RACE BY A MEMBER, OFFICER,

OTHER OFFICIAL OR EMPLOYEE OF THE COMMISSION IN VIOLATION OF THIS PROHIBITION SHALL TERMINATE THE TERM OF HIS OR HER OFFICE AS A MEMBER, OR HIS OR HER SERVICES AS AN OFFICER OR OFFICIAL OR EMPLOYEE OF THE COMMISSION.

3. NO MEMBER, OFFICER OR EMPLOYEE OF THE COMMISSION SHALL WAGER UPON GAMING OR HORSE RACING ACTIVITY CONDUCTED WITHIN THE STATE.

4. NO INDIVIDUAL EMPLOYED BY AN OFF-TRACK BETTING CORPORATION OR RACE TRACK LICENSED PURSUANT TO THIS CHAPTER AS A PARI-MUTUEL CLERK, CASHIER OR SELLER SHALL BE PERMITTED TO WAGER UPON GAMING ACTIVITY DURING ANY PERIOD OF A DAY ON WHICH SUCH PERSON IS EMPLOYED IN SUCH CAPACITY.

5. NO PUBLIC OFFICER OR PARTY OFFICER SHALL HOLD ANY RACING OR VIDEO LOTTERY GAMING LICENSE FROM THE COMMISSION.

6. THE FOLLOWING PUBLIC EMPLOYEES ARE PROHIBITED FROM HOLDING ANY LICENSE FROM THE COMMISSION:

(A) AN EMPLOYEE OF THE COMMISSION; ANY DIRECTOR OR EMPLOYEE OF A REGIONAL OFF-TRACK BETTING CORPORATION EMPLOYED IN A MANAGEMENT, CONFIDENTIAL OR SUPERVISORY CAPACITY FOR PURPOSES OF THEIR POSITION WITH OFF-TRACK BETTING; OR

(B) AN EMPLOYEE OF THE STATE LEGISLATURE; PROVIDED, HOWEVER, THAT AN EMPLOYEE OF THE STATE LEGISLATURE WHOSE DUTIES IN SUCH POSITION DO NOT RELATE TO GAMING ACTIVITIES SHALL NOT BE SUBJECT TO THE PROHIBITIONS OF THIS SECTION IF HE OR SHE HELD A LICENSE FROM THE FORMER STATE RACING AND WAGERING BOARD WHILE EMPLOYED BY THE STATE LEGISLATURE PRIOR TO JULY FIRST, NINETEEN HUNDRED EIGHTY; OR

(C) AN EMPLOYEE OF ANY LOCAL LEGISLATIVE BODY WHOSE DUTIES INVOLVE GAMING ACTIVITIES; OR

(D) AN EMPLOYEE OF ANY STATE OR LOCAL BOARD, AGENCY, AUTHORITY OR OTHER STATE OR LOCAL GOVERNMENTAL BODY, THE DUTIES OF WHICH RELATE TO GAMING ACTIVITIES OR THE TAXATION THEREOF.

7. NO PUBLIC OFFICER, PUBLIC EMPLOYEE OR PARTY OFFICER SHALL:

(A) OWN OR HOLD, DIRECTLY OR INDIRECTLY, ANY PROPRIETARY INTEREST, STOCK OR OBLIGATION OF ANY FIRM, ASSOCIATION OR CORPORATION (I) WHICH IS LICENSED BY THE COMMISSION TO CONDUCT VIDEO LOTTERY GAMING OR HORSE RACING ACTIVITIES, OR (II) WHICH CONDUCTS ITS OCCUPATION, TRADE, OR BUSINESS AT A RACETRACK AT WHICH PARI-MUTUEL RACE MEETS ARE CONDUCTED OR FACILITY WHERE VIDEO LOTTERY GAMING ACTIVITY IS CONDUCTED WHETHER OR NOT A LICENSE IS REQUIRED, OR (III) WHICH OWNS OR LEASES TO ANY ENFRANCHISED OR LICENSED ASSOCIATION OR CORPORATION A RACETRACK AT WHICH PARI-MUTUEL RACING IS CONDUCTED OR FACILITY WHERE VIDEO LOTTERY GAMING ACTIVITY IS CONDUCTED, OR (IV) WHICH PARTICIPATES IN THE MANAGEMENT OF ANY FRANCHISE HOLDER OR LICENSEE CONDUCTING VIDEO LOTTERY GAMING OR HORSE RACING ACTIVITIES; OR

(B) HOLD ANY OFFICE OR EMPLOYMENT WITH ANY FIRM, ASSOCIATION OR CORPORATION SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION, EXCEPT AS PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION; OR

(C) SELL, OR BE A MEMBER OF A FIRM, OR OWN TEN PER CENTUM OR MORE OF THE STOCK OF ANY CORPORATION, WHICH SELLS ANY GOODS OR SERVICES TO ANY FIRM, ASSOCIATION OR CORPORATION SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION. FOR PURPOSES OF THIS SUBDIVISION, A DIRECT OR INDIRECT INTEREST SHALL NOT INCLUDE AN INTEREST IN A MUTUAL FUND OR ANY OTHER DIVERSIFIED INVESTMENTS OVER WHICH THE RECIPIENT DOES NOT KNOW THE IDENTITY OF THE PRIMARY SOURCE OF INCOME.

8. THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION SEVEN OF THIS SECTION SHALL NOT APPLY TO A PUBLIC EMPLOYEE OTHER THAN AN EMPLOYEE OF THE COMMISSION, A POLICE OFFICER OR A PEACE OFFICER EMPLOYED BY A SHERIFF'S OFFICE, DISTRICT ATTORNEY'S OFFICE OR OTHER STATE OR LOCAL LAW ENFORCEMENT AGENCY, OR THOSE EMPLOYEES CLASSIFIED AS MANAGEMENT CONFI-

DENTIAL EMPLOYEES PURSUANT TO SECTION TWO HUNDRED FOURTEEN OF THE CIVIL SERVICE LAW WHO ARE EMPLOYED BY A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR REGIONAL OFF-TRACK BETTING CORPORATION; PROVIDED, HOWEVER, THAT EMPLOYMENT OF EMPLOYEES OF A POLITICAL SUBDIVISION MAY BE PROHIBITED BY ORDINANCE, RESOLUTION OR LOCAL LAW ADOPTED BY THE LOCAL LEGISLATIVE BODY OR OTHER GOVERNING BOARD OF SUCH POLITICAL SUBDIVISION.

9. THE COMMISSION SHALL HAVE THE POWER TO REFUSE TO GRANT OR TO REVOKE OR SUSPEND A LICENSE OF ANY PERSON, ASSOCIATION OR CORPORATION THAT AIDS OR KNOWINGLY PERMITS OR CONSPIRES TO PERMIT ANY PUBLIC OFFICER, PUBLIC EMPLOYEE OR PARTY OFFICER TO ACQUIRE OR RETAIN ANY INTEREST PROHIBITED BY THIS SECTION AND SHALL HAVE THE POWER TO EXCLUDE FROM THE GROUNDS OF ANY RACING ASSOCIATION ANY SUCH PERSON, ASSOCIATION OR CORPORATION.

10. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND IN ADDITION TO ANY OTHER CAUSE OF REMOVAL PROVIDED BY LAW, AN INTENTIONAL VIOLATION OF THIS SECTION SHALL BE CAUSE FOR REMOVAL FROM PUBLIC OFFICE, PUBLIC EMPLOYMENT OR PARTY OFFICE. IN ANY SUCH CASE, SUCH PUBLIC OFFICER, PUBLIC EMPLOYEE OR PARTY OFFICER VIOLATING THIS SECTION SHALL BE REMOVED FROM OFFICE BY THE APPROPRIATE AUTHORITY HAVING THE POWER OF REMOVAL OR AT THE SUIT OF THE ATTORNEY GENERAL. FURTHER, SUCH PUBLIC OFFICER, PUBLIC EMPLOYEE OR PARTY OFFICER SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS.

S 108. CERTAIN RESTRICTIONS ON WAGERING. 1. NO CORPORATION, ASSOCIATION OR PERSON WHICH HOLDS A LICENSE, REGISTRATION, FRANCHISE, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION SHALL DIRECTLY EXTEND CREDIT FOR ANY WAGER UNDER THIS CHAPTER.

2. NO CORPORATION, ASSOCIATION OR PERSON THAT HOLDS A LICENSE, REGISTRATION, FRANCHISE, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION SHALL PERMIT ANY PERSON WHO IS ACTUALLY OR APPARENTLY UNDER EIGHTEEN YEARS OF AGE TO BET ON GAMING ACTIVITY, AS DEFINED IN SUBDIVISION FIVE OF SECTION ONE HUNDRED ONE OF THIS ARTICLE.

S 109. SUPPLEMENTARY REGULATORY POWERS OF THE COMMISSION. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, THE COMMISSION THROUGH ITS RULES AND REGULATIONS OR IN ALLOTTING DATES FOR RACING, SIMULCASTING OR IN LICENSING RACE MEETINGS AT WHICH PARI-MUTUEL BETTING IS PERMITTED SHALL BE AUTHORIZED TO:

1. PERMIT RACING AT WHICH PARI-MUTUEL BETTING IS CONDUCTED ON ANY OR ALL DATES FROM THE FIRST DAY OF JANUARY THROUGH THE THIRTY-FIRST DAY OF DECEMBER, INCLUSIVE OF SUNDAYS BUT EXCLUSIVE OF DECEMBER TWENTY-FIFTH, PALM SUNDAY AND EASTER SUNDAY; AND

2. FIX MINIMUM AND MAXIMUM CHARGES FOR ADMISSION AT ANY RACE MEETING.

S 110. STATEMENT OF STOCKHOLDERS TO BE FILED. EVERY CORPORATION OR ASSOCIATION AUTHORIZED UNDER THIS CHAPTER TO CONDUCT PARI-MUTUEL BETTING AT A RACE MEETING OR RACES RUN THEREAT SHALL FILE WITH THE COMMISSION A STATEMENT GIVING THE NAMES AND ADDRESSES OF ALL ITS STOCKHOLDERS AND SHALL LIKEWISE FILE REVISED STATEMENTS GIVING SUCH NAMES AND ADDRESSES FROM TIME TO TIME AS CHANGES OCCUR.

S 111. COMPULSIVE GAMBLING ASSISTANCE. 1. THE COMMISSION SHALL COOPERATE WITH THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES TO ENSURE THE POSTING OF SIGNS AND LISTING OF INFORMATION ON THE INTERNET DESIGNED TO ASSIST COMPULSIVE GAMBLERS PURSUANT TO THE PROVISIONS OF SUBDIVISION (H) OF SECTION 19.09 OF THE MENTAL HYGIENE LAW.

2. (A) THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS PURSUANT TO WHICH PEOPLE MAY VOLUNTARILY EXCLUDE THEMSELVES FROM ENTERING THE PREMISES OF AN ASSOCIATION OR CORPORATION LICENSED OR ENFRANCHISED BY THE COMMISSION PURSUANT TO THIS CHAPTER.

(B) AN ASSOCIATION OR CORPORATION LICENSED OR ENFRANCHISED PURSUANT TO THIS CHAPTER SHALL NOT BE LIABLE TO ANY SELF-EXCLUDED PERSON OR TO ANY OTHER PARTY IN ANY JUDICIAL PROCEEDING FOR ANY HARM, MONETARY OR OTHERWISE, WHICH MAY ARISE AS A RESULT OF A SELF-EXCLUDED PERSON'S ENGAGING IN GAMING ACTIVITY WHILE ON THE LIST OF SELF-EXCLUDED PERSONS; PROVIDED THAT NOTHING CONTAINED IN THIS PARAGRAPH SHALL LIMIT THE LIABILITY OF ANY SUCH ASSOCIATION, CORPORATION, OR FACILITY FOR ANY OTHER ACTS OR OMISSIONS UNDER ANY OTHER STATUTORY LAW OR UNDER THE COMMON LAW.

(C) NO VOLUNTARY ORDER OR REQUEST TO EXCLUDE PERSONS FROM ENTERING THE PREMISES OF ANY SUCH ASSOCIATION, CORPORATION, OR FACILITY MAY BE RESCINDED, CANCELED, OR DECLARED NULL AND VOID UNTIL SEVEN DAYS AFTER A REQUEST HAS BEEN RECEIVED BY SUCH ASSOCIATION, CORPORATION, OR FACILITY TO CANCEL SUCH ORDER OR REQUEST.

3. THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS UNDER WHICH A PERSON WITH AN ACCOUNT AUTHORIZED PURSUANT TO SECTION ONE THOUSAND TWELVE OF THIS CHAPTER MAY VOLUNTARILY PLACE LIMITS ON THE AMOUNTS OF HIS OR HER WAGERS OR POTENTIAL WAGERS ON A DAILY OR WEEKLY BASIS. NO ORDER FROM A PERSON TO REMOVE ANY LIMIT PLACED ON ACCOUNT WAGERS SHALL BE EFFECTIVE UNTIL SEVEN DAYS AFTER IT HAS BEEN RECEIVED BY THE ENTITY CONDUCTING ACCOUNT WAGERING.

S 112. PARI-MUTUEL OPERATIONS; FILING OF TAX FORMS AND OTHER STATISTICS. THE COMMISSION AND THE COMMISSIONER OF TAXATION AND FINANCE SHALL APPROVE ALL SYSTEMS USED FOR DATA PROCESSING AND COMMUNICATIONS IN THE OPERATION OF PARI-MUTUEL BETTING AND, IN ITS DISCRETION, THE COMMISSION MAY ESTABLISH, BY REGULATION, UNIFORM PROTOCOLS TO BE EMPLOYED FOR THE MERGING OF WAGERS DEPOSITED WITH ONE PARI-MUTUEL OPERATOR WITH THE WAGERS DEPOSITED WITH ANOTHER PARI-MUTUEL OPERATOR.

