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

S. 6408 A. 9008

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

January 14, 2016

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

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

AN ACT to amend public authorities law, in relation to committing the state of New York and the city of New York to partially fund part of the costs of the Metropolitan Transportation Authority's capital program (Part A); to amend the public authorities law, in relation to procurements by the New York City transit authority and the metropolitan transportation authority; and to amend the insurance law, in relation to extending owner controlled insurance programs in certain instances (Part B); to amend the public authorities law and the general municipal law, in relation to the New York transit authority and the metropolitan transportation authority (Part C); to amend the vehicle and traffic law and the state finance law, in relation to the dedication of revenues and the costs of the department of motor vehicles; to amend chapter 751 of the laws of 2005 amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof; to repeal subdivision 2 of section 89-g of the state finance law relating to funds to be placed into the accident prevention course internet, and other technology pilot program fund; and to repeal certain provisions of the state finance law relating to the motorcycle safety fund (Part D); to amend the vehicle and traffic law, in relation to farm vehicles and covered farm vehicles and to expand the scope of the P endorsement (Part E); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part F); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part G); to establish the Transformational Economic Development Infrastructure and Revitalization Projects act (Part H); to authorize and direct the New

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

LBD12673-01-6

York state energy research and development authority to make a payment to the general fund of up to $913,000 (Part I); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY programs, and to finance the department of environmental conservation's climate change program, from an assessment on gas and electric corporations (Part J); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part K); to amend the public service law, in relation to authorizing the department of public service to increase program efficiencies (Part L); to amend chapter 21 of the laws of 2003, amending the executive law, relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part M); to amend the business corporation law, the cooperative corporations law, the executive law, the general associations law, the general business law, the limited liability company law, the not-for-profit corporation law, the partnership law, the private housing finance law, the real property law and the tax law, in relation to streamlining the process by which service of process is served against a corporate or other entity with the secretary of state; and to repeal certain provisions of the real property law relating thereto (Part N); to amend the general business law, the tax law, and the alcoholic beverage control law, in relation to authorized combative sports and to the costs of boxer medical examinations; and to repeal chapter 912 of the laws of 1920, relating to the regulation of boxing, sparring, and wrestling (Part O); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes in relation to the effectiveness thereof (Part P); to amend the public authorities law, the canal law, the state finance law, the public officers law, the transportation law, and the parks, recreation and historic preservation law, in relation to eliminating the canal corporation; and to repeal certain provisions of the public authorities law and the public officers law relating thereto (Part Q); to establish the private activity bond allocation act of 2016; to amend the public authorities law in relation to the powers, functions and duties of the New York state public authorities control board; and to repeal the private activity bond allocation act of 2014 (Part R); to amend the New York state urban development corporation act, in relation to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation; to repeal certain provisions of the agriculture and markets law relating to the marketing of agricultural products; and providing for the repeal of such provisions upon expiration thereof (Part S); to amend the environmental conservation law, in relation to mandatory tire acceptance (Part T); to amend the state finance law, in relation to creating a new climate change mitigation and adaptation account in the environmental protection fund; to amend the environmental conservation law, in relation to local waterfront revitalization programs; and to amend the executive law, in relation to payments for local waterfront revitalization programs (Part U); and to amend the navigation law, in

relation to the authorized reimbursement rate paid to governmental entities (Part V)

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 2016-2017 state fiscal year. Each component is wholly contained within a Part identified as Parts A through V. 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. This act shall be known as the "Metropolitan Transportation Authority (MTA) Capital Financing Act of 2016". This act commits the state of New York (state) and the city of New York (city) to fund, over a multi-year period, $10,828,000,000 in capital costs related to projects contained in the MTA's 2015-2019 capital program (capital program). The state share of $8,336,000,000 shall consist of $1,000,000,000 in appropriations first enacted in the 2015-2016 state budget and additional funds sufficient for MTA to pay $7,336,000,000 of capital costs as provided herein. The city share of $2,492,000,000 shall consist of $657,000,000 to be provided by the city from 2015 through 2019, and additional funds sufficient for MTA to pay $1,835,000,000 of capital costs for the capital program. The $7,336,000,000 of additional funds to be provided by the state may be used by the MTA to pay direct capital costs and/or the state may fund such $7,336,000,000 of capital costs through financing mechanisms undertaken by the MTA.

S 2. (a) The additional funds provided by the state pursuant to section one of this act shall be scheduled and made available to pay for the costs of the capital program after MTA capital resources planned for the capital program, not including additional city and state funds, have been exhausted, or when MTA capital resources planned for the capital program are not available. It is anticipated that state funds shall be required by, and provided to, the MTA in an amount to support $1,500,000,000 of capital costs in the first year in which planned MTA capital resources are exhausted; $2,600,000,000 in the second year; $1,840,000,000 in the third year and $1,396,000,000 in the fourth year or thereafter.

(b) Such funds may be provided to the MTA through direct payments from the state and/or financing mechanisms undertaken by the MTA utilizing aid paid by the state on a schedule sufficient to support the capital costs outlined in this act. The director of the budget (director) shall annually determine the level of funding required to meet the state's commitment and recommend such amounts for inclusion in the executive budget. In making such determination, the director shall consider the availability of MTA capital resources planned for the capital program, the current progress and timing of the MTA capital program, the financ-

ing mechanisms employed by the MTA, if any, and any other pertinent factors.

(c) State funding amounts, whether direct or in support of a financing mechanism undertaken by the MTA, shall be subject to appropriation within applicable annual state budgets; provided, however, that in the event the state does not appropriate the full amount of the funding required pursuant to this act in any year, such action shall not reduce the commitment of the state to fund the full state share specified in section one of this act, with the state fulfilling its aggregate commitment in this act no later than state fiscal year 2025-2026 or by the completion of the capital program. In the event that the MTA has exhausted all currently available sources of funding, the MTA may, with the approval of the director, issue anticipation notes or other obligations secured solely by the additional funds specified in subdivision (a) of this section and shall provide for capitalized interest thereon.

S 3. In order to annually determine the adequacy and pace of the level of state funding in support of the MTA's capital program, and to gauge the availability of MTA capital resources planned for the capital program, the director may request, and the MTA shall provide, periodic reports on the MTA's capital programs and financial activities in a form and on a schedule prescribed by the director.

S 4. Subdivision 12 of section 1269 of the public authorities law, as amended by section 1 of part E of chapter 58 of the laws of 2012, is amended to read as follows:

12. The aggregate principal amount of bonds, notes or other obligations issued after the first day of January, nineteen hundred ninety-three by the authority, the Triborough bridge and tunnel authority and the New York city transit authority to fund projects contained in capital program plans approved pursuant to section twelve hundred sixty-nine-b of this title for the period nineteen hundred ninety-two through two thousand [fourteen] NINETEEN shall not exceed [thirty-seven] FIFTY-FIVE billion [two hundred eleven] FOUR HUNDRED NINETY-SEVEN million dollars [prior to January one, two thousand thirteen; shall not exceed thirty-nine billion five hundred forty-four million prior to January one, two thousand fourteen; and shall not exceed forty-one billion eight hundred seventy-seven million dollars thereafter]. Such aggregate principal amount of bonds, notes or other obligations or the expenditure thereof shall not be subject to any limitation contained in any other provision of law on the principal amount of bonds, notes or other obligations or the expenditure thereof applicable to the authority, the Triborough bridge and tunnel authority or the New York city transit authority. The aggregate limitation established by this subdivision shall not include (i) obligations issued to refund, redeem or otherwise repay, including by purchase or tender, obligations theretofore issued either by the issuer of such refunding obligations or by the authority, the New York city transit authority or the Triborough bridge and tunnel authority, (ii) obligations issued to fund any debt service or other reserve funds for such obligations, (iii) obligations issued or incurred to fund the costs of issuance, the payment of amounts required under bond and note facilities, federal or other governmental loans, security or credit arrangements or other agreements related thereto and the payment of other financing, ORIGINAL ISSUE PREMIUMS and related costs associated with such obligations, (iv) an amount equal to any original issue discount from the principal amount of such obligations or to fund capitalized interest, (v) obligations incurred pursuant to section twelve hundred seven-m of this article, (vi) obligations incurred to

fund the acquisition of certain buses for the New York city transit authority as identified in a capital program plan approved pursuant to chapter fifty-three of the laws of nineteen hundred ninety-two, (vii) obligations incurred in connection with the leasing, selling or transferring of equipment, and (viii) bond anticipation notes or other obligations payable solely from the proceeds of other bonds, notes or other obligations which would be included in the aggregate principal amount specified in the first sentence of this subdivision, whether or not additionally secured by revenues of the authority, or any of its subsidiary corporations, New York city transit authority, or any of its subsidiary corporations, or Triborough bridge and tunnel authority.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016.

PART B

Section 1. Subdivision 7 of section 1209 of the public authorities law, as amended by chapter 334 of the laws of 2001, is amended to read as follows:

7. (a) Except as otherwise provided in this section, all purchase contracts for supplies, materials or equipment involving an estimated expenditure in excess of [fifteen] ONE HUNDRED thousand dollars and all contracts for public work involving an estimated expenditure in excess of [twenty-five] ONE HUNDRED thousand dollars shall be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in the manner hereinafter set forth. The aforesaid shall not apply to contracts for personal, architectural, engineering or other professional services. The authority may reject all bids and obtain new bids in the manner provided by this section when it is deemed in the public interest to do so or, in cases where two or more responsible bidders submit identical bids which are the lowest bids, award the contract to any of such bidders or obtain new bids from such bidders. Nothing herein shall obligate the authority to seek new bids after the rejection of bids or after cancellation of an invitation to bid. Nothing in this section shall prohibit the evaluation of bids on the basis of costs or savings including life cycle costs of the item to be purchased, discounts, and inspection services so long as the invitation to bid reasonably sets forth the criteria to be used in evaluating such costs or savings. Life cycle costs may include but shall not be limited to costs or savings associated with installation, energy use, maintenance, operation and salvage or disposal.

(b) Section twenty-eight hundred seventy-nine of this chapter shall apply to the authority's acquisition of goods or services of any kind, in the actual or estimated amount of fifteen thousand dollars or more, provided that (I) a contract for [personal] services in the actual or estimated amount of less than [twenty] ONE HUNDRED thousand dollars shall not require approval by the board of the authority regardless of the length of the period over which the services are rendered, and provided further that a contract for [personal] services in the actual or estimated amount of [twenty] ONE HUNDRED thousand dollars or more shall require approval by the board of the authority regardless of the length of the period over which the services are rendered UNLESS SUCH A CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE BIDDER AFTER OBTAINING SEALED BIDS AND (II) THE BOARD OF THE AUTHORITY MAY BY RESOLUTION ADOPT GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS TO SMALL BUSINESS CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES CERTIFIED PURSU-

ANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY THAT ARE RECYCLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITHOUT FURTHER BOARD APPROVAL.

S 2. Paragraph (a) of subdivision 8 of section 1209 of the public authorities law, as amended by chapter 725 of the laws of 1993, is amended to read as follows:

(a) Advertisement for bids, when required by this section, shall be published [at least once in a newspaper of general circulation in the area served by the authority and] in the procurement opportunities newsletter published pursuant to article four-C of the economic development law provided that, notwithstanding the provisions of article four-C of the economic development law, an advertisement shall only be required when required by this section. Publication [in a newspaper of general circulation in the area served or] in the procurement opportunities newsletter shall not be required if bids for contracts for supplies, materials or equipment are of a type regularly purchased by the authority and are to be solicited from a list of potential suppliers, if such list is or has been developed consistent with the provisions of subdivision eleven of this section. Any such advertisement shall contain a statement of: (i) the time and place where bids received pursuant to any notice requesting sealed bids will be publicly opened and read; (ii) the name of the contracting agency; (iii) the contract identification number; (iv) a brief description of the public work, supplies, materials, or equipment sought, the location where work is to be performed, goods are to be delivered or services provided and the contract term; (v) the address where bids or proposals are to be submitted; (vi) the date when bids or proposals are due; (vii) a description of any eligibility or qualification requirement or preference; (viii) a statement as to whether the contract requirements may be fulfilled by a subcontracting, joint venture, or co-production arrangement; (ix) any other information deemed useful to potential contractors; and (x) the name, address, and telephone number of the person to be contacted for additional information. At least fifteen business days shall elapse between the first publication of such advertisement or the solicitation of bids, as the case may be, and the date of opening and reading of bids.

S 3. Subparagraph (i) of paragraph f of subdivision 9 of section 1209 of the public authorities law, as added by chapter 929 of the laws of 1986, is amended to read as follows:

(i) [The] EXCEPT FOR A CONTRACT THAT IS AWARDED PURSUANT TO THIS PARAGRAPH TO THE PROPOSER WHOSE PROPOSAL IS THE LOWEST COST, THE authority may award a contract pursuant to this paragraph only after a resolution approved by a two-thirds vote of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made.

S 4. Subdivision 13 of section 1209 of the public authorities law, is renumbered subdivision 15 and two new subdivisions 13 and 14 are added to read as follows:

13. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, THE AUTHORITY SHALL BE ALLOWED TO USE AN ELECTRONIC BIDDING SYSTEM THAT MAY INFORM BIDDERS WHETHER THEIR BID IS THE CURRENT LOW BID, AND ALLOW BIDDERS TO

SUBMIT NEW BIDS BEFORE THE DATE AND TIME ASSIGNED FOR THE OPENING OF BIDS. SUCH PROCEDURE SHALL NOT CONSTITUTE DISCLOSURE OF BIDS IN VIOLATION OF SECTION TWENTY-EIGHT HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

14. WHENEVER THE COMPTROLLER, PURSUANT TO SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF THIS CHAPTER:

(A) INTENDS TO SUBJECT TO HIS OR HER APPROVAL A CONTRACT OR CONTRACT AMENDMENT TO BE AWARDED BY THE AUTHORITY PURSUANT TO THIS SECTION, THE COMPTROLLER SHALL NOTIFY THE AUTHORITY IN WRITING OF SUCH DETERMINATION WITHIN FORTY-FIVE DAYS OF HAVING RECEIVED WRITTEN NOTICE OF SUCH CONTRACT OR CONTRACT AMENDMENT EITHER IN THE AUTHORITY'S ANNUAL REPORT OR ANY REVISED REPORT;

(B) HAS NOTIFIED THE AUTHORITY IN WRITING THAT ANY CONTRACT OR CONTRACT AMENDMENT AWARDED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO HIS OR HER APPROVAL, SUCH CONTRACT OR CONTRACT AMENDMENT SHALL BECOME VALID AND ENFORCEABLE WITHOUT SUCH APPROVAL IF THE COMPTROLLER HAS NOT APPROVED OR DISAPPROVED SUCH CONTRACT OR CONTRACT AMENDMENT WITHIN FORTY-FIVE DAYS OF SUBMISSION TO HIS OR HER OFFICE.

S 5. Subdivision 7 of section 1265 of the public authorities law, as added by chapter 324 of the laws of 1965, is amended to read as follows:

7. To acquire, hold and dispose of real or personal property in the exercise of its powers[;], INCLUDING, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE POWER TO DISPOSE OF PERSONAL PROPERTY BY PUBLIC AUCTION IN ACCORDANCE WITH GUIDELINES ADOPTED BY THE AUTHORITY. SUCH GUIDELINES SHALL PROVIDE FOR ADVERTISING AND SUCH OTHER SAFEGUARDS AS THE AUTHORITY MAY DEEM APPROPRIATE IN THE PUBLIC INTEREST.

S 6. Subdivision 3 of section 1204 of the public authorities law, as amended by chapter 980 of the laws of 1958, is amended to read as follows:

3. To acquire, hold, use and dispose of equipment, devices and appurtenances, and other property for its corporate purposes, INCLUDING, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE POWER TO DISPOSE OF PERSONAL PROPERTY BY PUBLIC AUCTION IN ACCORDANCE WITH GUIDELINES ADOPTED BY THE METROPOLITAN TRANSPORTATION AUTHORITY PURSUANT TO SECTION TWELVE HUNDRED SIXTY-FIVE OF THIS ARTICLE.

S 7. Subdivision 3 of section 553 of the public authorities law, is amended to read as follows:

3. To acquire, hold and dispose of personal property for its corporate purposes[;], INCLUDING, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE POWER TO DISPOSE OF PERSONAL PROPERTY BY PUBLIC AUCTION IN ACCORDANCE WITH GUIDELINES ADOPTED BY THE AUTHORITY. SUCH GUIDELINES SHALL PROVIDE FOR ADVERTISING AND SUCH OTHER SAFEGUARDS AS THE AUTHORITY MAY DEEM APPROPRIATE IN THE PUBLIC INTEREST.

S 8. Paragraphs (a) and (b) of subdivision 2 of section 1265-a of the public authorities law, as amended by chapter 334 of the laws of 2001, are amended to read as follows:

(a) Except as otherwise provided in this section, all purchase contracts for supplies, materials or equipment involving an estimated expenditure in excess of [fifteen] ONE HUNDRED thousand dollars and all contracts for public work involving an estimated expenditure in excess of [twenty-five] ONE HUNDRED thousand dollars shall be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in the manner hereinafter set forth. For purposes hereof, contracts for public work shall exclude contracts for personal, engineering and architectural, or professional services. The authority may reject all bids and obtain new bids in the manner provided by this section when it is deemed in the public interest to do so or, in cases where two or more

responsible bidders submit identical bids which are the lowest bids, award the contract to any of such bidders or obtain new bids from such bidders. Nothing herein shall obligate the authority to seek new bids after the rejection of bids or after cancellation of an invitation to bid. Nothing in this section shall prohibit the evaluation of bids on the basis of costs or savings including life cycle costs of the item to be purchased, discounts, and inspection services so long as the invitation to bid reasonably sets forth the criteria to be used in evaluating such costs or savings. Life cycle costs may include but shall not be limited to costs or savings associated with installation, energy use, maintenance, operation and salvage or disposal.

(b) Section twenty-eight hundred seventy-nine of this chapter shall apply to the authority's acquisition of goods or services of any kind, in the actual or estimated amount of fifteen thousand dollars or more, provided (I) that a contract for [personal] services in the actual or estimated amount of less than [twenty] ONE HUNDRED thousand dollars shall not require approval by the board of the authority regardless of the length of the period over which the services are rendered, and provided further that a contract for [personal] services in the actual or estimated amount of [twenty] ONE HUNDRED thousand dollars or more shall require approval by the board of the authority regardless of the length of the period over which the services are rendered UNLESS SUCH A CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE BIDDER AFTER OBTAINING SEALED BIDS, AND (II) THE BOARD OF THE AUTHORITY MAY BY RESOLUTION ADOPT GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS TO SMALL BUSINESS CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES CERTIFIED PURSUANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY THAT ARE RECYCLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITHOUT FURTHER BOARD APPROVAL.

S 9. Subparagraph (i) of paragraph f of subdivision 4 of section 1265-a of the public authorities law, as added by chapter 929 of the laws of 1986, is amended to read as follows:

(i) [The] EXCEPT FOR A CONTRACT THAT IS AWARDED PURSUANT TO THIS PARAGRAPH TO THE PROPOSER WHOSE PROPOSAL IS THE LOWEST COST, THE authority may award a contract pursuant to this paragraph only after a resolution approved by a two-thirds vote of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made.

S 10. Paragraph (a) of subdivision 3 of section 1265-a of the public authorities law, as amended by chapter 494 of the laws of 1990, is amended to read as follows:

(a) Advertisement for bids, when required by this section, shall be published [at least once in a newspaper of general circulation in the area served by the authority and] in the procurement opportunities newsletter published pursuant to article four-C of the economic development law provided that, notwithstanding the provisions of article four-C of the economic development law, an advertisement shall only be required for a purchase contract for supplies, materials or equipment when required by this section. Publication [in a newspaper of general circulation in the area served or] in the procurement opportunities newslet-

ter shall not be required if bids for contracts for supplies, materials or equipment are of a type regularly purchased by the authority and are to be solicited from a list of potential suppliers, if such list is or has been developed consistent with the provisions of subdivision six of this section. Any such advertisement shall contain a statement of: (i) the time and place where bids received pursuant to any notice requesting sealed bids will be publicly opened and read; (ii) the name of the contracting agency; (iii) the contract identification number; (iv) a brief description of the public work, supplies, materials, or equipment sought, the location where work is to be performed, goods are to be delivered or services provided and the contract term; (v) the address where bids or proposals are to be submitted; (vi) the date when bids or proposals are due; (vii) a description of any eligibility or qualification requirement or preference; (viii) a statement as to whether the contract requirements may be fulfilled by a subcontracting, joint venture, or co-production arrangement; (ix) any other information deemed useful to potential contractors; and (x) the name, address, and telephone number of the person to be contacted for additional information. At least fifteen business days shall elapse between the first publication of such advertisement or the solicitation of bids, as the case may be, and the date of opening and reading of bids.

S 11. Subdivision 8 of section 1265-a of the public authorities law is renumbered subdivision 10 and two new subdivisions 8 and 9 are added to read as follows:

8. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, THE AUTHORITY SHALL BE ALLOWED TO USE AN ELECTRONIC BIDDING SYSTEM THAT MAY INFORM BIDDERS WHETHER THEIR BID IS THE CURRENT LOW BID, AND ALLOW BIDDERS TO SUBMIT NEW BIDS BEFORE THE DATE AND TIME ASSIGNED FOR THE OPENING OF BIDS. SUCH PROCEDURE SHALL NOT CONSTITUTE DISCLOSURE OF BIDS IN VIOLATION OF SECTION TWENTY-EIGHT HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

9. WHENEVER THE COMPTROLLER, PURSUANT TO SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF THIS CHAPTER:

(A) INTENDS TO SUBJECT TO HIS OR HER APPROVAL A CONTRACT OR CONTRACT AMENDMENT TO BE AWARDED BY THE AUTHORITY PURSUANT TO THIS SECTION, THE COMPTROLLER SHALL NOTIFY THE AUTHORITY IN WRITING OF SUCH DETERMINATION WITHIN FORTY-FIVE DAYS OF HAVING RECEIVED WRITTEN NOTICE OF SUCH CONTRACT OR CONTRACT AMENDMENT EITHER IN THE AUTHORITY'S ANNUAL REPORT OR ANY REVISED REPORT;

(B) HAS NOTIFIED THE AUTHORITY IN WRITING THAT ANY CONTRACT OR CONTRACT AMENDMENT AWARDED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO HIS OR HER APPROVAL, SUCH CONTRACT OR CONTRACT AMENDMENT SHALL BECOME VALID AND ENFORCEABLE WITHOUT SUCH APPROVAL IF THE COMPTROLLER HAS NOT APPROVED OR DISAPPROVED SUCH CONTRACT OR CONTRACT AMENDMENT WITHIN FORTY-FIVE DAYS OF SUBMISSION TO HIS OR HER OFFICE.

S 12. Section 553 of the public authorities law is amended by adding a new subdivision 22 to read as follows:

22. SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE OF THIS CHAPTER SHALL APPLY TO THE AUTHORITY'S ACQUISITION OF GOODS OR SERVICES OF ANY KIND, IN THE ACTUAL OR ESTIMATED AMOUNT OF FIFTEEN THOUSAND DOLLARS OR MORE, PROVIDED THAT (I) A CONTRACT FOR SERVICES IN THE ACTUAL OR ESTIMATED AMOUNT OF LESS THAN ONE HUNDRED THOUSAND DOLLARS SHALL NOT REQUIRE APPROVAL BY THE BOARD OF THE AUTHORITY REGARDLESS OF THE LENGTH OF THE PERIOD OVER WHICH THE SERVICES ARE RENDERED, AND PROVIDED FURTHER THAT A CONTRACT FOR SERVICES IN THE ACTUAL OR ESTIMATED AMOUNT OF ONE HUNDRED THOUSAND DOLLARS OR MORE SHALL REQUIRE APPROVAL BY THE BOARD OF THE AUTHORITY REGARDLESS OF THE LENGTH OF THE PERIOD OVER WHICH THE SERVICES

ARE RENDERED UNLESS SUCH A CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE BIDDER AFTER OBTAINING SEALED BIDS AND (II) THE BOARD OF THE AUTHORITY MAY BY RESOLUTION ADOPT GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS TO SMALL BUSINESS CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES CERTIFIED PURSUANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY THAT ARE RECYCLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITHOUT FURTHER BOARD APPROVAL.

S 13. Paragraph (f) of subdivision 3 of section 2879-a of the public authorities law, as added by chapter 506 of the laws of 2009, is amended to read as follows:

(f) contracts for the sale or delivery of power or energy and costs and services ancillary thereto for economic development purposes pursuant to title one of article five of this chapter or article six of the economic development law, provided, however, that the authority shall file copies of any such contract with the comptroller within sixty days after the execution of such contract; AND (G) CONTRACTS ENTERED INTO BY THE METROPOLITAN TRANSPORTATION AUTHORITY OR THE NEW YORK CITY TRANSIT AUTHORITY THAT ARE: I. AWARDED PURSUANT TO SECTION ONE THOUSAND TWO HUNDRED NINE OR SECTION ONE THOUSAND TWO HUNDRED SIXTY-FIVE-A OF THIS CHAPTER BY A METHOD OF PROCUREMENT THAT IS COMPETITIVE; OR II. FOR A TRANSFER OF TITLE OR ANY OTHER BENEFICIAL INTEREST IN REAL PROPERTY OF SUCH AN AUTHORITY BY SALE, EXCHANGE OR TRANSFER, FOR CASH, CREDIT, OR OTHER PROPERTY, WITH OR WITHOUT WARRANTY.

S 14. Subparagraph (B) of paragraph 2 of subsection (a) of section 2504 of the insurance law is amended to read as follows:

(B) the city of New York, a public corporation or public authority, in connection with the construction of electrical generating and transmission facilities or construction, extensions and additions of light rail or heavy rail rapid transit and commuter railroads, OR BRIDGE, TUNNEL OR OMNIBUS FACILITIES.

S 15. This act shall take effect immediately.

PART C

Section 1. Subdivisions 2 and 3 of section 1204-d of the public authorities law, as added by chapter 530 of the laws of 2006, are amended and a new subdivision 1-a is added to read as follows:

1-A. THE AUTHORITY MAY ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY MAY DETERMINE NECESSARY, CONVENIENT OR DESIRABLE ENTER INTO ANY JOINT ARRANGEMENT AS DEFINED IN SUBDIVISION NINE-A OF SECTION TWELVE HUNDRED SIXTY-ONE OF THIS CHAPTER AND MAY EXERCISE ALL OF ITS POWERS IN CONNECTION WITH ANY JOINT ARRANGEMENT.

2. Any such joint service arrangement OR JOINT ARRANGEMENT shall be authorized only by resolution of the authority approved by not less than a majority vote of the whole number of members of the board of the authority then in office, except that in the event of a tie vote the chairman shall cast one additional vote.

3. All general powers of the authority shall be applicable to joint service arrangements AND JOINT ARRANGEMENTS. THE AUTHORITY SHALL ALSO HAVE ALL OF THE POWERS OF THE METROPOLITAN TRANSPORTATION AUTHORITY AS SET FORTH IN SECTION TWELVE HUNDRED SIXTY-SIX-I OF THIS CHAPTER.

S 2. Section 1261 of the public authorities law is amended by adding two new subdivisions 9-a and 18-a to read as follows:

9-A. "JOINT ARRANGEMENT" SHALL MEAN AN ARRANGEMENT, INCLUDING A PUBLIC-PRIVATE PARTNERSHIP, BETWEEN OR AMONG THE AUTHORITY, ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY AND ITS SUBSIDIARY, AND ANY OTHER PARTY OR PARTIES, INCLUDING PUBLIC ENTITIES AND PRIVATE ENTITIES, ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY, ANY OF ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY, DEEMS NECESSARY OR APPROPRIATE, IN THE FORM OF A CONTRACT, CONCESSION, LICENSE, LEASE, ALLIANCE, JOINT VENTURE, CORPORATION, INCLUDING A LIMITED LIABILITY CORPORATION, A PARTNERSHIP, OR OTHER ARRANGEMENT, IN SUPPORT OF, ASSOCIATED WITH, DERIVATIVE FROM, OR INCIDENTAL TO, THE PLANNING, ACQUISITION, DESIGN, ESTABLISHMENT, CONSTRUCTION, REHABILITATION, RECONSTRUCTION, IMPROVEMENT, EXTENSION, RENEWAL, REPAIR, OPERATION, MAINTENANCE, DEVELOPMENT OR FINANCING OF TRANSPORTATION IN WHOLE OR IN PART IN OR UPON ONE OR MORE TRANSPORTATION FACILITIES LOCATED IN WHOLE OR IN PART WITHIN THE DISTRICT INCLUDING WITHOUT LIMITATION, AGREEMENTS RELATING TO INTERMODAL AND SHARED FACILITIES, THE DISTRIBUTION OF FARE AND TOLL PAYMENT MEDIA AND ELECTRONIC PAYMENT DEVICES, OR THE COLLECTION OF FARES, TOLLS AND OTHER CHARGES.

18-A. "TRANSPORTATION PURPOSE" SHALL MEAN A PURPOSE THAT DIRECTLY OR INDIRECTLY SUPPORTS ALL OR ANY OF THE MISSIONS OR PURPOSES OF THE AUTHORITY, ANY OF ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY, INCLUDING THE PRODUCTION OF REVENUES AVAILABLE FOR THE COSTS AND EXPENSES OF ALL OR ANY TRANSPORTATION FACILITIES.

S 3. Subdivisions 3, 6, 8, and 11 of section 1266 of the public authorities law, subdivision 3 as amended and subdivision 11 as added by chapter 314 of the laws of 1981, and subdivisions 6 and 8 as amended by section 23 of part O of chapter 61 of the laws of 2000, are amended and three new subdivisions 2-a, 12-a and 19 are added to read as follows:

2-A. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, THE AUTHORITY, ANY OF ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY, MAY ON SUCH TERMS AND CONDITIONS AS THEY MAY DETERMINE NECESSARY, CONVENIENT OR DESIRABLE ENTER INTO ANY JOINT ARRANGEMENT AS HEREINAFTER PROVIDED AND MAY EXERCISE ALL OF ITS POWERS IN CONNECTION WITH ANY JOINT ARRANGEMENT. ANY JOINT ARRANGEMENT SHALL BE AUTHORIZED ONLY BY RESOLUTION OF THE AUTHORITY APPROVED BY NOT LESS THAN A MAJORITY VOTE OF THE WHOLE NUMBER OF MEMBERS OF THE AUTHORITY THEN IN OFFICE, EXCEPT THAT IN THE EVENT OF A TIE VOTE THE CHAIRMAN SHALL CAST ONE ADDITIONAL VOTE.

3. The authority may establish, levy and collect or cause to be established, levied and collected and, in the case of a joint service arrangement OR A JOINT ARRANGEMENT, join with others in the establishment, levy and collection of such fares, tolls, rentals, rates, TAXES, ASSESSMENTS, charges and other fees as it may deem necessary, convenient or desirable for the use and operation of any transportation facility and related services OR ACTIVITIES (A) operated by the authority or by a subsidiary corporation of the authority or under contract, lease or other arrangement, including joint service arrangements OR JOINT ARRANGEMENTS, with the authority OR A SUBSIDIARY CORPORATION OF THE AUTHORITY; OR (B) OPERATED BY NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY IN CONNECTION WITH A JOINT ARRANGEMENT INVOLVING ANY TRANSPORTATION FACILITIES OF NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY. Any such fares, tolls, rentals, rates, TAXES, ASSESSMENTS, charges or other fees for the transportation of passengers shall be established and changed only if approved by resolution of the authority adopted by not less than a majority vote of the whole number of members of the authority then in office, with the chairman having one additional vote

in the event of a tie vote, and only after a public hearing, provided however, that fares, tolls, rentals, rates, TAXES, ASSESSMENTS, charges or other fees for the transportation of passengers on any transportation facility which are in effect at the time that the then owner of such transportation facility becomes a subsidiary corporation of the authority or at the time that operation of such transportation facility is commenced by the authority or is commenced under contract, lease or other arrangement, including joint service arrangements OR JOINT ARRANGEMENTS, with the authority OR WHICH HAVE BEEN ESTABLISHED BY THE NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY CORPORATIONS AND ARE IN EFFECT ON THE DATE THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT AMENDED THIS SUBDIVISION TAKES EFFECT may be continued in effect without such a hearing. Such fares, tolls, rentals, rates, TAXES, ASSESSMENTS, charges and other fees shall be established as may in the judgment of the authority be necessary to maintain the combined operations of the authority and its subsidiary corporations on a self-sustaining basis. The said operations shall be deemed to be on a self-sustaining basis as required by this title, when the authority is able to pay or cause to be paid from revenue and any other funds or property actually available to the authority and its subsidiary corporations (a) as the same shall become due, the principal of and interest on the bonds and notes and other obligations of the authority and of such subsidiary corporations, together with the maintenance of [proper] reserves, IF ANY, therefor, (b) the cost and expense of keeping the properties and assets of the authority and its subsidiary corporations in good condition and repair, and (c) the capital and operating expenses of the authority and its subsidiary corporations. The authority may contract with the holders of bonds [and] , notes AND OTHER OBLIGATIONS with respect to the exercise of the powers authorized by this section. No acts or activities taken or proposed to be taken by the authority or any subsidiary of the authority pursuant to the provisions of this subdivision shall be deemed to be "actions" for the purposes or within the meaning of article eight of the environmental conservation law.