S 113. FILING OF PARI-MUTUEL TAX RETURNS OR REPORTS BY ELECTRONIC MEANS. EVERY CORPORATION OR ASSOCIATION AUTHORIZED BY THIS CHAPTER TO CONDUCT PARI-MUTUEL BETTING ON HORSE RACES SHALL FILE IN A TIMELY MANNER PARI-MUTUEL TAX RETURNS OR OTHER REPORTS RELATING TO SUCH ACTIVITY IN SUCH FORM AND BY SUCH MEANS, INCLUDING ELECTRONIC MEANS, AS MAY BE PRESCRIBED BY THE COMMISSION OR THE COMMISSIONER OF TAXATION AND FINANCE, AS THE CASE MAY BE IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

S 114. PRACTICE AND PROCEDURE. THE PROVISIONS OF ARTICLE TWENTY-SEVEN OF THE TAX LAW, EXCEPT SECTIONS ONE THOUSAND EIGHTY-FIVE AND ONE THOUSAND NINETY-SEVEN, SHALL APPLY TO THE PROVISIONS OF THIS CHAPTER IN THE SAME MANNER AND WITH THE SAME FORCE AND EFFECT AS IF THE LANGUAGE OF SUCH ARTICLE HAD BEEN INCORPORATED IN FULL INTO THIS CHAPTER AND HAD EXPRESSLY REFERRED TO THE ADMISSION TAXES, PARI-MUTUEL REVENUE TAXES, THE FRANCHISE FEE ON A FRANCHISED CORPORATION AND UNPAID MONEY DUE ON ACCOUNT OF PARI-MUTUEL TICKETS NOT PRESENTED, ADMINISTERED BY THE COMMISSIONER OF TAXATION AND FINANCE, UNDER THIS CHAPTER, WITH SUCH MODIFICATIONS AS MAY BE NECESSARY IN ORDER TO ADAPT THE LANGUAGE OF SUCH PROVISIONS TO SUCH TAXES, FEE AND UNPAID MONEY DUE, EXCEPT TO THE EXTENT THAT ANY PROVISION OF SUCH ARTICLE IS EITHER INCONSISTENT WITH A PROVISION OF THIS CHAPTER OR IS NOT RELEVANT TO THIS CHAPTER.

S 115. REGULATORY FEES. 1. PAYMENT OF THE REGULATORY FEES IMPOSED BY THIS CHAPTER SHALL BE MADE TO THE COMMISSION BY EACH ENTITY REQUIRED TO MAKE SUCH PAYMENTS ON THE LAST BUSINESS DAY OF EACH MONTH AND SHALL COVER THE FEES DUE FOR THE PERIOD FROM THE SIXTEENTH DAY OF THE PRECEDING MONTH THROUGH THE FIFTEENTH DAY OF THE CURRENT MONTH, PROVIDED HOWEVER THAT ALL SUCH PAYMENTS REQUIRED TO BE MADE ON MARCH THIRTY-FIRST SHALL INCLUDE ALL FEES DUE AND ACCRUING THROUGH THE LAST FULL WEEK OF RACING OF THE CURRENT YEAR OR AS OTHERWISE DETERMINED BY THE COMMISSION

AND SHALL BE ACCOMPANIED BY A REPORT UNDER OATH, SHOWING SUCH INFORMATION AS THE COMMISSION MAY REQUIRE. A PENALTY OF FIVE PERCENT, AND INTEREST AT THE RATE OF ONE PERCENT PER MONTH FROM THE DATE THE REPORT IS REQUIRED TO BE FILED TO THE DATE OF THE PAYMENT OF THE FEE SHALL BE PAYABLE IN CASE ANY FEE IMPOSED BY THIS CHAPTER IS NOT PAID WHEN DUE. IF THE COMMISSION DETERMINES THAT ANY REGULATORY FEES RECEIVED BY IT UNDER THIS CHAPTER WERE PAID IN ERROR, THE COMMISSION MAY CAUSE THE SAME TO BE REFUNDED WITHOUT INTEREST OUT OF ANY MONIES COLLECTED THEREUNDER, PROVIDED AN APPLICATION THEREFOR IS FILED WITH THE COMMISSION WITHIN ONE YEAR FROM THE TIME THE ERRONEOUS PAYMENT IS MADE.

2. THE COMMISSION OR ITS DULY AUTHORIZED REPRESENTATIVES SHALL HAVE THE POWER TO EXAMINE OR CAUSE TO BE EXAMINED THE BOOKS AND RECORDS OF EACH ENTITY REQUIRED TO PAY THE REGULATORY FEE IMPOSED BY THIS CHAPTER FOR THE PURPOSE OF EXAMINING AND CHECKING THE SAME AND ASCERTAINING WHETHER OR NOT THE PROPER AMOUNT OR AMOUNTS DUE ARE BEING PAID. IF IN THE OPINION OF THE COMMISSION, AFTER SUCH EXAMINATION, ANY SUCH REPORT IS INCORRECT, THE COMMISSION IS AUTHORIZED TO ISSUE AN ASSESSMENT FIXING THE CORRECT AMOUNT OF SUCH FEE. SUCH ASSESSMENTS MAY BE ISSUED WITHIN THREE YEARS FROM THE FILING OF ANY REPORT. ANY SUCH ASSESSMENT SHALL BE FINAL AND CONCLUSIVE UNLESS AN APPLICATION FOR A HEARING IS FILED BY THE REPORTING ENTITY WITHIN THIRTY DAYS OF THE ASSESSMENT. THE ACTION OF THE COMMISSION IN MAKING SUCH FINAL ASSESSMENT SHALL BE REVIEWABLE IN THE SUPREME COURT IN THE MANNER PROVIDED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

3. THE COMMISSION SHALL SUBMIT TO THE DIRECTOR OF THE BUDGET AN ANNUAL PLAN THAT DETAILS THE AMOUNT OF MONEY THE COMMISSION DEEMS NECESSARY TO MAINTAIN THE OPERATIONS, COMPLIANCE AND ENFORCEMENT OF THE PROVISIONS OF THIS CHAPTER. CONTINGENT UPON APPROVAL OF THE DIRECTOR OF THE BUDGET, THE COMMISSION SHALL PAY INTO AN ACCOUNT, TO BE KNOWN AS THE RACING REGULATION ACCOUNT, UNDER THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSION, THE TOTAL AMOUNT OF THE REGULATORY FEES COLLECTED PURSUANT TO THIS CHAPTER. WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET, MONIES TO BE UTILIZED TO MAINTAIN THE OPERATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER SHALL BE PAID OUT OF SUCH ACCOUNT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED AND APPROVED BY THE DIRECTOR OF THE BUDGET OR HIS DULY DESIGNATED OFFICIAL.

S 115-A. FEE FOR THE START OF A HORSE IN NEW YORK STATE PARI-MUTUEL RACES. 1. IN ORDER TO PROVIDE SUPPLEMENTAL FUNDING TO SUPPORT THE OPERATIONS OF THE COMMISSION, A FEE IN THE AMOUNT OF TEN DOLLARS SHALL BE ASSESSED AND PAID UPON EVERY HORSE ENTERED IN A PARI-MUTUEL RACE IN NEW YORK STATE THAT ACTUALLY STARTS IN THE RACE. SUCH FEE SHALL BE REFUNDED TO THE OWNER OR CREDITED TO THE OWNER'S ACCOUNT IN THE EVENT THE HORSE DOES NOT ACTUALLY START IN THE RACE. THE COMMISSION SHALL, AS A CONDITION OF RACING, REQUIRE ANY CORPORATION AUTHORIZED UNDER THIS CHAPTER TO CONDUCT PARI-MUTUEL BETTING AT A RACE MEETING OR RACES RUN THEREAT, TO REQUIRE THAT EACH OWNER RACING A HORSE SHALL HAVE PLACED ON DEPOSIT AT THE TIME OF ENTRY WITH THE HORSEMEN'S BOOKKEEPER OR SIMILAR OFFICE OF SUCH CORPORATION THE REQUIRED FEE IN THE AMOUNT OF TEN DOLLARS PER HORSE ENTERED IN A PARI-MUTUEL RACE. UNLESS REFUNDED OR CREDITED, THE TOTAL FEE AMOUNT COLLECTED DURING THE PRECEDING MONTH BY THE HORSEMEN'S BOOKKEEPER OR SIMILAR OFFICE OF SUCH CORPORATION SHALL BE PAID TO THE COMMISSION ON THE FIRST BUSINESS DAY OF EACH MONTH. PAYMENT SHALL BE ACCOMPANIED BY A REPORT, UNDER OATH, SHOWING SUCH INFORMATION AS THE COMMISSION MAY REQUIRE. A PENALTY OF FIVE PERCENT, AND INTEREST AT THE RATE OF ONE PERCENT PER MONTH FROM THE DATE THE REPORT IS REQUIRED TO BE FILED TO THE DATE OF THE PAYMENT OF THE FEE, SHALL BE PAYABLE IN CASE

ANY FEE IMPOSED BY THIS SUBDIVISION IS NOT PAID WHEN DUE. IF THE COMMISSION DETERMINES THAT ANY FEES RECEIVED BY IT UNDER THIS SUBDIVISION WERE PAID IN ERROR, THE COMMISSION MAY CAUSE THE SAME TO BE REFUNDED WITHOUT INTEREST OUT OF ANY MONIES COLLECTED HEREUNDER, PROVIDED AN APPLICATION THEREFOR IS FILED WITH THE COMMISSION WITHIN ONE YEAR FROM THE TIME THE ERRONEOUS PAYMENT IS MADE.

2. THE COMMISSION OR ITS DULY AUTHORIZED REPRESENTATIVES SHALL HAVE THE POWER TO EXAMINE OR CAUSE TO BE EXAMINED THE BOOKS AND RECORDS OF SUCH CORPORATIONS REQUIRED TO PAY OVER THE FEE IMPOSED BY THIS SECTION FOR THE PURPOSE OF EXAMINING AND CHECKING THE SAME AND ASCERTAINING WHETHER THE PROPER AMOUNT OR AMOUNTS DUE ARE BEING PAID. IF IN THE OPINION OF THE COMMISSION, AFTER SUCH EXAMINATION, ANY SUCH REPORT IS INCORRECT, THE COMMISSION IS AUTHORIZED TO ISSUE AN ASSESSMENT FIXING THE CORRECT AMOUNT OF SUCH FEE. SUCH ASSESSMENTS MAY BE ISSUED WITHIN THREE YEARS FROM THE FILING OF ANY REPORT. ANY SUCH ASSESSMENT SHALL BE FINAL AND CONCLUSIVE UNLESS AN APPLICATION FOR A HEARING IS FILED BY THE REPORTING ENTITY WITHIN THIRTY DAYS OF THE ASSESSMENT. THE ACTION OF THE COMMISSION IN MAKING SUCH FINAL ASSESSMENT SHALL BE REVIEWABLE IN THE SUPREME COURT IN THE MANNER PROVIDED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

3. THE COMMISSION SHALL PAY INTO THE RACING REGULATION ACCOUNT, UNDER THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSION, THE TOTAL AMOUNT OF THE FEES COLLECTED PURSUANT TO THIS SECTION. WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET, MONIES TO BE UTILIZED TO PAY THE COSTS AND EXPENSES OF THE OPERATIONS OF THE COMMISSION SHALL BE PAID OUT OF SUCH ACCOUNT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS, CERTIFIED AND APPROVED BY THE DIRECTOR OF THE BUDGET OR HIS OR HER DULY DESIGNATED OFFICIAL.

S 116. PENALTIES. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, ANY PERSON OR ENTITY THAT VIOLATES ANY PROVISION OF THIS CHAPTER, OR ANY RULE, REGULATION OR ORDER PROMULGATED THERETO, OR THE TERMS AND CONDITIONS OF ANY LICENSE, PERMIT OR APPROVAL ISSUED THEREUNDER, SHALL BE LIABLE TO A CIVIL PENALTY OF NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS FOR EACH VIOLATION, AND AN ADDITIONAL CIVIL PENALTY OF NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS FOR EACH DAY DURING WHICH SUCH VIOLATION CONTINUES. ANY CIVIL PENALTY MAY BE ASSESSED BY THE COMMISSION FOLLOWING A HEARING OR OPPORTUNITY TO BE HEARD.

S 117. TRANSFER OF FUNCTIONS. ALL OF THE FUNCTIONS AND POWERS POSSESSED BY AND THE OBLIGATIONS AND DUTIES OF THE FORMER RACING AND WAGERING BOARD AND ITS PREDECESSORS AND THE DIVISION OF THE LOTTERY AND ITS PREDECESSORS ARE HEREBY TRANSFERRED TO THE COMMISSION.

S 118. TRANSFER OF EMPLOYEES. 1. UPON THE TRANSFER OF FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS TO THE COMMISSION PURSUANT TO THIS ARTICLE, PROVISION SHALL BE MADE FOR THE TRANSFER OF ALL EMPLOYEES FROM THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD INTO THE COMMISSION. EMPLOYEES SO TRANSFERRED SHALL BE TRANSFERRED WITHOUT FURTHER EXAMINATION OR QUALIFICATION TO THE SAME OR SIMILAR TITLES, SHALL REMAIN IN THE SAME COLLECTIVE BARGAINING UNITS AND SHALL RETAIN THEIR RESPECTIVE CIVIL SERVICE CLASSIFICATIONS, STATUS AND RIGHTS PURSUANT TO THEIR COLLECTIVE BARGAINING UNITS AND COLLECTIVE BARGAINING AGREEMENTS.