6. Each of the authority and its subsidiaries, and the New York city transit authority and its subsidiaries, in its own name or in the name of the state, may apply for and receive and accept grants of property, money and services and other assistance offered or made available to it by any person, government or agency, INCLUDING SUCH GRANTS OR OTHER ASSISTANCE OFFERED OR MADE AVAILABLE TO IT UNDER A JOINT SERVICE ARRANGEMENT OR A JOINT ARRANGEMENT, which it may use to meet capital or operating expenses and for any other use within the scope of its powers, and to negotiate for the same upon such terms and conditions as the respective authority may determine to be necessary, convenient or desirable.

8. The authority may do all things it deems necessary, convenient or desirable to manage, control and direct the maintenance and operation of transportation facilities, equipment or real property operated by or under contract, lease or other arrangement with the authority and its subsidiaries, and New York city transit authority and its subsidiaries. [Except as hereinafter specially provided, no] NO municipality or political subdivision, including but not limited to a county, city, village, town or school or other district shall have jurisdiction over any facilities of the authority and its subsidiaries, and New York city transit authority and its subsidiaries, or any of their activities or operations EXCEPT WITH THE EXPRESS CONSENT OF THE AUTHORITY OR ONE OF ITS SUBSIDIARIES OR THE NEW YORK CITY TRANSIT AUTHORITY OR ONE OF ITS

SUBSIDIARIES. [The local] LOCAL laws, resolutions, ordinances, rules and regulations of a municipality or political subdivision, heretofore or hereafter adopted, [conflicting with this title or any rule or regulation of the authority or its subsidiaries, or New York city transit authority or its subsidiaries,] shall not be applicable to the activities or operations of the authority and its subsidiaries, and New York city transit authority, or the facilities of the authority and its subsidiaries, and New York city transit authority and its subsidiaries, except such ACTIVITIES OR OPERATIONS OR facilities that are devoted SOLELY AND ENTIRELY to [purposes] A PURPOSE other than A transportation or transit [purposes] PURPOSE, WHICH TRANSPORTATION OR TRANSIT PURPOSE MAY BE THE PRODUCTION OF REVENUE AVAILABLE FOR THE COSTS AND EXPENSES OF ALL OR ANY ACTIVITIES OR OPERATIONS OR FACILITIES OF THE AUTHORITY AND ITS SUBSIDIARIES, AND NEW YORK CITY TRANSIT AUTHORITY AND ITS SUBSIDIARIES. Each municipality or political subdivision, including but not limited to a county, city, village, town or district in which any facilities of the authority or its subsidiaries, or New York city transit authority or its subsidiaries are located shall provide for such facilities police, fire and health protection services of the same character and to the same extent as those provided for residents of such municipality or political subdivision.

The jurisdiction, supervision, powers and duties of the department of transportation of the state under the transportation law shall not extend to the authority in the exercise of any of its powers under this title. The authority may agree with such department for the execution by such department of any grade crossing elimination project or any grade crossing separation reconstruction project along any railroad facility operated by the authority or by one of its subsidiary corporations or under contract, lease or other arrangement with the authority. Any such project shall be executed as provided in article ten of the transportation law and the railroad law, respectively, and the costs of any such project shall be borne as provided in such laws, except that the authority's share of such costs shall be borne by the state.

11. No project to be constructed upon real property theretofore used for a transportation purpose, or on an insubstantial addition to such property contiguous OR ADJACENT AND RELATED thereto, which will not change in a material respect the general character of such prior transportation use, nor any acts or activities in connection with such project, shall be subject to the provisions of article eight, nineteen, twenty-four or twenty-five of the environmental conservation law, or to any local law or ordinance adopted pursuant to any such article. Nor shall any acts or activities taken or proposed to be taken by the authority or by any other person or entity, public or private, in connection with the planning, design, acquisition, improvement, construction, reconstruction or rehabilitation of a transportation facility, other than a marine or aviation facility, be subject to the provisions of article eight of the environmental conservation law, or to any local law or ordinance adopted pursuant to any such article if such acts or activities require the preparation of a statement under or pursuant to any federal law or regulation as to the environmental impact thereof. NOR SHALL ANY ACQUISITION OR CONDEMNATION OF REAL PROPERTY, OR ACTS OR ACTIVITIES TAKEN OR PROPOSED TO BE TAKEN ON SUCH REAL PROPERTY, BE SUBJECT TO THE PROVISIONS OF ARTICLE EIGHT, NINETEEN, TWENTY-FOUR OR TWENTY-FIVE OF THE ENVIRONMENTAL CONSERVATION LAW, OR TO ANY LOCAL LAW OR ORDINANCE ADOPTED PURSUANT TO ANY SUCH ARTICLE, WHEN THE AUTHORITY HAS CERTIFIED TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION THAT SUCH

REAL PROPERTY IS ACQUIRED OR CONDEMNED IN CONNECTION WITH A FUTURE PROJECT THAT WILL LIKELY CONSTITUTE A CAPITAL ELEMENT AS DEFINED BY SECTION TWELVE HUNDRED SIXTY-NINE-B OF THIS TITLE, UNTIL SUCH TIME AS THAT CAPITAL ELEMENT IS INCLUDED IN A CAPITAL PROGRAM PLAN OR UNTIL SUCH TIME AS THE PROJECT IS OTHERWISE SUBJECT TO THOSE PROVISIONS.

12-A. WHENEVER IN CONNECTION WITH THE IMPROVEMENT, CONSTRUCTION, RECONSTRUCTION OR REHABILITATION OF A TRANSPORTATION FACILITY, INCLUDING AS PART OF A JOINT ARRANGEMENT, THE AUTHORITY DETERMINES THAT THE PIPES, MAINS OR CONDUITS OF ANY PUBLIC SERVICE CORPORATION AND ANY FIXTURES AND APPLIANCES CONNECTED THEREWITH OR ATTACHED THERETO MUST BE REMOVED OR OTHERWISE PROTECTED OR REPLACED, THE COST OF SUCH REMOVAL, PROTECTION OR REPLACEMENT WHETHER PERFORMED BY THE AUTHORITY OR THE PUBLIC SERVICE CORPORATION SHALL BE BORNE SOLELY BY THE PUBLIC SERVICE CORPORATION.

19. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, CODE, ORDINANCE, RULE OR REGULATION TO THE CONTRARY, THE AUTHORITY, ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY AND ITS SUBSIDIARY MAY ERECT ADVERTISING SIGNS OR DEVICES INCLUDING ILLUMINATED OR DIGITAL SIGNS OR DEVICES WITHIN OR ON ANY OF ITS TRANSPORTATION FACILITIES AND MAY INSTALL, MAINTAIN, AND DISPLAY ADVERTISING ON SUCH SIGNS OR DEVICES, AND MAY RENT, LEASE, LICENSE OR OTHERWISE SELL THE RIGHT TO DO SO TO ANY PERSON, PRIVATE OR PUBLIC. SUCH ADVERTISING SIGNS OR DEVICES AND THE PRODUCTION OF REVENUE FROM THEM FOR THE AUTHORITY SHALL BE DEEMED A TRANSPORTATION PURPOSE AND NEITHER THE AUTHORITY, ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY, NOR ANY PERSON, PRIVATE OR PUBLIC, TO WHOM THE AUTHORITY, ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY HAS RENTED, LEASED, LICENSED OR OTHERWISE SOLD THE RIGHT TO INSTALL, MAINTAIN AND DISPLAY SUCH ADVERTISING MAY BE REQUIRED TO PAY ANY FEES, TAXES OR ASSESSMENTS, WHETHER STATE OR LOCAL, UPON SUCH ADVERTISING SIGNS OR DEVICES OR THE USE THEREOF OR THE REVENUE OR INCOME THEREFROM.

S 4. The public authorities law is amended by adding a new section 1266-k to read as follows:

S 1266-K. JOINT ARRANGEMENTS 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY IS AUTHORIZED, IN ADDITION TO ITS OTHER RIGHTS AND POWERS NOT INCONSISTENT WITH THE PROVISIONS OF THIS TITLE, TO:

(A) ENTER INTO ANY JOINT ARRANGEMENT;

(B) ACCEPT ANY GIFTS OR ANY APPROPRIATION OR GRANT OF FUNDS OR PROPERTY FOR THE PURPOSES OF A JOINT ARRANGEMENT FROM ANY PRIVATE ENTITY OR PUBLIC ENTITY AND TO COMPLY WITH THE TERMS AND CONDITIONS THEREOF;

(C) ISSUE ITS NOTES OR BONDS, TO FINANCE ALL OR ANY PART OF THE COSTS OF ANY JOINT ARRANGEMENT;

(D) USE THE AUTHORITY'S EMINENT DOMAIN POWERS, ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY DEEMS APPROPRIATE, TO ACQUIRE PROPERTY REQUIRED FOR JOINT ARRANGEMENTS;

(E) TAKE AN EQUITY OR OTHER OWNERSHIP INTEREST IN ANY JOINT ARRANGEMENT IN THE FORM OF STOCK OWNERSHIP, PARTNERSHIP INTERESTS OR OTHER INTERESTS AND MEMBERS OF THE AUTHORITY AND EMPLOYEES OF THE AUTHORITY SHALL BE PERMITTED TO SERVE ON THE BOARD OF DIRECTORS, MANAGEMENT COMMITTEE OR OTHER CONTROLLING BODY OF THE JOINT ARRANGEMENT PROVIDED THAT ANY SUCH APPOINTMENT SHALL HAVE BEEN APPROVED BY A MAJORITY OF THE WHOLE NUMBER OF MEMBERS OF THE AUTHORITY THEN IN OFFICE.

2. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY MAY:

(A) ACCEPT, FOLLOWING COMPLIANCE WITH THE PROCEDURE SET FORTH IN THIS SUBSECTION, PROPOSALS FROM PUBLIC ENTITIES OR PRIVATE ENTITIES FOR JOINT ARRANGEMENTS.

(I) THE AUTHORITY IS HEREBY AUTHORIZED TO ACCEPT UNSOLICITED PROPOSALS FOR JOINT ARRANGEMENTS.

(II) AN UNSOLICITED PROPOSAL MUST INCLUDE AT A MINIMUM:

(A) A DESCRIPTION OF THE PROPOSED JOINT ARRANGEMENT, INCLUDING THE LOCATION, CONCEPTUAL DESIGN, ANY INTERCONNECTION OF SUCH JOINT ARRANGEMENT WITH OTHER EXISTING OR PROPOSED TRANSPORTATION FACILITIES, AND THE BENEFITS TO THE AUTHORITY OF THE JOINT ARRANGEMENT;

(B) THE PROJECTED TOTAL COST AND PLANS FOR FINANCING, INCLUDING SOURCES OF FUNDING, FOR THE JOINT ARRANGEMENT;

(C) THE PROPOSED SCHEDULE FOR THE DEVELOPMENT OF THE PROPOSED JOINT ARRANGEMENT;

(D) THE MEANS PROPOSED FOR THE PROCUREMENT OF THE PROPERTY INTERESTS REQUIRED FOR THE PROPOSED JOINT ARRANGEMENT;

(E) INFORMATION RELATING TO THE CONSISTENCY OF THE PROPOSAL WITH THE CURRENT TRANSPORTATION PLANS OF THE AUTHORITY AND ANY AFFECTED STATE OR LOCAL JURISDICTION;

(F) A LIST OF PERMITS AND APPROVALS REQUIRED FOR THE IMPLEMENTATION OF THE PROPOSED JOINT ARRANGEMENT AND A SCHEDULE FOR THE ACQUISITION OF SUCH PERMITS AND APPROVALS FROM THE APPROPRIATE LOCAL, STATE AND FEDERAL AGENCIES;

(G) THE AUTHORITY'S PROPOSED ROLE AND RESPONSIBILITIES, INCLUDING ANY FINANCIAL ASSISTANCE, IN THE DEVELOPMENT OF THE PROPOSED JOINT ARRANGEMENT AND IMPLEMENTATION OF THE PROPOSED TRANSPORTATION SERVICE; AND

(H) THE NAME AND ADDRESS OF THE PROPOSER.

(III) AFTER THE RECEIPT OF AN UNSOLICITED PROPOSAL, THE AUTHORITY MAY REQUIRE SUCH ADDITIONAL INFORMATION FROM THE PROPOSER AS THE AUTHORITY DEEMS PERTINENT TO THE CONSIDERATION OF THE PROPOSAL.

(IV) AFTER THE RECEIPT OF AN UNSOLICITED PROPOSAL THAT THE AUTHORITY FINDS (A) TO HAVE FULFILLED THE REQUIREMENTS OF SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, (B) TO BE CONSISTENT WITH THE AUTHORITY'S TRANSPORTATION OBJECTIVES, AND (C) TO BE A CONCEPT THAT THE AUTHORITY WISHES TO PURSUE, THE AUTHORITY MAY, AFTER CONSULTING WITH THE ENTITY MAKING THE PROPOSAL, PREPARE AND ISSUE A PUBLIC REQUEST FOR COMPETING PROPOSALS.

(V) SUCH PUBLIC REQUEST FOR COMPETING PROPOSALS MUST:

(A) DESCRIBE THE UNSOLICITED PROPOSAL IN SUCH A WAY THAT, IN THE DISCRETION OF THE AUTHORITY, IT FAIRLY SOLICITS COMPETITIVE PROPOSALS THAT COULD ACHIEVE THE TRANSPORTATION BENEFIT PROPOSED BY THE UNSOLICITED PROPOSAL;

(B) PROVIDE FOR A PERIOD, NOT TO EXCEED NINETY DAYS, FOR THE INITIAL SUBMISSION OF COMPETING PROPOSALS; AND

(C) REQUIRE THAT SUCH COMPETING PROPOSALS INCLUDE THE INFORMATION REQUIRED FOR UNSOLICITED PROPOSALS, AS SET FORTH IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(VI) AFTER RECEIVING ANY SUCH COMPETING PROPOSALS, THE AUTHORITY MAY REQUIRE SUCH ADDITIONAL INFORMATION FROM ANY PROPOSER AS THE AUTHORITY DEEMS PERTINENT TO THE CONSIDERATION OF THE APPLICABLE PROPOSAL AND MAY ALLOW FOR THE SUBMISSION OF ADDITIONAL INFORMATION CONCERNING THE UNSOLICITED PROPOSAL OR ANY COMPETING PROPOSAL.

3. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY MAY ENTER INTO A JOINT ARRANGEMENT WITH THE PUBLIC ENTITY OR PRIVATE ENTITY WHICH HAS SUBMITTED THE UNSOLICITED OR SOLICITED PROPOSAL THAT BEST DEMONSTRATES THE FOLLOWING:

(A) A PUBLIC NEED FOR THE PROPOSED JOINT ARRANGEMENT;

(B) THE PROPOSED JOINT ARRANGEMENT AND THE SCHEDULING OF ITS DEVELOPMENT AND IMPLEMENTATION AND ITS CONNECTIONS TO THE EXISTING TRANSPORTATION SYSTEM ARE COMPATIBLE WITH THE TRANSPORTATION PLANS OF THE AUTHORITY AND OF ANY STATE OR LOCAL JURISDICTIONS;

(C) THE ESTIMATED COST OF THE PROPOSED JOINT ARRANGEMENT AND OF DELIVERY OF THE TRANSPORTATION SERVICE IS REASONABLE AND THE EXPENDITURE OF ANY AUTHORITY FUNDS ON THE FACILITY WOULD PROVIDE A REASONABLE TRANSPORTATION BENEFIT, RELATIVE TO THE ESTIMATED COST;

(D) THE FINANCING OF THE IMPLEMENTATION AND OPERATION OF THE PROPOSED JOINT ARRANGEMENT IS FEASIBLE; AND

(E) THE PROPOSAL PROVIDES THE BEST VALUE TO THE AUTHORITY AND THE PROPOSED JOINT ARRANGEMENT SATISFIES ANY OTHER CRITERIA APPLIED BY THE AUTHORITY IN ASCERTAINING WHETHER IMPLEMENTATION AND OPERATION OF THE PROPOSED JOINT ARRANGEMENT IS IN THE INTERESTS OF THE AUTHORITY.

4. (A) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE AUTHORITY TO ACCEPT ANY UNSOLICITED PROPOSAL, MAKE ANY SOLICITATION OR REQUEST FOR COMPETITIVE PROPOSALS, OR ENTER INTO ANY AGREEMENT WITH ANY PUBLIC OR PRIVATE ENTITY.

(B) NOTHING IN THIS SECTION SHALL BE DEEMED TO (I) SUPERSEDE OR LIMIT THE APPLICABILITY OF THE AUTHORITY'S EXISTING POWERS AND AUTHORITY, OR (II) REQUIRE THE AUTHORITY TO ACCEPT ANY PROJECT THROUGH THE PROVISIONS OF THIS SECTION, OR (III) REQUIRE THE AUTHORITY TO ENTER INTO ANY AGREEMENTS HEREUNDER, OR (IV) REQUIRE THE AUTHORITY TO TAKE ANY ACTION THAT WOULD CONTRADICT OR IMPACT AN EXISTING AUTHORITY CONTRACT OR AGREEMENT WITH ITS BONDHOLDERS.

(C) SECTION TWENTY-EIGHT HUNDRED NINETY-SEVEN OF THIS CHAPTER SHALL NOT APPLY TO ANY TRANSFER OF TITLE OR ANY OTHER BENEFICIAL INTEREST IN PERSONAL OR REAL PROPERTY BY THE AUTHORITY PURSUANT TO THE TERMS OF A JOINT ARRANGEMENT.

(D) THE AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE ANY RULES AND REGULATIONS DEEMED NECESSARY OR DESIRABLE FOR THE IMPLEMENTATION OF THIS SECTION.

5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AGREEMENTS ENTERED INTO PURSUANT TO THIS SECTION MAY PROVIDE FOR:

(A) THE PLANNING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, ESTABLISHMENT, IMPROVEMENT, RENOVATION, EXTENSION, REPAIR, OPERATION, MAINTENANCE, DEVELOPMENT OR FINANCING OF TRANSPORTATION FACILITIES AND JOINT ARRANGEMENTS AND THE PROVISION OF TRANSPORTATION SERVICES.

(B) THE ESTABLISHMENT, LEVY AND COLLECTION OF FARES, USER FEES, TOLLS, RENTALS, RATES OR OTHER CHARGES FOR THE USE OF TRANSPORTATION FACILITIES, JOINT ARRANGEMENTS OR FOR THE RECEIPT OF TRANSPORTATION SERVICES PURSUANT TO THIS SECTION AS THE AUTHORITY MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE; AND

(C) THE CROSSING OF ANY STREET, HIGHWAY, RAILROAD, CANAL, NAVIGABLE WATER COURSE OR RIGHT-OF-WAY, SO LONG AS THE CROSSING DOES NOT UNREASONABLY INTERFERE WITH THE REASONABLE USE THEREOF.

6. IN THE EVENT A PUBLIC OR PRIVATE ENTITY MATERIALLY DEFAULTS ON ITS OBLIGATIONS UNDER A JOINT ARRANGEMENT, THE AUTHORITY IS HEREBY AUTHORIZED TO ACQUIRE ALL OR ANY PORTION OF ANY JOINT ARRANGEMENT CONSTRUCTED BY OR IN CONJUNCTION WITH SUCH PUBLIC ENTITY OR PRIVATE ENTITY, WITH ANY DAMAGES SUFFERED TO THE AUTHORITY AS A RESULT OF SUCH DEFAULT BEING AN OFFSET TO THE COMPENSATION PROVIDED FOR THE ACQUISITION OF THE JOINT ARRANGEMENT. IN THE EVENT OF SUCH ACQUISITION AND NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY IS HEREBY AUTHORIZED,

BUT NOT REQUIRED, TO OPERATE AND MAINTAIN THE JOINT ARRANGEMENT, INCLUDING THE IMPOSITION AND COLLECTION OF APPLICABLE FEES, FARES, TOLLS OR OTHER CHARGES.

7. ANY REQUEST FOR PROPOSAL OR AGREEMENT ENTERED PURSUANT TO THIS SECTION SHALL MAKE PROVISION FOR THE PROTECTION OF INTERESTS AND RIGHTS IN INTELLECTUAL PROPERTY AND TRADE SECRETS. THE CONTENTS OF PROPOSALS RECEIVED BY THE AUTHORITY PURSUANT TO THIS SECTION SHALL BE CONSIDERED, FOR THE PURPOSES OF SECTION EIGHTY-SEVEN OF THE PUBLIC OFFICERS LAW, RECORDS WHICH, IF DISCLOSED, WOULD IMPAIR PRESENT OR IMMINENT CONTRACT AWARDS.

S 5. Subdivisions 5 and 6 of section 1267 of the public authorities law, as added by chapter 324 of the laws of 1965, are amended to read as follows:

5. The authority may, whenever it determines that it is in the interest of the authority, dispose of any real property or property other than real property, which it determines is not necessary, convenient or desirable for its purposes. SUCH DISPOSALS OF REAL OR PERSONAL PROPERTY MAY BE NEGOTIATED OR MADE BY PUBLIC AUCTION AS PERMITTED BY SUBDIVISION SIX OF SECTION TWENTY-EIGHT HUNDRED NINETY-SEVEN OF THIS CHAPTER AND MAY ALSO BE MADE BY NEGOTIATION IF:

(A) THE CHARACTER OR CONDITION OF THE PROPERTY, THE NATURE OF THE INTEREST TO BE CONVEYED, OR OTHER UNIQUE CIRCUMSTANCES OF THE DISPOSAL MAKE IT IMPRACTICABLE TO ADVERTISE PUBLICLY; AN APPRAISAL OF THE ESTIMATED FAIR MARKET VALUE OF THE PROPERTY HAS BEEN MADE BY AN INDEPENDENT APPRAISER AND INCLUDED IN THE RECORD OF THE TRANSACTION; AND THE CONSIDERATION RECEIVED BY THE AUTHORITY FOR THE PROPERTY, INCLUDING THE VALUE OF OTHER PROPERTY EXCHANGED, WILL NOT BE LESS THAN THE PROPERTY'S APPRAISED VALUE; OR

(B) THE DISPOSAL IS MADE TO A GOVERNMENT OR OTHER PUBLIC ENTITY, AND THE TERMS AND CONDITIONS OF THE TRANSFER REQUIRE THAT THE OWNERSHIP AND USE OF THE PROPERTY WILL REMAIN WITH THE GOVERNMENT OR OTHER PUBLIC ENTITY, OR THE DISPOSAL IS PART OF A TRANSACTION THAT FURTHERS AND IS WITHIN THE AUTHORITY'S PURPOSE OR MISSION AND THE APPRAISED VALUE OF THE PROPERTY AND OTHER SATISFACTORY TERMS OF DISPOSAL ARE OBTAINED.

6. The authority may, whenever it shall determine that it is in the interest of the authority, rent, lease, [or] grant, MODIFY OR EXCHANGE easements or other rights in, any land or property of the authority AND TO THE EXTENT SUCH A LEASE, GRANT, MODIFICATION OR EXCHANGE IS DEEMED A DISPOSAL THE PROVISIONS OF SUBDIVISION FIVE OF THIS SECTION SHALL APPLY.

S 6. Subdivision 1 of section 119-r of the general municipal law, as added by chapter 717 of the laws of 1967, is amended to read as follows:

1. To assure the provision of mass transportation services to the public at adequate levels and at reasonable cost, every city, town, village or county not wholly contained within a city, shall have power to adopt local laws to authorize:

a. The acquisition, construction, reconstruction, improvement, equipment, maintenance, FINANCING, or operation of one or more mass transportation projects. Such municipal corporation shall have power to occupy or use any of the streets, roads, highways, avenues, parks or public places of such municipal corporation therefor and to agree upon and contract for the terms and conditions thereof.

b. The making of a contract or contracts for the acquisition by purchase of all or any part of the property, plant and equipment of an existing mass transportation facility actually used and useful for the convenience of the public.

c. The making of a contract or contracts with any person, firm or corporation, including a public authority, for the equipment, maintenance or operation of a mass transportation facility owned, acquired, constructed, reconstructed or improved by it.

d. The making of a contract or contracts for a fair and reasonable consideration for mass transportation services to be rendered to the public by a privately-owned or operated mass transportation facility. Such power shall include but not be limited to the power to appropriate funds for payment of such consideration, and to provide that all or part of such consideration shall be in the form of capital equipment to be furnished to and used and maintained by such privately-owned or operated mass transportation facility.

e. The making of unconditional grants of money or property to a public authority providing mass transportation services to all or part of such municipal corporation in order to assist such public authority in meeting its capital or operating expenses, provided such money does not consist of borrowed funds and such property has not been acquired by the use of borrowed funds. Such purpose is hereby declared to be county, city, town or village purposes, respectively. The provisions of this paragraph are intended as enabling legislation only and shall not be interpreted as implying that absent their enactment a municipal corporation would lack the power to authorize any such grant; but they shall not be interpreted as an authorization to public authorities generally to accept such grants. The acceptance of any such grant by a public authority shall not operate to make such authority an agency of the municipal corporation making the grant.

F. THE MAKING OF A CONTRACT WITH THE METROPOLITAN TRANSPORTATION AUTHORITY, BY ITSELF OR WITH ONE OR MORE OTHER MUNICIPAL CORPORATIONS, WHICH SHALL CONSTITUTE A JOINT ARRANGEMENT AS DEFINED IN SUBDIVISION NINE-A OF SECTION TWELVE HUNDRED SIXTY-ONE OF THE PUBLIC AUTHORITIES LAW, TO ASSIST THE AUTHORITY IN MEETING ITS CAPITAL OR OPERATING EXPENSES IN PROVIDING MASS TRANSPORTATION SERVICES OF BENEFIT TO ALL OR PART OF SUCH MUNICIPAL CORPORATION, INCLUDING UNDERTAKING A MASS TRANSPORTATION CAPITAL PROJECT IN OR NEAR THE MUNICIPAL CORPORATION. UNDER SUCH A JOINT ARRANGEMENT, A MUNICIPAL CORPORATION MAY, ACCORDING TO THE TERMS OF THE CONTRACT WITH THE AUTHORITY, ESTABLISH, LEVY AND COLLECT SUCH FARES, TOLLS, RENTALS, RATES, TAXES, ASSESSMENTS, CHARGES AND OTHER FEES AND MAY CONDITIONALLY OR UNCONDITIONALLY GRANT OR PLEDGE A PORTION OF ITS REVENUES ALLOCATED ACCORDING TO SUBDIVISION E OF THIS SECTION.

G. THE DESIGNATION OF A MASS TRANSPORTATION CAPITAL PROJECT DISTRICT THAT A MUNICIPAL CORPORATION DEFINES AS BENEFITTING FROM ANY MASS TRANSPORTATION CAPITAL PROJECT. UPON DESIGNATING SUCH A DISTRICT, THE MUNICIPAL CORPORATION MAY ALLOCATE A PORTION OF ITS REVENUES FROM THE DISTRICT ACCORDING TO TERMS IT DESIGNS OR HAS AGREED TO BY CONTRACT. NOTWITHSTANDING ANY OTHER LAW, THE MUNICIPAL CORPORATION MAY, IN ALLOCATING AND COLLECTING REVENUES FROM THE DISTRICT, MAKE USE OF ONE OR MORE METHODS TO CAPTURE THE VALUE CREATED BY A MASS TRANSPORTATION CAPITAL PROJECT, INCLUDING, BUT NOT LIMITED TO:

(I) TAX INCREMENT FINANCING, MEANING THE ALLOCATION OF AN INCREMENT OF PROPERTY TAX REVENUES IN EXCESS OF THE AMOUNT LEVIED AT THE TIME PRIOR TO PLANNING OF A MASS TRANSPORTATION CAPITAL PROJECT;

(II) A SPECIAL TRANSPORTATION ASSESSMENT, MEANING A CHARGE IMPOSED UPON BENEFITED REAL PROPERTY IN PROPORTION TO THE BENEFIT RECEIVED BY SUCH PROPERTY FROM A MASS TRANSPORTATION CAPITAL PROJECT, WHICH SHALL NOT CONSTITUTE A TAX;

(III) A TRANSPORTATION UTILITY FEE, MEANING A CHARGE IMPOSED IN PROPORTION TO THE BENEFIT RECEIVED FROM OR THE DEMAND IMPOSED ON A MASS TRANSPORTATION CAPITAL PROJECT, WHICH SHALL NOT CONSTITUTE A TAX;

(IV) LAND VALUE TAXATION, MEANING THE ALLOCATION OF AN INCREMENT OF TAX REVENUES GAINED FROM LEVYING TAXES ON THE ASSESSED VALUE OF TAXABLE LAND AT A HIGHER RATE THAN THE IMPROVEMENTS, AS DEFINED IN SUBDIVISION TWELVE OF SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW;

(V) SOME COMBINATION OF THE ABOVE OR OTHER METHODS OF GAINING REVENUES THAT THE MUNICIPAL CORPORATION IS EMPOWERED TO USE, PROVIDED THAT THE TOTAL AMOUNT OF ALL TAXES, ASSESSMENTS, FEES, CHARGES, OR RATES LEVIED ON EACH PARCEL OR LOT UNDER THIS SECTION SHALL BE LIMITED TO A PROPORTIONATE AMOUNT AS NEAR AS POSSIBLE TO THE ACTUAL BENEFIT WHICH EACH LOT OR PARCEL WILL DERIVE FROM THE MASS TRANSPORTATION CAPITAL PROJECT;

(VI) WITHIN ANY MASS TRANSPORTATION CAPITAL PROJECT DISTRICT THAT A MUNICIPAL CORPORATION SHALL DESIGNATE, ANY LIMIT OR CAP TO THE LEVY OR PROPERTY TAXES OR ASSESSMENT OF TAXABLE VALUE SHALL NOT APPLY.

S 7. Paragraph (g) of subdivision 2 of section 3-c of the general municipal law is amended by adding a new subparagraph (v) to read as follows:

(V) A TAX LEVY WITHIN A MASS TRANSPORTATION CAPITAL PROJECT DISTRICT, DESIGNATED PURSUANT TO ARTICLE FIVE-I OF THE GENERAL MUNICIPAL LAW.

S 8. This act shall take effect immediately; provided that the amendment made to section 3-c of the general municipal law by section seven of this act shall not affect the repeal of said section and shall be deemed repealed therewith.

PART D

Section 1. Section 399-l of the vehicle and traffic law, as added by chapter 751 of the laws of 2005, is amended to read as follows:

S 399-l. Application. Applicants for participation in the pilot program established pursuant to this article shall be among those accident prevention course sponsoring agencies that have a course approved by the commissioner pursuant to article twelve-B of this title prior to the effective date of this article and which deliver such course to the public. Provided, however, the commissioner may, in his or her discretion, approve applications after such date. In order to be approved for participation in such pilot program, the course must comply with the provisions of law, rules and regulations applicable thereto. The commissioner may, in his or her discretion, impose a fee for the submission of each application to participate in the pilot program established pursuant to this article. Such fee shall not exceed seven thousand five hundred dollars. The proceeds from such fee shall be deposited [in the accident prevention course internet technology pilot program fund as established by section eighty-nine-g of the state finance law] BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION.

S 2. Subdivision 2 of section 89-g of the state finance law is REPEALED and subdivisions 3 and 4 are renumbered subdivisions 2 and 3.

S 3. Section 5 of chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, as amended by section 1 of part E of chapter 57 of the laws of 2014, is amended to read as follows:

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed [May 31, 2019] APRIL 1, 2020; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.

S 4. Paragraph a of subdivision 5 of section 410 of the vehicle and traffic law, as amended by section 16 of part G of chapter 59 of the laws of 2009, is amended to read as follows:

a. The annual fee for registration or reregistration of a motorcycle shall be eleven dollars and fifty cents. Beginning April first, nineteen hundred ninety-eight the annual fee for registration or reregistration of a motorcycle shall be seventeen dollars and fifty cents, of which two dollars and fifty cents shall be deposited BY THE COMPTROLLER into the [motorcycle safety fund established pursuant to section ninety-two-g of the state finance law] SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION.

S 5. Paragraph (c-1) of subdivision 2 of section 503 of the vehicle and traffic law, as added by chapter 435 of the laws of 1997, is amended to read as follows:

(c-1) In addition to the fees established in paragraphs (b) and (c) of this subdivision, a fee of fifty cents for each six months or portion thereof of the period of validity shall be paid upon the issuance of any permit, license or renewal of a license which is valid for the operation of a motorcycle, except a limited use motorcycle. Fees collected pursuant to this paragraph shall be deposited BY THE COMPTROLLER into the [motorcycle safety fund established pursuant to section ninety-two-g of the state finance law] SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION.

S 6. Subdivision 2 of section 92-g of the state finance law is REPEALED and subdivisions 3 and 4 are renumbered subdivisions 2 and 3.

S 7. Section 92-g of the state finance law is REPEALED.

S 8. Section 317 of the vehicle and traffic law is amended by adding a new subdivision 5 to read as follows:

5. ALL ASSESSMENTS CHARGED AND COLLECTED BY THE COMMISSIONER PURSUANT TO THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

S 9. Paragraph (b) of subdivision 1-a of section 318 of the vehicle and traffic law, as amended by section 1-b of part A of chapter 63 of the laws of 2005, is amended to read as follows:

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, an order of suspension issued pursuant to paragraph (a) or (e) of this subdivision may be terminated if the registrant pays to the commissioner a civil penalty in the amount of eight dollars for each day up to thirty days for which financial security was not in effect, plus ten dollars for each day from the thirty-first to the sixtieth day for which financial security was not in effect, plus twelve dollars for each day from the sixty-first to the ninetieth day for which financial security was not in effect. Of each eight dollar penalty, six dollars will be deposited in the general fund and two dollars in the [miscellaneous special revenue fund - compulsory insurance account] SPECIAL OBLIGATION

RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION. Of each ten dollar penalty collected, six dollars will be deposited in the general fund, two dollars will be deposited in the [miscellaneous special revenue fund - compulsory insurance account] SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION, and two dollars shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law and the dedicated mass transportation fund established pursuant to section eighty-nine-c of the state finance law and distributed according to the provisions of subdivision (d) of section three hundred one-j of the tax law. Of each twelve dollar penalty collected, six dollars will be deposited into the general fund, two dollars will be deposited into the [miscellaneous special revenue fund - compulsory insurance account] SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION, and four dollars shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law and the dedicated mass transportation fund established pursuant to section eighty-nine-c of the state finance law and distributed according to the provisions of subdivision (d) of section three hundred one-j of the tax law. The foregoing provision shall apply only once during any thirty-six month period and only if the registrant surrendered the certificate of registration and number plates to the commissioner not more than ninety days from the date of termination of financial security or submits to the commissioner new proof of financial security which took effect not more than ninety days from the termination of financial security.

S 10. Section 423-a of the vehicle and traffic law is amended by adding a new subdivision 6 to read as follows:

6. ALL FUNDS COLLECTED FROM THE DEPARTMENT'S SHARE OF THE SALE OF ASSETS PURSUANT TO THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

S 11. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 8 of part C of chapter 57 of the laws of 2014, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred five, two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation AND THE COMMISSIONER OF MOTOR VEHICLES pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five, SECTION FOUR HUNDRED TWENTY-THREE-A, SECTION FOUR HUNDRED TEN, SECTION THREE HUNDRED SEVENTEEN, SECTION THREE HUNDRED EIGHTEEN, ARTICLE TWELVE-C, AND PARAGRAPH (C-1) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED THREE of the vehicle and traffic law, section two of the chapter of the laws of two

thousand three that amended this paragraph, subdivision (d) of section three hundred four-a, paragraph one of subdivision (a) and subdivision (d) of section three hundred five, subdivision six-a of section four hundred fifteen and subdivision (g) of section twenty-one hundred twenty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and sections ninety-four, one hundred thirty-five, [one hundred forty-four] and one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, (IV) ANY MONEYS COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES, and [(iv)] (V) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

S 12. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 9 of part C of chapter 57 of the laws of 2014, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation AND THE COMMISSIONER OF MOTOR VEHICLES pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five, SECTION FOUR HUNDRED TWENTY-THREE-A, SECTION FOUR HUNDRED TEN, SECTION THREE HUNDRED SEVENTEEN, SECTION THREE HUNDRED EIGHTEEN, ARTICLE TWELVE-C, AND PARAGRAPH (C-1) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED THREE of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and sections ninety-four, one hundred thirty-five, [one hundred forty-four] and one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, (IV) ANY MONEYS COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES, and [(iv)] (V) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

S 13. This act shall take effect immediately; provided, however, that section seven of this act shall take effect April 1, 2020; provided further, however, that the amendments to section 399-1 of the vehicle and traffic law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and provided further, however, that the amendments to paragraph (a) of subdivision 3 of section 89-b of the state finance law made by section eleven of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 13 of part U1 of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section twelve of this act shall take effect.

PART E

Section 1. Subparagraph (vi) of paragraph (b) of subdivision 2 of section 501 of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, is amended to read as follows:

(vi) Farm endorsement. Shall be required to operate a farm vehicle or a combination of farm vehicles which may not be operated with a class C, D or E license AND WHICH IS USED TO TRANSPORT HAZARDOUS MATERIALS AS DEFINED IN SECTION ONE HUNDRED THREE OF THE HAZARDOUS MATERIALS TRANSPORTATION ACT, PUBLIC LAW 93-633 TITLE I, WHEN THE VEHICLE TRANSPORTING SUCH MATERIALS IS REQUIRED TO BE PLACARDED UNDER THE HAZARDOUS MATERIALS REGULATION, 49 CFR PART 172, SUBPART F OR IS TRANSPORTING ANY QUANTITY OF MATERIAL LISTED AS A SELECT AGENT OR TOXIN IN 42 CFR PART 73. The identification and scope of any such endorsement or endorsements shall be as prescribed by regulation of the commissioner. Such identification and scope shall, at a minimum, include a distinction between the operation of a farm vehicle having a GVWR of more than twenty-six thousand pounds within one hundred fifty miles of the person's farm and the operation of a combination of farm vehicles having a GVWR of more than twenty-six thousand pounds within one hundred fifty miles of the person's farm.

S 2. Subparagraph (i) of paragraph (b) of subdivision 4 of section 501-a of the vehicle and traffic law, as amended by chapter 36 of the laws of 2009, is amended to read as follows:

(i) a personal use vehicle, A COVERED FARM VEHICLE or a farm vehicle or a combination of such vehicles;

S 3. Subdivision 7 of section 501-a of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, is amended and a new subdivision 9 is added to read as follows:

7. Farm vehicle. A vehicle having a GVWR of not more than twenty-six thousand pounds which is controlled and operated by a farmer, is used to transport agricultural products, farm machinery, farm supplies or all of the aforementioned to or from the farm and is not used in the operations of a common or contract motor carrier and, such a vehicle having a GVWR of more than twenty-six thousand pounds while being used within one hundred fifty miles of the person's farm, AND SUCH VEHICLE IS USED TO TRANSPORT HAZARDOUS MATERIALS AS DEFINED IN SECTION ONE HUNDRED THREE OF THE HAZARDOUS MATERIALS TRANSPORTATION ACT, PUBLIC LAW 93-633, TITLE I, WHEN THE VEHICLE TRANSPORTING SUCH MATERIALS IS REQUIRED TO BE PLACARDED UNDER THE HAZARDOUS MATERIALS REGULATION, 49 CFR PART 172, SUBPART F OR IS TRANSPORTING ANY QUANTITY OF MATERIAL LISTED AS A SELECT AGENT OR TOXIN IN 42 CFR PART 73; PROVIDED, HOWEVER, A FARM VEHICLE MAY ONLY BE OPERATED IN ANOTHER STATE IF SUCH STATE PERMITS THE OPERATION OF A FARM VEHICLE IN SUCH STATE.

9. COVERED FARM VEHICLE. (A) A VEHICLE OR COMBINATION OF VEHICLES REGISTERED IN THIS STATE, WHICH (I) DISPLAYS A COVERED FARM VEHICLE DESIGNATION ISSUED BY THE COMMISSIONER, (II) OPERATED BY THE OWNER OR OPERATOR OF A FARM OR RANCH, OR AN EMPLOYEE OR FAMILY MEMBER OF AN OWNER OR OPERATOR OF A FARM OR RANCH, (III) USED TO TRANSPORT AGRICULTURAL COMMODITIES, LIVESTOCK, MACHINERY OR SUPPLIES TO OR FROM A FARM OR RANCH, (IV) NOT USED IN FOR-HIRE MOTOR CARRIER OPERATIONS; HOWEVER, FOR-HIRE MOTOR CARRIER OPERATIONS DO NOT INCLUDE OPERATION BY A TENANT PURSUANT TO A CROP SHARE FARM LEASE AGREEMENT TO TRANSPORT THE LANDLORD'S PORTION OF THE CROPS UNDER THAT AGREEMENT; AND (V) NOT USED FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS.

(B) A COVERED FARM VEHICLE WITH A GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING, WHICHEVER IS GREATER, OF TWENTY-SIX THOUSAND POUNDS OR LESS, MAY OPERATE ANYWHERE IN THE UNITED STATES.

(C) A COVERED FARM VEHICLE WITH A GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING, WHICHEVER IS GREATER, OF MORE THAN TWENTY-SIX THOUSAND POUNDS, MAY OPERATE ANYWHERE IN THIS STATE OR ACROSS STATE LINES WITHIN ONE HUNDRED FIFTY AIR MILES OF THE FARM OR RANCH. THE OPERATOR OF SUCH A COVERED FARM VEHICLE SHALL OBTAIN AN ENDORSEMENT AS PROVIDED FOR IN PARAGRAPH (D) OF THIS SUBDIVISION.

(D) THE COMMISSIONER SHALL, BY REGULATION, DESIGNATE AN ENDORSEMENT OR ENDORSEMENTS FOR THE OPERATION OF COVERED FARM VEHICLES WEIGHING MORE THAN TWENTY-SIX THOUSAND POUNDS. THE IDENTIFICATION AND SCOPE OF SUCH ENDORSEMENT OR ENDORSEMENTS SHALL, AT A MINIMUM, INCLUDE A DISTINCTION BETWEEN THE OPERATION OF A COVERED FARM VEHICLE HAVING A GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING OF MORE THAN TWENTY-SIX THOUSAND POUNDS AND THE OPERATION OF A COMBINATION OF COVERED FARM VEHICLES HAVING A GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING OF MORE THAN TWENTY-SIX THOUSAND POUNDS.

(E) FOR THE PURPOSES OF THIS SUBDIVISION, THE GROSS VEHICLE WEIGHT OF A VEHICLE SHALL MEAN THE ACTUAL WEIGHT OF THE VEHICLE AND THE LOAD.

S 4. Subparagraph (iv) of paragraph (b) of subdivision 2 of section 501 of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, is amended to read as follows:

(iv) P endorsement. Shall be required to operate a bus as defined in sections one hundred four and five hundred nine-a of this chapter OR ANY MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING OF MORE THAN TWENTY-SIX THOUSAND POUNDS WHICH IS DESIGNED TO TRANSPORT PASSENGERS IN COMMERCE. FOR THE PURPOSES OF THIS SUBPARAGRAPH THE GROSS VEHICLE WEIGHT OF A VEHICLE SHALL MEAN THE ACTUAL WEIGHT OF THE VEHICLE AND THE LOAD.

S 5. This act shall take effect on the ninetieth day after it shall have become a law.

PART F

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part M of chapter 58 of the laws of 2015, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, [2016] 2017.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2016.

PART G

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of New York state urban development corporation to make loans, as amended by section 1 of part N of chapter 58 of the laws of 2015, is amended to read as follows:

S 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, [2016] 2017, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner

any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016.

PART H

Section 1. This act shall be known and may be cited as the "Transformational Economic Development Infrastructure and Revitalization Projects act".

S 2. Definitions. For the purposes of this act, the following terms shall have the following meanings:

1. "Transformational Economic Development Infrastructure and Revitalization Projects act" or "projects" shall include construction projects in the county of New York related to the Jacob V. Javits Convention Center, the Empire State Station Complex, the James A. Farley Building Replacement, and the Pennsylvania Station New York Redevelopment. The term "project" shall refer to any of these construction projects.

2. "Authorized entity" shall mean the New York State Urban Development Corporation, the New York Convention Center Development Corporation, and their subsidiaries.

3. "Best value" shall mean the basis for awarding contracts for services to the bidder that optimize quality, cost and efficiency, price and performance criteria, which may include, but is not limited to:

(a) The quality of the contractor's performance on previous projects;

(b) The timeliness of the contractor's performance on previous projects;

(c) The level of customer satisfaction with the contractor's performance on previous projects;

(d) The contractor's record of performing previous projects on budget and ability to minimize cost overruns;

(e) The contractor's ability to limit change orders;

(f) The contractor's ability to prepare appropriate project plans;

(g) The contractor's technical capacities;

(h) The individual qualifications of the contractor's key personnel;

(i) The contractor's ability to assess and manage risk and minimize risk impact; and

(j) The contractor's past record of encouraging women and minority-owned business enterprise participation and compliance with article 15-A of the executive law.

Such basis shall reflect, wherever possible, objective and quantifiable analysis.

4. "Design-build contract" shall mean, in conformity with the requirements of this act, a contract for the design and construction of the projects with a single entity, which may be a team comprised of separate entities.

5. "Procurement record" shall mean documentation of the decisions made and the approach taken in the procurement process.

6. "Project labor agreement" shall mean a pre-hire collective bargaining agreement between a contractor and a bona fide building and construction trade labor organization establishing the labor organization as the collective bargaining representative for all persons who will perform work on the project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work.

S 3. Notwithstanding section 103 of the general municipal law or the provisions of any other law to the contrary, in conformity with the requirements of this act, and only when a project labor agreement is performed, the authorized entity may utilize the alternative delivery method referred to as a design-build contract for the project. The authorized entity shall ensure that its procurement record reflects the design-build contract process authorized by this act.

S 4. An entity selected by the authorized entity to enter into a design-build contract for the project shall be selected through a two-step method, as follows:

1. Step one. Generation of a list of entities that have demonstrated the general capability to perform a design-build contract for the project. Such list shall consist of a specified number of entities, as determined by the authorized entity, and shall be generated based upon the authorized entity's review of responses to a publicly advertised request for qualifications for the project. The authorized entity's request for qualifications for the project shall include a general description of the project, the maximum number of entities to be included on the list, and the selection criteria to be used in generating the list. Such selection criteria shall include the qualifications and experience of the design and construction team, organization, demonstrated responsibility, ability of the team or of a member or members of the team to comply with applicable requirements, including the provisions of articles 145, 147 and 148 of the education law, past record of compliance with the labor law including prevailing wage requirements under state and federal law; the past record of compliance with existing labor standards and maintaining harmonious labor relations; the record of protecting the health and safety of workers on public works projects and job sites as demonstrated by the experience modification rate for each of the last three years; the prospective bidder's ability to undertake the particular type and complexity of work; the financial capability, responsibility and reliability of the prospective bidder for such type and complexity of work; the prospective bidder's compliance with equal employment opportunity requirements and anti-discrimination laws, and demonstrated commitment to working with minority and women-owned businesses through joint ventures or subcontractor relationships; whether or not the prospective bidder or a person or entity with an interest of at least ten per centum in the prospective bidder, is debarred for having disregarded obligations to employees under the Davis-Bacon Act pursuant to 40 U.S.C. 3144 and 29 C.F.R. 5.12 and such other qualifications the authorized entity deems appropriate which may include but are not limited to project understanding, financial capability and record of past performance. The authorized entity shall evaluate and rate all entities responding to the request for qualifications. Based upon such ratings, the authorized entity shall list the entities that shall receive a request for proposals in accordance with subdivision two of this section. To the extent consistent with applicable federal law, the authorized entity shall consider, when awarding any contract pursuant to this section, the participation of: (a) firms certified pursuant to article 15-A of the executive law as minority or women-owned businesses and the ability of other businesses under consideration to work with minority and women-owned businesses so as to promote and assist participation by such businesses; and (b) small business concerns identified pursuant to subdivision (b) of section 139-g of the state finance law.

2. Step two. Selection of the proposal which is the best value to the authorized entity. The authorized entity shall issue a request for proposals for the project to the entities listed pursuant to subdivision one of this section. If such an entity consists of a team of separate entities, the entities that comprise such a team must remain unchanged from the entity as listed pursuant to subdivision one of this section unless otherwise approved by the authorized entity. The request for proposals for the project shall set forth the project's scope of work, and other requirements, as determined by the authorized entity. The request for proposals shall specify the criteria to be used to evaluate the responses and the relative weight of each such criteria. Such criteria shall include the proposal's cost, the quality of the proposal's solution, the qualifications and experience of the design-build entity, and other factors deemed pertinent by the authorized entity, which may include, but shall not be limited to, the proposal's project implementation, ability to complete the work in a timely and satisfactory manner, maintenance costs of the completed project, maintenance of traffic approach, and community impact. Any contract awarded pursuant to this act shall be awarded to a responsive and responsible entity that submits the proposal, which, in consideration of these and other specified criteria deemed pertinent to the project, offers the best value to the authorized entity, as determined by the authorized entity. Nothing in this act shall be construed to prohibit the authorized entity from negotiating final contract terms and conditions including cost.

3. Notwithstanding the foregoing provisions of this section, when any person or entity is debarred for having disregarded obligations to employees under the Davis-Bacon Act pursuant to 40 U.S.C. 3144 and 29 C.F.R. 5.12, such person or entity, and any firm, corporation, partnership or association in which the person or entity owns or controls at least ten per centum, shall be ineligible to submit a bid on or be awarded any contract authorized by this act while the name of the person or entity is published in the list of debarred contractors pursuant to 40 U.S.C. 3144. The department of labor will notify the person or entity immediately of such ineligibility and such person or entity must be afforded the opportunity to appeal to the department of labor.

S 5. Any contract entered into pursuant to this act shall include a clause requiring that any professional services regulated by articles 145, 147 and 148 of the education law shall be performed and stamped and sealed, where appropriate, by a professional licensed in accordance with such articles.

S 6. The construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation of the project undertaken by the authorized entity pursuant to this act shall be deemed a "public work" to be performed in accordance with the provisions of article 8 of the labor law, as well as subject to sections 200, 240, 241 and 242 of the labor law and enforcement of prevailing wage requirements by the New York state department of labor.

S 7. A project labor agreement shall be included in the request for proposals for the project, provided that, based upon a study done by or for the authorized entity, the authorized entity determines that its interests are best met by requiring a project labor agreement. The authorized entity shall conduct such a study and the project labor agreement shall be performed consistent with the provisions of section 222 of the labor law. If a project labor agreement is not performed on the project; (1) the authorized entity shall not utilize a design-build

contract for the project; and (2) sections 101 and 103 of the general municipal law shall apply to the project.

S 8. Each contract entered into by the authorized entity pursuant to this act shall comply, whenever practical, with the objectives and goals of minority and women-owned business enterprises pursuant to article 15-A of the executive law or, if the project receives federal aid, shall comply with applicable federal requirements for disadvantaged business enterprises.

S 9. The project undertaken by the authorized entity pursuant to this act shall be subject to the requirements of article 8 of the environmental conservation law, and, where applicable, the requirements of the national environmental policy act.

S 10. The submission of a proposal or responses or the execution of a design-build contract pursuant to this act shall not be construed to be a violation of section 6512 of the education law.

S 11. Nothing contained in this act shall limit the right or obligation of the authorized entity to comply with the provisions of any existing contract, including any existing contract with or for the benefit of the holders of the obligations of the authorized entity, or to award contracts as otherwise provided by law.

S 12. This act shall take effect immediately.

PART I

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

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016.

PART J

Section 1. Expenditures of moneys by the New York state energy research and development authority for services and expenses of the energy research, development and demonstration program, including grants, the energy policy and planning program, and the Fuel NY program shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended in an amount not to exceed $19,700,000 shall be reimbursed by assessment against gas corporations, as defined in subdivision 11 of section 2 of the public service law and electric corporations as defined in subdivision 13 of section 2 of the public service law, where such gas corporations and electric corporations have gross revenues from intrastate utility operations in excess of $500,000 in the preceding calendar year, and the total amount which may be charged to any gas corporation and any electric corporation shall not exceed one cent per one thousand cubic feet of gas sold and .010 cent per kilowatt-hour of electricity sold by such corporations in their intrastate utility operations in calendar year 2014. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law. The chair of the public service commission shall bill such gas and/or electric corporations for such amounts on or before August 10, 2016 and such amounts shall be paid to the New York state energy research and development authority on or before September 10, 2016. Upon receipt, the New York state energy

research and development authority shall deposit such funds in the energy research and development operating fund established pursuant to section 1859 of the public authorities law. The New York state energy research and development authority is authorized and directed to: (1) transfer $1 million to the state general fund for services and expenses of the department of environmental conservation and to transfer $750,000 to the University of Rochester laboratory for laser energetics from the funds received; and (2) commencing in 2016, provide to the chair of the public service commission and the director of the budget and the chairs and secretaries of the legislative fiscal committees, on or before August first of each year, an itemized record, certified by the president and chief executive officer of the authority, or his or her designee, detailing any and all expenditures and commitments ascribable to moneys received as a result of this assessment by the chair of the department of public service pursuant to section 18-a of the public service law. This itemized record shall include an itemized breakdown of the programs being funded by this section and the amount committed to each program. The authority shall not commit for any expenditure, any moneys derived from the assessment provided for in this section, until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the chair to the chairs and secretaries of the legislative fiscal committees. Any such amount not committed by such authority to contracts or contracts to be awarded or otherwise expended by the authority during the fiscal year shall be refunded by such authority on a pro-rata basis to such gas and/or electric corporations, in a manner to be determined by the department of public service.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016.

PART K

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

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016.

PART L

Section 1. Paragraph (c) of subdivision 12 of section 66 of the public service law, as amended by chapter 162 of the laws of 1998, is amended to read as follows:

(c) For the purpose of this subdivision, "major changes" shall mean an increase in the rates and charges which would increase the aggregate revenues of the applicant more than the greater of three hundred thousand dollars or two and one-half percent, but shall not include changes in rates, charges or rentals (I) allowed to go into effect by the commission or made by the utility pursuant to an order of the commission

after hearings held upon notice to the public, OR (II) PROPOSED BY A MUNICIPALITY.

S 2. Paragraph (f) of subdivision 12 of section 66 of the public service law, as amended by chapter 154 of the laws of 1989, is amended to read as follows:

(f) Whenever there shall be filed with the commission by any utility any schedule stating a new rate or charge, or any change in any form of contract or agreement or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, the commission may, at any time within sixty days from the date when such schedule would or has become effective, either upon complaint or upon its own initiative, and, if it so orders, without answer or other formal pleading by the utility, but upon reasonable notice, hold a hearing concerning the propriety of a change proposed by the filing. If such change is a major change, the commission shall hold such a hearing. Pending such hearing and decision thereon, the commission, upon filing with such schedule and delivering to the utility, a statement in writing of its reasons therefor, may suspend the operation of such schedule, but not for a longer period than [one hundred and twenty days] FOUR MONTHS beyond the time when it would otherwise go into effect. After full hearing, whether completed before or after the schedule goes into effect, the commission may make such order in reference thereto as would be proper in a proceeding begun after the rate, charge, form of contract or agreement, rule, regulation, service, general privilege or facility had become effective. If any such hearing cannot be concluded within the period of suspension as above stated, the commission may extend the suspension for a further period, not exceeding [six] TEN months. IF AT THE END OF SUCH PERIOD, THE FILED PETITION HAS NOT BEEN ACTED UPON BY THE COMMISSION, THE COMMISSION SHALL UTILIZE THE PROPOSAL FILED BY THE STAFF OF THE DEPARTMENT TO ESTABLISH TEMPORARY RATES FOR THE PETITIONER, SUBJECT TO REFUND OR REPARATION AS PROVIDED IN SECTION ONE HUNDRED THIRTEEN OF THIS CHAPTER.

S 3. Paragraph (f) of subdivision 10 of section 80 of the public service law, as amended by chapter 154 of the laws of 1989, is amended to read as follows:

(f) Whenever there shall be filed with the commission by any utility any schedule stating a new rate or charge, or any change in any form of contract or agreement or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, the commission may, at any time within sixty days from the date when such schedule would or has become effective, either upon complaint or upon its own initiative, and, if it so orders, without answer or other formal pleading by the utility, but upon reasonable notice, hold a hearing concerning the propriety of a change proposed by the filing. If such change is a major change, the commission shall hold such a hearing. Pending such hearing and decision thereon the commission, upon filing with such schedule and delivering to the utility, a statement in writing of its reasons therefor, may suspend the operation of such schedule, but not for a longer period than [one hundred and twenty days] FOUR MONTHS beyond the time when it would otherwise go into effect. After full hearing, whether completed before or after the schedule goes into effect, the commission may make such order in reference thereto as would be proper in a proceeding begun after the rate, charge, form of contract or agreement, rule, regulation, service, general privilege or facility had become effective. If such hearing cannot be concluded within the period of suspension as above stated, the commission may extend the suspension

for a further period not exceeding [six] TEN months. IF AT THE END OF SUCH PERIOD, THE FILED PETITION HAS NOT BEEN ACTED UPON BY THE COMMISSION, THE COMMISSION SHALL UTILIZE THE PROPOSAL FILED BY THE STAFF OF THE DEPARTMENT TO ESTABLISH TEMPORARY RATES FOR THE PETITIONER, SUBJECT TO REFUND OR REPARATION AS PROVIDED IN SECTION ONE HUNDRED THIRTEEN OF THIS CHAPTER.

S 4. Paragraph (f) of subdivision 10 of section 89-c of the public service law, as amended by chapter 154 of the laws of 1989, is amended to read as follows:

(f) Whenever there shall be filed with the commission by any waterworks corporation any schedule stating a new rate or charge, or any change in any form of contract or agreement or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, the commission may, at any time within sixty days from the date when such schedule would or has become effective, either upon complaint or upon its own initiative, and, if it so orders, without answer or other formal pleading by the interested corporation, but upon reasonable notice, hold a hearing concerning the propriety of a change proposed by the filing. If such change is a major change, the commission shall hold such a hearing. Pending such hearing and decision thereon, the commission, upon filing with such schedule and delivering to the corporation affected thereby a statement in writing of its reasons therefor, may suspend the operation of such schedule, but not for a longer period than [one hundred and twenty days] FOUR MONTHS beyond the time when it would otherwise go into effect. After a full hearing, whether completed before or after the schedule goes into effect, the commission may make such order in reference thereto as would be proper in a proceeding begun after the rate, charge, form of contract or agreement, rule, regulation, service, general privilege or facility had become effective. If any such hearing cannot be concluded within the period of suspension as above stated, the commission may extend the suspension for a further period not exceeding [six] TEN months. IF AT THE END OF SUCH PERIOD, THE FILED PETITION HAS NOT BEEN ACTED UPON BY THE COMMISSION, THE COMMISSION SHALL UTILIZE THE PROPOSAL FILED BY THE STAFF OF THE DEPARTMENT TO ESTABLISH TEMPORARY RATES FOR THE PETITIONER, SUBJECT TO REFUND OR REPARATION AS PROVIDED IN SECTION ONE HUNDRED THIRTEEN OF THIS CHAPTER.

S 5. This act shall take effect immediately.

PART M

Section 1. Section 2 of chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, as amended by section 1 of part T of chapter 58 of the laws of 2015, is amended to read as follows:

S 2. This act shall take effect immediately, provided however, that section one of this act shall be deemed to have been in full force and effect on and after April 1, 2003 and shall expire March 31, [2016] 2017.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2016.

PART N

Section 1. Paragraph (d) of section 304 of the business corporation law is amended to read as follows:

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

S 2. Paragraph (a) of section 305 of the business corporation law, as amended by chapter 131 of the laws of 1985, is amended to read as follows:

(a) In addition to such designation of the secretary of state, every domestic corporation or authorized foreign corporation may designate a registered agent in this state upon whom process against such corporation may be served. The agent shall be a natural person who is a resident of or has a business address in this state [or], a domestic corporation or foreign corporation of any type or kind formed[,] or authorized to do business in this state, under this chapter or under any other statute of this state, OR DOMESTIC LIMITED LIABILITY COMPANY OR FOREIGN LIMITED LIABILITY COMPANY FORMED OR AUTHORIZED TO DO BUSINESS IN THIS STATE.

S 3. Subparagraph 1 of paragraph (b) of section 306 of the business corporation law, as amended by chapter 419 of the laws of 1990, is amended to read as follows:

(1) Service of process on the secretary of state as agent of a domestic or authorized foreign corporation, OR OTHER BUSINESS ENTITY THAT HAS DESIGNATED THE SECRETARY OF STATE AS AGENT FOR SERVICE OF PROCESS PURSUANT TO ARTICLE NINE OF THIS CHAPTER, shall be made by [personally delivering to and leaving with the secretary of state or a deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement] MAILING THE PROCESS AND NOTICE OF SERVICE THEREOF BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH CORPORATION OR OTHER BUSINESS ENTITY, AT THE POST OFFICE ADDRESS ON FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. IF A DOMESTIC OR AUTHORIZED FOREIGN CORPORATION HAS NO SUCH ADDRESS ON FILE IN THE DEPARTMENT OF STATE, THE PROCESS AND NOTICE OF SERVICE THEREOF SHALL BE MAILED, IN THE CASE OF A DOMESTIC CORPORATION, IN CARE OF ANY DIRECTOR NAMED IN ITS CERTIFICATE OF INCORPORATION AT THE DIRECTOR'S ADDRESS STATED THEREIN OR, IN THE CASE OF AN AUTHORIZED FOREIGN CORPORATION, TO SUCH CORPORATION AT THE ADDRESS OF ITS OFFICE WITHIN THIS STATE ON FILE IN THE DEPARTMENT. ON THE SAME DAY THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND PROOF OF MAILING TOGETHER WITH THE STATUTORY FEE, WHICH FEE SHALL BE A TAXABLE DISBURSEMENT SHALL BE PERSONALLY DELIVERED TO AND LEFT WITH THE SECRETARY OF STATE OR A DEPUTY, OR WITH ANY PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE SUCH SERVICE, AT THE OFFICE OF THE DEPARTMENT OF STATE IN THE CITY OF ALBANY. PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. Service of process on such corporation OR OTHER BUSINESS ENTITY shall be complete when the secretary of state is so served. [The secretary of

state shall promptly send one of such copies by certified mail, return receipt requested, to such corporation, at the post office address, on file in the department of state, specified for the purpose. If a domestic or authorized foreign corporation has no such address on file in the department of state, the secretary of state shall so mail such copy, in the case of a domestic corporation, in care of any director named in its certificate of incorporation at the director's address stated therein or, in the case of an authorized foreign corporation, to such corporation at the address of its office within this state on file in the department.]

S 4. Subparagraphs 2 and 3 of paragraph (a) of section 306-A of the business corporation law, as added by chapter 469 of the laws of 1997, are amended to read as follows:

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

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

S 5. Subparagraph 7 of paragraph (a) of section 402 of the business corporation law is amended to read as follows:

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

S 6. Subparagraph (c) of paragraph 1 of section 408 of the business corporation law, as amended by section 3 of part S of chapter 59 of the laws of 2015, is amended to read as follows:

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

S 7. Subparagraph 4 of paragraph (b) of section 801 of the business corporation law is amended to read as follows:

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

S 8. Subparagraph 2 of paragraph (b) of section 803 of the business corporation law, as amended by chapter 803 of the laws of 1965, is amended to read as follows:

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

S 9. Paragraph (b) of section 805-A of the business corporation law, as added by chapter 725 of the laws of 1964, is amended to read as follows:

(b) A certificate of change which changes only the post office address to which [the secretary of state] A PERSON shall mail a copy of any process against a corporation served upon [him or] THE SECRETARY OF STATE AND/OR the address of the registered agent, provided such address being changed is the address of a person, partnership, LIMITED LIABILITY COMPANY or other corporation whose address, as agent, is the address to be changed or who has been designated as registered agent for such corporation, may be signed[, verified] and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subparagraphs [(a)] (1), (2) and (3) OF PARAGRAPH (A) of this section; that a notice of the proposed change was mailed to the corporation by the party signing the certificate not less than thirty days prior to the date of delivery to the department and that such corporation has not objected thereto; and that the party signing the certificate is the agent of such corporation to whose address [the secretary of state] A PERSON is required to mail copies of process SERVED ON THE SECRETARY OF STATE or the registered agent, if such be the case. A certificate signed[, verified] and delivered under this paragraph shall not be deemed to effect a change of location of the office of the corporation in whose behalf such certificate is filed.