2. A TRANSFERRED EMPLOYEE SHALL REMAIN IN THE SAME COLLECTIVE BARGAINING UNIT AS WAS THE CASE PRIOR TO HIS OR HER TRANSFER; SUCCESSOR EMPLOYEES TO THE POSITIONS HELD BY SUCH TRANSFERRED EMPLOYEES SHALL, CONSISTENT WITH THE PROVISIONS OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, BE INCLUDED IN THE SAME UNIT AS THEIR PREDECESSORS. EMPLOYEES OTHER THAN

MANAGEMENT OR CONFIDENTIAL PERSONS AS DEFINED IN ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW SERVING POSITIONS IN NEWLY CREATED TITLES SHALL BE ASSIGNED TO THE APPROPRIATE BARGAINING UNIT. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO AFFECT:

(A) THE RIGHTS OF EMPLOYEES PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT;

(B) THE REPRESENTATIONAL RELATIONSHIPS AMONG EMPLOYEE ORGANIZATIONS OR THE BARGAINING RELATIONSHIPS BETWEEN THE STATE AND AN EMPLOYEE ORGANIZATION; OR

(C) EXISTING LAW WITH RESPECT TO AN APPLICATION TO THE PUBLIC EMPLOYMENT RELATIONS BOARD, PROVIDED, HOWEVER, THAT THE MERGER OF SUCH NEGOTIATING UNITS OF EMPLOYEES SHALL BE EFFECTED ONLY WITH THE CONSENT OF THE RECOGNIZED AND CERTIFIED REPRESENTATIVE OF SUCH UNITS AND OF THE DEPARTMENT OF LAW.

S 119. TRANSFER OF RECORDS. ALL BOOKS, PAPERS, RECORDS AND PROPERTY OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD AND ITS PREDECESSORS WITH RESPECT TO THE FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS TRANSFERRED BY THIS ARTICLE ARE TO BE DELIVERED TO THE APPROPRIATE SUCCESSOR OFFICES WITHIN THE COMMISSION, AT SUCH PLACE AND TIME, AND IN SUCH MANNER AS THE CHAIR OF THE COMMISSION MAY REQUIRE.

S 120. CONTINUITY OF AUTHORITY. FOR THE PURPOSE OF SUCCESSION TO ALL FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD TRANSFERRED TO AND ASSUMED BY THE COMMISSION, SUCH COMMISSION SHALL BE DEEMED TO AND HELD TO CONSTITUTE THE CONTINUATION OF SUCH FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS, AND NOT A DIFFERENT AGENCY OR AUTHORITY.

S 121. COMPLETION OF UNFINISHED BUSINESS. ANY BUSINESS OR OTHER MATTER UNDERTAKEN OR COMMENCED BY THE FORMER DIVISION OF THE LOTTERY AND THE FORMER RACING AND WAGERING BOARD PERTAINING TO OR CONNECTED WITH THE FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS TRANSFERRED AND ASSIGNED TO THE STATE GAMING COMMISSION AND PENDING ON THE EFFECTIVE DATE OF THIS ARTICLE SHALL BE CONDUCTED AND COMPLETED BY THE APPROPRIATE SUCCESSOR OFFICES WITHIN THE COMMISSION IN THE SAME MANNER AND UNDER THE SAME TERMS AND CONDITIONS AND WITH THE SAME EFFECT AS IF CONDUCTED AND COMPLETED BY THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD.

S 122. CONTINUATION OF RULES AND REGULATIONS. ALL RULES, REGULATIONS, ACTS, ORDERS, DETERMINATIONS, AND DECISIONS OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD IN FORCE AT THE TIME OF SUCH TRANSFER AND ASSUMPTION, SHALL CONTINUE IN FORCE AND EFFECT AS RULES, REGULATIONS, ACTS, ORDERS, DETERMINATIONS AND DECISIONS OF THE COMMISSION UNTIL DULY MODIFIED OR ABROGATED BY SUCH COMMISSION.

S 123. TERMS OCCURRING IN LAWS, CONTRACTS AND OTHER DOCUMENTS. UNLESS THE CONTEXT SHALL OTHERWISE REQUIRE, WHENEVER THE "RACING AND WAGERING BOARD" OR "BOARD", "STATE RACING COMMISSION", "STATE HARNESS RACING COMMISSION", "STATE QUARTER HORSE RACING COMMISSION", OR "DIVISION OF THE LOTTERY" ARE REFERRED TO OR DESIGNATED IN ANY LAW, CONTRACT OR DOCUMENT PERTAINING TO THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES TRANSFERRED AND ASSIGNED TO THE COMMISSION, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO REFER TO THE "STATE GAMING COMMISSION".

S 124. EXISTING RIGHTS AND REMEDIES PRESERVED. NO EXISTING RIGHT OR REMEDY OF ANY CHARACTER SHALL BE LOST, IMPAIRED OR AFFECTED BY REASON OF THE TRANSFER OR ASSIGNMENT OF FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES FROM THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD TO THE COMMISSION.

S 125. PENDING ACTIONS OR PROCEEDINGS. NO ACTION OR PROCEEDING PENDING AT THE TIME THAT THIS ARTICLE SHALL TAKE EFFECT RELATING TO THE FUNCTIONS, POWERS AND DUTIES OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD TRANSFERRED PURSUANT TO THIS ARTICLE, BROUGHT BY OR AGAINST THE FORMER DIVISION OF THE LOTTERY OR FORMER RACING AND WAGERING BOARD, OR THE OFFICERS THEREOF, SHALL BE AFFECTED BY THE TRANSFER OR ASSIGNMENT OF FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES FROM THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD TO THE COMMISSION, BUT THE SAME MAY BE PROSECUTED OR DEFENDED IN THE NAME OF THE COMMISSION. IN ALL SUCH ACTIONS AND PROCEEDINGS, THE COMMISSION, UPON APPLICATION TO THE COURT, SHALL BE SUBSTITUTED AS A PARTY.

S 126. TRANSFER OF APPROPRIATIONS HERETOFORE MADE. SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, ANY AND ALL APPROPRIATIONS AND REAPPROPRIATIONS HERETOFORE MADE TO THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD FOR THE FUNCTIONS AND PURPOSES TRANSFERRED BY THIS ARTICLE TO THE COMMISSION TO THE EXTENT OF REMAINING UNEXPENDED OR UNENCUMBERED BALANCES THEREOF, WHETHER ALLOCATED OR UNALLOCATED AND WHETHER OBLIGATED OR UNOBLIGATED, ARE HEREBY TRANSFERRED TO AND MADE AVAILABLE FOR USE AND EXPENDITURE BY THE COMMISSION FOR THE SAME PURPOSES FOR WHICH ORIGINALLY APPROPRIATED OR REAPPROPRIATED AND SHALL BE PAYABLE ON VOUCHERS CERTIFIED OR APPROVED BY THE CHAIR OF THE COMMISSION OR HIS OR HER DESIGNEE ON AUDIT AND WARRANT OF THE COMPTROLLER. PAYMENTS FOR LIABILITIES FOR EXPENSES OF PERSONAL SERVICES, MAINTENANCE AND OPERATION HERETOFORE INCURRED BY AND FOR LIABILITIES INCURRED AND TO BE INCURRED IN COMPLETING THE AFFAIRS OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD WITH RESPECT TO THE POWERS, DUTIES AND FUNCTIONS TRANSFERRED HEREIN, SHALL ALSO BE MADE ON VOUCHERS OR CERTIFICATES APPROVED BY THE CHAIR OF THE COMMISSION OR HIS OR HER DESIGNEE ON AUDIT AND WARRANT OF THE COMPTROLLER.

S 127. TRANSFER OF ASSETS AND LIABILITIES. ALL ASSETS AND LIABILITIES OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD ARE HEREBY TRANSFERRED TO AND ASSUMED BY THE COMMISSION.

S 128. PROMULGATION OF RULES AND REGULATIONS. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THE STATE ADMINISTRATIVE PROCEDURE ACT, THE COMMISSION SHALL BE AUTHORIZED TO PROMULGATE REGULATIONS ON AN EMERGENCY BASIS TO ENSURE THE IMPLEMENTATION OF THIS ARTICLE.

S 129. CONSTRUCTION OF OTHER LAWS OR PROVISIONS. UNLESS THE CONTEXT SHALL REQUIRE OTHERWISE, THE TERMS "DIVISION OF THE LOTTERY", "STATE QUARTER HORSE RACING COMMISSION", "STATE RACING COMMISSION", "STATE HARNESS RACING COMMISSION", "STATE RACING AND WAGERING BOARD" OR "BOARD" WHEREVER OCCURRING IN ANY OF THE PROVISIONS OF THIS CHAPTER OR OF ANY OTHER LAW, OR, IN ANY OFFICIAL BOOKS, RECORDS, INSTRUMENTS, RULES OR PAPERS, SHALL HEREAFTER MEAN AND REFER TO THE STATE GAMING COMMISSION CREATED BY SECTION ONE HUNDRED TWO OF THIS ARTICLE. THE PROVISIONS OF ARTICLE THREE OF THIS CHAPTER SHALL BE INAPPLICABLE TO ARTICLE TWO OF THIS CHAPTER; AND THE PROVISIONS OF SUCH ARTICLE TWO SHALL BE INAPPLICABLE TO SUCH ARTICLE THREE, EXCEPT THAT SECTION TWO HUNDRED THIRTY-ONE OF SUCH ARTICLE TWO SHALL APPLY TO SUCH ARTICLE THREE.

S 2. Subdivision 2 of section 186 of the general municipal law, as amended by chapter 574 of the laws of 1978, is amended to read as follows:

2. "Board" shall mean New York state [racing and wagering board] GAMING COMMISSION CREATED PURSUANT TO SECTION ONE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

S 3. Subdivision 2 of section 476 of the general municipal law, as amended by chapter 46 of the laws of 1977, is amended to read as follows:

2. "Control commission" or "commission" shall mean the NEW YORK state [racing and wagering board] GAMING COMMISSION CREATED PURSUANT TO SECTION ONE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

S 4. Subdivision 1 of section 432 of the executive law, as amended by chapter 46 of the laws of 1977, is amended to read as follows:

1. "Control commission" or "commission" shall mean the NEW YORK state [racing and wagering board] GAMING COMMISSION CREATED PURSUANT TO SECTION ONE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

S 5. The racing, pari-mutuel wagering and breeding law is amended by adding a new article 12 to read as follows:

ARTICLE 12

OFFICE OF RACING PROMOTION AND DEVELOPMENT

SECTION 1201. NEW YORK STATE OFFICE OF RACING PROMOTION AND DEVELOPMENT.
1202. USE OF SERVICE EMPLOYEES.

S 1201. NEW YORK STATE OFFICE OF RACING PROMOTION AND DEVELOPMENT. THERE IS HEREBY CREATED WITHIN THE NEW YORK STATE GAMING COMMISSION A SEPARATE AND INDEPENDENT OFFICE OF RACING PROMOTION AND DEVELOPMENT. THE OFFICE SHALL PROMOTE THE BREEDING OF HORSES AND THE CONDUCT OF EQUINE RESEARCH IN THIS STATE AND SHALL ADMINISTER THE "STATE THOROUGHBRED BREEDING AND DEVELOPMENT FUND", "AGRICULTURE AND NEW YORK STATE HORSE BREEDING DEVELOPMENT FUND" AND "NEW YORK STATE QUARTER HORSE BREEDING AND DEVELOPMENT FUND CORPORATION."

S 1202. USE OF SERVICE EMPLOYEES. THE OFFICE SHALL UTILIZE, PURSUANT TO A CONTRACT APPROVED BY THE DIRECTOR OF THE BUDGET, THE SERVICE EMPLOYEES OF THE STATE GAMING COMMISSION.

S 6. Sections 1602 and 1603 of the tax law are REPEALED and two new sections 1602 and 1603 are added to read as follows:

S 1602. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "LOTTERY" MEANS THE LOTTERY OPERATED BY THE STATE PURSUANT TO THIS ARTICLE.

2. "DIVISION": (A) MEANS THE DIVISION OF THE LOTTERY, AS ESTABLISHED WITHIN THE NEW YORK STATE GAMING COMMISSION; AND (B) FOR THE PURPOSES OF SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THIS ARTICLE, THE TERM "DIVISION OF THE LOTTERY" OR "DIVISION" MEANS THE "DIVISION OF GAMING" AS CREATED PURSUANT TO SECTION ONE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

3. "COMMISSIONER" MEANS THE COMMISSIONER OF TAXATION AND FINANCE OR HIS OR HER DULY APPOINTED DELEGATE.

4. "COMMISSION" MEANS THE NEW YORK STATE GAMING COMMISSION.

5. "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF THE LOTTERY, EXCEPT FOR PURPOSES OF PARAGRAPH FOUR OF SUBSECTION C OF SECTION ONE THOUSAND SIX HUNDRED THIRTEEN AND SECTIONS ONE THOUSAND SIX HUNDRED FOURTEEN AND ONE THOUSAND SIX HUNDRED FIFTEEN OF THIS CHAPTER THE TERM "DIRECTOR" SHALL MEAN THE "COMMISSION".

S 1603. DIVISION OF THE LOTTERY. THERE IS HEREBY CREATED WITHIN THE COMMISSION THE DIVISION OF THE LOTTERY.