S 10. Subparagraph 8 of paragraph (a) of section 904-a of the business corporation law, as amended by chapter 177 of the laws of 2008, is amended to read as follows:

(8) If the surviving or resulting entity is a foreign corporation or other business entity, a designation of the secretary of state as its agent upon whom process against it may be served in the manner set forth in paragraph (b) of section three hundred six of this chapter, in any action or special proceeding, and a post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process against it served upon [him] THE SECRETARY OF STATE. Such post office address shall supersede any prior address designated as the address to which process shall be mailed;

S 11. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of the business corporation law, as amended by chapter 494 of the laws of 1997, is amended to read as follows:

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

S 12. Subparagraph 6 of paragraph (a) of section 1304 of the business corporation law, as amended by chapter 684 of the laws of 1963 and as renumbered by chapter 590 of the laws of 1982, is amended to read as follows:

(6) A designation of the secretary of state as its agent upon whom process against it may be served and the post office address, within or without this state, to which [the secretary of state] A PERSON shall

mail a copy of any process against it served upon [him] THE SECRETARY OF STATE.

S 13. Subparagraph 7 of paragraph (a) of section 1308 of the business corporation law, as amended by chapter 725 of the laws of 1964 and as renumbered by chapter 186 of the laws of 1983, is amended to read as follows:

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

S 14. Subparagraph 2 of paragraph (a) and paragraph (c) of section 1309-A of the business corporation law, subparagraph 2 of paragraph (a) as added by chapter 725 of the laws of 1964 and paragraph (c) as amended by chapter 172 of the laws of 1999, are amended to read as follows:

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

(c) A certificate of change of application for authority which changes only the post office address to which [the secretary of state] A PERSON shall mail a copy of any process against an authorized foreign corporation served upon [him or which] THE SECRETARY OF STATE AND/OR changes the address of its registered agent, provided such address is the address of a person, partnership, LIMITED LIABILITY COMPANY or other corporation whose address, as agent, is the address to be changed or who has been designated as registered agent for such authorized foreign corporation, may be signed and delivered to the department of state by such agent. The certificate of change of application for authority shall set forth the statements required under subparagraphs (1), (2), (3) and (4) of paragraph (b) of this section; that a notice of the proposed change was mailed by the party signing the certificate to the authorized foreign corporation not less than thirty days prior to the date of delivery to the department and that such corporation has not objected thereto; and that the party signing the certificate is the agent of such foreign corporation to whose address [the secretary of state] A PERSON is required to mail copies of process SERVED ON THE SECRETARY OF STATE or the registered agent, if such be the case. A certificate signed and delivered under this paragraph shall not be deemed to effect a change of location of the office of the corporation in whose behalf such certificate is filed.

S 15. Subparagraphs 1 and 6 of paragraph (a) of section 1310 of the business corporation law, subparagraph 1 as amended by chapter 590 of the laws of 1982, are amended to read as follows:

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

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

S 16. Subparagraph 4 of paragraph (d) of section 1310 of the business corporation law is amended to read as follows:

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

S 17. Section 1311 of the business corporation law, as amended by chapter 375 of the laws of 1998, is amended to read as follows:

S 1311. Termination of existence.

When an authorized foreign corporation is dissolved or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation or when such foreign corporation is merged into or consolidated with another foreign corporation, a certificate of the secretary of state, or official performing the equivalent function as to corporate records, of the jurisdiction of incorporation of such foreign corporation attesting to the occurrence of any such event or a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign corporation, the termination of its existence or the cancellation of its authority shall be delivered to the department of state. The filing of the certificate, order or decree shall have the same effect as the filing of a certificate of surrender of authority under section 1310 (Surrender of authority). The secretary of state shall continue as agent of the foreign corporation upon whom process against it may be served in the manner set forth in paragraph (b) of section 306 (Service of process), in any action or special proceeding based upon any liability or obligation incurred by the foreign corporation within this state prior to the filing of such certificate, order or decree and [he] THE PERSON SERVING SUCH PROCESS shall [promptly cause a copy of any such] SEND THE process [to be mailed] by [registered] CERTIFIED mail, return receipt requested, to such foreign corporation at the post office address on file in his office specified for such purpose AND SHALL PROVIDE THE SECRETARY OF STATE WITH PROOF OF SUCH MAILING IN THE MANNER SET FORTH IN PARAGRAPH (B) OF SECTION 306 (SERVICE OF PROCESS). The post office address may be changed by signing and delivering to the department of state a certificate of change setting forth the statements required under section 1309-A (Certificate of change; contents) to effect a change in the post office address under subparagraph SEVEN OF PARAGRAPH (a) [(4)] of section 1308 (Amendments or changes).

S 18. Subparagraph 6 of paragraph (a) of section 1530 of the business corporation law, as added by chapter 505 of the laws of 1983, is amended to read as follows:

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

S 19. Subdivision 10 of section 11 of the cooperative corporations law, as added by chapter 97 of the laws of 1969, is amended to read as follows:

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

S 20. Subdivision 10 of section 96 of the executive law, as amended by chapter 39 of the laws of 1987, is amended to read as follows:

10. For service of process on the secretary of state, acting as agent for a third party pursuant to law, except as otherwise specifically provided by law, forty dollars. No fee shall be collected for process served on behalf of [a] ANY STATE OFFICIAL, DEPARTMENT, BOARD, AGENCY, AUTHORITY, county, city, town or village or other political subdivision

of the state. The fees paid the secretary of state shall be a taxable disbursement.

S 21. The opening paragraph of subdivision 2 and subdivision 3 of section 18 of the general associations law, as amended by chapter 13 of the laws of 1938, are amended and two new subdivisions 5 and 6 are added to read as follows:

Every association doing business within this state shall file in the department of state a certificate in its associate name, signed [and acknowledged] by its president, or a vice-president, or secretary, or treasurer, or managing director, or trustee, designating the secretary of state as an agent upon whom process in any action or proceeding against the association may be served within this state, and setting forth an address to which [the secretary of state] A PERSON shall mail a copy of any process against the association which may be served upon [him] THE SECRETARY OF STATE pursuant to law. Annexed to the certificate of designation shall be a statement, executed in the same manner as the certificate is required to be executed under this section, which shall set forth:

3. Any association, from time to time, may change the address to which [the secretary of state] A PERSON is directed to mail copies of process SERVED ON THE SECRETARY OF STATE, by filing a statement to that effect, executed[,] AND signed [and acknowledged] in like manner as a certificate of designation as herein provided.

5. ANY DESIGNATED POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT IN ANY ACTION OR PROCEEDING AGAINST THE ASSOCIATION SHALL BE DEEMED TO BE THE POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS STATE, TO WHICH A PERSON SHALL MAIL PROCESS SERVED AGAINST THE ASSOCIATION AS REQUIRED BY THIS ARTICLE. ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE OR A PERSON SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT IN ANY ACTION OR PROCEEDING AGAINST THE ASSOCIATION SHALL CONTINUE UNTIL THE FILING OF A CERTIFICATE UNDER THIS CHAPTER DIRECTING THE MAILING TO A DIFFERENT POST OFFICE ADDRESS.

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

S 22. Section 19 of the general associations law, as amended by chapter 166 of the laws of 1991, is amended to read as follows:

S 19. (A) Service of process. Service of process against an association upon the secretary of state shall be made by MAILING THE PROCESS AND NOTICE OF SERVICE THEREOF BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH CORPORATION OR OTHER BUSINESS ENTITY, AT THE POST OFFICE ADDRESS, ON FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. ON THE SAME DAY THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND PROOF OF MAILING SHALL BE personally [delivering] DELIVERED to and [leaving] LEFT with [him] THE SECRETARY OF STATE or a deputy [secretary of state or an associate attorney, senior attorney or attorney in the corporation division of the department of state], SO DESIGNATED [duplicate copies of such process at the office of the department of state in the city of Albany]. At the time of such service the plaintiff shall pay a fee of forty dollars to the secretary of state which shall be a taxable disbursement. [If the cost of registered mail for transmitting a copy of the process shall exceed two dollars, an

additional fee equal to such excess shall be paid at the time of the service of such process. The secretary of state shall forthwith send by registered mail one of such copies to the association at the address fixed for that purpose, as herein provided.]

(B) PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. SERVICE OF PROCESS ON SUCH ASSOCIATION SHALL BE COMPLETE WHEN THE SECRETARY OF STATE IS SO SERVED. If the action or proceeding is instituted in a court of limited jurisdiction, service of process may be made in the manner provided in this section if the cause of action arose within the territorial jurisdiction of the court and the office of the defendant, as set forth in its statement filed pursuant to section eighteen of this [chapter] ARTICLE, is within such territorial jurisdiction.

S 23. Subdivision 2 of section 352-b of the general business law, as amended by chapter 252 of the laws of 1983, is amended to read as follows:

2. Service of such process upon the secretary of state shall be made by personally delivering to and leaving with him [or], a deputy secretary of state, OR WITH A PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE SUCH SERVICE a copy thereof at the office of the department of state in the city of Albany, and such service shall be sufficient service provided that notice of such service and a copy of such process are forthwith sent by the attorney general to such person, partnership, corporation, company, trust or association, by registered or certified mail with return receipt requested, at his or its office as set forth in the "broker-dealer's statement", "salesman's statement" or "investment advisor's statement" filed in the department of law pursuant to section three hundred fifty-nine-e or section three hundred fifty-nine-eee of this article, or in default of the filing of such statement, at the last address known to the attorney general. Service of such process shall be complete on receipt by the attorney general of a return receipt purporting to be signed by the addressee or a person qualified to receive his or its registered or certified mail, in accordance with the rules and customs of the post office department, or, if acceptance was refused by the addressee or his or its agent, on return to the attorney general of the original envelope bearing a notation by the postal authorities that receipt thereof was refused.

S 24. Section 686 of the general business law, as added by chapter 730 of the laws of 1980, is amended to read as follows:

S 686. Designation of secretary of state as agent for service of process; service of process. Any person who shall offer to sell or sell a franchise in this state as a franchisor, subfranchisor or franchise sales agent shall be deemed to have irrevocably appointed the secretary of state as his or its agent upon whom may be served any summons, complaint, subpoena, subpoena duces tecum, notice, order or other process directed to such person, or any partner, principal, officer, salesman or director thereof, or his or its successor, administrator or executor, in any action, investigation, or proceeding which arises under this article or a rule hereunder, with the same force and validity as if served personally on such person. Service of such process upon the secretary of state shall be made by personally delivering to and leaving with [him] THE SECRETARY OF STATE or a deputy [secretary of state], OR WITH ANY PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE SUCH SERVICE, a copy thereof at the office of the department of state, and such service shall be sufficient provided that notice of such service and a copy of such process are sent forthwith by the department to such person, by registered or certified mail with return receipt requested,

at his address as set forth in the application for registration of his offering prospectus or in the registered offering prospectus itself filed with the department of law pursuant to this article, or in default of the filing of such application or prospectus, at the last address known to the department. Service of such process shall be complete upon receipt by the department of a return receipt purporting to be signed by the addressee or a person qualified to receive his or its registered or certified mail, in accordance with the rules and customs of the post office department, or, if acceptance was refused or unclaimed by the addressee or his or its agent, or if the addressee moved without leaving a forwarding address, upon return to the department of the original envelope bearing a notation by the postal authorities that receipt thereof was refused or that such mail was otherwise undeliverable.

S 25. Paragraph 4 of subdivision (e) of section 203 of the limited liability company law, as added by chapter 470 of the laws of 1997, is amended to read as follows:

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

S 26. Paragraph 4 of subdivision (a) of section 206 of the limited liability company law, as amended by chapter 44 of the laws of 2006, is amended to read as follows:

(4) a statement that the secretary of state has been designated as agent of the limited liability company upon whom process against it may be served and the post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process against it served upon [him or her] THE SECRETARY OF STATE;

S 27. Paragraph 6 of subdivision (d) of section 211 of the limited liability company law is amended to read as follows:

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

S 28. Section 211-A of the limited liability company law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

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

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

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

(3) each change effected thereby.

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

S 29. Paragraph 2 of subdivision (b) of section 213 of the limited liability company law is amended to read as follows:

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

S 30. Subdivisions (c) and (e) of section 301 of the limited liability company law, subdivision (e) as amended by section 5 of part S of chapter 59 of the laws of 2015, are amended to read as follows:

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

[(e)] (D) (1) Except as otherwise provided in this subdivision, every limited liability company to which this chapter applies, shall biennially in the calendar month during which its articles of organization or application for authority were filed, or effective date thereof if stated, file on forms prescribed by the secretary of state, a statement setting forth the post office address within or without this state to which [the secretary of state] A PERSON shall mail a copy of any process accepted against it served upon [him or her] THE SECRETARY OF STATE. Such address shall supersede any previous address on file with the department of state for this purpose.

(2) The commissioner of taxation and finance and the secretary of state may agree to allow limited liability companies to include the statement specified in paragraph one of this subdivision on tax reports filed with the department of taxation and finance in lieu of biennial statements and in a manner prescribed by the commissioner of taxation

and finance. If this agreement is made, starting with taxable years beginning on or after January first, two thousand sixteen, each limited liability company required to file the statement specified in paragraph one of this subdivision that is subject to the filing fee imposed by paragraph three of subsection (c) of section six hundred fifty-eight of the tax law shall provide such statement annually on its filing fee payment form filed with the department of taxation and finance in lieu of filing a statement under this section with the department of state. However, each limited liability company required to file a statement under this section must continue to file the biennial statement required by this section with the department of state until the limited liability company in fact has filed a filing fee payment form with the department of taxation and finance that includes all required information. After that time, the limited liability company shall continue to provide annually the statement specified in paragraph one of this subdivision on its filing fee payment form in lieu of the biennial statement required by this subdivision.

(3) If the agreement described in paragraph two of this subdivision is made, the department of taxation and finance shall deliver to the department of state the statement specified in paragraph one of this subdivision contained on filing fee payment forms. The department of taxation and finance must, to the extent feasible, also include the current name of the limited liability company, department of state identification number for such limited liability company, the name, signature and capacity of the signer of the statement, name and street address of the filer of the statement, and the email address, if any, of the filer of the statement.

S 31. Paragraphs 2 and 3 of subdivision (a), subparagraph (ii) of paragraph 2 and subparagraph (ii) of paragraph 3 of subdivision (e) of section 301-A of the limited liability company law, as added by chapter 448 of the laws of 1998, are amended to read as follows:

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

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

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

(ii) Where service of a copy of process was effected by mailing in accordance with this section, proof of service shall be by affidavit of

compliance with this section filed, together with the process, within thirty days after receipt of the return receipt signed by the limited liability company or other official proof of delivery or of the original envelope mailed. If a copy of the process is mailed in accordance with this section, there shall be filed with the affidavit of compliance either the return receipt signed by such limited LIABILITY company or other official proof of delivery, if acceptance was refused by it, the original envelope with a notation by the postal authorities that acceptance was refused. If acceptance was refused a copy of the notice and process together with notice of the mailing by registered or certified mail and refusal to accept shall be promptly sent to such limited liability company at the same address by ordinary mail and the affidavit of compliance shall so state. Service of process shall be complete ten days after such papers are filed with the clerk of the court. The refusal to accept delivery of the registered or certified mail or to sign the return receipt shall not affect the validity of the service and such limited liability company refusing to accept such registered or certified mail shall be charged with knowledge of the contents thereof.

S 32. Subdivision (a) of section 303 of the limited liability company law, as relettered by chapter 341 of the laws of 1999, is amended to read as follows:

(a) Service of process on the secretary of state as agent of a domestic limited liability company, [or] authorized foreign limited liability company, OR OTHER BUSINESS ENTITY THAT HAS DESIGNATED THE SECRETARY OF STATE AS AGENT FOR SERVICE OF PROCESS PURSUANT TO ARTICLE TEN OF THIS CHAPTER, SHALL BE MADE BY MAILING THE PROCESS AND NOTICE OF SERVICE THEREOF BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH LIMITED LIABILITY COMPANY OR OTHER BUSINESS ENTITY, AT THE POST OFFICE ADDRESS, ON FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. ON THE SAME DAY AS SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND PROOF OF MAILING shall be [made by] personally [delivering] DELIVERED to and [leaving] LEFT with the secretary of state or his or her deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, [duplicate copies of such process] together with the statutory fee, which fee shall be a taxable disbursement. PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. Service of process on such limited liability company OR OTHER BUSINESS ENTITY shall be complete when the secretary of state is so served. [The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such limited liability company at the post office address on file in the department of state specified for that purpose.]

S 33. Section 305 of the limited liability company law is amended to read as follows:

S 305. Records of process served on the secretary of state. The [secretary of state] DEPARTMENT OF STATE shall keep a record of each process served upon the secretary of state under this chapter, including the date of such service [and the action of the secretary of state with reference thereto]. IT SHALL, UPON REQUEST MADE WITHIN TEN YEARS OF SUCH SERVICE, ISSUE A CERTIFICATE UNDER ITS SEAL CERTIFYING AS TO THE RECEIPT OF THE PROCESS BY AN AUTHORIZED PERSON, THE DATE AND PLACE OF SUCH SERVICE AND THE RECEIPT OF THE STATUTORY FEE. PROCESS SERVED UPON THE SECRETARY OF STATE UNDER THIS CHAPTER SHALL BE DESTROYED BY THE DEPARTMENT OF STATE AFTER A PERIOD OF TEN YEARS FROM SUCH SERVICE.

S 34. Paragraph 4 of subdivision (a) of section 802 of the limited liability company law, as amend by chapter 470 of the laws of 1997, is amended to read as follows:

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

S 35. Section 804-A of the limited liability company law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

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

(1) the name of the foreign limited liability company and, if applicable, the fictitious name the limited liability company has agreed to use in this state pursuant to section eight hundred two of this article;

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

(3) each change effected thereby[,].

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

S 36. Paragraph 6 of subdivision (b) of section 806 of the limited liability company law is amended to read as follows:

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

S 37. Paragraph 11 of subdivision (a) of section 1003 of the limited liability company law, as amended by chapter 374 of the laws of 1998, is amended to read as follows:

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

S 38. Clause (iv) of subparagraph (A) of paragraph 2 of subdivision (c) of section 1203 of the limited liability company law, as amended by chapter 44 of the laws of 2006, is amended to read as follows:

(iv) a statement that the secretary of state has been designated as agent of the professional service limited liability company upon whom process against it may be served and the post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process against it served upon [him or her] THE SECRETARY OF STATE;

S 39. Paragraph 6 of subdivision (a) and subparagraph 5 of paragraph (i) of subdivision (d) of section 1306 of the limited liability company law, subparagraph 5 of paragraph (i) of subdivision (d) as amended by chapter 44 of the laws of 2006, are amended to read as follows:

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

(5) a statement that the secretary of state has been designated as agent of the foreign professional service limited liability company upon whom process against it may be served and the post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process against it served upon [him or her] THE SECRETARY OF STATE;

S 40. Paragraph (d) of section 304 of the not-for-profit corporation law, as amended by chapter 358 of the laws of 2015, is amended to read as follows:

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

S 41. Paragraph (a) of section 305 of the not-for-profit corporation law, as amended by chapter 549 of the laws of 2013, is amended to read as follows:

(a) Every domestic corporation or authorized foreign corporation may designate a registered agent in this state upon whom process against such corporation may be served. The agent shall be a natural person who is a resident of or has a business address in this state or a domestic

corporation or foreign corporation of any kind formed[,] or authorized to do business in this state, under this chapter or under any other statute of this state, OR A DOMESTIC LIMITED LIABILITY COMPANY OR A FOREIGN LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE.

S 42. Paragraph (b) of section 306 of the not-for-profit corporation law, as amended by chapter 23 of the laws of 2014, is amended to read as follows:

(b) Service of process on the secretary of state as agent of a domestic corporation formed under article four of this chapter or an authorized foreign corporation shall be made by MAILING THE PROCESS AND NOTICE OF SERVICE THEREOF BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH CORPORATION OR OTHER BUSINESS ENTITY, AT THE POST OFFICE ADDRESS, ON FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. ON THE SAME DAY THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND PROOF OF MAILING SHALL BE personally [delivering] DELIVERED to and [leaving] LEFT with the secretary of state or his or her deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, [duplicate copies of such process] together with the statutory fee, which fee shall be a taxable disbursement. PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. Service of process on such corporation OR OTHER BUSINESS ENTITY shall be complete when the secretary of state is so served. [The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such corporation, at the post office address, on file in the department of state, specified for the purpose.] If a domestic corporation formed under article four of this chapter or an authorized foreign corporation has no such address on file in the department of state, the [secretary of state shall so mail such] DUPLICATE copy OF THE PROCESS SHALL BE MAILED to such corporation at the address of its office within this state on file in the department.

S 43. Subparagraph 6 of paragraph (a) of section 402 of the not-for-profit corporation law, as added by chapter 564 of the laws of 1981 and as renumbered by chapter 132 of the laws of 1985, is amended to read as follows:

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

S 44. Subparagraph 7 of paragraph (b) of section 801 of the not-for-profit corporation law, as amended by chapter 438 of the laws of 1984, is amended to read as follows:

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

S 45. Subparagraph 2 of paragraph (c) of section 802 of the not-for-profit corporation law, as amended by chapter 186 of the laws of 1983, is amended to read as follows:

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

S 46. Subparagraph 6 of paragraph (a) of section 803 of the not-for-profit corporation law, as amended by chapter 23 of the laws of 2014, is amended to read as follows:

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

S 47. Paragraph (b) of section 803-A of the not-for-profit corporation law, as amended by chapter 172 of the laws of 1999, is amended to read as follows:

(b) A certificate of change which changes only the post office address to which [the secretary of state] A PERSON shall mail a copy of any process against the corporation served upon [him or] THE SECRETARY OF STATE AND/OR the address of the registered agent, provided such address being changed is the address of a person, partnership, LIMITED LIABILITY COMPANY or other corporation whose address, as agent, is the address to be changed or who has been designated as registered agent for such corporation, may be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subparagraphs (1), (2) and (3) of paragraph (a) of this section; that a notice of the proposed change was mailed to the corporation by the party signing the certificate not less than thirty days prior to the date of delivery to the department and that such corporation has not objected thereto; and that the party signing the certificate is the agent of such corporation to whose address [the secretary of state] A PERSON is required to mail copies of any process against the corporation served upon [him] THE SECRETARY OF STATE or the registered agent, if such be the case. A certificate signed and delivered under this paragraph shall not be deemed to effect a change of location of the office of the corporation in whose behalf such certificate is filed.

S 48. Clause (E) of subparagraph 2 of paragraph (d) of section 906 of the not-for-profit corporation law, as amended by chapter 1058 of the laws of 1971, is amended to read as follows:

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

S 49. Clause (F) of subparagraph 2 of paragraph (d) of section 908 of the not-for-profit corporation law, is amended to read as follows:

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

S 50. Subparagraph 6 of paragraph (a) of section 1304 of the not-for-profit corporation law, as renumbered by chapter 590 of the laws of 1982, is amended to read as follows:

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

S 51. Subparagraph 7 of paragraph (a) of section 1308 of the not-for-profit corporation law, as renumbered by chapter 186 of the laws of 1983, is amended to read as follows:

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

S 52. Subparagraph 2 of paragraph (a) and paragraph (c) of section 1310 of the not-for-profit corporation law, paragraph (c) as amended by chapter 172 of the laws of 1999, is amended to read as follows:

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

(c) A certificate of change of application for authority which changes only the post office address to which [the secretary of state] A PERSON shall mail a copy of any process against an authorized foreign corporation served upon [him or] THE SECRETARY OF STATE AND/OR which changes the address of its registered agent, provided such address is the address of a person, partnership, LIMITED LIABILITY COMPANY or other corporation whose address, as agent, is the address to be changed or who has been designated as registered agent for such authorized foreign corporation, may be signed and delivered to the department of state by such agent. The certificate of change of application for authority shall set forth the statements required under subparagraphs (1), (2), (3) and (4) of paragraph (b) of this section; that a notice of the proposed change was mailed by the party signing the certificate to the authorized foreign corporation not less than thirty days prior to the date of delivery to the department and that such corporation has not objected thereto; and that the party signing the certificate is the agent of such foreign corporation to whose address [the secretary of state] A PERSON is required to mail copies of process SERVED ON THE SECRETARY OF STATE or the registered agent, if such be the case. A certificate signed and delivered under this paragraph shall not be deemed to effect a change of location of the office of the corporation in whose behalf such certificate is filed.

S 53. Subparagraph 6 of paragraph (a) and subparagraph 4 of paragraph (d) of section 1311 of the not-for-profit corporation law are amended to read as follows:

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

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

S 54. Section 1312 of the not-for-profit corporation law, as amended by chapter 375 of the laws of 1998, is amended to read as follows:

S 1312. Termination of existence.

When an authorized foreign corporation is dissolved or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation or when such foreign corporation is merged into or consolidated with another foreign corporation, a certificate of the secretary of state, or official performing the equivalent function as to corporate records, of the jurisdiction of incorporation of such foreign corporation attesting to the occurrence of any such event or a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign corporation, the termination of its existence or the cancellation of its authority shall be delivered to the

department of state. The filing of the certificate, order or decree shall have the same effect as the filing of a certificate of surrender of authority under section 1311 (Surrender of authority). The secretary of state shall continue as agent of the foreign corporation upon whom process against it may be served in the manner set forth in paragraph (b) of section 306 (Service of process), in any action or special proceeding based upon any liability or obligation incurred by the foreign corporation within this state prior to the filing of such certificate, order or decree and [he] THE PERSON SERVING SUCH PROCESS shall promptly cause a copy of any such process to be mailed by [registered] CERTIFIED mail, return receipt requested, to such foreign corporation at the post office address on file in his office specified for such purpose. The post office address may be changed by signing and delivering to the department of state a certificate of change setting forth the statements required under section 1310 (Certificate of change, contents) to effect a change in the post office address under subparagraph (a) (4) of section 1308 (Amendments or changes).

S 55. Subdivision (c) of section 121-104 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

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

S 56. Paragraphs 1, 2 and 3 of subdivision (a) of section 121-104-A of the partnership law, as added by chapter 448 of the laws of 1998, are amended to read as follows:

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

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

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

S 57. Subdivision (a) of section 121-105 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

(a) In addition to the designation of the secretary of state, each limited partnership or authorized foreign limited partnership may designate a registered agent upon whom process against the limited partnership may be served. The agent must be (i) a natural person who is a resident of this state or has a business address in this state, [or] (ii) a domestic corporation or a foreign corporation authorized to do business in this state, OR A DOMESTIC LIMITED LIABILITY COMPANY OR A FOREIGN LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE.

S 58. Subdivisions (a) and (c) of section 121-109 of the partnership law, as added by chapter 950 of the laws of 1990 and as relettered by chapter 341 of the laws of 1999, are amended to read as follows:

(a) Service of process on the secretary of state as agent of a domestic or authorized foreign limited partnership, OR OTHER BUSINESS ENTITY THAT HAS DESIGNATED THE SECRETARY OF STATE AS AGENT FOR SERVICE OF PROCESS PURSUANT TO THIS CHAPTER, shall be made [as follows:

(1) By] BY MAILING THE PROCESS AND NOTICE OF SERVICE OF PROCESS PURSUANT TO THIS SECTION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH DOMESTIC OR AUTHORIZED FOREIGN LIMITED PARTNERSHIP OR OTHER BUSINESS ENTITY, AT THE POST OFFICE ADDRESS, ON FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THAT PURPOSE. ON THE SAME DAY AS THE PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND PROOF OF MAILING SHALL BE personally [delivering] DELIVERED to and [leaving] LEFT with [him or his] THE SECRETARY OF STATE OR A deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, [duplicate copies of such process] together with the statutory fee, which fee shall be a taxable disbursement. PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. SERVICE OF PROCESS ON SUCH LIMITED PARTNERSHIP OR OTHER BUSINESS ENTITY SHALL BE COMPLETE WHEN THE SECRETARY OF STATE IS SO SERVED.

[(2) The service on the limited partnership is complete when the secretary of state is so served.

(3) The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, addressed to the limited partnership at the post office address, on file in the department of state, specified for that purpose.]

(c) The [secretary of state] DEPARTMENT OF STATE shall keep a record of all process served upon [him] IT under this section and shall record therein the date of such service [and his action with reference thereto]. IT SHALL, UPON REQUEST MADE WITHIN TEN YEARS OF SUCH SERVICE, ISSUE A CERTIFICATE UNDER ITS SEAL CERTIFYING AS TO THE RECEIPT OF THE PROCESS BY AN AUTHORIZED PERSON, THE DATE AND PLACE OF SUCH SERVICE AND THE RECEIPT OF THE STATUTORY FEE. PROCESS SERVED UPON THE SECRETARY OF STATE UNDER THIS CHAPTER SHALL BE DESTROYED BY HIM AFTER A PERIOD OF TEN YEARS FROM SUCH SERVICE.

S 59. Paragraph 3 of subdivision (a) and subparagraph 4 of paragraph (i) of subdivision (c) of section 121-201 of the partnership law, paragraph 3 of subdivision (a) as amended by chapter 264 of the laws of 1991, and subparagraph 4 of paragraph (i) of subdivision (c), as amended by chapter 44 of the laws of 2006, are amended to read as follows:

(3) a designation of the secretary of state as agent of the limited partnership upon whom process against it may be served and the post office address, within or without this state, to which [the secretary of

state] A PERSON shall mail a copy of any process against it served upon [him] THE SECRETARY OF STATE;

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

S 60. Paragraph 4 of subdivision (b) of section 121-202 of the partnership law, as amended by chapter 576 of the laws of 1994, is amended to read as follows:

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

S 61. Section 121-202-A of the partnership law, as added by chapter 448 of the laws of 1998, and paragraph 2 of subdivision (a) as amended by chapter 172 of the laws of 1999, is amended to read as follows:

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

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

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

(3) each change effected thereby.

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

S 62. Paragraph 4 of subdivision (a) and subparagraph 5 of paragraph (i) of subdivision (d) of section 121-902 of the partnership law, paragraph 4 of subdivision (a) as amended by chapter 172 of the laws of 1999 and subparagraph 5 of paragraph (i) of subdivision (d) as amended by chapter 44 of the laws of 2006, are amended to read as follows:

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

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

S 63. Section 121-903-A of the partnership law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

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

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

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

(3) each change effected thereby.

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

S 64. Paragraph 6 of subdivision (b) of section 121-905 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

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

S 65. Paragraph 7 of subdivision (a) of section 121-1103 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

(7) A designation of the secretary of state as its agent upon whom process against it may be served in the manner set forth in section 121-109 of this article in any action or special proceeding, and a post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process served upon [him] THE SECRETARY OF STATE. Such post office address shall supersede any prior address designated as the address to which process shall be mailed.

S 66. Subparagraphs 2 and 4 of paragraph (I) of subdivision (a) and clause 4 of subparagraph (A) of paragraph (II) of section 121-1500 of the partnership law, subparagraph 2 of paragraph (I) as added by chapter 576 of the laws of 1994, subparagraph 4 of paragraph (I) as amended by chapter 643 of the laws of 1995 and such paragraph as redesignated by chapter 767 of the laws of 2005 and clause 4 of subparagraph (A) of paragraph (II) as amended by chapter 44 of the laws of 2006, are amended to read as follows:

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

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

(4) a statement that the secretary of state has been designated as agent of the registered limited liability partnership upon whom process against it may be served and the post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process against it served upon [him or her] THE SECRETARY OF STATE;

S 67. Paragraphs (ii) and (iii) of subdivision (g) of section 121-1500 of the partnership law, as amended by section 8 of part S of chapter 59 of the laws of 2015, are amended to read as follows:

(ii) the address, WITHIN THIS STATE, of the principal office of the registered limited liability partnership, (iii) the post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process accepted against it served upon [him or her] THE SECRETARY OF STATE, which address shall supersede any previous address on file with the department of state for this purpose, and

S 68. Subdivision (j-1) of section 121-1500 of the partnership law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

(j-1) A certificate of change which changes only the post office address to which [the secretary of state] A PERSON shall mail a copy of any process against a registered limited liability partnership served upon [him] THE SECRETARY OF STATE AND/or the address of the registered agent, provided such address being changed is the address of a person, partnership, LIMITED LIABILITY COMPANY or corporation whose address, as agent, is the address to be changed or who has been designated as registered agent for such registered limited liability partnership shall be

signed and delivered to the department of state by such agent. The certificate of change shall set forth: (i) the name of the registered limited liability partnership and, if it has been changed, the name under which it was originally filed with the department of state; (ii) the date of filing of its initial registration or notice statement; (iii) each change effected thereby; (iv) that a notice of the proposed change was mailed to the limited liability partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such limited liability partnership has not objected thereto; and (v) that the party signing the certificate is the agent of such limited liability partnership to whose address [the secretary of state] A PERSON is required to mail copies of process SERVED ON THE SECRETARY OF STATE or the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited liability partnership in whose behalf such certificate is filed. The certificate of change shall be accompanied by a fee of five dollars.