S 7. Subdivision 3 of section 252 of the racing, pari-mutuel wagering and breeding law, such section as renumbered by chapter 18 of the laws of 2008, is amended to read as follows:

3. The board may delegate to one or more of the directors[,] OR officers[, agents or employees] of the fund such powers and duties as it may

deem proper and [may] SHALL utilize, pursuant to a contract approved by the director of the budget, the service employees of the state [racing and wagering board] GAMING COMMISSION AND THE STATE OFFICE OF RACING PROMOTION AND DEVELOPMENT.

S 8. Subdivision 3 of section 431 of the racing, pari-mutuel wagering and breeding law is amended to read as follows:

3. The board may delegate to one or more of the directors[,] OR officers[, agents or employees] of the fund such powers and duties as it may deem proper and [may] SHALL utilize, pursuant to a contract approved by the director of the budget, the service employees of the state [racing and wagering board] GAMING COMMISSION AND THE STATE OFFICE OF RACING PROMOTION AND DEVELOPMENT.

S 9. Subdivision 1 of section 169 of the executive law, as added by chapter 986 of the laws of 1984, paragraph (a) as amended by section 94 of subpart B of part C of chapter 62 of the laws of 2011, paragraphs (b) and (e) as amended by section 14 of part A of chapter 62 of the laws of 2011, paragraph (c) as separately amended by section 66 of part A and section 2 of part W of chapter 56 of the laws of 2010, paragraph (d) as amended by chapter 220 of the laws of 2005, and paragraph (f) as separately amended by section 1 of part E and section 1 of part H of chapter 57 of the laws of 2011, is amended to read as follows:

1. Salaries of certain state officers holding the positions indicated hereinbelow shall be as set forth in subdivision two of this section:

(a) commissioner of corrections and community supervision, commissioner of education, commissioner of health, commissioner of mental health, commissioner of developmental disabilities, commissioner of children and family services, commissioner of temporary and disability assistance, chancellor of the state university of New York, commissioner of transportation, commissioner of environmental conservation, superintendent of state police, commissioner of general services [and], commissioner of the division of homeland security and emergency services AND THE EXECUTIVE DIRECTOR OF THE STATE GAMING COMMISSION;

(b) commissioner of labor, chairman of public service commission, commissioner of taxation and finance, superintendent of financial services, commissioner of criminal justice services, and commissioner of parks, recreation and historic preservation;

(c) commissioner of agriculture and markets, commissioner of alcoholism and substance abuse services, adjutant general, commissioner and president of state civil service commission, commissioner of economic development, chair of the energy research and development authority, president of higher education services corporation, commissioner of motor vehicles, member-chair of board of parole, chair of public employment relations board, secretary of state, [chair of the state racing and wagering board,] commissioner of alcoholism and substance abuse services, executive director of the housing finance agency, commissioner of housing and community renewal, executive director of state insurance fund, commissioner-chair of state liquor authority, chair of the workers' compensation board;

(d) director of office for the aging, commissioner of human rights, commissioners of the department of public service, chairman of state commission on quality of care for the mentally disabled, chairman of commission on alcoholism and substance abuse prevention and education, executive director of the council on the arts and executive director of the board of social welfare;

(e) chairman of state athletic commission, director of the office of victim services, chairman of human rights appeal board, chairman of the

industrial board of appeals, chairman of the state commission of correction, members of the board of parole[, members of the state racing and wagering board], member-chairman of unemployment insurance appeal board, director of veterans' affairs, and vice-chairman of the workers' compensation board;

(f) executive director of adirondack park agency, members of state commission of correction, members of unemployment insurance appeal board, and members of the workers' compensation board.

S 10. Terms. (a) Wherever the term "racing and wagering board", "state racing commission" or "state harness racing commission" appears in the executive law, the general municipal law, article 34 of the tax law or the racing, pari-mutuel wagering and breeding law or otherwise in the consolidated or unconsolidated laws of this state, such term is hereby changed to "state gaming commission".

(b) Wherever the term "chairman of the racing and wagering board" appears in the consolidated or unconsolidated laws of this state, such term is hereby changed to "chair of the state gaming commission".

(c) The legislative bill drafting commission is hereby directed to effectuate this provision, and shall be guided by a memorandum of instruction setting forth the specific provisions of law to be amended. Such memorandum shall be transmitted to the legislative bill drafting commission within sixty days of the effective date of this provision. Such memorandum shall be issued jointly by the governor, the temporary president of the senate and the speaker of the assembly, or by the delegate of each.

S 11. Subdivision 1 of section 252 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 197 of the laws of 2007 and such section as renumbered by chapter 18 of the laws of 2008, is amended to read as follows:

1. A corporation to be known as the New York state thoroughbred breeding and development fund corporation is hereby created. Such corporation shall be a body corporate and politic constituting a public benefit corporation. It shall be administered by a board of directors consisting of the [chairman] CHAIR of the state [racing and wagering board] GAMING COMMISSION or his or her designee, the commissioner of agriculture and markets, [the] THREE members of the state [racing] GAMING commission as [defined in section one hundred three of this chapter,] DESIGNATED BY THE GOVERNOR and six members appointed by the governor, all of whom are experienced or have been actively engaged in the breeding of thoroughbred horses in New York state, one, the president or the executive director of the statewide thoroughbred breeders association representing the majority of breeders of registered thoroughbreds in New York state, one upon the recommendation of the majority leader of the senate, one upon the recommendation of the speaker of the assembly, one upon the recommendation of the minority leader of the senate, and one upon the recommendation of the minority leader of the assembly. Two of the appointed members shall initially serve for a two year term, two of the appointed members shall initially serve for a three year term and two of the appointed members shall initially serve for a four year term. All successors appointed members shall serve for a four year term. All members shall continue in office until their successors have been appointed and qualified. The governor shall designate the chair from among the sitting members who shall serve as such at the pleasure of the governor.

S 12. Section 330 of the racing, pari-mutuel wagering and breeding law, the opening paragraph as amended by chapter 197 of the laws of 2007, is amended to read as follows:

S 330. Agriculture and New York state horse breeding development fund. 1. There is hereby created within the state [racing and wagering board] GAMING COMMISSION the "agriculture and New York state horse breeding development fund". Such fund shall be a body corporate and politic constituting a public benefit corporation. [It shall be administered by the commissioner of agriculture and markets, the chairman of the New York state racing and wagering board or his or her designee, and the chairman and members of the state harness racing commission as reconstituted pursuant to article one of this chapter. Members] IT SHALL BE ADMINISTERED BY A BOARD OF DIRECTORS CONSISTING OF THE CHAIRMAN OF THE STATE GAMING COMMISSION OR HIS OR HER DESIGNEE, THE COMMISSIONER OF AGRICULTURE AND MARKETS, AND THREE MEMBERS APPOINTED BY THE GOVERNOR, ALL OF WHOM ARE EXPERIENCED OR HAVE BEEN ACTIVELY ENGAGED IN THE BREEDING OF STANDARDBRED HORSES IN NEW YORK STATE, ONE UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND ONE UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. THE GOVERNOR SHALL DESIGNATE THE CHAIR FROM AMONG THE SITTING MEMBERS WHO SHALL SERVE AS SUCH AT THE PLEASURE OF THE GOVERNOR. APPOINTED MEMBERS SHALL SERVE FOR A TERM OF FOUR YEARS AND shall continue to hold office until their successors are appointed and qualified. [The chairman shall be designated by the members of the fund.] The members of the fund shall receive no compensation from the fund for their services as such members but shall be reimbursed by the fund for the expenses actually and necessarily incurred by them in the performance of their duties under sections two hundred twenty-two through seven hundred five of this chapter. Such fund shall have perpetual existence and shall exercise all powers authorized by this chapter and reasonably necessary for accomplishing its purposes. Such powers shall be exercised in the name of the fund.

2. THE BOARD MAY DELEGATE TO ONE OR MORE OF THE MEMBERS OR OFFICERS OF THE FUND SUCH POWERS AND DUTIES AS IT MAY DEEM PROPER AND SHALL UTILIZE, PURSUANT TO A CONTRACT APPROVED BY THE DIRECTOR OF THE BUDGET, THE SERVICE EMPLOYEES OF THE STATE GAMING COMMISSION AND THE STATE OFFICE OF RACING PROMOTION AND DEVELOPMENT.

3. The fund is created in order that it may promote the breeding of horses and the conduct of equine research in this state on its own responsibility and under its own business management. The policy, good faith and interest of the state are concerned with the management and development of the fund and are committed to promotion of horse breeding and equine research in this state in active cooperation with the fund. The promotion and encouragement of equine research shall be through a fund of a land grant university within this state with a regents approved veterinary college facility. Nothing herein, however, shall be deemed in any way to obligate the state to any bondholder or other creditor of the fund.

4. The fund is directed to report annually, on or before January thirty-first, to the governor and the legislature, on the state of the standardbred breeding industry in this state. Such reports shall include, but not be limited to, the impact of the fund's programs on the breeding and racing aspects of the industry; economic factors affecting the industry such as employment and employment growth, state and local benefits of breeding farms, income and the production of income within this state, economic comparisons with other states; and data relative to mares and stallions standing in this state to include such information

as the number in this state, racing quality as measured by wins and stakes won and placed and money won, the number of foals and foal racing quality as measured by sales value and number of starts, races and money won, the progeny quality, including earnings, and the success of New York-breds nationally.

5. The fund is further directed to incorporate into its reports comments from spokesmen representing all segments of the industry as well as recommendations on preserving and enhancing the standardbred breeding industry in this state.

S 13. Section 1612 of the tax law is amended by adding a new subdivision h to read as follows:

H. IN NO CIRCUMSTANCE SHALL NET PROCEEDS OF THE LOTTERY, INCLUDING THE PROCEEDS FROM VIDEO LOTTERY GAMING, BE USED FOR THE PAYMENT OF NON-LOTTERY EXPENSES OF THE GAMING COMMISSION, ADMINISTRATIVE OR OTHERWISE.

S 14. This act shall take effect October 1, 2012; provided, however that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing provisions of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

PART B

Intentionally Omitted

PART C

Section 1. Section 2608 of the public authorities law, as added by chapter 404 of the laws of 1981, subdivision 1 as amended by chapter 592 of the laws of 1984, subdivision 2 as amended by chapter 55 of the laws of 1992, subdivisions 3 and 4 as amended by chapter 99 of the laws of 1984, is amended to read as follows:

S 2608. New York state olympic regional development authority. 1. For the purposes of effectuating the policy declared in section twenty-six hundred six of this title, there is hereby created the "New York state olympic regional development authority", referred to in this title as "the authority", which shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of [ten] TWELVE members who shall be the commissioner of environmental conservation, the commissioner of [commerce] ECONOMIC DEVELOPMENT, the commissioner of parks, recreation and historic preservation and [seven] NINE persons to be appointed by the governor, by and with the advice and consent of the senate. Of the [seven] NINE persons appointed by the governor, by and with the advice and consent of the senate, one each shall be appointed upon the recommendation of the temporary president of the senate and the speaker of the assembly. Three of the persons appointed by the governor, by and with the advice and consent of the senate shall be appointed upon the recommendation of the town board of the town of North Elba and shall be residents of the park district. TWO PERSONS SHALL BE APPOINTED BY THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, ONE OF WHOM SHALL RESIDE IN ULSTER COUNTY AND THE OTHER OF WHOM SHALL RESIDE IN DELAWARE COUNTY. One of the persons appointed by the governor, by and with the advice and consent of the senate, shall be a resident of Warren county. The governor shall appoint a [chairman and] CHAIRPERSON, a [vice chairman] VICE-CHAIRPERSON AND A SECOND VICE-CHAIRPERSON from among any of the members of the authority and such [chairman and vice chairman] CHAIRPERSON, VICE-CHAIR-

PERSON AND SECOND VICE-CHAIRPERSON shall serve at the pleasure of the governor, provided, however, that the [vice chairman] VICE-CHAIRPERSON shall be appointed on the recommendation of the town board of North Elba; AND THE SECOND VICE-CHAIRPERSON SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE TOWN BOARDS OF THE TOWN OF SHANDAKEN IN ULSTER COUNTY AND THE TOWN OF MIDDLETOWN IN DELAWARE COUNTY; AND MUST BE A RESIDENT OF ULSTER OR DELAWARE COUNTIES; WITH A MAJORITY VOTE OF THE COMBINED TWO TOWN BOARDS DETERMINING WHO SHALL BE RECOMMENDED TO THE GOVERNOR FOR APPOINTMENT OF THAT POSITION. From among any candidates recommended by the chairman, the members shall appoint a president/chief executive officer of the authority.

The members first appointed by the governor shall be appointed within thirty days of the effective date of this title. THE MEMBERS APPOINTED AS A RESULT OF THE ENACTMENT OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE WHICH AMENDED THIS SECTION, CONSISTING OF THE ELEVENTH AND TWELFTH BOARD MEMBERS, SHALL BE APPOINTED WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF SUCH CHAPTER. The FIRST members [first] appointed by the governor upon the recommendation of the temporary president of the senate and the speaker of the assembly shall serve terms of three years respectively from January first next succeeding their appointment. The remaining four members first appointed by the governor shall serve terms of one, two, four and five years respectively from January first next succeeding their appointment. The fifth member appointed by the governor shall serve a term of two years from January first, next succeeding his or her appointment. Each appointment of a member following the expiration of the original terms of the appointment shall be for a term of five years. THE MEMBERS APPOINTED BY THE GOVERNOR WHO ARE REQUIRED TO RESIDE IN EITHER DELAWARE OR ULSTER COUNTIES SHALL BE APPOINTED FOR TERMS OF FOUR YEARS. Members shall continue to hold office until their successors have been appointed and qualified. In the event of a vacancy occurring during the term of a member's appointment, by reason of death, resignation, disqualification or otherwise, such vacancy shall be filled for the unexpired term in the same manner as the original appointment.

2. The members of the authority shall not receive a salary or other compensation for their services as members of the authority but each member shall be allowed reimbursement for the necessary and actual expenses which he or she shall incur in the performance of his or her duties under this title.

3. The president/chief executive officer shall serve at the pleasure of the members and shall be responsible for the discharge of the executive and administrative functions and exercise of any power or function of the authority.

4. [Six] SEVEN members of the authority shall constitute a quorum for the transaction of any business or the exercise of any power or function of the authority. The authority may delegate to one or more of its members, officers, agents and employees, such powers and duties as it may deem proper. The commissioner of environmental conservation, the commissioner of [commerce] ECONOMIC DEVELOPMENT, the commissioner of parks and recreation and any other member of the authority who is a full time employee of the state or who holds public office may designate one person from his department or from the public corporation in which he holds a public office to represent him at all meetings of the authority from which such member may be absent. Any representative so designated shall have the power to attend and to vote at any meeting of the authority from which the member so designating him is absent, with the same force and effect as if the member designating him were present and

voting. Such designation shall be by written notice filed with the chairman of the authority by the member making the designation and shall be for a term of one year or until such representative shall resign or shall no longer be employed by the department of which such member making the designation is an employee or by the public corporation of which such member making the designation holds a public office or until revoked by the person making such designation. Such designation shall not limit the power of the member making the designation to attend and vote in person at any meeting of the authority.

5. The authority shall be a "state agency" for the purposes of sections seventy-three and seventy-four of the public officers law.

6. Notwithstanding any inconsistent provisions of this or any other law, general, special or local, no officer or employee of the state, as defined in the public officers law, or of the park district shall be deemed to have forfeited or shall forfeit his office of employment or any benefits provided under the retirement and social security law or under any public retirement system maintained by the state or any of its subdivisions by reason of his acceptance of membership on or chairmanship of the authority; provided, however, a member or chairman who holds such other public office of employment shall receive no additional compensation for services rendered pursuant to this title, but shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of such services.

7. The governor may remove any member of the authority for cause, other than the commissioner of environmental conservation, the commissioner of [commerce] ECONOMIC DEVELOPMENT and the commissioner of parks and recreation, after giving him a copy of the charges against him and an opportunity to be heard, in person or by counsel in his defense, upon not less than ten days' notice. If any member shall be so removed, the governor shall file in the office of the department of state a complete statement of charges made against such member, and his findings thereon, together with a complete record of the proceedings.

8. The principal office of the authority shall be located in the town of North Elba AND THE AUTHORITY SHALL ESTABLISH A SECOND OFFICE AT THE BELLEAYRE MOUNTAIN SKI CENTER.

9. NOTHING SHALL PRECLUDE THE USE OF MEETINGS AND VOTES BY VIDEO CONFERENCE OR OTHER CONFERENCING WHICH PERMITS CONFEREES TO SEE THE OTHER MEMBERS DURING BOARD MEETINGS THROUGH TELEVISION OR THE INTERNET.

S 2. Section 2609 of the public authorities law, as added by chapter 404 of the laws of 1981, is amended to read as follows:

S 2609. Community advisory panel. 1. Within ninety days following the appointment of the members of the authority, the members shall appoint an advisory panel to act as consultants to the authority for the purpose of advising and assisting the authority in procuring international and national athletic sporting events and competition.

2. The advisory panel shall consist of [fifteen] NINETEEN persons, ten of whom shall be appointed upon the recommendation of the North Elba sports council, a council created by the park district, TWO OF WHOM SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE LEGISLATURE OF THE COUNTY OF DELAWARE AND TWO OF WHOM SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE LEGISLATURE OF THE COUNTY OF ULSTER. Such ten members of the panel shall have knowledge of athletic competition and winter AND SUMMER sports AND RECREATION events and activities. The members of the panel shall serve for a period of two years. In the event of a vacancy occurring during a panel member's appointment, by reason of death,

resignation, disqualification or otherwise, such vacancy shall be filled for the unexpired term in the same manner as the original appointment.

3. The members of the panel shall serve without compensation, except that each member of the panel shall be allowed the necessary and actual expenses which he shall incur in the performance of his duties within the state under this title.

S 3. Subdivisions 4, 6, 7, 9, 12 and 15 of section 2611 of the public authorities law, as added by chapter 404 of the laws of 1981, subdivision 15 as renumbered by chapter 38 of the laws of 1987, are amended to read as follows:

4. To make and alter by-laws for its organization and internal management, and rules and regulations governing the exercise of its powers and the fulfillment of its purposes under this title. Such rules and regulations must be filed with the secretary of state and the town clerk of North Elba AND THE TOWN CLERKS OF THE TOWNS OF JOHNSBURG, SHANDAKEN AND MIDDLETOWN;

6. To schedule and book events at participating olympic facilities, AND THE FACILITIES OF BELLEAYRE MOUNTAIN SKI CENTER AND OTHER PROPERTIES OWNED OR CONTROLLED BY THE AUTHORITY with public and private individuals, organizations, groups and other entities desiring to use such facilities for conducting events and activities appropriate to the purposes of the authority;

7. To enter into contracts, leases and subleases and to execute all instruments necessary or convenient for the conduct of authority business, including agreements with the park district and any state agency which administers, owns or supervises any olympic facility OR BELLEAYRE MOUNTAIN SKI CENTER, as provided in sections twenty-six hundred twelve and twenty-six hundred fourteen of this title;

9. To enter into contracts to operate, maintain and manage olympic facilities AND THE BELLEAYRE MOUNTAIN SKI CENTER;

12. To operate, or contract for the operation of, concession services at any participating olympic facility OR THE BELLEAYRE MOUNTAIN SKI CENTER;

15. To procure insurance against any loss or liability in connection with the use, management, maintenance and operation of the participating olympic facilities AND/OR BELLEAYRE MOUNTAIN SKI CENTER, in such amounts and from such insurers, subject to public bidding as it deems desirable; and

S 4. Subdivision 4 of section 2614 of the public authorities law is renumbered subdivision 5 and a new subdivision 4 is added to read as follows:

4. THE AUTHORITY SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE AUTHORITY TO OPERATE, MAINTAIN AND MANAGE THE BELLEAYRE MOUNTAIN SKI CENTER LOCATED IN ULSTER AND DELAWARE COUNTIES, STATE OF NEW YORK. THE SPECIFIC TERMS OF SUCH AGREEMENT SHALL BE NEGOTIATED BY THE AUTHORITY AND THE DEPARTMENT AND SHALL INCLUDE THOSE PROVISIONS SET FORTH IN SUBDIVISION TWO OF THIS SECTION FOR INCLUSION IN AGREEMENTS WITH THE STATE. SUCH AGREEMENT SHALL INCLUDE PROVISIONS TO ASSURE THE CONTINUED VIABILITY OF BELLEAYRE AS AN ATTRACTIVE YEAR-ROUND TOURIST DESTINATION BY, AT A MINIMUM, MAINTAINING A LEVEL OF CAPITAL INVESTMENT, MAINTENANCE AND OPERATING SUPPORT, CONSISTENT WITH THE HISTORICAL OPERATING SUPPORT, CAPITAL INVESTMENT AND MAINTENANCE PROVIDED BY THE DEPARTMENT AT BELLEAYRE SO THAT BELLEAYRE MOUNTAIN SKI CENTER MAY BE OPERATED, MAINTAINED AND IMPROVED IN A SIMILAR MANNER TO THAT OF WHITEFACE AND GORE MOUNTAIN SKI CENTERS. IN ADDITION, SUCH AGREEMENT SHALL INCLUDE PROVISIONS ENSURING THAT THE AUTHORITY

DEDICATE AND UTILIZE, FOR THE OPERATION, CAPITAL SUPPORT AND MAINTENANCE OF BELLEAYRE MOUNTAIN SKI CENTER: FUNDS APPROPRIATED FOR THE OPERATION, MAINTENANCE AND/OR IMPROVEMENTS OF BELLEAYRE MOUNTAIN SKI CENTER, REVENUE RECEIVED AS A RESULT OF BELLEAYRE MOUNTAIN SKI CENTER OPERATIONS, AND MONIES RECEIVED OR INTENDED FROM OTHER SOURCES AND ACCOUNTS THAT ARE INTENDED FOR BELLEAYRE MOUNTAIN SKI CENTER. ALL POWERS OF THE AUTHORITY PROVIDED BY THIS TITLE OR ANY OTHER LAW, INCLUDING THOSE PERTAINING TO PARTICIPATING OLYMPIC FACILITIES, SHALL APPLY IN CONNECTION WITH THE OPERATION AND MANAGEMENT OF THE BELLEAYRE MOUNTAIN SKI CENTER.

S 5. Subdivision 2 of section 2616 of the public authorities law, as amended by chapter 99 of the laws of 1984, is amended to read as follows:

2. On or before August fifteenth, nineteen hundred eighty-one, and on each August fifteenth thereafter the [chairman] CHAIR of the authority shall make and deliver to the director of the budget for his OR HER approval and for submission to the legislature a budget for the operation of the authority for the forthcoming fiscal year of the state. The [chairman] CHAIR of the authority shall deliver a copy of such budget to the [chairman] CHAIR of the senate finance committee and the [chairman] CHAIR of the assembly ways and means committee at the same time that the budget is delivered to the director of the budget. The budget shall delineate the total amount needed for authority purposes, including the funds required by the authority for operation of the olympic facilities [and], the Gore Mountain ski center AND THE BELLEAYRE MOUNTAIN SKI CENTER pursuant to agreements made in accordance with sections twenty-six hundred twelve and twenty-six hundred fourteen of this title, the source of all funds that the authority expects to receive and such other information as the director of the budget shall require. The director of the budget shall approve the budget for the operation of the authority and the governor shall recommend in his OR HER annual budget appropriations to the authority if the director of the budget determines that the budget demonstrates that the authority, without operating at a deficit, can continue in the forthcoming fiscal year of the state, in the exercise of its corporate purposes, powers, duties and functions with the appropriations from the state and park district in the amounts determined in accordance with sections twenty-six hundred twelve and twenty-six hundred fourteen of this title and income received by the authority from other sources. The director of the budget shall notify the park district, the [chairman] CHAIR of the senate finance committee and the [chairman] CHAIR of the assembly ways and means committee not later than October first of each year whether or not he has approved the budget.

S 6. Section 2619 of the public authorities law, as amended by chapter 99 of the laws of 1984, is amended to read as follows:

S 2619. Capital repair and improvement account. At the end of any authority fiscal year the members of the authority shall deposit not less than twenty-five percent of the profits, if any, of the preceding year's operations into a sinking fund for capital improvements. At the discretion of the members, the authority may undertake capital improvements and major repairs to the participating olympic facilities, TO THE BELLEAYRE MOUNTAIN SKI CENTER, and to the Gore Mountain ski center; provided, however, that no such repairs may be undertaken without specific written approval by the entity which contracted with the authority for the operation of said facility. Any such repairs or improvements to real property shall upon completion become the property of and be vested in the owners of said real property. In the event of

termination of the authority, the state and the park district each shall receive fifty percent of all moneys in the sinking fund. If an agreement between the authority and the park district or the state shall be terminated, the park district or the state, as the case may be, shall receive that portion of the moneys in the sinking fund it would have received if the authority were terminated as of the date of the termination of the agreement.

S 7. Section 2621 of the public authorities law, as added by chapter 404 of the laws of 1981, is amended to read as follows:

S 2621. Annual report. The authority shall submit to the governor, the chairman of the senate finance committee, the chairman of the assembly ways and means committee, the comptroller, the director of the budget, THE SUPERVISOR OF THE TOWN OF JOHNSBURG, THE SUPERVISOR OF THE TOWN OF SHANDAKEN, THE SUPERVISOR OF THE TOWN OF MIDDLETOWN, and the supervisor of the town of North Elba within ninety days after the end of its fiscal year, a complete and detailed report setting forth: (1) its operations and accomplishments and (2) its receipts and expenditures during such fiscal year in accordance with the categories or classifications established by the authority for its operating and capital outlay purposes. SUCH REPORT SHALL NOT BE REQUIRED TO BE SUBMITTED IN PRINT IF THE RECIPIENT OF THE REPORT AGREES TO ACCEPT SUCH REPORT IN ELECTRONIC FORMAT.

S 8. Subdivision 4 of section 2622 of the public authorities law, as added by chapter 169 of the laws of 1994, is amended to read as follows:

4. Notwithstanding subdivision three of this section, exclusive jurisdiction is hereby conferred upon the court of claims to hear and determine any claim of any person brought hereafter against the authority to recover damages for injuries to property or for personal injury arising out of the operation by the authority of any participating olympic facility owned by the state or of THE BELLEAYRE MOUNTAIN SKI CENTER OR OF the Gore mountain ski center, in the same manner and to the extent provided and subject to the provisions of the court of claims act with respect to claims against the state, and to make awards and render judgments therefor. The payment of awards and judgments for any such claims brought in the supreme court pursuant to this title or in the court of claims shall be made from appropriations for judgments against the state pursuant to section twenty of the court of claims act.