S 69. Subdivision (a) of section 121-1502 of the partnership law, as amended by chapter 643 of the laws of 1995, and paragraph (v) as amended by chapter 470 of the laws of 1997, are amended to read as follows:

(a) In order for a foreign limited liability partnership to carry on or conduct or transact business or activities as a New York registered foreign limited liability partnership in this state, such foreign limited liability partnership shall file with the department of state a notice which shall set forth: (i) the name under which the foreign limited liability partnership intends to carry on or conduct or transact business or activities in this state; (ii) the date on which and the jurisdiction in which it registered as a limited liability partnership; (iii) the address, WITHIN THIS STATE, of the principal office of the foreign limited liability partnership; (iv) the profession or professions to be practiced by such foreign limited liability partnership and a statement that it is a foreign limited liability partnership eligible to file a notice under this chapter; (v) a designation of the secretary of state as agent of the foreign limited liability partnership upon whom process against it may be served and the post office address within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process against it [or] served upon [it] THE SECRETARY OF STATE; (vi) if the foreign limited liability partnership is to have a registered agent, its name and address in this state and a statement that the registered agent is to be the agent of the foreign limited liability partnership upon whom process against it may be served; (vii) a statement that its registration as a limited liability partnership is effective in the jurisdiction in which it registered as a limited liability partnership at the time of the filing of such notice; (viii) a statement that the foreign limited liability partnership is filing a notice in order to obtain status as a New York registered foreign limited liability partnership; (ix) if the registration of the foreign limited liability partnership is to be effective on a date later than the time of filing, the date, not to exceed sixty days from the date of filing, of such proposed effectiveness; and (x) any other matters the foreign limited liability partnership determines to include in the notice. Such notice shall be accompanied by either (1) a copy of the last registration or renewal registration (or similar filing), if any, filed by the foreign limited liability partnership with the jurisdiction where it registered as a limited liability partnership or (2) a

certificate, issued by the jurisdiction where it registered as a limited liability partnership, substantially to the effect that such foreign limited liability partnership has filed a registration as a limited liability partnership which is effective on the date of the certificate (if such registration, renewal registration or certificate is in a foreign language, a translation thereof under oath of the translator shall be attached thereto). Such notice shall also be accompanied by a fee of two hundred fifty dollars.

S 70. Subparagraphs (ii) and (iii) of paragraph (I) of subdivision (f) of section 121-1502 of the partnership law, as amended by section 9 of part S of chapter 59 of the laws of 2015, is amended to read as follows:

(ii) the address, WITHIN THIS STATE, of the principal office of the New York registered foreign limited liability partnership, (iii) the post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process accepted against it served upon [him or her] THE SECRETARY OF STATE, which address shall supersede any previous address on file with the department of state for this purpose, and

S 71. Clause 5 of subparagraph (A) of paragraph (II) of subdivision (f) of section 121-1502 of the partnership law, as amended by chapter 44 of the laws of 2006, is amended to read as follows:

(5) a statement that the secretary of state has been designated as agent of the foreign limited liability partnership upon whom process against it may be served and the post office address, within or without this state, to which [the secretary of state] A PERSON shall mail a copy of any process against it served upon [him or her] THE SECRETARY OF STATE;

S 72. Subdivision (i-1) of section 121-1502 of the partnership law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

(i-1) A certificate of change which changes only the post office address to which [the secretary of state] A PERSON shall mail a copy of any process against a New York registered foreign limited liability partnership served upon [him] THE SECRETARY OF STATE AND/or the address of the registered agent, provided such address being changed is the address of a person, partnership, LIMITED LIABILITY COMPANY or corporation whose address, as agent, is the address to be changed or who has been designated as registered agent of such registered foreign limited liability partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth: (i) the name of the New York registered foreign limited liability partnership; (ii) the date of filing of its initial registration or notice statement; (iii) each change effected thereby; (iv) that a notice of the proposed change was mailed to the limited liability partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such limited liability partnership has not objected thereto; and (v) that the party signing the certificate is the agent of such limited liability partnership to whose address [the secretary of state] A PERSON is required to mail copies of process SERVED ON THE SECRETARY OF STATE or the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited liability partnership in whose behalf such certificate is filed. The certificate of change shall be accompanied by a fee of five dollars.

S 73. Subdivision (a) of section 121-1505 of the partnership law, as added by chapter 470 of the laws of 1997, is amended and three new subdivisions (d), (e) and (f) are added to read as follows:

(a) Service of process on the secretary of state as agent of a registered limited liability partnership OR NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP under this article shall be made by MAILING THE PROCESS AND NOTICE OF SERVICE THEREOF BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP, AT THE POST OFFICE ADDRESS ON FILE IN THE DEPARTMENT OF STATE SPECIFIED FOR SUCH PURPOSE. ON THE SAME DATE THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND PROOF OF MAILING TOGETHER WITH THE STATUTORY FEE, WHICH FEE SHALL BE A TAXABLE DISBURSEMENT SHALL BE personally [delivering] DELIVERED to and [leaving] LEFT with the secretary of state or a deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, [duplicate copies of such process] together with the statutory fee, which fee shall be a taxable disbursement. PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. Service of process on such registered limited liability partnership OR NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP shall be complete when the secretary of state is so served. [The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such registered limited liability partnership, at the post office address on file in the department of state specified for such purpose.]

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

(E) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE SHALL MAIL A COPY OF ANY PROCESS SERVED UPON HIM AS AGENT OF A REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP SHALL BE DEEMED TO BE THE POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL THE PROCESS SERVED AGAINST THE REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP PURSUANT TO THIS ARTICLE.

(F) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE OR A PERSON SHALL MAIL ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT OF A REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP SHALL CONTINUE UNTIL THE FILING OF A CERTIFICATE UNDER THIS CHAPTER DIRECTING THE MAILING TO A DIFFERENT POST OFFICE ADDRESS.

S 74. Subdivision (b) of section 121-1506 of the partnership law, as added by chapter 448 of the laws of 1998, and paragraph 4 as amended by chapter 172 of the laws of 1999, is amended to read as follows:

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

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

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

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

(4) That the [designated] DESIGNATING limited liability partnership is required to deliver to the department of state a certificate of amendment providing for the designation by the limited liability partnership of a new address and that upon its failure to file such certificate, its authority to do business in this state shall be suspended.

S 75. Paragraph 16 of subdivision 1 of section 103 of the private housing finance law, as added by chapter 22 of the laws of 1970, is amended to read as follows:

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

S 76. Subdivision 7 of section 339-n of the real property law, is REPEALED and subdivisions 8 and 9 are renumbered subdivisions 7 and 8.

S 77. Subdivision 2 of section 339-s of the real property law, as added by chapter 346 of the laws of 1997, is amended to read as follows:

2. [Each such declaration, and any amendment or amendments thereof shall be filed with the department of state] (A) THE BOARD OF MANAGERS FOR EACH CONDOMINIUM SUBJECT TO THIS ARTICLE SHALL FILE WITH THE SECRETARY OF STATE A CERTIFICATE, IN WRITING, SIGNED, DESIGNATING THE SECRETARY OF STATE AS AGENT OF THE BOARD OF MANAGERS UPON WHOM PROCESS AGAINST IT MAY BE SERVED AND THE POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL A COPY OF SUCH PROCESS. THE CERTIFICATE SHALL BE ACCOMPANIED BY A FEE OF SIXTY DOLLARS.

(B) ANY BOARD OF MANAGERS MAY CHANGE THE ADDRESS TO WHICH A PERSON SHALL MAIL A COPY OF PROCESS SERVED UPON THE SECRETARY OF STATE, BY FILING A SIGNED CERTIFICATE OF AMENDMENT WITH THE DEPARTMENT OF STATE. SUCH CERTIFICATE SHALL BE ACCOMPANIED BY A FEE OF SIXTY DOLLARS.

(C) SERVICE OF PROCESS ON THE SECRETARY OF STATE AS AGENT OF A BOARD OF MANAGERS SHALL BE MADE BY MAILING THE PROCESS AND NOTICE OF SERVICE OF PROCESS PURSUANT TO THIS SECTION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH BOARD OF MANAGERS, AT THE POST OFFICE ADDRESS, ON FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. ON THE SAME DAY THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND

PROOF OF MAILING SHALL BE PERSONALLY DELIVERED TO AND LEFT WITH THE SECRETARY OF STATE OR A DEPUTY, OR WITH ANY PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE SUCH SERVICE, AT THE OFFICE OF THE DEPARTMENT OF STATE IN THE CITY OF ALBANY, A DUPLICATE COPY OF SUCH PROCESS WITH PROOF OF MAILING TOGETHER WITH THE STATUTORY FEE, WHICH SHALL BE A TAXABLE DISBURSEMENT. PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. SERVICE OF PROCESS ON A BOARD OF MANAGERS SHALL BE COMPLETE WHEN THE SECRETARY OF STATE IS SO SERVED.

(D) AS USED IN THIS ARTICLE, "PROCESS" SHALL MEAN JUDICIAL PROCESS AND ALL ORDERS, DEMANDS, NOTICES OR OTHER PAPERS REQUIRED OR PERMITTED BY LAW TO BE PERSONALLY SERVED ON A BOARD OF MANAGERS, FOR THE PURPOSE OF ACQUIRING JURISDICTION OF SUCH BOARD OF MANAGERS IN ANY ACTION OR PROCEEDING, CIVIL OR CRIMINAL, WHETHER JUDICIAL, ADMINISTRATIVE, ARBITRATIVE OR OTHERWISE, IN THIS STATE OR IN THE FEDERAL COURTS SITTING IN OR FOR THIS STATE.

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

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

(G) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT OF THE BOARD OF MANAGERS FILED WITH THE DEPARTMENT OF STATE PURSUANT TO THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL BE DEEMED TO BE THE POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL THE PROCESS AGAINST THE BOARD OF MANAGERS PURSUANT TO THIS ARTICLE. ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE OR A PERSON SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT OF A BOARD OF MANAGERS, SHALL CONTINUE UNTIL THE FILING OF A CERTIFICATE UNDER THIS CHAPTER DIRECTING THE MAILING TO A DIFFERENT POST OFFICE ADDRESS.

S 78. Subdivisions 3 and 4 of section 442-g of the real property law, as amended by chapter 482 of the laws of 1963, are amended to read as follows:

3. Service of such process upon the secretary of state shall be made by personally delivering to and leaving with [him or his] THE SECRETARY OF STATE OR A deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, [duplicate copies] A COPY of such process AND PROOF OF MAILING together with a fee of five dollars if the action is solely for the recovery of a sum of money not in excess of two hundred dollars and the process is so endorsed, and a fee of ten dollars in any other action or proceeding, which fee shall be a taxable disbursement. If such process is served upon behalf of a county, city, town or village, or other political subdivision of the state, the fee to be paid to the secretary of state shall be five dollars, irrespective of the amount involved or the nature of the action on account of which such service of process is made. [If the cost of registered mail for transmitting a copy of the process shall exceed two dollars, an additional fee equal to such excess shall be paid at the time of the service of such process.] PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH

THIS SECTION. Proof of service shall be by affidavit of compliance with this subdivision filed by or on behalf of the plaintiff together with the process, within ten days after such service, with the clerk of the court in which the action or special proceeding is pending. Service made as provided in this section shall be complete ten days after such papers are filed with the clerk of the court and shall have the same force and validity as if served on him personally within the state and within the territorial jurisdiction of the court from which the process issues.

4. The [secretary of state] PERSON SERVING SUCH PROCESS shall [promptly] send [one of] such [copies] PROCESS by [registered] CERTIFIED mail, return receipt requested, to the nonresident broker or nonresident salesman at the post office address of his main office as set forth in the last application filed by him.

S 79. Subdivision 2 of section 203 of the tax law, as amended by chapter 100 of the laws of 1964, is amended to read as follows:

2. Every foreign corporation (other than a moneyed corporation) subject to the provisions of this article, except a corporation having a certificate of authority [under section two hundred twelve of the general corporation law] or having authority to do business by virtue of section thirteen hundred five of the business corporation law, shall file in the department of state a certificate of designation in its corporate name, signed and acknowledged by its president or a vice-president or its secretary or treasurer, under its corporate seal, designating the secretary of state as its agent upon whom process in any action provided for by this article may be served within this state, and setting forth an address to which [the secretary of state] A PERSON shall mail a copy of any such process against the corporation which may be served upon [him] THE SECRETARY OF STATE. In case any such corporation shall have failed to file such certificate of designation, it shall be deemed to have designated the secretary of state as its agent upon whom such process against it may be served; and until a certificate of designation shall have been filed the corporation shall be deemed to have directed [the secretary of state] A PERSON SERVING PROCESS to mail copies of process served upon [him] THE SECRETARY OF STATE to the corporation at its last known office address within or without the state. When a certificate of designation has been filed by such corporation [the secretary of state] A PERSON SERVING PROCESS shall mail copies of process thereafter served upon [him] THE SECRETARY OF STATE to the address set forth in such certificate. Any such corporation, from time to time, may change the address to which [the secretary of state] A PERSON is directed to mail copies of process, by filing a certificate to that effect executed, signed and acknowledged in like manner as a certificate of designation as herein provided. Service of process upon any such corporation or upon any corporation having a certificate of authority [under section two hundred twelve of the general corporation law] or having authority to do business by virtue of section thirteen hundred five of the business corporation law, in any action commenced at any time pursuant to the provisions of this article, may be made by either (1) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service [duplicate copies] A COPY thereof at the office of the department of state in the city of Albany, in which event [the secretary of state] A PERSON SERVING SUCH PROCESS shall forthwith send by [registered] CERTIFIED mail, return receipt requested, [one of such copies] A DUPLICATE COPY to the corporation at

the address designated by it or at its last known office address within or without the state, or (2) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service, a copy thereof at the office of the department of state in the city of Albany and by delivering a copy thereof to, and leaving such copy with, the president, vice-president, secretary, assistant secretary, treasurer, assistant treasurer, or cashier of such corporation, or the officer performing corresponding functions under another name, or a director or managing agent of such corporation, personally without the state. Proof of such personal service without the state shall be filed with the clerk of the court in which the action is pending within thirty days after such service, and such service shall be complete ten days after proof thereof is filed.

S 80. Section 216 of the tax law, as added by chapter 415 of the laws of 1944, the opening paragraph as amended by chapter 100 of the laws of 1964 and redesignated by chapter 613 of the laws of 1976, is amended to read as follows:

S 216. Collection of taxes. Every foreign corporation (other than a moneyed corporation) subject to the provisions of this article, except a corporation having a certificate of authority [under section two hundred twelve of the general corporation law] or having authority to do business by virtue of section thirteen hundred five of the business corporation law, shall file in the department of state a certificate of designation in its corporate name, signed and acknowledged by its president or a vice-president or its secretary or treasurer, under its corporate seal, designating the secretary of state as its agent upon whom process in any action provided for by this article may be served within this state, and setting forth an address to which [the secretary of state] A PERSON shall mail a copy of any such process against the corporation which may be served upon him. In case any such corporation shall have failed to file such certificate of designation, it shall be deemed to have designated the secretary of state as its agent upon whom such process against it may be served; and until a certificate of designation shall have been filed the corporation shall be deemed to have directed [the secretary of state] A PERSON to mail [copies] A COPY of process served upon [him] THE SECRETARY OF STATE to the corporation at its last known office address within or without the state. When a certificate of designation has been filed by such corporation [the secretary of state] A PERSON SERVING SUCH PROCESS shall mail [copies] A COPY of process thereafter served upon [him] PERSON SERVING SUCH PROCESS to the address set forth in such certificate. Any such corporation, from time to time, may change the address to which [the secretary of state] PERSON is directed to mail copies of process, by filing a certificate to that effect executed, signed and acknowledged in like manner as a certificate of designation as herein provided. Service of process upon any such corporation or upon any corporation having a certificate of authority [under section two hundred twelve of the general corporation law] or having authority to do business by virtue of section thirteen hundred five of the business corporation law, in any action commenced at any time pursuant to the provisions of this article, may be made by either (1) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service [duplicate copies] A COPY thereof at the office of the department of state in the city of Albany, in which event [the secretary of state] A PERSON SERVING SUCH PROCESS shall

forthwith send by [registered] CERTIFIED mail, return receipt requested, [one of such copies] A DUPLICATE COPY to the corporation at the address designated by it or at its last known office address within or without the state, or (2) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service, a copy thereof at the office of the department of state in the city of Albany and by delivering a copy thereof to, and leaving such copy with, the president, vice-president, secretary, assistant secretary, treasurer, assistant treasurer, or cashier of such corporation, or the officer performing corresponding functions under another name, or a director or managing agent of such corporation, personally without the state. Proof of such personal service without the state shall be filed with the clerk of the court in which the action is pending within thirty days after such service, and such service shall be complete ten days after proof thereof is filed.

S 81. Subdivisions (a) and (b) of section 310 of the tax law, as added by chapter 400 of the laws of 1983, is amended to read as follows:

(a) Designation for service of process.--Every petroleum business which is a corporation, except such a petroleum business having a certificate of authority [under section two hundred twelve of the general corporation law] or having authority to do business by virtue of section thirteen hundred five of the business corporation law, shall file in the department of state a certificate of designation in its corporate name, signed and acknowledged by its president or vice-president or its secretary or treasurer, under its corporate seal, designating the secretary of state as its agent upon whom process in any action provided for by this article may be served within this state, and setting forth an address to which [the secretary of state] A PERSON shall mail a copy of any such process against such petroleum business which may be served upon [him] THE SECRETARY OF STATE. In case any such petroleum business shall have failed to file such certificate of designation, it shall be deemed to have designated the secretary of state as its agent upon whom such process against it may be served; and until a certificate of designation shall have been filed such a petroleum business shall be deemed to have directed [the secretary of state] A PERSON to mail copies of process served upon [him] THE SECRETARY OF STATE to such petroleum business at its last known office address within or without the state. When a certificate of designation has been filed by such a petroleum business [the secretary of state] A PERSON SERVING PROCESS shall mail copies of process thereafter served upon [him] THE SECRETARY OF STATE to the address set forth in such certificate. Any such petroleum business, from time to time, may change the address to which [the secretary of state] A PERSON is directed to mail copies of process, by filing a certificate to that effect executed, signed and acknowledged in like manner as a certificate of designation as herein provided.

(b) Service of process.--Service of process upon any petroleum business which is a corporation (including any such petroleum business having a certificate of authority [under section two hundred twelve of the general corporation law] or having authority to do business by virtue of section thirteen hundred five of the business corporation law), in any action commenced at any time pursuant to the provisions of this article, may be made by either (1) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service [duplicate copies] A COPY thereof at the office of the department of

state in the city of Albany, in which event [the secretary of state] A PERSON SERVING PROCESS shall forthwith send by [registered] CERTIFIED mail, return receipt requested, [one of such copies] A DUPLICATE COPY to such petroleum business at the address designated by it or at its last known office address within or without the state, or (2) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service, a copy thereof at the office of the department of state in the city of Albany and by delivering a copy thereof to, and leaving such copy with, the president, vice-president, secretary, assistant secretary, treasurer, assistant treasurer, or cashier of such petroleum business, or the officer performing corresponding functions under another name, or a director or managing agent of such petroleum business, personally without the state. Proof of such personal service without the state shall be filed with the clerk of the court in which the action is pending within thirty days after such service, and such service shall be complete ten days after proof thereof is filed.

S 82. This act shall take effect on the one hundred twentieth day after it shall have become a law.

PART O

Section 1. Chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring, and wrestling is REPEALED.

S 2. Article 40 and sections 900 and 901 of the general business law, as renumbered by chapter 407 of the laws of 1973, are renumbered article 43 and sections 1200 and 1201, respectively, and a new article 41 is added to read as follows:

ARTICLE 41
COMBATIVE SPORTS

SECTION 1000. DEFINITIONS.
1001. COMBATIVE SPORTS AUTHORIZED.
1002. COMBATIVE SPORTS PROHIBITED.
1003. STATE ATHLETIC COMMISSION.
1004. JURISDICTION OF THE COMMISSION.
1005. OFFICERS AND EMPLOYEES OF THE COMMISSION.
1006. SANCTIONING ENTITIES.
1007. LICENSES; GENERAL PROVISIONS.
1008. LICENSES; JUDGES.
1009. LICENSES; ENTITIES.
1010. LICENSES; PROFESSIONALS.
1011. TEMPORARY WORKING PERMITS.
1012. TEMPORARY TRAINING FACILITIES.
1013. MEDICAL ADVISORY BOARD.
1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.
1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.
1016. REQUIRED FILINGS.
1017. PROFESSIONAL WRESTLING; PROMOTERS.
1018. PROHIBITED CONDUCT.
1019. PENALTIES.
1020. SUBPOENAS BY COMMISSION; OATHS.
1021. EXCEPTIONS.
1022. DISPOSITION OF RECEIPTS.

S 1000. DEFINITIONS. AS USED IN THIS ARTICLE: 1. "AMATEUR" MEANS ANY PARTICIPANT IN A COMBATIVE SPORT AUTHORIZED PURSUANT TO THIS ARTICLE WHO IS NOT RECEIVING OR COMPETING FOR, AND WHO HAS NEVER RECEIVED OR

COMPETED FOR, ANY PURSE, MONEY, PRIZE, PECUNIARY GAIN, OR OTHER THING OF VALUE EXCEEDING SEVENTY-FIVE DOLLARS OR THE ALLOWABLE AMOUNT ESTABLISHED BY THE AUTHORIZED AMATEUR SANCTIONING ENTITY OVERSEEING THE COMPETITION.

2. "AUTHORIZED SANCTIONING ENTITY" MEANS AN ENTITY ALLOWED TO OVERSEE AND CONDUCT COMBATIVE SPORTS PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSION.

3. "COMBATIVE SPORT" MEANS ANY UNARMED BOUT, CONTEST, COMPETITION, MATCH, OR EXHIBITION UNDERTAKEN TO ENTERTAIN AN AUDIENCE, WHEREIN THE PARTICIPANTS PRIMARILY GRAPPLE OR WRESTLE, OR DELIVER BLOWS OF ANY KIND TO, OR USE FORCE IN ANY WAY TO MANIPULATE, THE BODY OF ANOTHER PARTICIPANT, AND WHEREIN THE OUTCOME AND SCORE DEPEND ENTIRELY ON SUCH ACTIVITIES.

4. "COMMISSION" MEANS THE STATE ATHLETIC COMMISSION AS PROVIDED FOR IN SECTION ONE THOUSAND THREE OF THIS ARTICLE, OR AN AGENT OR EMPLOYEE OF THE STATE ATHLETIC COMMISSION ACTING ON ITS BEHALF.

5. "MIXED MARTIAL ARTS" MEANS A COMBATIVE SPORT WHEREIN THE RULES OF ENGAGEMENT DO NOT LIMIT THE PARTICIPANTS TO A SINGLE, SYSTEMATIC, FIGHTING DISCIPLINE.

6. "PROFESSIONAL" MEANS ANY PARTICIPANT IN A COMBATIVE SPORT AUTHORIZED PURSUANT TO THIS ARTICLE, OTHER THAN AN AMATEUR, WHO IS RECEIVING OR COMPETING FOR, OR WHO HAS EVER RECEIVED OR COMPETED FOR, ANY PURSE, MONEY, PRIZE, PECUNIARY GAIN, OR OTHER THING EXCEEDING SEVENTY-FIVE DOLLARS IN VALUE.

S 1001. COMBATIVE SPORTS AUTHORIZED. COMBATIVE SPORTS CONDUCTED UNDER THE SUPERVISION OF THE COMMISSION, UNDER THE SUPERVISION OF AN AUTHORIZED SANCTIONING ENTITY, OR AS PROVIDED FOR IN SECTION ONE THOUSAND TWENTY-ONE OF THIS ARTICLE, ARE HEREBY AUTHORIZED. AUTHORIZED COMBATIVE SPORTS INCLUDE, AMATEUR AND PROFESSIONAL BOXING, WRESTLING, SPARRING, KICK BOXING, SINGLE DISCIPLINE MARTIAL ARTS AND MIXED MARTIAL ARTS, PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

S 1002. COMBATIVE SPORTS PROHIBITED. 1. THE CONDUCT OF COMBATIVE SPORTS OUTSIDE THE SUPERVISION OF THE COMMISSION OR AN AUTHORIZED SANCTIONING ENTITY IS PROHIBITED.

2. A PERSON ADVANCES A PROHIBITED COMBATIVE SPORT WHEN, ACTING OTHER THAN AS A SPECTATOR, HE OR SHE ENGAGES IN CONDUCT WHICH MATERIALLY AIDS ANY UNAUTHORIZED COMBATIVE SPORT. SUCH CONDUCT INCLUDES BUT IS NOT LIMITED TO CONDUCT DIRECTED TOWARD THE CREATION, ESTABLISHMENT OR PERFORMANCE OF A PROHIBITED COMBATIVE SPORT, TOWARD THE ACQUISITION OR MAINTENANCE OF PREMISES, PARAPHERNALIA, EQUIPMENT OR APPARATUS THEREFOR, TOWARD THE SOLICITATION OR INDUCEMENT OF PERSONS TO ATTEND OR PARTICIPATE THEREIN, TOWARD THE ACTUAL CONDUCT OF THE PERFORMANCE THEREOF, TOWARD THE ARRANGEMENT OF ANY OF ITS FINANCIAL OR PROMOTIONAL PHASES, OR TOWARD ANY OTHER PHASE OF A PROHIBITED COMBATIVE SPORT. ONE ADVANCES A PROHIBITED COMBATIVE SPORT WHEN, HAVING SUBSTANTIAL PROPRIETARY OR OTHER AUTHORITATIVE CONTROL OVER PREMISES BEING USED WITH HIS OR HER KNOWLEDGE FOR PURPOSES OF A PROHIBITED COMBATIVE SPORT, HE OR SHE PERMITS SUCH TO OCCUR OR CONTINUE OR MAKES NO EFFORT TO PREVENT ITS OCCURRENCE OR CONTINUATION.

3. A PERSON PROFITS FROM A PROHIBITED COMBATIVE SPORT WHEN HE OR SHE ACCEPTS OR RECEIVES MONEY OR OTHER PROPERTY WITH INTENT TO PARTICIPATE IN THE PROCEEDS OF A PROHIBITED COMBATIVE SPORT, OR PURSUANT TO AN AGREEMENT OR UNDERSTANDING WITH ANY PERSON WHEREBY HE OR SHE PARTICIPATES OR IS TO PARTICIPATE IN THE PROCEEDS OF A PROHIBITED COMBATIVE SPORT.

S 1003. STATE ATHLETIC COMMISSION. 1. THE STATE ATHLETIC COMMISSION, AS NAMED BY CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED

TWENTY, AS AMENDED BY CHAPTER SIX HUNDRED THREE OF THE LAWS OF NINETEEN HUNDRED EIGHTY-ONE, IS CONTINUED AS A DIVISION OF THE DEPARTMENT OF STATE. THE COMMISSION SHALL ACT IN THE BEST INTERESTS OF COMBATIVE SPORTS. THE COMMISSION IS ENACTED TO PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE OF ALL PARTICIPANTS IN COMBATIVE SPORTS AND SPECTATORS THEREOF, TO PRESERVE THE INTEGRITY OF COMBATIVE SPORTS THROUGH THE MEANS OF LICENSING, OVERSIGHT, ENFORCEMENT AND THE AUTHORIZATION OF SANCTIONING ENTITIES, AND TO FACILITATE THE DEVELOPMENT AND RESPONSIBLE CONDUCT OF COMBATIVE SPORTS THROUGHOUT THE ENTIRE STATE. THE COMMISSION SHALL CONSIST OF FIVE MEMBERS WHO SHALL BE APPOINTED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS AS CHAIRPERSON OF THE COMMISSION. THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED FOR TERMS OF THREE YEARS. ANY VACANCY IN THE MEMBERSHIP OF THE COMMISSION CAUSED OTHERWISE THAN BY EXPIRATION OF TERM SHALL BE FILLED ONLY FOR THE BALANCE OF THE TERM OF THE MEMBER IN WHOSE POSITION THE VACANCY OCCURS.

2. THE COMMISSIONERS SHALL BE PAID THEIR ACTUAL AND NECESSARY TRAVELING AND OTHER EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. THE MEMBERS OF THE COMMISSION SHALL ADOPT A SEAL FOR THE COMMISSION, AND MAKE SUCH RULES FOR THE ADMINISTRATION OF THEIR OFFICE, NOT INCONSISTENT HEREWITH, AS THEY MAY DEEM EXPEDIENT; AND THEY MAY AMEND OR ABROGATE SUCH RULES. THREE OF THE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM TO DO BUSINESS; AND THE CONCURRENCE OF A MAJORITY OF THE COMMISSIONERS PRESENT SHALL BE NECESSARY TO RENDER A DETERMINATION BY THE COMMISSION. THE COMMISSION IS VESTED WITH THE AUTHORITY TO ADOPT SUCH RULES AND REGULATIONS AS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS ARTICLE.

S 1004. JURISDICTION OF THE COMMISSION. THE COMMISSION SHALL HAVE AND IS HEREBY VESTED WITH THE SOLE DIRECTION, MANAGEMENT, CONTROL AND JURISDICTION OVER: 1. ALL AUTHORIZED COMBATIVE SPORTS;

2. ALL LICENSES OR PERMITS GRANTED BY THE COMMISSION TO ANY AND ALL PERSONS OR ENTITIES WHO PARTICIPATE IN AUTHORIZED COMBATIVE SPORTS;

3. ALL DETERMINATIONS REGARDING THE AUTHORIZATION OF AMATEUR AND PROFESSIONAL SANCTIONING ENTITIES;

4. ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAINTAIN TRAINING FACILITIES TO PREPARE PERSONS FOR PARTICIPATION IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS;

5. THE PROMOTION OF PROFESSIONAL WRESTLING EXHIBITIONS TO THE EXTENT PROVIDED FOR IN THIS ARTICLE; AND

6. ALL CONTRACTS DIRECTLY RELATED TO THE CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS IN THE STATE OF NEW YORK.

7. ALL DISCLOSURES TO THE COMMISSION SHALL BE DEEMED CONFIDENTIAL.

S 1005. OFFICERS AND EMPLOYEES OF THE COMMISSION. THE SECRETARY OF STATE MAY APPOINT, AND AT HIS OR HER PLEASURE REMOVE, AN EXECUTIVE DIRECTOR, DEPUTIES, OFFICERS, INSPECTORS, PHYSICIANS AND ANY SUCH OTHER EMPLOYEES AS MAY BE NECESSARY TO ADMINISTER THE PROVISIONS OF THIS ARTICLE AND FIX THEIR SALARIES WITHIN THE AMOUNT APPROPRIATED THEREFOR.

S 1006. SANCTIONING ENTITIES. 1. THE COMMISSION SHALL PROMULGATE REGULATIONS ESTABLISHING A PROCESS BY WHICH ENTITIES MAY BE RECOGNIZED AND APPROVED BY THE COMMISSION AS AUTHORIZED SANCTIONING ENTITIES FOR A PERIOD OF TIME TO BE ESTABLISHED BY THE COMMISSION, DURING WHICH THE ENTITY WILL BE ALLOWED TO OVERSEE AND CONDUCT COMBATIVE SPORTS WITHIN THE STATE OF NEW YORK. THE COMMISSION MAY, IN ITS REASONABLE DISCRETION, LIMIT THE SCOPE OF ANY RECOGNITION AND APPROVAL OF A SANCTIONING ENTITY TO THE OVERSIGHT AND CONDUCT OF ONE OR MORE SPECIFIC COMBAT DISCIPLINES, AMATEUR OR PROFESSIONAL COMBATIVE SPORTS, OR TO ANY COMBINATION OF THE

FOREGOING BASED ON THE QUALIFICATIONS, INTEGRITY AND HISTORY OF THE ENTITY SEEKING AUTHORIZATION AS A SANCTIONING ENTITY.

2. THE COMMISSION SHALL EVALUATE FACTORS INCLUDING BUT NOT LIMITED TO:

(A) THE ENTITY'S STATED MISSION AND PRIMARY PURPOSE;

(B) WHETHER THE ENTITY REQUIRES PARTICIPANTS IN COMBATIVE SPORTS TO USE HAND, FOOT AND GROIN PROTECTION;

(C) WHETHER THE ENTITY HAS AN ESTABLISHED SET OF RULES THAT REQUIRES THE IMMEDIATE TERMINATION OF ANY COMBATIVE SPORT WHEN ANY PARTICIPANT HAS ENDURED SEVERE PUNISHMENT OR IS IN DANGER OF SUFFERING SERIOUS PHYSICAL INJURY; AND

(D) WHETHER THE ENTITY HAS ESTABLISHED PROTOCOLS TO EFFECTUATE THE APPROPRIATE AND TIMELY MEDICAL TREATMENT OF INJURED PERSONS.

S 1007. LICENSES; GENERAL PROVISIONS. 1. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX, ONE THOUSAND ELEVEN, AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE, WITH RESPECT TO ALL AUTHORIZED PROFESSIONAL COMBATIVE SPORTS IN THIS STATE, ALL CORPORATIONS, ENTITIES, PERSONS, REFEREES, JUDGES, MATCH-MAKERS, TIMEKEEPERS, PROFESSIONALS, AND THEIR MANAGERS, TRAINERS, AND SECONDS SHALL BE LICENSED BY THE COMMISSION. NO SUCH CORPORATION, ENTITY OR PERSON SHALL BE PERMITTED TO PARTICIPATE, EITHER DIRECTLY OR INDIRECTLY, IN ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT, OR THE HOLDING THEREOF, OR THE OPERATION OF ANY TRAINING FACILITY PROVIDING CONTACT SPARRING MAINTAINED EITHER EXCLUSIVELY OR IN PART FOR THE USE OF PROFESSIONAL BOXERS OR PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS, UNLESS SUCH CORPORATION OR PERSONS SHALL HAVE FIRST PROCURED A LICENSE FROM THE COMMISSION. THE COMMISSION SHALL ESTABLISH BY RULE AND REGULATION LICENSING STANDARDS FOR ALL LICENSEES.

2. EVERY APPLICATION FOR A LICENSE SHALL BE IN A FORM PRESCRIBED BY THE COMMISSION, SHALL BE ADDRESSED TO THE COMMISSION, SHALL BE SUBSCRIBED BY THE APPLICANT, AND AFFIRMED BY HIM OR HER AS TRUE UNDER THE PENALTIES OF PERJURY, AND SHALL SET FORTH SUCH FACTS AS THE PROVISIONS HEREOF AND THE RULES AND REGULATIONS OF THE COMMISSION MAY REQUIRE.

3. (A) THE COMMISSION SHALL ESTABLISH REASONABLE FEES, TERMS AND RENEWAL TERMS FOR LICENSES, PERMITS AND OTHER AUTHORIZATIONS ISSUED PURSUANT TO THIS ARTICLE, PROVIDED, HOWEVER, THAT ALL TERMS, RENEWAL TERMS AND FEES IN EFFECT PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED TWENTY, AND ANY SUBSEQUENT AMENDMENTS THERETO, IMMEDIATELY PRIOR TO THE ENACTMENT OF THIS ARTICLE, SHALL REMAIN FIXED AT THEIR PRIOR STATUTORY LEVELS FOR A PERIOD OF TWO YEARS FROM ENACTMENT OF THIS ARTICLE. THE COMMISSION SHALL PUBLISH ALL FEES, INCLUDING THE AFOREMENTIONED, IN A SINGLE LOCATION ON ITS WEBSITE. ALL FEES SET BY THE COMMISSION PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET.

(B) WITH RESPECT TO THE FEES ESTABLISHED BY THE COMMISSION PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, WHEN SUCH FEES ARE PAYABLE IN RELATION TO AUTHORIZED COMBATIVE SPORTS CONSTITUTING MIXED MARTIAL ARTS, THE FOLLOWING SHALL APPLY:

(I) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS NOT MORE THAN TWO THOUSAND FIVE HUNDRED, THE PROMOTER SHALL PAY NOT MORE THAN FIVE HUNDRED DOLLARS;

(II) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS GREATER THAN TWO THOUSAND FIVE HUNDRED, BUT NOT MORE THAN FIVE THOUSAND, THE PROMOTER SHALL PAY NOT MORE THAN ONE THOUSAND DOLLARS;

(III) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS GREATER THAN FIVE THOUSAND, BUT NOT MORE THAN FIFTEEN THOUSAND, THE PROMOTER SHALL PAY NOT MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS;

(IV) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS GREATER THAN FIFTEEN THOUSAND, BUT NOT MORE THAN TWENTY-FIVE THOUSAND, THE PROMOTER SHALL PAY NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS;

(V) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS GREATER THAN TWENTY-FIVE THOUSAND, THE PROMOTER SHALL PAY NOT MORE THAN THREE THOUSAND DOLLARS;

(VI) FOR REFEREES AND JUDGES, NOT MORE THAN ONE HUNDRED DOLLARS;

(VII) FOR PROFESSIONAL PARTICIPANTS, MANAGERS AND TRAINERS NOT MORE THAN FIFTY DOLLARS; AND

(VIII) FOR CHIEF SECONDS, NOT MORE THAN FORTY DOLLARS.

4. ANY LICENSE, TEMPORARY WORK PERMIT OR OTHER AUTHORIZATION ISSUED UNDER THE PROVISIONS OF THIS ARTICLE MAY BE REVOKED OR SUSPENDED BY THE COMMISSION WHEN THE LICENSEE, PERMITTEE OR AUTHORIZED ENTITY HAS, IN THE JUDGMENT OF THE COMMISSION, VIOLATED ANY PROVISION OF THIS ARTICLE, RULE OR ORDER OF THE COMMISSION, DEMONSTRATED CONDUCT DETRIMENTAL TO THE INTERESTS OF AUTHORIZED COMBATIVE SPORTS GENERALLY OR TO THE PUBLIC INTEREST, OR WHEN THE COMMISSION DEEMS IT TO BE IN THE BEST INTERESTS OF THE HEALTH AND SAFETY OF THE LICENSEE.

(A) ANY LICENSEE WHO SUFFERED A KNOCKOUT OR TECHNICAL KNOCKOUT IN A COMBATIVE SPORT MAY, UPON THE RECOMMENDATION OF THE ATTENDING COMMISSION PHYSICIAN, BE SUSPENDED BY THE COMMISSION, FOR A PERIOD DETERMINED BY THE COMMISSION, AND SHALL FORFEIT HIS OR HER LICENSE TO THE COMMISSION DURING SUCH PERIOD. SUCH LICENSE SHALL NOT BE RETURNED TO THE LICENSEE UNTIL HE OR SHE HAS MET ALL REQUIREMENTS, MEDICAL AND OTHERWISE, FOR REINSTATEMENT OF SUCH LICENSE. ALL SUCH SUSPENSIONS SHALL BE RECORDED IN HIS OR HER LICENSE BY A COMMISSION OFFICIAL.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF ANY OTHER STATE SHALL REVOKE A LICENSEE'S LICENSE TO COMPETE IN COMBATIVE SPORTS IN THAT STATE, THEN THE COMMISSION MAY ACT TO REVOKE ANY LICENSE ISSUED TO SUCH LICENSEE PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

S 1008. LICENSES; JUDGES. 1. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE, ONLY A PERSON LICENSED BY THE COMMISSION, AS A COMBATIVE SPORTS JUDGE, MAY JUDGE AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT WITHIN THE STATE. JUDGES FOR ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT UNDER THE JURISDICTION OF THE COMMISSION SHALL BE SELECTED BY THE COMMISSION FROM A LIST OF QUALIFIED LICENSED JUDGES MAINTAINED BY THE COMMISSION.

2. ANY PARTICIPANT IN A PROFESSIONAL COMBATIVE SPORT OR HIS OR HER MANAGER MAY PROTEST THE ASSIGNMENT OF A JUDGE TO A CONTEST AND THE PARTICIPANT OR MANAGER MAY BE HEARD BY THE COMMISSION OR ITS DESIGNEE IF SUCH PROTEST IS TIMELY. IF THE PROTEST IS UNTIMELY IT SHALL BE SUMMARILY REJECTED.

3. EACH PERSON SEEKING TO BE LICENSED AS A JUDGE BY THE COMMISSION SHALL BE REQUIRED TO SUBMIT TO OR PROVIDE PROOF OF AN EYE EXAMINATION AND ANNUALLY THEREAFTER ON THE ANNIVERSARY OF THE ISSUANCE OF THE LICENSE. THE COMMISSION SHALL ESTABLISH CONTINUING EDUCATION PROGRAMS AND REQUIREMENTS TO BE COMPLETED BY LICENSED JUDGES. EACH JUDGE MUST BE CERTIFIED AS HAVING COMPLETED A TRAINING PROGRAM AS APPROVED BY THE COMMISSION AND SHALL PASS AN EXAMINATION APPROVED BY THE COMMISSION.

4. EACH PERSON SEEKING A LICENSE TO JUDGE AUTHORIZED PROFESSIONAL COMBATIVE SPORTS IN THE STATE SHALL BE REQUIRED TO FILL OUT A FINANCIAL QUESTIONNAIRE CERTIFYING UNDER PENALTY OF PERJURY FULL DISCLOSURE OF THE JUDGE'S FINANCIAL SITUATION ON A QUESTIONNAIRE TO BE PROMULGATED BY THE COMMISSION. SUCH QUESTIONNAIRE SHALL BE IN A FORM AND MANNER APPROVED BY THE COMMISSION AND SHALL PROVIDE INFORMATION AS TO AREAS OF ACTUAL OR POTENTIAL CONFLICT OF INTEREST AS WELL AS APPEARANCES OF SUCH CONFLICTS,

INCLUDING FINANCIAL RESPONSIBILITY. WITHIN FORTY-EIGHT HOURS OF ANY MATCH, EACH JUDGE OF A PROFESSIONAL COMBATIVE SPORT SHALL FILE WITH THE COMMISSION A FINANCIAL DISCLOSURE STATEMENT IN SUCH FORM AND MANNER AS SHALL BE ACCEPTABLE TO THE COMMISSION.

S 1009. LICENSES; ENTITIES. 1. (A) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE, ONLY ENTITIES LICENSED BY THE COMMISSION MAY CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT WITHIN THE STATE. THE COMMISSION MAY, IN ITS DISCRETION, ISSUE A LICENSE TO CONDUCT OR HOLD AUTHORIZED PROFESSIONAL COMBATIVE SPORTS, SUBJECT TO THE PROVISIONS HEREOF, TO ANY PERSON OR CORPORATION DULY INCORPORATED, OR LIMITED LIABILITY COMPANY AUTHORIZED, UNDER THE LAWS OF THE STATE OF NEW YORK.

(B) A PROSPECTIVE LICENSEE MUST SUBMIT TO THE COMMISSION PROOF THAT IT CAN FURNISH SUITABLE PREMISES, AS DETERMINED BY THE COMMISSION, IN WHICH SUCH COMBATIVE SPORT IS TO BE HELD.

(C) UPON WRITTEN APPLICATION THE COMMISSION MAY GRANT TO ANY ENTITY HOLDING A LICENSE ISSUED HEREUNDER, THE PRIVILEGE OF HOLDING SUCH A MATCH OR EXHIBITION ON A SPECIFIED DATE IN OTHER PREMISES, OR IN ANOTHER LOCATION, THAN THE PREMISES OR LOCATION PREVIOUSLY APPROVED BY THE COMMISSION, SUBJECT HOWEVER TO APPROVAL OF THE COMMISSION AND THE RULES AND REGULATIONS OF THE COMMISSION.

2. (A) THE COMMISSION MAY, IN ITS DISCRETION AND IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION TO PROTECT THE HEALTH AND SAFETY OF PROFESSIONALS IN TRAINING, ISSUE A LICENSE TO OPERATE A TRAINING FACILITY PROVIDING CONTACT SPARRING MAINTAINED EITHER EXCLUSIVELY OR IN PART FOR THE USE OF PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS. AT A MINIMUM, ANY SUCH REGULATION SHALL REQUIRE:

(I) FIRST AID MATERIALS TO BE STORED IN AN ACCESSIBLE LOCATION ON THE PREMISES AND FOR THE PRESENCE ON THE PREMISES OF A PERSON TRAINED AND CERTIFIED IN THE USE OF SUCH MATERIALS AND PROCEDURES FOR CARDIO-PULMONARY RESUSCITATION AT ALL TIMES DURING WHICH THE FACILITY IS OPEN FOR TRAINING PURPOSES;

(II) CLEAN AND SANITARY BATHROOMS, SHOWER ROOMS, AND LOCKER ROOMS;

(III) ADEQUATE VENTILATION AND LIGHTING OF ACCESSIBLE AREAS OF THE TRAINING FACILITY;

(IV) ESTABLISHMENT OF A POLICY CONCERNING THE RESTRICTION OF SMOKING IN TRAINING AREAS, INCLUDING PROVISIONS FOR ITS ENFORCEMENT BY THE FACILITY OPERATOR;

(V) COMPLIANCE WITH STATE AND LOCAL FIRE ORDINANCES;

(VI) INSPECTION AND APPROVAL OF SURFACES ON WHICH TRAINING FOR COMBATIVE SPORTS WILL BE HELD; AND

(VII) ESTABLISHMENT OF A POLICY FOR POSTING ALL COMMISSION LICENSE SUSPENSIONS AND LICENSE REVOCATIONS RECEIVED FROM THE COMMISSION INCLUDING PROVISIONS FOR ENFORCEMENT OF SUCH SUSPENSIONS AND REVOCATIONS BY THE FACILITY OPERATOR.

(B) A PROSPECTIVE ENTITY LICENSEE SHALL SUBMIT TO THE COMMISSION PROOF THAT IT CAN FURNISH SUITABLE FACILITIES IN WHICH THE TRAINING IS TO BE CONDUCTED, INCLUDING THE MAKING OF SUCH TRAINING FACILITIES AVAILABLE FOR INSPECTION BY THE COMMISSION AT ANY TIME DURING WHICH TRAINING IS IN PROGRESS.

S 1010. LICENSES; PROFESSIONALS. 1. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX, ONE THOUSAND ELEVEN AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE, ONLY PERSONS LICENSED BY THE COMMISSION SHALL COMPETE IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.

2. ANY PROFESSIONAL APPLYING FOR A LICENSE OR RENEWAL OF A LICENSE TO PARTICIPATE IN COMBATIVE SPORTS UNDER THIS ARTICLE SHALL UNDERGO A

COMPREHENSIVE PHYSICAL EXAMINATION INCLUDING CLINICAL NEUROLOGICAL EXAMINATIONS BY A PHYSICIAN APPROVED BY THE COMMISSION. IF, AT THE TIME OF SUCH EXAMINATION, THERE IS ANY INDICATION OF BRAIN INJURY, OR FOR ANY OTHER REASON THE PHYSICIAN DEEMS IT APPROPRIATE, THE PROFESSIONAL SHALL BE REQUIRED TO UNDERGO FURTHER NEUROLOGICAL EXAMINATIONS BY A NEUROLOGIST INCLUDING MAGNETIC RESONANCE IMAGING OR OTHER MEDICALLY EQUIVALENT PROCEDURES. THE COMMISSION SHALL NOT ISSUE A LICENSE TO A PROFESSIONAL UNTIL SUCH EXAMINATIONS ARE COMPLETED AND REVIEWED BY THE COMMISSION. THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART OF THE PROFESSIONAL'S PERMANENT MEDICAL RECORD AS MAINTAINED BY THE COMMISSION. THE COSTS OF ALL SUCH EXAMINATIONS SHALL BE ASSUMED BY THE APPLICANT OR PROMOTER WITH WHICH THE PROFESSIONAL BOXER OR MIXED MARTIAL ARTS PARTICIPANT IS AFFILIATED, REGARDLESS OF PROVIDER.

3. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE SHALL, AS A CONDITION OF LICENSURE, WAIVE RIGHT OF CONFIDENTIALITY OF MEDICAL RECORDS RELATING TO TREATMENT OF ANY PHYSICAL CONDITION WHICH RELATES TO HIS OR HER ABILITY TO FIGHT. ALL MEDICAL REPORTS SUBMITTED TO, AND ALL MEDICAL RECORDS OF THE MEDICAL ADVISORY BOARD OR THE COMMISSION RELATIVE TO THE PHYSICAL EXAMINATION OR CONDITION OF PROFESSIONALS SHALL BE CONSIDERED CONFIDENTIAL, AND SHALL BE OPEN TO EXAMINATION ONLY TO THE COMMISSION OR ITS AUTHORIZED REPRESENTATIVE, TO THE LICENSED PROFESSIONAL OR MANAGER UPON WRITTEN APPLICATION TO EXAMINE SAID RECORDS, OR UPON THE ORDER OF A COURT OF COMPETENT JURISDICTION IN AN APPROPRIATE CASE.

S 1011. TEMPORARY WORKING PERMITS. THE COMMISSION MAY ISSUE TEMPORARY WORKING PERMITS TO PROFESSIONALS, THEIR MANAGERS, TRAINERS AND SECONDS. A TEMPORARY WORKING PERMIT SHALL AUTHORIZE THE EMPLOYMENT OF THE HOLDER OF SUCH PERMIT TO ENGAGE IN A SINGLE AUTHORIZED PROFESSIONAL COMBATIVE SPORT AT A SPECIFIED TIME AND PLACE. THE COMMISSION MAY REQUIRE THAT PROFESSIONALS APPLYING FOR TEMPORARY WORKING PERMITS UNDERGO A PHYSICAL EXAMINATION AND NEUROLOGICAL TEST OR PROCEDURE, INCLUDING MAGNETIC RESONANCE IMAGING OR MEDICALLY EQUIVALENT PROCEDURE. TEMPORARY WORKING PERMITS SHALL EXPIRE UPON THE COMPLETION OF THE SINGLE AUTHORIZED PROFESSIONAL COMBATIVE SPORT AND ANY SUBSEQUENT EVALUATIONS OR INSPECTIONS REQUIRED BY THE COMMISSION. THE FEE FOR SUCH TEMPORARY WORKING PERMIT SHALL BE ESTABLISHED BY THE COMMISSION PURSUANT TO RULE.

S 1012. TEMPORARY TRAINING FACILITIES. THE COMMISSION IN ITS JUDGMENT MAY EXEMPT FROM LICENSING UNDER THIS ARTICLE ANY TRAINING FACILITY PROVIDING CONTACT SPARRING ESTABLISHED AND MAINTAINED ON A TEMPORARY BASIS FOR THE PURPOSE OF PREPARING PROFESSIONALS FOR A SPECIFIC AUTHORIZED COMBATIVE SPORT TO BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE OF NEW YORK.

S 1013. MEDICAL ADVISORY BOARD. 1. THE MEDICAL ADVISORY BOARD CREATED PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED TWENTY, AND SUBSEQUENT AMENDMENTS THERETO IS HEREBY CONTINUED WITHOUT INTERRUPTION. IT SHALL REMAIN A DIVISION OF THE STATE ATHLETIC COMMISSION, AND SHALL CONSIST OF NINE MEMBERS TO BE APPOINTED BY THE GOVERNOR. THE GOVERNOR SHALL DESIGNATE ONE OF SUCH MEMBERS AS CHAIRPERSON OF THE ADVISORY BOARD. THE TERM OF A MEMBER THEREAFTER APPOINTED, EXCEPT TO FILL A VACANCY, SHALL BE THREE YEARS FROM THE EXPIRATION OF THE TERM OF HIS PREDECESSOR. UPON THE APPOINTMENT OF A SUCCESSOR TO THE CHAIRPERSON OF THE ADVISORY BOARD, THE GOVERNOR SHALL DESIGNATE SUCH SUCCESSOR OR OTHER MEMBER OF THE ADVISORY BOARD AS CHAIRPERSON. A VACANCY OCCURRING OTHERWISE THAN BY EXPIRATION OF TERM, SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE REMAINDER ONLY OF THE TERM. EACH MEMBER OF THE ADVISORY BOARD SHALL BE DULY LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK, AND AT THE TIME OF HIS OR HER APPOINTMENT HAVE HAD AT LEAST

FIVE YEARS' EXPERIENCE IN THE PRACTICE OF HIS OR HER PROFESSION. THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE SUCH COMPENSATION AS MAY BE FIXED BY THE COMMISSION WITHIN THE AMOUNT PROVIDED BY APPROPRIATION, AND SHALL BE ALLOWED AND PAID NECESSARY TRAVELING AND OTHER EXPENSES INCURRED BY THEM, RESPECTIVELY, IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER.

2. THE ADVISORY BOARD SHALL HAVE POWER AND IT SHALL BE THE DUTY OF THE BOARD TO PREPARE AND SUBMIT TO THE COMMISSION FOR APPROVAL REGULATIONS AND STANDARDS FOR THE PHYSICAL EXAMINATION OF PROFESSIONALS INCLUDING, WITHOUT LIMITATION, PRE-FIGHT AND POST-FIGHT EXAMINATIONS AND PERIODIC COMPREHENSIVE EXAMINATIONS. THE BOARD SHALL CONTINUE TO SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION AND FROM TIME TO TIME PREPARE AND SUBMIT TO THE COMMISSION FOR APPROVAL, SUCH ADDITIONAL REGULATIONS AND STANDARDS OF EXAMINATION AS IN THEIR JUDGMENT WILL SAFEGUARD THE PHYSICAL WELFARE OF PROFESSIONALS LICENSED BY THE COMMISSION. THE ADVISORY BOARD SHALL RECOMMEND TO THE COMMISSION FROM TIME TO TIME SUCH QUALIFIED PHYSICIANS, WHO MAY BE DESIGNATED AND EMPLOYED BY THE COMMISSION FOR THE PURPOSE OF CONDUCTING PHYSICAL EXAMINATIONS OF PROFESSIONALS AND OTHER SERVICES AS THE RULES OF THE COMMISSION SHALL PROVIDE. SUCH PHYSICIANS, IF SO EMPLOYED, SHALL RECEIVE COMPENSATION AS FIXED BY THE COMMISSION WITHIN AMOUNTS APPROPRIATED THEREFOR. THE PROVISIONS OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW SHALL APPLY TO ANY PHYSICIAN WHO:

(A) IS DESIGNATED AND EMPLOYED BY THE COMMISSION; AND

(B) IS RENDERING PROFESSIONAL SERVICES ON BEHALF OF THE COMMISSION TO PROFESSIONALS.

3. THE ADVISORY BOARD SHALL DEVELOP OR RECOMMEND APPROPRIATE MEDICAL EDUCATION PROGRAMS FOR ALL COMMISSION PERSONNEL INVOLVED IN THE CONDUCT OF AUTHORIZED COMBATIVE SPORTS SO THAT SUCH PERSONNEL CAN RECOGNIZE AND ACT UPON EVIDENCE OF POTENTIAL OR ACTUAL ADVERSE MEDICAL INDICATIONS IN A PARTICIPANT PRIOR TO, DURING OR AFTER THE COURSE OF A MATCH.

4. THE ADVISORY BOARD SHALL REVIEW THE CREDENTIALS AND PERFORMANCE OF EACH COMMISSION PHYSICIAN ON AN ANNUAL BASIS.

5. THE ADVISORY BOARD SHALL ADVISE THE COMMISSION ON ANY STUDY OF EQUIPMENT, PROCEDURES OR PERSONNEL WHICH WILL, IN THEIR OPINION, PROMOTE THE SAFETY OF PROFESSIONALS.

S 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. THE COMMISSION SHALL PROMULGATE REGULATIONS GOVERNING THE CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS THAT:

1. ESTABLISH PARAMETERS AND LIMITATIONS ON WEIGHTS AND CLASSES OF PROFESSIONALS;

2. ESTABLISH PARAMETERS AND LIMITATIONS ON THE NUMBER AND DURATION OF ROUNDS;

3. ESTABLISH THE REQUIREMENTS FOR THE PRESENCE OF MEDICAL EQUIPMENT, MEDICAL PERSONNEL, AN AMBULANCE, OTHER EMERGENCY APPARATUS AND AN EMERGENCY MEDICAL PLAN;

4. ESTABLISH RESPONSIBILITIES OF ALL LICENSEES BEFORE, DURING AND AFTER AN EVENT;

5. DEFINE UNSPORTSMANLIKE PRACTICES;

6. ESTABLISH CONDITIONS FOR THE FORFEITURE OF ANY PRIZE, REMUNERATION OR PURSE, OR ANY PART THEREOF BASED ON THE CONDUCT OF PROFESSIONALS, THEIR MANAGERS AND SECONDS;

7. ESTABLISH PARAMETERS AND STANDARDS FOR REQUIRED AND ALLOWED EQUIPMENT ITEMS UTILIZED BY PROFESSIONALS;

8. ESTABLISH PARAMETERS AND STANDARDS FOR RINGS, COMBAT SURFACES AND APPURTENANCES THERETO; AND

9. ESTABLISH SUCH OTHER RULES AND CONDITIONS AS ARE NECESSARY TO EFFECTUATE THE COMMISSION'S PURPOSE.

S 1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. 1. ALL BUILDINGS OR STRUCTURES USED OR INTENDED TO BE USED FOR CONDUCTING AUTHORIZED PROFESSIONAL COMBATIVE SPORTS SHALL BE PROPERLY VENTILATED AND PROVIDED WITH FIRE EXITS AND FIRE ESCAPES, AND IN ALL MANNER CONFORM TO THE LAWS, ORDINANCES AND REGULATIONS PERTAINING TO BUILDINGS IN THE CITY, TOWN OR VILLAGE WHERE SITUATED.

2. NO PERSON UNDER THE AGE OF EIGHTEEN YEARS SHALL PARTICIPATE IN ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORTS, AND NO PERSON UNDER SIXTEEN YEARS OF AGE SHALL BE PERMITTED TO ATTEND THEREAT AS A SPECTATOR, PROVIDED, HOWEVER, THAT A PERSON UNDER THE AGE OF SIXTEEN MAY BE PERMITTED TO ATTEND AS A SPECTATOR IF ACCOMPANIED BY A PARENT OR GUARDIAN.

3. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE, AT EACH AUTHORIZED PROFESSIONAL COMBATIVE SPORT, EXCEPT WHERE CONDUCTED SOLELY FOR TRAINING PURPOSES, THERE SHALL BE IN ATTENDANCE A DULY LICENSED REFEREE WHO SHALL DIRECT AND CONTROL THE SAME. THERE SHALL ALSO BE IN ATTENDANCE, EXCEPT WHERE CONDUCTED SOLELY FOR TRAINING PURPOSES, THREE DULY LICENSED JUDGES WHO SHALL AT THE TERMINATION OF EACH SUCH AUTHORIZED PROFESSIONAL COMBATIVE SPORT RENDER THEIR DECISION. THE WINNER SHALL BE DETERMINED IN ACCORDANCE WITH A SCORING SYSTEM PRESCRIBED BY THE COMMISSION.

4. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE, THE COMMISSION SHALL DIRECT AN EMPLOYEE OF THE COMMISSION TO BE PRESENT AT EACH PLACE WHERE AUTHORIZED PROFESSIONAL COMBATIVE SPORTS ARE TO BE CONDUCTED. SUCH EMPLOYEE OF THE COMMISSION SHALL ASCERTAIN THE EXACT CONDITIONS SURROUNDING SUCH AUTHORIZED PROFESSIONAL COMBATIVE SPORT AND MAKE A WRITTEN REPORT OF THE SAME IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSION. WHERE AUTHORIZED PROFESSIONAL COMBATIVE SPORTS ARE APPROVED TO BE HELD IN A STATE OR CITY OWNED ARMORY, THE PROVISION OF THE MILITARY LAW IN RESPECT THERETO MUST BE COMPLIED WITH.

5. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE, ANY RING OR COMBAT SURFACE MUST BE INSPECTED AND APPROVED BY THE COMMISSION PRIOR TO THE COMMENCEMENT OF ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT.

6. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE, ALL PROFESSIONALS MUST BE EXAMINED BY A PHYSICIAN DESIGNATED BY THE COMMISSION BEFORE ENTERING THE RING OR COMBAT SURFACE AND EACH SUCH PHYSICIAN SHALL IMMEDIATELY FILE WITH THE COMMISSION A WRITTEN REPORT OF SUCH EXAMINATION. THE COST OF ANY SUCH EXAMINATION, AS PRESCRIBED BY A SCHEDULE OF FEES ESTABLISHED BY THE COMMISSION, SHALL BE PAID BY THE CORPORATION CONDUCTING THE AUTHORIZED PROFESSIONAL COMBATIVE SPORT TO THE COMMISSION. IT SHALL BE THE DUTY OF EVERY PERSON OR CORPORATION LICENSED TO CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT, TO HAVE IN ATTENDANCE AT EVERY AUTHORIZED PROFESSIONAL COMBATIVE SPORT, AT LEAST ONE PHYSICIAN DESIGNATED BY THE COMMISSION AS THE RULES SHALL PROVIDE. THE COMMISSION MAY ESTABLISH A SCHEDULE OF FEES TO BE PAID BY THE LICENSEE TO COVER THE COST OF SUCH ATTENDANCE.

7. THE PHYSICIAN SHALL TERMINATE ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT IF IN THE OPINION OF SUCH PHYSICIAN ANY PROFESSIONAL HAS RECEIVED SEVERE PUNISHMENT OR IS IN DANGER OF SERIOUS PHYSICAL INJURY. IN THE EVENT OF ANY SERIOUS PHYSICAL INJURY, SUCH PHYSICIAN SHALL IMMEDIATELY RENDER ANY EMERGENCY TREATMENT NECESSARY, RECOMMEND FURTHER TREATMENT OR HOSPITALIZATION IF REQUIRED, AND FULLY REPORT THE ENTIRE MATTER TO THE

COMMISSION WITHIN TWENTY-FOUR HOURS AND IF NECESSARY, SUBSEQUENTLY THEREAFTER. SUCH PHYSICIAN MAY ALSO REQUIRE THAT THE INJURED PROFESSIONAL AND HIS OR HER MANAGER REMAIN IN THE RING OR ON THE PREMISES OR REPORT TO A HOSPITAL AFTER THE CONTEST FOR SUCH PERIOD OF TIME AS SUCH PHYSICIAN DEEMS ADVISABLE. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE RENDERED UNCONSCIOUS OR SUFFERING HEAD TRAUMA AS DETERMINED BY THE ATTENDING PHYSICIAN SHALL BE IMMEDIATELY EXAMINED BY THE ATTENDING COMMISSION PHYSICIAN AND SHALL BE REQUIRED TO UNDERGO NEUROLOGICAL EXAMINATIONS BY A NEUROLOGIST INCLUDING BUT NOT LIMITED TO MAGNETIC RESONANCE IMAGING OR MEDICALLY EQUIVALENT PROCEDURE.

8. SUCH PHYSICIAN MAY ENTER THE RING AT ANY TIME DURING AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT AND MAY TERMINATE THE MATCH IF IN HIS OR HER OPINION THE SAME IS NECESSARY TO PREVENT SEVERE PUNISHMENT OR SERIOUS PHYSICAL INJURY TO A PROFESSIONAL.

9. BEFORE A LICENSE SHALL BE GRANTED TO A PERSON OR CORPORATION TO CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT, THE APPLICANT SHALL EXECUTE AND FILE WITH THE SECRETARY OF STATE A BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION, TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE SECRETARY OF STATE, CONDITIONED FOR THE FAITHFUL PERFORMANCE BY SAID CORPORATION OF THE PROVISIONS OF THIS ARTICLE AND THE RULES AND REGULATIONS OF THE COMMISSION, AND UPON THE FILING AND APPROVAL OF SAID BOND THE SECRETARY OF STATE SHALL ISSUE TO SAID APPLICANT A CERTIFICATE OF SUCH FILING AND APPROVAL, WHICH SHALL BE, BY SAID APPLICANT, FILED IN THE OFFICE OF THE COMMISSION WITH ITS APPLICATION FOR LICENSE, AND NO SUCH LICENSE SHALL BE ISSUED UNTIL SUCH CERTIFICATE SHALL BE FILED. IN CASE OF DEFAULT IN SUCH PERFORMANCE, THE COMMISSION MAY IMPOSE UPON THE DELINQUENT A PENALTY IN THE SUM OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH OFFENSE, WHICH MAY BE RECOVERED BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK IN THE SAME MANNER AS OTHER PENALTIES ARE RECOVERED BY LAW; ANY AMOUNT SO RECOVERED SHALL BE PAID INTO THE TREASURY.

10. IN ADDITION TO THE BOND REQUIRED BY SUBDIVISION NINE OF THIS SECTION, EACH APPLICANT FOR A LICENSE TO CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT SHALL EXECUTE AND FILE WITH THE SECRETARY OF STATE A BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE SECRETARY OF STATE, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF PROFESSIONALS' AND PROFESSIONAL WRESTLERS' PURSES, SALARIES OF CLUB EMPLOYEES LICENSED BY THE COMMISSION, AND THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND ALL ADVERTISING MATERIAL.