S 9. This opening paragraph of section 2629 is renumbered subdivision 1 and a new subdivision 2 is added to read as follows:

2. (A) WITHIN THIRTY DAYS OF EXECUTION OF THE AGREEMENT, ENTERED INTO PURSUANT TO SUBDIVISION FOUR OF SECTION TWENTY-SIX HUNDRED FOURTEEN OF THIS TITLE, PROVISION SHALL BE MADE FOR THE TRANSFER TO THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY OF ALL CURRENT EMPLOYEES ENGAGED IN CARRYING OUT SUCH FUNCTIONS WITH RESPECT TO THE OPERATION, MAINTENANCE AND MANAGEMENT OF THE BELLEAYRE MOUNTAIN SKI CENTER. SUCH EMPLOYEES SHALL BE TRANSFERRED WITHOUT FURTHER EXAMINATION OR QUALIFICATIONS AND SHALL RETAIN THEIR RESPECTIVE CIVIL SERVICE CLASSIFICATIONS, STATUS, SALARY, WAGES AND NEGOTIATING UNIT, IF ANY. NO INDIVIDUAL WHO IS TRANSFERRED SHALL GAIN ANY ADDITIONAL RIGHTS AS A RESULT OF SUCH TRANSFER. HOWEVER, ONCE THE EMPLOYMENT OF ANY TRANSFERRED EMPLOYEE WHO IS CURRENTLY PLACED WITHIN A NEGOTIATING UNIT AS DEFINED BY ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW IS TERMINATED OR OTHERWISE CEASES, BY ANY MEANS, ANY INDIVIDUAL HIRED TO FILL SUCH VACANCY SHALL NOT BE PLACED IN THE SAME NEGOTIATING UNIT OF THE FORMER INCUMBENT BUT RATHER SHALL BE PLACED IN THE NEGOTIATING UNIT THAT CONTAINS EMPLOYEES OF THE AUTHORITY.

(B) THE SALARY OR COMPENSATION OF ANY SUCH EMPLOYEES, AFTER SUCH TRANSFER, SHALL BE PAID BY THE AUTHORITY. NOTWITHSTANDING THE PROVISIONS

OF THIS SECTION, ANY SUCH EMPLOYEES SO TRANSFERRED TO THE AUTHORITY, PURSUANT TO THE PROVISIONS OF THIS SECTION, WHO ARE MEMBERS OF OR BENEFICIARIES UNDER ANY EXISTING PENSION OR RETIREMENT SYSTEM, SHALL CONTINUE TO HAVE ALL RIGHTS, PRIVILEGES, OBLIGATIONS AND STATUS WITH RESPECT TO SUCH FUND SYSTEM OR SYSTEMS AS ARE PRESCRIBED BY LAW, BUT DURING THE PERIOD OF THEIR EMPLOYMENT BY THE AUTHORITY, ALL CONTRIBUTIONS TO ANY PENSION OR RETIREMENT FUND OR SYSTEM TO BE PAID BY THE EMPLOYER ON ACCOUNT OF SUCH EMPLOYEES, SHALL BE PAID BY THE AUTHORITY.

S 10. Transfer of appropriations. Upon the execution of an agreement as set forth in subdivision 4 of section 2614 of the public authorities law, as added by section four of this act, and notwithstanding section fifty-one of the state finance law, all appropriations or reappropriations for the functions transferred pursuant to this act heretofore made to the department of environmental conservation or segregated pursuant to law, to the extent that unexpended or unencumbered balances remain, whether allocated or unallocated and whether obligated or unobligated, are hereby transferred to and made available for use and expenditure by the olympic regional development authority, for the same purposes for which originally appropriated or reappropriated and shall be payable on vouchers certified or approved by the chair of the olympic regional development authority on audit and warrant of the comptroller. Payments for liabilities for expenses of personal service, maintenance and operation heretofore incurred by the department of environmental conservation in connection with the functions transferred pursuant to this act, and for liabilities incurred and to be incurred in completing its affairs in relation to such functions, shall also be made on vouchers or certificates approved by the commissioner of the department of environmental conservation on audit or warrant of the comptroller.

S 11. This act shall take effect immediately.

PART D

Section 1. Section 285-a of the agriculture and markets law is REPEALED.

S 2. Subdivision 12 of section 283 of the agriculture and markets law is REPEALED and subdivisions 13 and 14 are renumbered subdivisions 12 and 13.

S 3. Section 7 of chapter 654 of the laws of 1994, amending the transportation law and other laws relating to equipment requirements for registered farm vehicles, is REPEALED.

S 4. Section 285-b of the agriculture and markets law is REPEALED.

S 5. Article 4 of the state technology law is REPEALED.

S 6. Section 372-a of the social services law is REPEALED.

S 7. Subdivision 1 of section 2803-r of the public health law, as added by chapter 439 of the laws of 2005, is amended to read as follows:

1. All hospitals and clinics shall notify their prenatal care and obstetric patients of the provisions of the abandoned infant protection act, using materials provided by the office of children and family services[, pursuant to section three hundred seventy-two-a of the social services law]. The department shall develop agreements with societies and organizations of medical practitioners under which the department or the office of children and family services shall provide materials to such societies to provide appropriate education and outreach concerning the abandoned infant protection act to their members and the public. Criminal penalties for violation pursuant to subdivisions one and two of section twelve-b of this chapter shall not apply to this section.

S 8. Sections 520 and 521 of the executive law are REPEALED.

S 9. Article 28 of the executive law is REPEALED.

S 10. Paragraph (p) of subdivision 1 of section 17 of the public officers law is REPEALED.

S 11. Section 92-y of the state finance law is REPEALED.

S 12. Paragraph (b) of subdivision 1 of section 88-a of the highway law, as amended by section 4 of part Z of chapter 383 of the laws of 2001, is amended to read as follows:

(b) the chairperson, or his or her designated representative, of the New York state thruway authority, the adirondack park agency[,] AND the tourism advisory council[, the upstate New York tourism council and the downstate New York tourism council];

S 13. Subdivision 3 of section 349-bb of the highway law, as amended by section 5 of part Z of chapter 383 of the laws of 2001, is amended to read as follows:

3. The commissioner is hereby authorized to enter into contracts with qualified, responsible not-for-profit organizations involved in scenic byways activities [and the upstate New York tourism council] for services relating to the development of the New York state scenic byways program or services relating to the operation, development or promotion of a specific scenic byway.

S 14. Subdivision 1 of section 349-cc of the highway law, as amended by chapter 399 of the laws of 2005, is amended to read as follows:

1. An advisory board of state agencies with responsibilities related to the designation and management of scenic byways and not-for-profit organizations related to the promotion and development of scenic byways is hereby formed to advise and assist the department in the operation of its scenic byways program. The advisory board shall consist of one member appointed by the temporary president of the senate, one member appointed by the speaker of the assembly, the secretary of state, and the commissioners of the department of agriculture and markets, the department of economic development, and the department of environmental conservation, and the office of parks, recreation and historic preservation or their duly designated representatives. The commissioner shall appoint as members of the advisory board the chief executive officer, or his or her duly authorized representative, of not-for-profit organizations related to the promotion and development of a scenic byway designated pursuant to this article[,] AND three representatives of organizations concerned with the preservation of scenic qualities, the motoring public and tourism development [and members or representatives of the upstate New York tourism council and of the downstate New York tourism council]. The commissioner, or his or her duly designated representative, shall serve as chair. Members of the advisory board shall receive no pay, but shall be eligible to receive actual and necessary expenses from their respective agencies, or for the expenses of representatives of organizations related to the promotion and development of a scenic byway, the preservation of scenic qualities, the motoring public and tourism development, from the department. The advisory board shall consult with the Adirondack Park Agency regarding scenic byways within the Adirondack Park. The advisory board shall also consult with the Hudson River Valley Communities Council regarding scenic byways within the Hudson River Valley Greenway as defined in article forty-four of the environmental conservation law. The advisory board shall consult with the Niagara River Greenway Commission regarding scenic byways within the Niagara River Greenway as defined in article thirty-nine of the parks, recreation and historic preservation law. [The advisory board

shall consult with the upstate New York tourism council regarding scenic byways in the upstate New York region, and with the downstate New York tourism council regarding scenic byways in the downstate New York region.]

S 15. Paragraph a of subdivision 1 of section 233-b of the education law, as amended by section 3 of part Z of chapter 383 of the laws of 2001, is amended to read as follows:

a. There is hereby established within the department the New York state freedom trail commission. The commission shall consist of twelve members, to be appointed as follows: three members to be appointed by the governor, three members to be appointed by the board of regents, two members to be appointed by the temporary president of the senate, one member to be appointed by the minority leader of the senate, two members to be appointed by the speaker of the assembly, and one member to be appointed by the minority leader of the assembly. Such members shall be representative of academic or public historians, corporations, foundations, historical societies, civic organizations, and religious denominations. In addition, the following state officers, or their designees, shall serve as members of the commission: the commissioner of education, the head of the state museum, the head of the state archives, the head of the office of state history, the commissioner of economic development, the head of the state tourism advisory council[, the chairperson of the upstate New York tourism council, the chairperson of the downstate New York tourism council,] and the commissioner of parks, recreation and historic preservation.

S 16. Section 27-0702 of the environmental conservation law is REPEALED.

S 17. The opening paragraph of subdivision 2 of section 27-0103 of the environmental conservation law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

The commissioner shall[, with the advice of the state solid waste management board established pursuant to section 27-0702 of this article,] biennially review the status of programs and information contained within the plan and make recommendations for legislation or other state action related to:

S 18. Paragraph g of subdivision 3 of section 165 of the state finance law, as amended by chapter 95 of the laws of 2000, is amended to read as follows:

g. In addition to carrying out the provisions of paragraphs e and f of this subdivision, the commissioner shall identify and implement specific steps which will reduce, to the maximum extent practicable, waste generated in state facilities and maximize the recovery and reuse of secondary materials from such facilities. Such steps and their implementation shall be reviewed from time to time but no less frequently than annually or upon receiving recommendations for additional steps from [the solid waste management board,] the department of environmental conservation or the environmental facilities corporation.

S 19. Subdivision 3 and the closing paragraph of section 1285-d of the public authorities law, subdivision 3 as amended by chapter 283 of the laws of 1979 and the closing paragraph as added by chapter 639 of the laws of 1978, are amended to read as follows:

3. [To advise the corporation on technical matters, a technical advisory committee shall be constituted to be composed of the commissioners of transportation, commerce, health and environmental conservation, the secretary of state, and five persons representative of affected industries to be appointed by the governor with the advice and consent of the

senate. Upon dissolution of the hazardous waste disposal advisory committee pursuant to subdivision three of section twelve hundred eighty-five-f of this article, two members of that committee designated by the governor shall become members of the committee established by this subdivision which committee shall be expanded by two members.]

In [excercising] EXERCISING its responsibilities, the corporation shall also cooperate and act in conjunction with industrial, commercial, medical, scientific, public interest and educational organizations within the state, and with agencies of the federal government, of the state and its political subdivisions, of other states, and joint agencies thereof.

S 20. Paragraph (c) of subdivision 3 of section 1285-f of the public authorities law is REPEALED.

S 21. Section 216-b of the vehicle and traffic law is REPEALED.

S 22. Subdivision 9 of section 3.23 of the parks, recreation and historic preservation law is REPEALED.

S 23. Section 89-mmm of the general business law is REPEALED.

S 24. Subdivision 2 of section 100 of the executive law, as added by chapter 557 of the laws of 1997, is amended to read as follows:

2. The secretary of state shall maintain all records collected for applicants pursuant to the armored car guard act for a period of five years after the applicant's termination as an armored car guard, retirement, resignation, death, failure to be rehired, or non-renewal of the applicant's registration card. Every armored car carrier shall file with the secretary, on a monthly basis, a report, stating all armored car guards in their employ who have retired, resigned, died, been terminated, have [hot] NOT been rehired, or have otherwise been removed from active duty, in such form and on such media as approved for such purpose by the secretary[, upon recommendation of the armored car carrier advisory board established pursuant to the provisions of section eighty-nine-mmm of the general business law].

S 25. Subdivision 5 of section 89-bbb of the general business law is REPEALED.

S 26. Section 89-lll of the general business law, as added by chapter 557 of the laws of 1997, is amended to read as follows:

S 89-lll. Regulations. The secretary[, in consultation with the board,] is hereby authorized and empowered to promulgate rules and regulations necessary for the proper conduct of the business authorized under this article, and not inconsistent herewith.

S 27. Subdivision 5 of section 89-ppp of the general business law is REPEALED.

S 28. Section 923 of the executive law is REPEALED.

S 29. Section 433-a of the general business law is REPEALED.

S 30. The section heading of section 35 of the social services law, as amended by chapter 300 of the laws of 1992, is amended to read as follows:

Legal representation of individuals whose federal disability benefits have been denied or may be discontinued[; advisory committee].

S 31. Subdivision 1 of section 35 of the social services law, as amended by chapter 300 of the laws of 1992, is amended to read as follows:

1. [a. There is hereby established within the department an advisory committee on legal advocacy (hereinafter to be referred to as the "advisory committee") which shall consist of nine members or their designated representatives. The advisory committee shall consist of the following nine members: the commissioner of mental health, the commissioner of

mental retardation and developmental disabilities, the advocate for the disabled and six members appointed by the governor. The six members appointed by the governor shall include three representatives of interested public and private groups, and shall include three representatives of county government and the city of New York to be appointed from a list of six names submitted by the New York state association of counties. The commissioner shall coordinate the functions and activities of the department with those of the advisory committee.

b.] The [advisory committee] COMMISSIONER shall [make recommendations regarding] ESTABLISH criteria for selection of grant applications, review applications awarded pursuant to the provisions of this section, [make recommendations thereon to the commissioner] and exercise and perform such other [advisory] functions as are related to the purposes of this section[; provided however that the committee shall meet at least once every six months].