11. ALL PERSONS, PARTIES OR CORPORATIONS HAVING LICENSES AS PROMOTERS OR WHO ARE LICENSED IN ACCORDANCE WITH SECTION ONE THOUSAND SEVENTEEN OF THIS ARTICLE SHALL CONTINUOUSLY PROVIDE ACCIDENT INSURANCE OR SUCH OTHER FORM OF FINANCIAL GUARANTEE DEEMED ACCEPTABLE BY THE COMMISSION, FOR THE PROTECTION OF LICENSED PROFESSIONALS AND PROFESSIONAL WRESTLERS, APPEARING IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS OR WRESTLING EXHIBITIONS. SUCH ACCIDENT INSURANCE OR FINANCIAL GUARANTEE SHALL PROVIDE COVERAGE TO THE LICENSED PROFESSIONAL FOR: MEDICAL, SURGICAL AND HOSPITAL CARE, WITH A MINIMUM LIMIT OF FIFTY THOUSAND DOLLARS FOR INJURIES SUSTAINED WHILE PARTICIPATING IN ANY PROGRAM OPERATED UNDER THE CONTROL OF SUCH LICENSED PROMOTER AND FOR A PAYMENT OF FIFTY THOUSAND DOLLARS TO THE ESTATE OF ANY DECEASED ATHLETE WHERE SUCH DEATH IS OCCASIONED BY INJURIES RECEIVED IN THIS STATE DURING THE COURSE OF A PROGRAM IN WHICH SUCH LICENSED PROFESSIONAL OR PROFESSIONAL WRESTLER PARTICIPATED UNDER THE PROMOTION OR CONTROL OF ANY LICENSED PROMOTER; AND, MEDICAL, SURGICAL AND HOSPITAL CARE WITH A MINIMUM LIMIT OF ONE MILLION DOLLARS FOR

THE TREATMENT OF A LIFE-THREATENING BRAIN INJURY SUSTAINED IN A PROGRAM OPERATED UNDER THE CONTROL OF SUCH LICENSED PROMOTER, WHERE AN IDENTIFIABLE, CAUSAL LINK EXISTS BETWEEN THE PROFESSIONAL LICENSEE'S PARTICIPATION IN SUCH PROGRAM AND THE LIFE-THREATENING BRAIN INJURY. WHERE APPLICABLE, PROFESSIONAL LICENSEES SHALL BE AFFORDED THE OPTION TO SUPPLEMENT THE PREMIUMS FOR THE ACCIDENT INSURANCE OR FINANCIAL GUARANTEE TO INCREASE THE COVERAGE BEYOND THE MINIMUM LIMITS REQUIRED BY THIS SUBDIVISION. THE COMMISSION MAY FROM TIME TO TIME, PROMULGATE REGULATIONS TO ADJUST THE AMOUNT OF SUCH MINIMUM LIMITS. THE FAILURE TO PROVIDE SUCH INSURANCE AS IS REQUIRED BY THIS SUBDIVISION SHALL BE CAUSE FOR THE SUSPENSION OR THE REVOCATION OF THE LICENSE OF SUCH DEFAULTING ENTITY.

12. (A) EVERY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB HOLDING ANY PROFESSIONAL OR AMATEUR COMBATIVE SPORT, INCLUDING ANY PROFESSIONAL WRESTLING MATCH OR EXHIBITION, FOR WHICH AN ADMISSION FEE IS CHARGED OR RECEIVED, SHALL NOTIFY THE ATHLETIC COMMISSION AT LEAST TEN DAYS IN ADVANCE OF THE HOLDING OF SUCH CONTEST. ALL TICKETS OF ADMISSION TO ANY SUCH PROFESSIONAL OR AMATEUR COMBATIVE SPORT OR PROFESSIONAL WRESTLING MATCH OR EXHIBITION SHALL BE PROCURED FROM A PRINTER DULY AUTHORIZED BY THE STATE ATHLETIC COMMISSION TO PRINT SUCH TICKETS AND SHALL BEAR CLEARLY UPON THE FACE THEREOF THE PURCHASE PRICE AND LOCATION OF SAME.

(B) PURSUANT TO DIRECTION BY THE COMMISSIONER OF TAXATION AND FINANCE, EMPLOYEES OR OFFICERS OF THE COMMISSION SHALL ACT AS AGENTS OF THE COMMISSIONER OF TAXATION AND FINANCE TO COLLECT THE TAX IMPOSED BY ARTICLE NINETEEN OF THE TAX LAW. THE ATHLETIC COMMISSION SHALL PROVIDE THE COMMISSIONER OF TAXATION AND FINANCE WITH SUCH INFORMATION AND TECHNICAL ASSISTANCE AS MAY BE NECESSARY FOR THE PROPER ADMINISTRATION OF SUCH TAX.

S 1016. REQUIRED FILINGS. 1. THE ORGANIZATION THAT PROMOTES, SANCTIONS OR OTHERWISE PARTICIPATES IN THE PROPOSITION, SELECTION, OR ARRANGEMENT OF ONE OR MORE PROFESSIONALS FOR A CONTEST MUST FILE WITH THE COMMISSION A WRITTEN STATEMENT EXECUTED UNDER PENALTY OF PERJURY STATING (A) ALL CHARGES, EXPENSES, FEES, AND COSTS THAT WILL BE ASSESSED AGAINST ANY PROFESSIONAL PARTICIPATING IN THE EVENT; (B) ALL PAYMENTS, BENEFITS, COMPLIMENTARY BENEFITS AND FEES THE ORGANIZATION OR ENTITY WILL RECEIVE FOR ITS AFFILIATION WITH THE EVENT; (C) THE NAME OF THE PROMOTER; (D) SPONSOR OF THE EVENT; AND (E) ALL OTHER SOURCES, AND SUCH OTHER AND ADDITIONAL INFORMATION AS REQUIRED BY THE COMMISSION. SUCH WRITTEN STATEMENT SHALL BE FILED IN A FORM AND MANNER ACCEPTABLE TO THE COMMISSION.

2. THE PROMOTER, ORGANIZER, PRODUCER OR ANOTHER THAT PARTICIPATES IN THE PROPOSITION, SELECTION, OR ARRANGEMENT OF ONE OR MORE PROFESSIONALS FOR A CONTEST MUST FILE WITH THE COMMISSION A WRITTEN STATEMENT UNDER PENALTY OF PERJURY DETAILING ALL CHARGES, FEES, COSTS AND EXPENSES BY OR THROUGH THE PROMOTER ON THE PROFESSIONAL PERTAINING TO THE EVENT, INCLUDING ANY PORTION OF THE PROFESSIONAL'S PURSE THAT THE PROMOTER WILL RECEIVE AND TRAINING EXPENSES AND ALL PAYMENTS, GIFTS OR BENEFITS THE PROMOTER IS PROVIDING TO ANY SANCTIONING ORGANIZATION AFFILIATED WITH THE EVENT. SUCH WRITTEN STATEMENT SHALL BE FILED IN A FORM AND MANNER ACCEPTABLE TO THE COMMISSION.

3. THE PROMOTER, ORGANIZER, PRODUCER OR ANOTHER THAT PARTICIPATES IN THE PROPOSITION, SELECTION, OR ARRANGEMENT OF ONE OR MORE PROFESSIONALS FOR A CONTEST MUST FILE WITH THE COMMISSION A COPY OF ANY AGREEMENT IN WRITING TO WHICH THE PROMOTER IS A PARTY WITH ANY PROFESSIONAL PARTICIPATING IN THE MATCH.

4. ALL CONTRACTS CALLING FOR THE SERVICES OF A PROFESSIONAL IN AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT AND ENTERED INTO BY LICENSED PROMOTERS, PROFESSIONALS OR MANAGERS AS ONE OR MORE OF THE PARTIES IN SUCH CONTRACTS, INCLUDING THOSE CONTRACTS WHICH RELATE TO THE RIGHTS TO DISTRIBUTE, TELEVISE OR OTHERWISE TRANSMIT ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT OVER THE AIRWAVES OR BY CABLE SHALL BE SUBJECT TO THE APPROVAL OF THE COMMISSION AND COPIES THEREOF SHALL BE FILED WITH THE COMMISSION BY SUCH CORPORATION, PROFESSIONAL OR MANAGER WITHIN FORTY-EIGHT HOURS AFTER THE EXECUTION OF SUCH CONTRACT AND AT LEAST TEN BUSINESS DAYS PRIOR TO ANY BOUTS, OR THE FIRST OF ANY SERIES OF BOUTS, TO WHICH THEY RELATE. THE COMMISSION MAY WAIVE SUCH FILING DEADLINE FOR GOOD CAUSE SHOWN.

S 1017. PROFESSIONAL WRESTLING; PROMOTERS. 1. FOR THE PURPOSES OF THIS ARTICLE, "PROFESSIONAL WRESTLING" SHALL MEAN AN ACTIVITY IN WHICH PARTICIPANTS STRUGGLE HAND-IN-HAND PRIMARILY FOR THE PURPOSE OF PROVIDING ENTERTAINMENT TO SPECTATORS AND WHICH DOES NOT COMPRISE A BONA FIDE ATHLETIC CONTEST OR COMPETITION.

2. EVERY PERSON, PARTNERSHIP OR CORPORATION PROMOTING ONE OR MORE PROFESSIONAL WRESTLING EXHIBITIONS IN THIS STATE SHALL BE REQUIRED TO OBTAIN FROM THE COMMISSION AN ANNUAL LICENSE TO CONDUCT SUCH EXHIBITIONS SUBJECT TO TERMS AND CONDITIONS PROMULGATED BY THE COMMISSION PURSUANT TO RULE AND CONSISTENT WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE. EACH APPLICANT SHALL PAY AN ANNUAL FEE ESTABLISHED BY THE COMMISSION PURSUANT TO RULE.

3. A LICENSED PROMOTER OF A PROFESSIONAL WRESTLING EXHIBITION IN THE STATE SHALL NOTIFY THE ATHLETIC COMMISSION AT LEAST TEN DAYS IN ADVANCE OF THE HOLDING OF THE EXHIBITION. EACH SUCH PROMOTER SHALL EXECUTE AND FILE WITH THE COMPTROLLER A BOND IN AN AMOUNT NOT LESS THAN TWENTY THOUSAND DOLLARS TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE COMPTROLLER, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF PROFESSIONAL WRESTLER'S PURSES, SALARIES OF CLUB EMPLOYEES LICENSED BY THE COMMISSION, THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND ALL ADVERTISING MATERIAL, PAYMENTS TO SPONSORING ORGANIZATIONS, AND THE APPLICABLE STATE AND LOCAL SALES AND COMPENSATING USE TAX.

4. A LICENSED PROMOTER OF A PROFESSIONAL WRESTLING EXHIBITION SHALL PROVIDE FOR A LICENSED PHYSICIAN TO BE PRESENT AT EACH EXHIBITION, AND SUCH PHYSICIAN SHALL EXAMINE EACH WRESTLER PRIOR TO EACH PERFORMANCE, AND EACH SUCH PRE-PERFORMANCE EXAMINATION SHALL BE CONDUCTED IN ACCORDANCE WITH REGULATIONS PRESCRIBED BY THE COMMISSION.

5. EVERY LICENSED PROMOTER OF PROFESSIONAL WRESTLING WHO PROMOTES SIX OR MORE EXHIBITIONS IN THE STATE IN A CALENDAR YEAR MUST HAVE IN PLACE AN ANTI-DRUG PLAN AND FILE WITH THE COMMISSION A WRITTEN COPY OF THE PLAN. EACH SUCH PLAN SHALL ADDRESS THE USE OF A CONTROLLED SUBSTANCE DEFINED IN ARTICLE THIRTY-THREE OF THE PUBLIC HEALTH LAW, AND SUCH PLAN SHALL AT MINIMUM PROVIDE FOR THE FOLLOWING:

(A) DISSEMINATION OF EDUCATIONAL MATERIALS TO PROFESSIONAL WRESTLERS WHO PERFORM FOR ANY SUCH PROMOTER INCLUDING A LIST OF PROHIBITED DRUGS AND AVAILABLE REHABILITATION SERVICES; AND

(B) A REFERRAL PROCEDURE TO PERMIT ANY SUCH PROFESSIONAL WRESTLER TO OBTAIN REHABILITATION SERVICES.

S 1018. PROHIBITED CONDUCT. 1. NO CORPORATION OR PERSON SHALL HAVE, EITHER DIRECTLY OR INDIRECTLY, ANY FINANCIAL INTEREST IN A PROFESSIONAL BOXER COMPETING ON PREMISES OWNED OR LEASED BY THE CORPORATION OR PERSON, OR IN WHICH SUCH CORPORATION OR PERSON IS OTHERWISE INTERESTED EXCEPT PURSUANT TO THE SPECIFIC WRITTEN AUTHORIZATION OF THE COMMISSION.

2. NO CONTESTANT IN A BOXING OR SPARRING MATCH OR EXHIBITION SHALL BE PAID FOR SERVICES BEFORE THE CONTEST, AND SHOULD IT BE DETERMINED BY THE COMMISSION THAT SUCH CONTESTANT DID NOT GIVE AN HONEST EXHIBITION OF HIS OR HER SKILL, SUCH SERVICES SHALL NOT BE PAID FOR.

3. ANY PERSON, INCLUDING ANY CORPORATION AND THE OFFICERS THEREOF, ANY PHYSICIAN, REFEREE, JUDGE, TIMEKEEPER, PROFESSIONAL, MANAGER, TRAINER OR SECOND, WHO SHALL PROMOTE, CONDUCT, GIVE OR PARTICIPATE IN ANY SHAM OR COLLUSIVE AUTHORIZED PROFESSIONAL COMBATIVE SPORTS, SHALL BE DEPRIVED OF HIS OR HER LICENSE BY THE COMMISSION AND ANY OTHER APPROPRIATE LEGAL REMEDIES.

4. NO LICENSED PROMOTER OR MATCHMAKER SHALL KNOWINGLY ENGAGE IN A COURSE OF CONDUCT IN WHICH FIGHTS ARE ARRANGED WHERE ONE PROFESSIONAL HAS SKILLS OR EXPERIENCE SIGNIFICANTLY IN EXCESS OF THE OTHER PROFESSIONAL SO THAT A MISMATCH RESULTS WITH THE POTENTIAL OF PHYSICAL HARM TO THE PROFESSIONAL.

S 1019. PENALTIES. 1. A PERSON WHO KNOWINGLY ADVANCES OR PROFITS FROM A PROHIBITED COMBATIVE SPORT SHALL BE GUILTY OF A CLASS A MISDEMEANOR, AND SHALL BE GUILTY OF A CLASS E FELONY IF HE OR SHE HAS BEEN CONVICTED IN THE PREVIOUS FIVE YEARS OF VIOLATING THIS SUBDIVISION.

2. ANY PERSON WHO KNOWINGLY ADVANCES OR PROFITS FROM A PROHIBITED COMBATIVE SPORT SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FOR THE FIRST VIOLATION TEN THOUSAND DOLLARS OR TWICE THE AMOUNT OF GAIN DERIVED THEREFROM WHICHEVER IS GREATER, OR FOR A SUBSEQUENT VIOLATION TWENTY-FIVE THOUSAND DOLLARS OR TWICE THE AMOUNT OF GAIN DERIVED THEREFROM WHICHEVER IS GREATER. THE ATTORNEY GENERAL IS HEREBY EMPOWERED TO COMMENCE JUDICIAL PROCEEDINGS TO RECOVER SUCH PENALTIES AND TO OBTAIN INJUNCTIVE RELIEF TO ENFORCE THE PROVISIONS OF THIS SECTION.

3. ANY PERSON OR CORPORATION WHO DIRECTLY OR INDIRECTLY CONDUCTS ANY COMBATIVE SPORT WITHOUT FIRST HAVING PROCURED AN APPROPRIATE LICENSE, OR HAVING BEEN DESIGNATED AN AUTHORIZED SANCTIONING ENTITY AS PRESCRIBED IN THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR. ANY PERSON WHO PARTICIPATES IN A COMBATIVE SPORT AS A REFEREE, JUDGE, MATCH-MAKER, TIMEKEEPER, PROFESSIONAL, MANAGER, TRAINER, OR SECOND WITHOUT FIRST HAVING PROCURED AN APPROPRIATE LICENSE AS PRESCRIBED IN THIS ARTICLE, OR WHERE SUCH COMBATIVE SPORT IS PROHIBITED UNDER THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR. ANY PERSON, PARTNERSHIP OR CORPORATION WHO PROMOTES A PROFESSIONAL WRESTLING MATCH OR EXHIBITION IN THE STATE WITHOUT FIRST HAVING PROCURED AN APPROPRIATE LICENSE IN ACCORDANCE WITH SECTION ONE THOUSAND SEVENTEEN OF THIS ARTICLE, SHALL BE GUILTY OF A MISDEMEANOR.

4. ANY CORPORATION, ENTITY, PERSON OR PERSONS, LICENSED, PERMITTED OR OTHERWISE AUTHORIZED UNDER THE PROVISIONS OF THIS ARTICLE, THAT SHALL KNOWINGLY VIOLATE ANY RULE OR ORDER OF THE COMMISSION OR ANY PROVISION OF THIS ARTICLE, IN ADDITION TO ANY OTHER PENALTY BY LAW PRESCRIBED, SHALL BE LIABLE TO A CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS FOR THE FIRST OFFENSE AND NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR THE SECOND AND EACH SUBSEQUENT OFFENSE, TO BE IMPOSED BY THE COMMISSION, TO BE SUED FOR BY THE ATTORNEY-GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK IF DIRECTED BY THE COMMISSION. THE COMMISSION, FOR CAUSE SHOWN, MAY EXTEND THE TIME FOR THE PAYMENT OF SUCH PENALTY AND, BY COMPROMISE, MAY ACCEPT LESS THAN THE AMOUNT OF SUCH PENALTY AS IMPOSED IN SETTLEMENT THEREOF. FOR THE PURPOSES OF THIS SECTION, EACH TRANSACTION OR STATUTORY VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE, EXCEPT THAT A SECOND OR SUBSEQUENT OFFENSE SHALL NOT BE DEEMED TO EXIST UNLESS A DECISION HAS BEEN RENDERED IN A PRIOR, SEPARATE AND INDEPENDENT PROCEEDING.

5. ON THE FIRST INFRACTION OF RULES OR REGULATIONS PROMULGATED PURSUANT TO SUBDIVISION TWO OF SECTION ONE THOUSAND NINE OF THIS ARTICLE, WHICH INFRACTION MAY INCLUDE MORE THAN ONE INDIVIDUAL VIOLATION, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO TWO HUNDRED FIFTY DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY SUSPEND THE TRAINING FACILITY'S LICENSE UNTIL THE VIOLATION OR VIOLATIONS ARE CORRECTED. ON THE SECOND SUCH INFRACTION, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO FIVE HUNDRED DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY SUSPEND THE TRAINING FACILITY'S LICENSE UNTIL THE VIOLATION OR VIOLATIONS ARE CORRECTED. ON THE THIRD SUCH INFRACTION OR FOR SUBSEQUENT INFRACTIONS, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO SEVEN HUNDRED FIFTY DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY REVOKE THE TRAINING FACILITY'S LICENSE.

6. ANY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB FAILING TO FULLY COMPLY WITH PARAGRAPH (A) OF SUBDIVISION TWELVE OF SECTION ONE THOUSAND FIFTEEN OF THIS ARTICLE SHALL BE SUBJECT TO A PENALTY OF FIVE HUNDRED DOLLARS TO BE COLLECTED BY AND PAID TO THE DEPARTMENT OF STATE. ANY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB IS PROHIBITED FROM OPERATING ANY SHOWS OR EXHIBITIONS UNTIL ALL PENALTIES DUE PURSUANT TO THIS SECTION AND TAXES, INTEREST AND PENALTIES DUE PURSUANT TO ARTICLE NINETEEN OF THE TAX LAW HAVE BEEN PAID.

7. ALL PENALTIES IMPOSED AND COLLECTED BY THE COMMISSION FROM ANY CORPORATION, ENTITY, PERSON OR PERSONS LICENSED UNDER THE PROVISIONS OF THIS ARTICLE, WHICH FINES AND PENALTIES ARE IMPOSED AND COLLECTED UNDER AUTHORITY HEREBY VESTED SHALL WITHIN THIRTY DAYS AFTER THE RECEIPT THEREOF BY THE COMMISSION BE PAID BY THEM INTO THE STATE TREASURY.

S 1020. SUBPOENAS BY COMMISSION; OATHS. THE COMMISSION SHALL HAVE AUTHORITY TO ISSUE, UNDER THE HAND OF ITS CHAIRPERSON, AND THE SEAL OF THE COMMISSION, SUBPOENAS FOR THE ATTENDANCE OF WITNESSES BEFORE THE COMMISSION. A SUBPOENA ISSUED UNDER THIS SECTION SHALL BE REGULATED BY THE CIVIL PRACTICE LAW AND RULES.

S 1021. EXCEPTIONS. THE PROVISIONS OF THIS ARTICLE EXCEPT AS PROVIDED IN SUBDIVISION TWELVE OF SECTION ONE THOUSAND FIFTEEN OF THIS ARTICLE SHALL NOT BE CONSTRUED TO APPLY TO ANY SPARRING OR BOXING CONTEST OR EXHIBITION CONDUCTED UNDER THE SUPERVISION OR THE CONTROL OF THE NEW YORK STATE NATIONAL GUARD OR NAVAL MILITIA WHERE ALL OF THE CONTESTANTS ARE MEMBERS OF THE ACTIVE MILITIA; NOR TO ANY SUCH CONTEST OR EXHIBITION WHERE THE CONTESTANTS ARE ALL AMATEURS, SPONSORED BY AND UNDER THE SUPERVISION OF ANY UNIVERSITY, COLLEGE, SCHOOL OR OTHER INSTITUTION OF LEARNING, RECOGNIZED BY THE REGENTS OF THE STATE OF NEW YORK; NOR TO ANY BUSINESS ENTITY INCORPORATED FOR THE PURPOSES OF PROVIDING INSTRUCTION AND EVALUATION IN A COMBATIVE SPORT TO CUSTOMERS FOR THE PURPOSES OF HEALTH AND FITNESS, PERSONAL DEVELOPMENT, SELF-DEFENSE OR PARTICIPATION IN AMATEUR EVENTS CONDUCTED BY AN AUTHORIZED SANCTIONING ENTITY; NOR TO ANY SUCH CONTEST OR EXHIBITIONS WHERE THE CONTESTANTS ARE ALL AMATEURS SPONSORED BY AND UNDER THE SUPERVISION OF THE AMERICAN OLYMPIC ASSOCIATION OR, IN THE CASE OF BOXING, THE U.S. AMATEUR BOXING FEDERATION OR ITS LOCAL AFFILIATES OR THE AMERICAN OLYMPIC ASSOCIATION; NOR EXCEPT AS TO THE EXTENT PROVIDED OTHERWISE IN THIS ARTICLE, TO ANY PROFESSIONAL WRESTLING CONTEST OR EXHIBITION AS DEFINED IN THIS ARTICLE. ANY INDIVIDUAL, ASSOCIATION, CORPORATION OR CLUB, EXCEPT ELEMENTARY OR HIGH SCHOOLS OR EQUIVALENT INSTITUTIONS OF LEARNING RECOGNIZED BY THE REGENTS OF THE STATE OF NEW YORK, WHO OR WHICH CONDUCTS AN AMATEUR CONTEST PURSUANT TO THIS SECTION MUST REGISTER WITH THE U. S. AMATEUR BOXING FEDERATION OR ITS LOCAL AFFILIATES AND ABIDE BY ITS RULES AND REGULATIONS.

S 1022. DISPOSITION OF RECEIPTS. ALL RECEIPTS OF THE COMMISSION SHALL BE PAID INTO THE STATE TREASURY, PROVIDED, HOWEVER, THAT RECEIPTS FROM THE TAX IMPOSED BY ARTICLE NINETEEN OF THE TAX LAW SHALL BE DEPOSITED AS PROVIDED BY SECTION ONE HUNDRED SEVENTY-ONE-A OF THE TAX LAW.

S 3. Subdivision 1 of section 451 of the tax law, as amended by section 1 of part F of chapter 407 of the laws of 1999, is amended to read as follows:

1. "Gross receipts from ticket sales" shall mean the total gross receipts of every person from the sale of tickets to any [professional or amateur boxing, sparring or wrestling match or exhibition] AUTHORIZED COMBATIVE SPORT held in this state, and without any deduction whatsoever for commissions, brokerage, distribution fees, advertising or any other expenses, charges and recoupments in respect thereto.

S 4. Section 451 of the tax law is amended by adding a new subdivision 4 to read as follows:

4. "AUTHORIZED COMBATIVE SPORT" SHALL MEAN ANY COMBATIVE SPORT AUTHORIZED PURSUANT TO SECTION ONE THOUSAND ONE OF THE GENERAL BUSINESS LAW.

S 5. Section 452 of the tax law, as amended by section 2 of part F of chapter 407 of the laws of 1999, is amended to read as follows:

S 452. Imposition of tax. 1. On and after October first, nineteen hundred ninety-nine, a tax is hereby imposed and shall be paid upon the gross receipts of every person holding any professional or amateur boxing, sparring or wrestling match or exhibition in this state. Such tax shall be imposed on such gross receipts, exclusive of any federal taxes, as follows:

(a) three percent of gross receipts from ticket sales, except that in no event shall the tax imposed by this [subdivision] PARAGRAPH exceed fifty thousand dollars for any match or exhibition;

(b) three percent of gross receipts from broadcasting rights, except that in no event shall the tax imposed by this [subdivision] PARAGRAPH exceed fifty thousand dollars for any match or exhibition.

2. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, A TAX IS HEREBY IMPOSED AND SHALL BE PAID UPON THE GROSS RECEIPTS OF EVERY PERSON HOLDING ANY AUTHORIZED COMBATIVE SPORT IN THIS STATE, OTHER THAN ANY PROFESSIONAL OR AMATEUR BOXING, SPARRING OR WRESTLING EXHIBITION OR MATCH, EXCLUSIVE OF ANY FEDERAL TAXES AS FOLLOWS:

(A) EIGHT AND ONE-HALF PERCENT OF GROSS RECEIPTS FROM TICKET SALES; AND

(B) THREE PERCENT OF THE SUM OF (I) GROSS RECEIPTS FROM BROADCASTING RIGHTS, AND (II) GROSS RECEIPTS FROM DIGITAL STREAMING OVER THE INTERNET, EXCEPT THAT IN NO EVENT SHALL SUCH TAX IMPOSED PURSUANT TO THIS PARAGRAPH EXCEED FIFTY THOUSAND DOLLARS FOR ANY MATCH OR EXHIBITION.

S 6. The article heading of article 19 of the tax law, as added by chapter 833 of the laws of 1987, is amended to read as follows:

[BOXING AND WRESTLING EXHIBITIONS] AUTHORIZED COMBATIVE SPORTS TAX

S 7. Paragraph 1 of subdivision (f) of section 1105 of the tax law, as amended by section 100 of part A of chapter 389 of the laws of 1997, is amended to read as follows:

(1) Any admission charge where such admission charge is in excess of ten cents to or for the use of any place of amusement in the state, except charges for admission to race tracks[, boxing, sparring or wrestling matches or exhibitions] OR AUTHORIZED COMBATIVE SPORTS which charges are taxed under any other law of this state, or dramatic or musical arts performances, or live circus performances, or motion picture theaters, and except charges to a patron for admission to, or

use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or a lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

S 8. The section heading of section 1820 of the tax law, as amended by section 32 of subpart I of part V-1 of chapter 57 of the laws of 2009, is amended to read as follows:

[Boxing and wrestling exhibitions] AUTHORIZED COMBATIVE SPORTS tax.

S 9. Paragraph (b) of subdivision 6-c of section 106 of the alcoholic beverage control law, as added by chapter 254 of the laws of 2001, is amended to read as follows:

(b) The prohibition contained in paragraph (a) of this subdivision, however, shall not be applied to any [professional match or exhibition which consists of boxing, sparring, wrestling, or martial arts and which is excepted from the definition of the term "combative sport" contained in subdivision one of section five-a of chapter nine hundred twelve of the laws of nineteen hundred twenty, as added by chapter fourteen of the laws of nineteen hundred ninety-seven] AUTHORIZED COMBATIVE SPORT.

S 10. The department of state, with the assistance of the state athletic commission, medical advisory board, departments of health and financial services, state insurance fund, division of budget and such other state entities as appropriate, shall carefully consider potential mechanisms to provide financial resources for the payment of expenses related to medical and rehabilitative care for professionals licensed under article forty-one of the general business law who experience debilitating brain injuries associated with repetitive head injuries sustained through their participation in combative sports. The department of state may consult and contract with third parties for services in the course of this review. The department of state shall report its findings and recommendations to the governor, temporary president of the senate and speaker of the assembly within eighteen months of the effective date of this section. In addition to the foregoing, within twelve months of the effective date of this section, the state athletic commission shall make any recommendations to the governor, temporary president of the senate and speaker of the assembly regarding legislative changes which may be necessary to effectuate the purpose and intent of this chapter, including, but not limited to, appropriate adjustments to the insurance requirements contained therein.

S 11. This act shall take effect on the first day of the first month next succeeding the one hundred twentieth day after it shall have become a law and shall apply to gross receipts from combative sports held on or after that date; provided, however, that the addition, amendment and/or repeal of any rule or regulation of the state athletic commission necessary for the implementation of this act on its effective date is authorized to be made on or before such effective date.

PART P

Section 1. Section 2 of chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of

subsidiaries for certain purposes, as amended by section 1 of part X of chapter 57 of the laws of 2014, is amended to read as follows:

S 2. This act shall take effect immediately and shall expire and be deemed repealed on July 1, [2016] 2018; provided however, that the expiration of this act shall not impair or otherwise affect any of the powers, duties, responsibilities, functions, rights or liabilities of any subsidiary duly created pursuant to subdivision twenty-five of section 1678 of the public authorities law prior to such expiration.

S 2. This act shall take effect immediately.

PART Q

Section 1. Subdivisions 10, 11, 12 and 13 of section 351 of the public authorities law are REPEALED and subdivision 14 of such section is renumbered subdivision 10.

S 2. Subdivisions 6, 8 and 10 of section 354 of the public authorities law, subdivision 6 as amended by chapter 506 of the laws of 2009, and subdivisions 8 and 10 as amended by chapter 766 of the laws of 1992, are amended to read as follows:

6. To appoint officers, agents and employees and fix their compensation, provided, however, that the appointment of the executive director shall be subject to confirmation by the senate in accordance with section twenty-eight hundred fifty-two of this chapter; subject however to the provisions of the civil service law, which shall apply to the authority [and to the subsidiary corporation thereof] as a municipal corporation other than a city;

8. Subject to agreements with noteholders or bondholders, to fix and collect such fees, rentals and charges for the use of the thruway [system] or any part thereof necessary or convenient, with an adequate margin of safety, to produce sufficient revenue to meet the expense of maintenance and operation and to fulfill the terms of any agreements made with the holders of its notes or bonds, and to establish the rights and privileges granted upon payment thereof[; provided, however, that tolls may only be imposed for the passage through locks and lift bridges by vessels which are propelled in whole or in part by mechanical power; and provided further that no tolls shall be imposed or collected prior to the first day of April, nineteen hundred ninety-three].

10. To construct, reconstruct or improve on or along the thruway [system] in the manner herein provided, suitable facilities for gas stations, restaurants, and other facilities for the public, or to lease the right to construct, reconstruct or improve and operate such facilities; such facilities shall be publicly offered for leasing for operation, or the right to construct, reconstruct or improve and operate such facilities shall be publicly offered under rules and regulations to be established by the authority, provided, however, that lessees operating such facilities at the time this act becomes effective, may reconstruct or improve them or may construct additional like facilities, in the manner and upon such terms and conditions as the board shall determine[; and provided further, however, that such facilities constructed, reconstructed or improved on or along the canal system shall be consistent with the canal recreationway plan approved pursuant to section one hundred thirty-eight-c of the canal law and section three hundred eighty-two of this title];

S 3. Section 355 of the public authorities law, as amended by chapter 138 of the laws of 1997, is amended to read as follows:

S 355. Officers and employees; transfer, promotion and seniority. 1. Officers and employees of state departments, agencies, [or the canal corporation] OR DIVISIONS may be transferred to the authority and officers, agents and employees of the authority may be transferred to state departments, agencies, [or the canal corporation] OR DIVISIONS, without examination and without loss of any civil service status or rights. No such transfer from the authority [or canal corporation] to any state department, agency, or division may, however, be made except with the approval of the head of the state department, agency, or division involved and the director of the budget and in compliance with the rules and regulations of the state civil service commission.

2. Promotions from positions in state departments and agencies to positions in the authority [or canal corporation], and vice versa, may be made from interdepartmental promotion lists resulting from promotion examinations in which employees of the authority[, employees of the canal corporation,] and employees of the state are eligible to participate.

3. In computing seniority for purposes of promotion or for purposes of suspension or demotion upon the abolition of positions in the service of the authority or in the service of the state, in the case of an employee of the authority a period of prior employment in the service of the state shall be counted in the same manner as though such period of employment had been in the service of the authority, and in the case of an employee of the state a period of prior employment in the service of the authority shall be counted in the same manner as though such period of employment had been in the service of the state. For the purposes of the establishment and certification of preferred lists, employees suspended from the authority shall be eligible for reinstatement in the service of the state, and employees suspended from the service of the state shall be eligible for reinstatement in the service of the authority, in the same manner as though the authority were a department of the state. [All provisions contained within this subdivision shall apply to the canal corporation in the same manner that they apply to the authority.]