S 32. Subdivisions 2 and 4 of section 35 of the social services law, subdivision 2 as amended and subdivision 4 as added by chapter 300 of the laws of 1992, are amended to read as follows:

2. The commissioner[, after consultation with the advisory committee,] shall make grants, within the amounts appropriated for that purpose, to not-for-profit legal services corporations and not-for-profit agencies serving the disabled and local social services districts, to provide for representation of persons whose federal disability benefits including supplemental security income and social security disability insurance have been denied or may be discontinued for the purpose of representing these persons in appropriate proceedings. When the commissioner has contracted with a local social services district to provide such representation, the legislative body of such district may authorize and make provision for the commissioner of social services of the district to obtain necessary legal services on a fee for services basis or other appropriate basis which the department may approve. Such legal services may be provided by not-for-profit legal services corporations, not-for-profit agencies serving the disabled or private attorneys.

4. Responsibility for local financial participation shall be determined by the commissioner based on either costs of and the number of district residents served by each local entity or the alternative cost allocation procedure deemed appropriate by the commissioner [in consultation with the advisory committee].

S 33. Subdivisions 8 and 9 of section 350 of the executive law are REPEALED.

S 34. Subdivision 16 of section 353 of the executive law is REPEALED.

S 35. Sections 365, 365-a, 365-b, 365-c, 365-d, 365-e, 365-f and 365-g of the executive law are REPEALED.

S 36. Title 11 of article 24 of the environmental conservation law is REPEALED.

S 37. Subdivision 1 of section 24-0301 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

1. The commissioner shall, as soon as practicable, conduct a study to identify and map those individual freshwater wetlands in the state of New York which shall have an area of at least twelve and four-tenths acres or more, or if less than twelve and four-tenths acres, (a) have, in the discretion of the commissioner[, and subject to review of his action by the board created pursuant to title eleven of this article,] unusual local importance for one or more of the specific benefits set forth in subdivision seven of section 24-0105 OF THIS ARTICLE or (b) are

located within the Adirondack park and meet the definition of wetlands contained in subdivision sixty-eight of section eight hundred two [of article twenty-seven] of the executive law, and shall determine their characteristics. This study shall, in addition to such other data as the commissioner may determine to be included, consist of the freshwater wetlands inventory of the department of environmental conservation, currently being made, together with other available data on freshwater wetlands, whether assisted by the state of New York under the tidal wetlands act or otherwise, or assembled by federal or local governmental or private agencies, all of which information shall be assembled and integrated, as applicable, into a map of freshwater wetlands of the state of New York. Such study may, in the discretion of the commissioner, be carried out on a sectional or regional basis, as indicated by need, subject to overall completion in an expeditious fashion subject to the terms of this chapter. This map, and any orders issued pursuant to the provisions of this article, shall comprise a part of the statewide environmental plan as provided for in section 3-0303 of this chapter. As soon as practicable the commissioner shall file with the secretary of state a detailed description of the technical methods and requirements to be utilized in compiling the inventory, and he shall afford the public an opportunity to submit comments thereon.

S 38. Subdivision 5 of section 24-0703 of the environmental conservation law, as amended by chapter 233 of the laws of 1979, is amended to read as follows:

5. Prior to the promulgation of the final freshwater wetlands map in a particular area and the implementation of a freshwater wetlands protection law or ordinance, no person shall conduct, or cause to be conducted, any activity for which a permit is required under section 24-0701 of this [article] TITLE on any freshwater wetland unless he has obtained a permit from the commissioner under this section. Any person may inquire of the department as to whether or not a given parcel of land will be designated a freshwater wetland subject to regulation. The department shall give a definite answer in writing within thirty days of such request as to whether such parcel will or will not be so designated. Provided that, in the event that weather or ground conditions prevent the department from making a determination within thirty days, it may extend such period until a determination can be made. Such answer in the affirmative shall be reviewable [pursuant to title eleven of this article]; such an answer in the negative shall be a complete defense to the enforcement of this article as to such parcel of land. The commissioner may by regulation adopted after public hearing exempt categories or classes of wetlands or individual wetlands which he determines not to be critical to the furtherance of the policies and purposes of this article.

S 39. Subdivision 6 of section 24-0705 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

6. Review of the determination of the local government or of the commissioner shall be, within a period of thirty days after the filing thereof, pursuant to the provisions of [title eleven of this article or] article seventy-eight of the civil practice law and rules. Any owner of the wetland affected and any resident or citizen of the local government shall be deemed to have the requisite standing to seek review.

S 40. Subdivision 2 of section 24-0801 of the environmental conservation law, as added by chapter 654 of the laws of 1977, is amended to read as follows:

2. Where the activities otherwise subject to regulation under this article involve freshwater wetlands located within the boundaries of the Adirondack park, the inquiries referred to and the applications provided for in section 24-0703 of this article shall be made to and filed with the Adirondack park agency at its headquarters office, under such regulations and procedures as the Adirondack park agency may promulgate. The Adirondack park agency shall review the application in place of the commissioner or local government as provided in section 24-0705 of this article, having due regard for the declaration of policy and statement of findings set forth in this article and for the considerations set forth in subdivision one of section 24-0705 of this article. The agency shall in addition determine prior to the granting of any permit that the proposed activity will be consistent with the Adirondack park land use and development plan and would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park, taking into account the economic and social or other benefits to be derived from the activity. Any person may seek review of a ruling made solely pursuant to the provisions of this article by the Adirondack park agency pursuant to the provisions of [title eleven of this article or] article seventy-eight of the civil practice law and rules.

S 41. Subdivision 7 of section 24-0903 of the environmental conservation law, as added by chapter 614 of the laws of 1975, is amended to read as follows:

7. Any person aggrieved by any such order or regulation may seek [review pursuant to the provisions of title eleven of this article or] judicial review pursuant to article seventy-eight of the civil practice law and rules in the supreme court for the county in which the freshwater wetland is located, within thirty days after the date of the filing of the order with the clerk of the county in which the wetland is located.

S 42. Section 24-0507 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

S 24-0507. Reservation of local jurisdiction.

Except as provided in this article, jurisdiction over all areas which would qualify as freshwater wetlands except that they are not designated as such on the freshwater wetlands map pursuant to section 24-0301 of this article because they are less than twelve and four-tenths acres in size and are not of unusual local importance is reserved to the city, town or village in which they are wholly or partially located, and the implementation of this article with respect thereto is the responsibility of said city, town or village, in accordance with section 24-0501 and title twenty-three of article seventy-one of this chapter, except that a city, town or village in the exercise of its powers under this section, shall not be subject to the provisions of subdivision four of section 24-0501, subdivisions two and three of section 24-0503, or section 24-0505[, but shall be subject to judicial review under subdivision two of section 24-1105] of this article.

S 43. Subdivision 3 of section 1-0303 of the environmental conservation law is REPEALED.

S 44. Paragraph a of subdivision 2 of section 3-0301 of the environmental conservation law, as amended by chapter 469 of the laws of 1974, is amended to read as follows:

a. [With the advice and approval of the board, adopt] ADOPT, amend or repeal environmental standards, criteria and those rules and regulations

having the force and effect of standards and criteria to carry out the purposes and provisions of this act. [Upon approval by the board of any] ANY such environmental standard, criterion, rule or regulation or change thereto[, it] shall become effective thirty days after being filed with the Secretary of State for publication in the "Official Compilation of Codes, Rules, and Regulations of the State of New York" published pursuant to section 102 of the Executive Law. This provision shall not in any way restrict the commissioner in the exercise of any function, power or duty transferred to him OR HER and heretofore authorized to be exercised by any other department acting through its commissioner to promulgate, adopt, amend or repeal any standards, rules and regulations. No such environmental standards, criterion, rule or regulation or change thereto shall be proposed for approval unless a public hearing relating to the subject of such standard shall be held by the commissioner prior thereto not less than 30 days after date of notice therefor, any provision of law to the contrary notwithstanding. Notice shall be given by public advertisement of the date, time, place and purpose of such hearing. [Members of the board shall be entitled to participate in such hearing and opportunity to be heard by the commissioner with respect to the subject thereof shall be given to the public.]

S 45. Article 5 of the environmental conservation law is REPEALED.

S 46. Section 17-1411 of the environmental conservation law, as added by chapter 436 of the laws of 1989, is amended to read as follows:

S 17-1411. Regulations.

[1.] The commissioner may promulgate regulations necessary to effectuate the purposes of section 17-1409 of this title including, but not limited to, regulations setting forth criteria for submission and processing of grant applications, components of best management practices and state standards necessary to control nonpoint source pollution.

[2. Regulations promulgated pursuant to subdivision one of this section shall not require the approval of the state environmental board pursuant to paragraph a of subdivision two of section 3-0301 or subdivision two of section 5-0107 of this chapter.]

S 47. Subdivision 4 of section 19-0303 of the environmental conservation law, as added by chapter 608 of the laws of 1993, is amended to read as follows:

4. In adopting any code, rule or regulation which contains a requirement that is more stringent than the Act or regulations issued pursuant to the Act by the United States environmental protection agency, the commissioner shall, in addition to the provisions of section two hundred two-a of the state administrative procedure act, include in the regulatory impact statement:

(a) a detailed explanation of the reason or reasons that justify exceeding federal minimum requirements, including:

(i) satisfying any requirement of the Act as it relates to New York state, including any requirement for demonstrating attainment or maintenance of ambient air quality standards or meeting reasonable further progress pursuant to Title I of the Act;

(ii) preventing an assessment or imposition of sanctions, or the imposition of a federal implementation plan, pursuant to the Act;

(iii) complying with a final decree of a court; or

(iv) protecting public health or the environment;

(b) an evaluation of the cost-effectiveness of the proposed code, rule or regulation, in comparison with the cost-effectiveness of reasonably available alternatives; and

(c) a review of the reasonably available alternative measures considered by the commissioner and an explanation of the reasons for rejecting such alternatives.

[Any code, rule or regulation to which this subdivision is applicable shall be subject to the approval of the environmental board pursuant to subdivision 2 of section 5-0107 of this chapter.]

S 48. Section 19-0917 of the environmental conservation law is REPEALED.

S 49. Subdivision 3 of section 27-0903 of the environmental conservation law, as amended by chapter 831 of the laws of 1990, is amended to read as follows:

3. The regulations setting forth the criteria for identification and listing, and the list of, hazardous wastes subject to this title may be amended by the commissioner from time to time as appropriate, based upon hazardous waste conditions of particular relevance to the state. The commissioner may promulgate the appropriately amended regulations only [after approval of the state environmental board based] upon a showing of the circumstances constituting the hazardous waste conditions of particular relevance to this state, and then in a manner consistent with the state administrative procedure act.

S 50. Subdivision 1 of section 27-1315 of the environmental conservation law, as amended by section 7 of part E of chapter 1 of the laws of 2003, is amended to read as follows:

1. The commissioner shall have the power to promulgate rules and regulations necessary and appropriate to carry out the purposes of this title. Any [such] regulations shall include provisions which establish the procedures for a hearing pursuant to subdivision four of section 27-1313 of this title[. Any such provisions] AND shall ensure a division of functions between the commissioner, the staff who present the case, and any hearing officers appointed. In addition, any [such] regulations shall set forth findings to be based on a factual record, which must be made before the commissioner determines that a significant threat to the environment exists. [Rules and regulations promulgated pursuant to this title shall be subject to the approval of a board, which shall be known as the inactive hazardous waste disposal site regulation review board, which shall have the same members, rules, and procedures as the state environmental board.]

S 51. Subdivision 1 of section 27-1504 of the environmental conservation law, as added by chapter 180 of the laws of 1989, is amended to read as follows:

1. The commissioner shall promulgate new regulations or amend existing regulations establishing a program for the tracking of the regulated medical waste which is generated in this state. Such regulations shall not be subject to the requirements of subdivision 2 of section 3-0301 [or subdivision 2 of section 5-0107] of this chapter.

S 52. Subdivision 4 of section 29-0103 of the environmental conservation law is REPEALED.

S 53. Subdivision 4 of section 70-0117 of the environmental conservation law, as added by chapter 723 of the laws of 1977, is amended to read as follows:

4. In conjunction with one or more applications for permits, the department may, on request of an applicant undertake a conceptual review of a proposed project evaluating the general approvability or nonapprovability of a proposed project, including all proposed phases or segments thereof, subject to the development and submission of more detailed plans and information and such additional applications for permits in

the future as may be necessary. The department shall, in rules and regulations [approved by the state environmental board], establish criteria and guidelines for the conceptual review of proposed projects. The department shall establish, in rules and regulations adopted pursuant to section 70-0107 of this chapter, procedures governing the conceptual review of proposed projects.

S 54. Sections 9-0705, 9-0707, 9-0709 and 9-0711 of the environmental conservation law are REPEALED.

S 55. Section 9-0713 of the environmental conservation law, as amended by chapter 386 of the laws of 1980, is amended to read as follows:

S 9-0713. State assistance.

[Upon the establishment of regional forest practice boards, and upon the adoption and promulgation of] THE COMMISSIONER SHALL ADOPT forest practice standards[, the regional forest practice boards]. THE DEPARTMENT shall notify [all the] owners of forest land [in their regions] that the commissioner is prepared to assist cooperating owners in connection with the application of [approved] forest practice standards. The commissioner shall provide to cooperating forest and farm woodland owners technical services in connection with all phases of forest management including but not limited to, plantation establishment and care, the marking of timber, marketing assistance and silvicultural treatment of immature stands.

S 56. Subdivision 1 of section 444-b of the real property law is REPEALED and subdivisions 2, 3, 4, 5, 6, 7 and 8 are renumbered subdivisions 1, 2, 3, 4, 5, 6 and 7.

S 57. Subdivision 4 of section 444-b of the real property law, as amended by chapter 225 of the laws of 2005 and as renumbered by section fifty-six of this act, is amended to read as follows:

4. "Home inspection" means the process by which a home inspector observes and provides a written report of the systems and components of a residential building including but not limited to heating system, cooling system, plumbing system, electrical system, structural components, foundation, roof, masonry structure, exterior and interior components or any other related residential building component as recommended [by the home inspection council and implemented] OR REQUIRED by the department through regulation to provide a client with objective information about the condition of the residential building. The home inspector shall clearly identify in the written report which systems and components of the residential building were observed. A home inspection shall not include an inspection for radon or pests.

S 58. Section 444-c of the real property law, as added by chapter 461 of the laws of 2004, subdivisions 1, 2 and 3 as amended by chapter 225 of the laws of 2005, is amended to read as follows:

S 444-c. [State home inspection council] CODE OF ETHICS AND STANDARDS OF PRACTICE. 1. [There is hereby established a state home inspection council within the department. The council shall consist of the secretary or the secretary's designee and six additional members who are residents of the state, of whom three shall be persons licensed and actively engaged in the business of home inspection in the state of New York for at least five years immediately preceding their appointment and three of whom shall be consumers who are the owners and principal residents of a residential building in the state of New York. Appointments shall reflect the geographical diversity of the state.

2. For a period of one year after the effective date of this section, and notwithstanding any other provisions of this section to the contrary, the first three home inspectors appointed as members of the commit-

tee shall not be required, at the time of their first appointment, to be licensed to practice home inspection, provided that such members be licensed pursuant to this article within one year of appointment.

3. The governor shall appoint each member of the council for a term of three years except that of the members first appointed, two shall serve for terms of three years, two shall serve for terms of two years and two shall serve for a term of one year. The governor shall appoint one home inspector and one consumer solely in his or her discretion, one home inspector and one consumer upon the recommendation of the temporary president of the senate, and one home inspector and one consumer upon the recommendation of the speaker of the assembly. Each member shall hold office until his or her successor has been qualified. Any vacancy in the membership of the council shall be filled for the unexpired term in the manner provided for the original appointment. No member of the council may serve more than two successive terms in addition to any unexpired term to which he or she has been appointed.

4. Members of the council shall receive no compensation but shall be reimbursed for their actual and necessary expenses and provided with office and meeting facilities and personnel required for the proper conduct of the council's business.

5. The council shall annually elect from among its members a chair and vice-chair and may appoint a secretary, who need not be a member of the council. The council shall meet at least twice a year and may hold additional meetings as necessary to discharge its duties.

6. The role of the council shall be advisory.] The [council shall advise the secretary in the administration and enforcement of the provisions of this article and recommend to the] secretary SHALL PROMULGATE regulations to implement the provisions of this article including but not limited to:

(a) standards for training including approval of the course of study and examination required for licensure of home inspectors;

(b) requirements and standards for continuing education of home inspectors;

(c) a code of ethics and standards of practice for licensed home inspectors consistent with the provisions of this article and sound ethical practices which code and standards shall be subject to public notice and comment prior to [a council recommendation to the secretary] ADOPTION OF THE REGULATIONS. The standards of practice shall not require a reporting format or limit information which licensees are authorized to provide a client pursuant to this article; and

(d) development of information and educational materials about home inspection for distribution to clients.

2. Nothing in this section shall be deemed to supersede any established authority, duty and power established by local law, state law or regulation or otherwise granted to any agency, body or entity.

S 59. Section 444-e of the real property law, as added by chapter 461 of the laws of 2004, paragraphs (b) and (c) of subdivision 1 and subdivision 3 as amended by chapter 225 of the laws of 2005, is amended to read as follows:

S 444-e. Qualifications for licensure. 1. An applicant for a license as a home inspector shall:

(a) have successfully completed high school or its equivalent; and

(b) (i) have successfully completed a course of study of not less than one hundred forty hours approved by the secretary[, in consultation with the council], of which at least forty hours shall have been in the form of unpaid field based inspections in the presence of and under the

direct supervision of a home inspector licensed by the state of New York or a professional engineer or architect regulated by the state of New York who oversees and takes full responsibility for the inspection and any report provided to a client; or

(ii) have performed not less than one hundred home inspections in the presence of and under the direct supervision of a home inspector licensed by the state of New York or a professional engineer or architect regulated by the state of New York who oversees and takes full responsibility for the inspection and any report provided to a client; and

(c) have passed a written or electronic examination approved by the secretary[, in consultation with the council], and designed to test competence in home inspection practice as determined by a recognized role definition methodology and developed and administered to the extent practicable in a manner consistent with the American Educational Research Association's "Standards for Educational and Psychological Testing." An applicant who has passed an existing nationally recognized examination, as approved by the secretary, prior to the effective date of this article shall be in compliance with this paragraph; and

(d) pay the applicable fees.

2. The provisions of this section shall not apply to a person performing a home inspection pursuant to subparagraph (ii) of paragraph (b) of subdivision one of this section for the purpose of meeting requirements for a home inspector license.

3. Upon submission of an application and payment of the application and licensure fee to the secretary, the secretary shall issue a home inspector's license to a person who holds a valid license as a home inspector issued by another state or possession of the United States or the District of Columbia which has standards substantially equivalent to those of this state as determined by the secretary[, in consultation with the council].

4. On or before the effective date of this article, the secretary shall, upon application, issue a home inspector license to a person who:

(a) meets the requirements of paragraphs (a) and (c) of subdivision one of this section and has performed one hundred or more home inspections for compensation within two years prior to the effective date of this section; or

(b) meets the requirements of paragraph (a) of subdivision one of this section and has been engaged in the practice of home inspection for compensation for not less than three years prior to the effective date of this section during which such person has performed two hundred fifty home inspections for compensation within three years prior to the effective date of this section; or

(c) has education and experience which the secretary[, in consultation with the council], considers equivalent to that required pursuant to paragraphs (a) and (b) of this subdivision.

S 60. Subdivision 1 of section 444-f of the real property law, as amended by chapter 225 of the laws of 2005, is amended to read as follows:

1. Home inspector licenses and renewals thereof shall be issued for a period of two years, except that the secretary may, in order to stagger the expiration date thereof, provide that those licenses first issued or renewed after the effective date of this section shall expire or become void on a date fixed by the secretary, not sooner than six months nor later than twenty-nine months after the date of issue. No renewal of a license shall be issued unless the applicant has successfully completed

a course of continuing education approved by the secretary[, in consultation with the council].

S 61. Subdivision 1 of section 444-k of the real property law, as added by chapter 461 of the laws of 2004, is amended to read as follows:

1. Every licensed home inspector who is engaged in home inspection shall secure, maintain, and file with the secretary proof of a certificate of liability coverage, which terms and conditions shall be determined by the secretary [in consultation with the council].

S 62. Section 444-l of the real property law, as added by chapter 461 of the laws of 2004, is amended to read as follows:

S 444-l. Duties of the secretary. The secretary shall[, in consultation with the council,] establish such rules and regulations as shall be necessary to implement the provisions of this article.

S 63. Subdivision 6 of section 69-n of the general business law is REPEALED.

S 64. Chapter 868 of the laws of 1976, relating to the organic food advisory committee, is REPEALED.

S 65. Subdivisions 6, 7, 8 and 9 of section 73-b of the agriculture and markets law are REPEALED and subdivision 10 is renumbered subdivision 6.

S 66. Subdivision 5 of section 73-b of the agriculture and markets law, as added by chapter 276 of the laws of 2001, is amended to read as follows:

5. The advisory board, which shall be chaired by the commissioner, shall:

(a) evaluate and prioritize the veterinary diagnostic laboratory needs of industry, government and consumer entities;

(b) provide advice and recommendations to the dean of the New York state college of veterinary medicine for strategic direction of diagnostic laboratory services;

(c) make recommendations to the dean regarding appointment of the director of the laboratory; [and]

(d) assess the feasibility of the consolidation, expansion and modernization of the current physical facilities of the laboratory;

(E) PROVIDE ADVICE AND RECOMMENDATIONS TO THE DIRECTOR OF THE DIAGNOSTIC LABORATORY REGARDING INDUSTRY NEEDS AND THE EFFECTIVENESS OF VETERINARY DIAGNOSTIC LABORATORY SERVICES; AND

(F) PROVIDE ADVICE AND RECOMMENDATIONS TO THE COMMISSIONER, THE NEW YORK STATE VETERINARIAN, AND THE DIRECTOR OF THE DIAGNOSTIC LABORATORY REGARDING ANIMAL HEALTH PROGRAMS ADMINISTERED BY THE DEPARTMENT, TO INCLUDE BUT NOT BE LIMITED TO THE NEW YORK STATE CATTLE HEALTH ASSURANCE PROGRAM AND THE EGG QUALITY ASSURANCE PROGRAM.

S 67. Paragraph (g) of subdivision 3 of section 73-b of the agriculture and markets law, as added by chapter 276 of the laws of 2001, is amended to read as follows:

(g) one member to be appointed by the governor, upon recommendation by the commissioner[, from nominations received from the animal health issues committee];

S 68. Section 13-0308 of the environmental conservation law is REPEALED.

S 69. The opening paragraph of subdivision 15 of section 13-0309 of the environmental conservation law, as added by chapter 512 of the laws of 1994, is amended to read as follows:

Unless and until regulations are adopted implementing a comprehensive long-term management plan for the protection of surf clams and ocean quahogs in New York waters [prepared in conjunction with the surf

clam/ocean quahog management advisory board pursuant to section 13-0308, of this title], the following restrictions shall apply in addition to any consistent regulations adopted prior to the date upon which such section shall take effect:

S 70. Subparagraph (ii) of paragraph 3 of subdivision (a) of section 83 of the state finance law, as amended by section 6 of part A of chapter 58 of the laws of 1998, is amended to read as follows:

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, moneys arising out of the application of subdivision fourteen of section 13-0309 of the environmental conservation law, shall be deposited in a special account within the conservation fund, to be known as the surf clam/ocean quahog account, and shall be available to the department of environmental conservation, including contracts for such purposes with a New York State institution of higher education currently involved in local marine research, after appropriation, for the research and stock assessment of surf clams and ocean quahogs [and the operations of the surf clam/ocean quahog management advisory board].

S 71. Section 2407 of the public health law is REPEALED.

S 72. Subdivision 5 of section 2409 of the public health law is REPEALED and subdivisions 6 and 7 are renumbered subdivisions 5 and 6.

S 73. The public health law is amended by adding a new section 2409-a to read as follows:

S 2409-A. ADVISORY COUNCIL. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT THE BREAST, CERVICAL AND OVARIAN CANCER DETECTION AND EDUCATION PROGRAM ADVISORY COUNCIL, FOR THE PURPOSE OF ADVISING THE COMMISSIONER WITH REGARDS TO PROVIDING INFORMATION TO CONSUMERS, PATIENTS, AND HEALTH CARE PROVIDERS RELATING, BUT NOT LIMITED TO, BREAST, CERVICAL AND OVARIAN CANCER, INCLUDING SIGNS AND SYMPTOMS, RISK FACTORS, THE BENEFITS OF PREVENTION AND EARLY DETECTION, GUIDELINE CONCORDANT CANCER SCREENING AND DISEASE MANAGEMENT, OPTIONS FOR DIAGNOSTIC TESTING AND TREATMENT, NEW TECHNOLOGIES, AND SURVIVORSHIP.

2. THE ADVISORY COUNCIL SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE PROMOTION AND IMPLEMENTATION OF PROGRAMS UNDER SECTIONS TWENTY-FOUR HUNDRED SIX AND TWENTY-FOUR HUNDRED NINE OF THIS TITLE.

3. THE COMMISSIONER SHALL APPOINT TWENTY-ONE VOTING MEMBERS, WHICH SHALL INCLUDE REPRESENTATION OF HEALTH CARE PROFESSIONALS, CONSUMERS, PATIENTS AND OTHER APPROPRIATE INTEREST REFLECTIVE OF THE DIVERSITY OF THE STATE, WITH EXPERTISE IN BREAST, CERVICAL AND/OR OVARIAN CANCER. THE COMMISSIONER SHALL APPOINT ONE MEMBER AS A CHAIRPERSON. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN PERFORMANCE OF THEIR DUTIES.

4. A MAJORITY OF THE APPOINTED VOTING MEMBERSHIP OF THE BOARD SHALL CONSTITUTE QUORUM.

5. THE ADVISORY COUNCIL SHALL MEET AT LEAST TWICE A YEAR, AT THE REQUEST OF THE DEPARTMENT.

S 74. Section 844-a of the executive law is REPEALED.

S 75. This act shall take effect immediately; provided that:

(a) the amendments to the opening paragraph of subdivision 15 of section 13-0309 of the environmental conservation law, made by section sixty-nine of this act, shall take effect on the same date as the reversion of such subdivision as provided in section 2 of chapter 158 of the laws of 2011, as amended.

(b) sections thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one and forty-two of this act shall take effect upon the resolution of all appeals pending before the freshwater appeals board;

provided, however, that such board, created by title 11 of article 24 of the environmental conservation law, as repealed by section thirty-six of this act, shall not accept any new cases as of the effective date of this act; and

(c) the commissioner of the department of environmental conservation shall notify the legislative bill drafting commission upon the resolution of all appeals pending before the freshwater appeals board in order that the commission may maintain an accurate and timely effective date data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

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

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