S 4. Section 357 of the public authorities law, as amended by chapter 766 of the laws of 1992, is amended to read as follows:

S 357. Right of authority to use state property; payment for improvements. On assuming jurisdiction of a thruway highway section or connection or any part thereof, or of a highway connection, [or of the New York state canal system,] the authority shall have the right to possess and use for its corporate purposes so long as its corporate existence shall continue, any real property and rights in real property theretofore acquired by the state, including all improvements thereon [and state canal lands and properties; provided that the use by the authority of canal lands and properties for highway purposes shall not interfere with the use thereof for canal purposes].

S 5. Subdivisions 2 and 3 of section 357-a of the public authorities law are REPEALED and subdivision 1, as added by section 1 of part E of chapter 58 of the laws of 2013, is amended to read as follows:

1. Enforcement assistance [shall be] provided by the division of state police at [a level consistent with historical precedents, as a matter of state interest, on all sections of the thruway. The authority shall provide goods and services to the division of state police in connection with its enforcement activity on the thruway. The division of state police and the authority shall enter into an agreement identifying those goods and services that the authority will provide to the division of

state police and determine reporting and other requirements related thereto. Any costs borne by the state police outside of such agreement shall not be reimbursed by the authority nor shall they be deemed costs of the authority] THE REQUEST OF THE AUTHORITY SHALL BE REIMBURSED BY THE AUTHORITY TO THE DIVISION OF STATE POLICE FROM THE GENERAL RESERVE FUND ESTABLISHED BY THE AUTHORITY UNDER ITS AGREEMENT WITH BONDHOLDERS, AFTER PAYMENT OF ANY AMOUNTS DUE ON ANY BONDS OR NOTES OF THE AUTHORITY. THE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO DEPOSIT TO THE POLICING NYS THRUWAY ACCOUNT, REVENUES RECEIVED FROM THE AUTHORITY AS REIMBURSEMENT FOR PERSONAL SERVICE EXPENSES INCLUDING GENERAL STATE CHARGES. IN ADDITION, THE AUTHORITY SHALL REIMBURSE THE DIVISION OF STATE POLICE FOR NON-PERSONAL SERVICE EXPENSES CONNECTED WITH SUCH ASSISTANCE. SUCH REIMBURSEMENT SHALL BE MADE FROM SUCH GENERAL RESERVE FUND. THE AUTHORITY SHALL DEPOSIT SAID REIMBURSEMENT FUNDS FOR NON-PERSONAL SERVICE EXPENSES TO THE CREDIT OF THE DIVISION OF STATE POLICE. NO PAYMENTS MADE BY THE AUTHORITY UNDER THIS SUBSECTION SHALL BE DEEMED OPERATING EXPENSES OF THE AUTHORITY.

S 6. Subdivision 1 of section 359 of the public authorities law, as amended by chapter 766 of the laws of 1992, is amended to read as follows:

1. On assuming jurisdiction of a thruway section or connection or any part thereof, or of a highway connection, [or of the New York state canal system,] the authority shall proceed with the construction, reconstruction or improvement thereof. All such work shall be done pursuant to a contract or contracts which shall be let to the lowest responsible bidder, by sealed proposals publicly opened, after public advertisement and upon such terms and conditions as the authority shall require; provided, however, that the authority may reject any and all proposals and may advertise for new proposals, as herein provided, if in its opinion, the best interests of the authority will thereby be promoted; provided further, however, that at the request of the authority, all or any portion of such work, together with any engineering required by the authority in connection therewith, shall be performed by the commissioner and his subordinates in the department of transportation as agents for, and at the expense of, the authority.

S 7. Section 359-a of the public authorities law, as added by chapter 140 of the laws of 2002, is amended to read as follows:

S 359-a. Procurement contracts. For the purposes of section twenty-eight hundred seventy-nine of this chapter as applied to the authority [or the canal corporation], the term "procurement contract" shall mean any written agreement for the acquisition of goods or services of any kind by the authority [or the canal corporation] in the actual or estimated amount of fifteen thousand dollars or more.

S 8. Section 360 of the public authorities law, as amended by chapter 766 of the laws of 1992, is amended to read as follows:

S 360. Operation and maintenance. Operation and maintenance by the authority of any thruway section or connection or any part thereof or of a highway connection[, the New York state canal system] of which it has assumed jurisdiction shall be performed (a) by the use of authority forces and equipment at the expense of the authority or by agreement at the expense of the state or other parties; (b) by contract with municipalities or independent contractors; (c) at the request of the authority, by the commissioner and his subordinates in the department of transportation as agents for, and at the expense of the authority, or (d) by a combination of such methods.

S 9. Section 362 of the public authorities law, as amended by chapter 766 of the laws of 1992, is amended to read as follows:

S 362. Assistance by state officers, departments, boards, divisions and commissions. At the request of the authority, engineering and legal services for such authority shall be performed by forces or officers of the department of transportation and the department of law respectively, and all other state officers, departments, boards, divisions and commissions shall render services within their respective functions. At the request of the authority, services in connection with the collection of any charges or fees for the use of the thruway[, the New York state canal system] or any part thereof may be performed by the department of motor vehicles.

S 10. Paragraph (a) of subdivision 1, and paragraph (i) of subdivision 3 of section 365 of the public authorities law, as amended by chapter 766 of the laws of 1992, are amended to read as follows:

(a) Subject to the provisions of section three hundred sixty-six of this title, the authority shall have the power and is hereby authorized from time to time to issue its negotiable notes and bonds in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the authority, shall be necessary to provide sufficient moneys for achieving the corporate purposes thereof, including construction, reconstruction and improvement of the thruway sections and connections, and highway connections herein described, [the New York state canal system subject to the provisions of section three hundred eighty-three of this title,] together with suitable facilities and appurtenances, the payment of all indebtedness to the state, the cost of acquisition of all real property, the expense of maintenance and operation, interest on notes and bonds during construction and for a reasonable period thereafter, establishment of reserves to secure notes or bonds, and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(i) the acquisition of jurisdiction over, and of property for, thruways, [the New York state canal system,] and the construction, reconstruction, improvement, maintenance or operation thereof;

S 11. Section 382 of the public authorities law is REPEALED.

S 12. Section 383 of the public authorities law is REPEALED.

S 13. Section 388 of the public authorities law, as added by chapter 500 of the laws of 2011, is amended to read as follows:

S 388. Limitation on powers of the authority. A department, authority, division or agency of the state shall not offer or permit any officer or employee of such department, authority, division or agency to use a pass to access and/or use the thruway [system] without the officer's or employee's personal payment of tolls except when the use of such a pass and/or use of the thruway [system] without personal payment of tolls occurs in the normal course of the employment or duties of such officer or employee. This section shall not diminish the rights of any employee pursuant to a collective bargaining agreement.

S 14. Subdivisions 18 and 21 of section 2 of the canal law, subdivision 18 as amended and subdivision 21 as renumbered by chapter 335 of the laws of 2001, subdivision 21 as added by chapter 442 of the laws of 1996, are amended and a new subdivision 24 is added to read as follows:

18. "Authority" shall mean the [New York state thruway authority, a body corporate and politic constituting a public corporation created and constituted pursuant to title nine of article two] POWER AUTHORITY OF THE STATE OF NEW YORK, A BODY CORPORATE AND POLITIC CONSTITUTING A POLI-

TICAL SUBDIVISION OF THE STATE CREATED AND CONSTITUTED PURSUANT TO TITLE ONE OF ARTICLE FIVE of the public authorities law.

21. "Corporation" AND "CANAL CORPORATION" shall mean the New York state canal corporation, [a subsidiary of the New York state thruway authority,] A PUBLIC BENEFIT CORPORATION created pursuant to [section three hundred eighty-two of the public authorities law] CHAPTER SEVEN HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO AND CONTINUED AND RECONSTITUTED AS A SUBSIDIARY CORPORATION OF THE POWER AUTHORITY OF THE STATE OF NEW YORK PURSUANT TO SUBDIVISION ONE OF SECTION ONE THOUSAND FIVE-B OF THE PUBLIC AUTHORITIES LAW.

24. "THRUWAY AUTHORITY" SHALL MEAN THE NEW YORK STATE THRUWAY AUTHORITY, A BODY CORPORATE AND POLITIC CONSTITUTING A PUBLIC CORPORATION CREATED AND CONSTITUTED PURSUANT TO TITLE NINE OF ARTICLE TWO OF THE PUBLIC AUTHORITIES LAW.

S 15. The article heading of article 1-A of the canal law, as added by chapter 766 of the laws of 1992, is amended to read as follows:

TRANSFER TO [NEW YORK STATE THRUWAY AUTHORITY]
POWER AUTHORITY OF THE STATE OF NEW YORK

S 16. Section 5 of the canal law, as amended by amended chapter 335 of the laws of 2001, is amended to read as follows:

S 5. Transfer of powers and duties relating to canals and canal lands to the [New York state thruway authority] POWER AUTHORITY OF THE STATE OF NEW YORK. The powers and duties of the [commissioner of transportation] THRUWAY AUTHORITY relating to the New York state canal system as set forth in articles one through and including fourteen, except article seven, of this chapter, and except properties in use on the effective date of this article in support of highway maintenance, equipment management and traffic signal operations of the department of transportation, HERETOFORE TRANSFERRED BY THE COMMISSIONER OF TRANSPORTATION TO THE THRUWAY AUTHORITY, are hereby transferred to and merged with the authority, to be exercised by the authority DIRECTLY OR THROUGH THE CANAL CORPORATION on behalf of the people of the state of New York. In addition, the commissioner of transportation and the [chairman] CHAIR of the authority OR HIS OR HER DESIGNEE may, in their discretion, enter into an agreement or agreements transferring the powers and duties of the commissioner of transportation relating to any or all of the bridges and highways as set forth in article seven of this chapter, to be exercised by the authority DIRECTLY OR THROUGH THE CANAL CORPORATION on behalf of the people of the state of New York, and, AS DETERMINED TO BE FEASIBLE AND ADVISABLE BY THE AUTHORITY'S TRUSTEES, shall enter into an agreement or agreements DIRECTLY OR THROUGH THE CANAL CORPORATION for the financing, construction, reconstruction or improvement of lift and movable bridges on the canal system. Such powers shall be in addition to other powers enumerated in title [nine] ONE of article [two] FIVE of the public authorities law. All of the provisions of title [nine] ONE of article [two] FIVE of such law which are not inconsistent with this chapter shall apply to the actions and duties of the authority pursuant to this chapter. The authority shall be deemed to be the state in exercising the powers and duties transferred pursuant to this section but for no other purposes.

S 17. Subdivisions 1, 2, 3, 4 and 5 of section 6 of the canal law, subdivisions 2 and 5 as added by chapter 766 of the laws of 1992, and subdivisions 1, 3 and 4 as amended by chapter 335 of the laws of 2001, are amended to read as follows:

1. The jurisdiction of the [commissioner of transportation] THRUWAY AUTHORITY over the New York state canal system and over all state

assets, equipment and property, both tangible and intangible, owned or used in connection with the planning, development, construction, reconstruction, maintenance and operation of the New York state canal system, as set forth in articles one through and including fourteen, except article seven, of this chapter, and except properties in use on the effective date of this article in support of highway maintenance, equipment management and traffic signal operations of the department of transportation, HERETOFORE TRANSFERRED BY THE COMMISSIONER OF TRANSPORTATION TO THE THRUWAY AUTHORITY, are hereby transferred without consideration to the authority, to be held by the authority in the name of the people of the state of New York. In addition the commissioner of transportation and the [chairman] CHAIR of the authority OR HIS OR HER DESIGNEE may, in their discretion, enter into an agreement or agreements transferring jurisdiction over any or all of the bridges and highways set forth in article seven of this chapter, and any or all state assets, equipment and property, both tangible and intangible, owned or used in connection with the planning, development, construction, reconstruction, maintenance and operation of such bridges and highways, which shall be transferred without consideration to the authority, to be held by the authority through the corporation in the name of the people of the state of New York. Any other rights and obligations resulting from or arising out of the planning, development, construction, reconstruction, operation or maintenance of the New York state canal system shall be deemed assigned to and shall be exercised by the authority through the corporation, except that the authority may designate the [commissioner of transportation] CHAIR OF THE THRUWAY AUTHORITY to be its agent for the operation and maintenance of the New York state canal system, provided that such designation shall have no force or effect after [March thirty-first, nineteen hundred ninety-three] JANUARY FIRST, TWO THOUSAND SEVENTEEN. Such canal system shall remain the property of the state and under its management and control as exercised by and through the authority, through the corporation which shall be deemed to be the state for the purposes of such management and control of the canals but for no other purposes.

2. The department of transportation AND THRUWAY AUTHORITY shall deliver to the authority all books, policies, procedures, papers, plans, maps, records, equipment and property of such department pertaining to the functions transferred pursuant to this article.

3. All rules, regulations, acts, determinations, orders and decisions of the commissioner of transportation [and of the], department of transportation, OR THRUWAY AUTHORITY pertaining to the functions transferred pursuant to this article in force at the time of such transfer shall continue in force and effect as rules, regulations, acts, determinations, orders and decisions of the authority and corporation until duly modified or abrogated by such authority [and] OR corporation.

4. Any business or other matters undertaken or commenced by the [commissioner of transportation or the department of transportation] THRUWAY AUTHORITY, including executed contracts, permits and other agreements, BUT EXCLUDING BONDS, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS, pertaining to or connected with the [functions,] powers, [obligations and] duties AND OBLIGATIONS transferred pursuant to this article, and in effect on the effective date [hereof] OF THE TRANSFER OF SUCH MATTERS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY PROVIDED FOR IN THIS ARTICLE, shall, EXCEPT AS OTHERWISE AGREED BY THE AUTHORITY AND THE THRUWAY AUTHORITY, be conducted and completed by the authority through the corporation in the same manner and under the same terms and condi-

tions and with the same effect as if conducted and completed by the [commissioner of transportation or the department of transportation] THRUWAY AUTHORITY, PROVIDED THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE THE AUTHORITY TO TAKE ANY ACTION IN A MANNER THAT WOULD IN ITS JUDGMENT BE INCONSISTENT WITH THE PROVISIONS OF ANY BOND OR NOTE RESOLUTION OR ANY OTHER CONTRACT WITH THE HOLDERS OF THE AUTHORITY'S BONDS, NOTES OR OTHER OBLIGATIONS.

5. No existing rights or remedies of the state, [including the] authority, THRUWAY AUTHORITY, OR CANAL CORPORATION shall be lost, impaired or affected by reason of this article.

S 18. Subdivision 6 of section 6 of the canal law, as added by chapter 766 of the laws of 1992, paragraph (b) as amended by chapter 335 of the laws of 2001, is amended and a new subdivision 7 is added to read as follows:

6. (a) No action or proceeding pending on the effective date of [this article,] THE TRANSFER OF POWERS, DUTIES AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY brought by or against THE THRUWAY AUTHORITY, the commissioner of transportation [or], THE CORPORATION, the department of transportation OR THE AUTHORITY shall be affected by this article. Any liability arising out of any act or omission occurring prior to the effective date of the transfer of THE powers [and], duties [authorized herein] AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY, of the officers, employees or agents of THE THRUWAY AUTHORITY, the department of transportation, or any other agency of the state, other than the authority, in the performance of their obligations or duties under the canal law, any other law of the state or any federal law, or pursuant to a contract entered into prior to the effective date of such transfer, shall remain a liability of THE THRUWAY AUTHORITY, the department of transportation or such other agency of the state and not of the authority.

(b) Notwithstanding any provision to the contrary contained in paragraph (a) of this subdivision, the state shall indemnify and hold harmless the THRUWAY authority [and], THE corporation AND THE AUTHORITY for any and all claims, damages, or liabilities, whether or not caused by negligence, including civil and criminal fines, arising out of or relating to any generation, processing, handling, transportation, storage, treatment, or disposal of solid or hazardous wastes in the canal system by any person or entity other than the THRUWAY AUTHORITY OR THE authority occurring prior to [the effective date of the transfer of powers and duties authorized herein] AUGUST THIRD, NINETEEN HUNDRED NINETY-TWO. Such indemnification shall extend to, without limitation, any releases into land, water or air, including but not limited to releases as defined under the federal comprehensive environmental response compensation and liability act of nineteen hundred eighty, occurring or existing prior to [the effective date of this section] AUGUST THIRD, NINETEEN HUNDRED NINETY-TWO; provided that the THRUWAY AUTHORITY, THE CORPORATION AND THE authority shall cooperate in the investigation and remediation of hazardous waste and other environmental problems.

(C) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY CONTAINED IN PARAGRAPH (A) OF THIS SUBDIVISION, THE THRUWAY AUTHORITY SHALL INDEMNIFY AND HOLD HARMLESS THE CORPORATION AND THE AUTHORITY FOR ANY AND ALL CLAIMS, DAMAGES, OR LIABILITIES, WHETHER OR NOT CAUSED BY NEGLIGENCE, INCLUDING CIVIL AND CRIMINAL FINES, ARISING OUT OF OR RELATING TO ANY GENERATION, PROCESSING, HANDLING, TRANSPORTATION, STORAGE, TREATMENT, OR DISPOSAL OF SOLID OR HAZARDOUS WASTES IN THE CANAL SYSTEM BY ANY PERSON OR ENTITY OTHER THAN THE AUTHORITY OCCURRING AFTER AUGUST THIRD, NINETEEN HUNDRED

NINETY-TWO AND NO LATER THAN THE EFFECTIVE DATE OF THE TRANSFER OF POWERS, DUTIES AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY. SUCH INDEMNIFICATION SHALL EXTEND TO, WITHOUT LIMITATION, ANY RELEASES INTO LAND, WATER OR AIR, INCLUDING BUT NOT LIMITED TO RELEASES AS DEFINED UNDER THE FEDERAL COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF NINETEEN HUNDRED EIGHTY, OCCURRING OR EXISTING PRIOR TO THE EFFECTIVE DATE OF THE TRANSFER OF POWERS, DUTIES AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY; PROVIDED THAT THE CORPORATION AND THE AUTHORITY SHALL COOPERATE IN THE INVESTIGATION AND REMEDIATION OF HAZARDOUS WASTE AND OTHER ENVIRONMENTAL PROBLEMS.

(D) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, THE THRUWAY AUTHORITY SHALL RETAIN ALL LIABILITIES, WHETHER OR NOT CAUSED BY NEGLIGENCE, ARISING OUT OF ANY ACTS OR OMISSIONS OCCURRING ON OR AFTER AUGUST THIRD, NINETEEN HUNDRED NINETY-TWO, IN CONNECTION WITH ITS POWERS, DUTIES AND OBLIGATIONS WITH RESPECT TO THE CORPORATION. THE AUTHORITY AND THE STATE SHALL NOT BE HELD LIABLE IN CONNECTION WITH ANY LIABILITIES ARISING OUT OF SUCH ACTS OR OMISSIONS.

7. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN CONNECTION WITH THE TRANSFER OF JURISDICTION OF THE CORPORATION TO THE AUTHORITY AND THE ASSUMPTION OF MANAGEMENT OF THE CORPORATION AS A SUBSIDIARY CORPORATION OF THE AUTHORITY PURSUANT TO THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN WHICH ADDED THIS SUBDIVISION, THE THRUWAY AUTHORITY SHALL HAVE THE POWER TO FULFILL ANY EXISTING AGREEMENTS OR OBLIGATIONS, MAKE ANY AGREEMENTS, RECEIVE, RETAIN OR PAY ANY FUNDS, DEEMED NECESSARY AND IN THE PUBLIC INTEREST TO EFFECTUATE THE PROVISIONS AND INTENT OF THIS CHAPTER, INCLUDING BUT NOT LIMITED TO, THE ENTERING INTO ANY AGREEMENTS WITH THE CORPORATION, THE AUTHORITY AND ANY OTHER FEDERAL, STATE, MUNICIPAL OR OTHER ENTITIES, AND TO RECEIVE FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR THE STATE, TO FULFILL THE THRUWAY AUTHORITY'S EXISTING FINANCIAL OR OTHER OBLIGATIONS ARISING FROM ITS JURISDICTION OVER THE CANAL SYSTEM AND THE CORPORATION.

S 19. Subdivisions 2 and 5 of section 92-u of the state finance law, subdivision 2 as added by chapter 766 of the laws of 1992, and subdivision 5 as amended by chapter 483 of the laws of 1996, are amended to read as follows:

2. Such fund shall consist of all revenues received from the operation of the New York state canal system as defined in section three hundred fifty-one of the public authorities law and section two of the canal law, including payments on leases for use of canal lands, terminals and terminal lands, tolls received for lock and lift bridge passage, payments for hydroelectric easements and sales, for purchase of other abandoned canal lands, payments for any permits and leases for use of the water and lands of the system and payments for use of dry docks and other moneys made available to the fund from any other source other than a grant, loan or other inter-corporate transfer of funds of the [New York state thruway authority] POWER AUTHORITY OF THE STATE OF NEW YORK, and any income earned by, or incremental to, the fund due to investment thereof, or any repayment of any moneys advanced by the fund.

5. Moneys of the fund, following appropriation by the legislature, shall be available to the [New York state thruway authority] POWER AUTHORITY OF THE STATE OF NEW YORK and shall be expended by such authority or [subsidiary corporation thereof] THE CANAL CORPORATION only for the maintenance, construction, reconstruction, development or promotion of the canal system[; provided, however, that in the initial years, expenditures of moneys of the fund for the development and/or promotion

of the canal system shall be accorded a priority by the authority or subsidiary corporation thereof]. In addition, moneys of the fund may be used for the purposes of interpretive signage and promotion for appropriate historically significant Erie canal lands and related sites. Moneys shall be paid out of the fund by the state comptroller on certificates issued by the director of the budget.

S 20. Notwithstanding any other provision of law, the power authority of the state of New York ("power authority"), New York state thruway authority and New York state canal corporation ("canal corporation"), and any other state or municipal agency, department, office, board, division, commission, public authority or public benefit corporation may enter into such agreements and understandings relating to the transition of the canal corporation to its status as a subsidiary of the power authority and for the administration, maintenance and operation of the canal corporation and the canal system as they may deem necessary or desirable.

S 21. Section 1005 of the public authorities law is amended by adding a new subdivision 25 to read as follows:

25. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TO ACCEPT GIFTS, GRANTS, LOANS, OR CONTRIBUTIONS OF FUNDS OR PROPERTY IN ANY FORM FROM THE FEDERAL GOVERNMENT OR ANY AGENCY OR INSTRUMENTALLY THEREOF OR FROM THE STATE OR ANY OTHER SOURCE (COLLECTIVELY, "RESOURCES"), AND ENTER INTO CONTRACTS OR OTHER TRANSACTIONS REGARDING SUCH RESOURCES, AND TO USE SUCH RESOURCES FOR ANY OF ITS CORPORATE PURPOSES.

S 22. The public authorities law is amended by adding a new section 1005-b to read as follows:

S 1005-B. NEW YORK STATE CANAL CORPORATION. 1. THE PUBLIC BENEFIT CORPORATION KNOWN AS THE "NEW YORK STATE CANAL CORPORATION" (HEREINAFTER REFERRED TO AS THE "CANAL CORPORATION") CREATED AS A SUBSIDIARY CORPORATION OF THE NEW YORK STATE THRUWAY AUTHORITY PURSUANT TO CHAPTER SEVEN HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO IS HEREBY CONTINUED AND RECONSTITUTED AS A SUBSIDIARY CORPORATION OF THE AUTHORITY AND SHALL HAVE ONLY THE POWER TO OPERATE, MAINTAIN, CONSTRUCT, RECONSTRUCT, IMPROVE, DEVELOP, FINANCE, AND PROMOTE ALL OF THE CANALS, CANAL LANDS, FEEDER CANALS, RESERVOIRS, CANAL TERMINALS, CANAL TERMINAL LANDS AND OTHER PROPERTY UNDER THE JURISDICTION OF THE CANAL CORPORATION PURSUANT TO ARTICLE ONE-A OF THE CANAL LAW (HEREINAFTER REFERRED TO AS THE "CANAL SYSTEM"). REFERENCE IN ANY PROVISION OF LAW, GENERAL, SPECIAL OR LOCAL, OR IN ANY RULE, REGULATION OR PUBLIC DOCUMENT TO THE CANAL CORPORATION OR THE CANAL CORPORATION AS A SUBSIDIARY OF THE NEW YORK STATE THRUWAY AUTHORITY SHALL BE DEEMED TO BE AND CONSTRUED AS A REFERENCE TO THE CANAL CORPORATION CONTINUED BY THIS SECTION.

2. THE MANAGEMENT AND ADMINISTRATION OF THE CANAL CORPORATION SHALL BE AN ADDITIONAL CORPORATE PURPOSE OF THE AUTHORITY. TO THE EXTENT THAT THE TRUSTEES DEEM IT FEASIBLE AND ADVISABLE, THE AUTHORITY MAY TRANSFER TO THE CANAL CORPORATION ANY MONEYS, REAL, PERSONAL, OR MIXED PROPERTY OR ANY PERSONNEL IN ORDER TO CARRY OUT THE PURPOSES OF THIS SECTION, PROVIDED THAT NOTHING IN THIS SECTION SHALL BE DEEMED TO REQUIRE THE AUTHORITY TO APPLY ANY MONEYS, REVENUES OR PROPERTY OR TO TAKE ANY ACTION IN A MANNER THAT WOULD BE INCONSISTENT WITH THE PROVISIONS OF ANY BOND OR NOTE RESOLUTION OR ANY OTHER CONTRACT WITH THE HOLDERS OF THE AUTHORITY'S BONDS, NOTES OR OTHER OBLIGATIONS.

3. THE CANAL CORPORATION AND ANY OF ITS PROPERTY, FUNCTIONS, AND ACTIVITIES SHALL HAVE ALL OF THE PRIVILEGES, IMMUNITIES, TAX EXEMPTIONS AND OTHER EXEMPTIONS OF THE AUTHORITY AND OF THE AUTHORITY'S PROPERTY, FUNCTIONS, AND ACTIVITIES. THE CANAL CORPORATION SHALL BE SUBJECT TO THE

RESTRICTIONS AND LIMITATIONS TO WHICH THE AUTHORITY MAY BE SUBJECT. THE CANAL CORPORATION MAY DELEGATE TO ONE OR MORE OF ITS MEMBERS, OR ITS OFFICERS, AGENTS AND EMPLOYEES, SUCH DUTIES AND POWERS AS IT MAY DEEM PROPER.

4. EXCLUSIVE JURISDICTION IS CONFERRED UPON THE COURT OF CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE CANAL CORPORATION (A) FOR ITS TORTIOUS ACTS AND THOSE OF ITS AGENTS, AND (B) FOR BREACH OF A CONTRACT, RELATING TO CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, MAINTENANCE OR OPERATION, IN THE SAME MANNER AND TO THE EXTENT PROVIDED BY 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. ALL AWARDS AND JUDGMENTS ARISING FROM SUCH CLAIMS SHALL BE PAID OUT OF MONEYS OF THE CANAL CORPORATION.

5. THE MEMBERS OF THE CANAL CORPORATION SHALL BE THE SAME PERSONS HOLDING THE OFFICES OF TRUSTEES OF THE AUTHORITY.

6. NO OFFICER OR MEMBER OF THE CANAL CORPORATION SHALL RECEIVE ANY ADDITIONAL COMPENSATION, EITHER DIRECT OR INDIRECT, OTHER THAN REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF HIS OR HER DUTIES, BY REASON OF HIS OR HER SERVING AS A MEMBER, DIRECTOR, OR TRUSTEE OF THE CANAL CORPORATION.

7. THE EMPLOYEES OF THE CANAL CORPORATION SHALL NOT BE DEEMED TO BE EMPLOYEES OF THE AUTHORITY BY REASON OF THEIR EMPLOYMENT BY THE CANAL CORPORATION. ALL OFFICERS AND EMPLOYEES OF THE CANAL CORPORATION SHALL BE SUBJECT TO THE PROVISIONS OF THE CIVIL SERVICE LAW WHICH SHALL APPLY TO THE CANAL CORPORATION AS A MUNICIPAL CORPORATION OTHER THAN A CITY. THE CANAL CORPORATION SHALL PARTICIPATE IN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM. NOTHING CONTAINED IN A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION SHALL BE CONSTRUED TO AFFECT THE RIGHTS OF THE CANAL CORPORATION OR ANY OF ITS EMPLOYEES UNDER ANY COLLECTIVE BARGAINING AGREEMENT IN EFFECT AS OF THE EFFECTIVE DATE OF TRANSFER OF THE CANAL CORPORATION FROM THE THRUWAY AUTHORITY TO THE AUTHORITY.

8. THE FISCAL YEAR OF THE CANAL CORPORATION SHALL BE THE SAME AS THE FISCAL YEAR FOR THE AUTHORITY.

9. THE CANAL CORPORATION SHALL HAVE THE POWER TO:

(A) OPERATE, MAINTAIN, CONSTRUCT, RECONSTRUCT, IMPROVE, DEVELOP, FINANCE, AND PROMOTE THE CANAL SYSTEM;

(B) SUE AND BE SUED;

(C) HAVE A SEAL AND ALTER THE SAME AT PLEASURE;

(D) MAKE AND ALTER BY-LAWS FOR ITS ORGANIZATION AND INTERNAL MANAGEMENT AND MAKE RULES AND REGULATIONS GOVERNING THE USE OF ITS PROPERTY AND FACILITIES;

(E) APPOINT OFFICERS AND EMPLOYEES AND FIX THEIR COMPENSATION;

(F) MAKE AND EXECUTE CONTRACTS AND ALL OTHER INSTRUMENTS NECESSARY OR CONVENIENT FOR THE EXERCISE OF ITS POWERS AND FUNCTIONS UNDER THIS CHAPTER;

(G) ACQUIRE, HOLD, AND DISPOSE OF REAL OR PERSONAL PROPERTY FOR ITS CORPORATE PURPOSES;

(H) ENGAGE THE SERVICES OF PRIVATE CONSULTANTS ON A CONTRACT BASIS FOR RENDERING PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE;

(I) PROCURE INSURANCE AGAINST ANY LOSS IN CONNECTION WITH ITS ACTIVITIES, PROPERTIES, AND OTHER ASSETS, IN SUCH AMOUNT AND FROM SUCH INSURERS AS IT DEEMS DESIRABLE;

(J) INVEST ANY FUNDS OF THE CANAL CORPORATION, OR ANY OTHER MONIES UNDER ITS CUSTODY AND CONTROL NOT REQUIRED FOR IMMEDIATE USE OR DISBURSEMENT, AT THE DISCRETION OF THE CANAL CORPORATION, IN OBLIGATIONS

OF THE STATE OR THE UNITED STATES GOVERNMENT OR OBLIGATIONS THE PRINCIPAL AND INTEREST OF WHICH ARE GUARANTEED BY THE STATE OR THE UNITED STATES GOVERNMENT, OR IN ANY OTHER OBLIGATIONS IN WHICH THE COMPTROLLER OF THE STATE IS AUTHORIZED TO INVEST PURSUANT TO SECTION NINETY-EIGHT-A OF THE STATE FINANCE LAW;

(K) EXERCISE THOSE POWERS AND DUTIES OF THE AUTHORITY DELEGATED TO IT BY THE AUTHORITY;

(L) PREPARE AND SUBMIT A CAPITAL PROGRAM PLAN PURSUANT TO SECTION TEN OF THE CANAL LAW;

(M) APPROVE AND IMPLEMENT THE NEW YORK STATE CANAL RECREATIONWAY PLAN SUBMITTED PURSUANT TO SECTION ONE HUNDRED THIRTY-EIGHT-C OF THE CANAL LAW. THE CANAL CORPORATION'S REVIEW AND APPROVAL OF THE CANAL RECREATIONWAY PLAN SHALL BE BASED UPON ITS CONSIDERATION OF A GENERIC ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE CANAL CORPORATION IN ACCORDANCE WITH ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND THE REGULATIONS THEREUNDER. PRIOR TO THE IMPLEMENTATION OF ANY SUBSTANTIAL IMPROVEMENT BY THE CANAL CORPORATION ON CANAL LANDS, CANAL TERMINALS, OR CANAL TERMINAL LANDS, OR THE LEASE OF CANAL LANDS, CANAL TERMINALS, OR CANAL TERMINAL LANDS FOR SUBSTANTIAL COMMERCIAL IMPROVEMENT, THE CANAL CORPORATION, IN ADDITION TO ANY REVIEW TAKEN PURSUANT TO SECTION 14.09 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW, SHALL CONDUCT A RECONNAISSANCE LEVEL SURVEY WITHIN THREE THOUSAND FEET OF SUCH LANDS TO BE IMPROVED OF THE TYPE, LOCATION, AND SIGNIFICANCE OF HISTORIC BUILDINGS, SITES, AND DISTRICTS LISTED ON, OR WHICH MAY BE ELIGIBLE, FOR THE STATE OR NATIONAL REGISTERS OF HISTORIC PLACES. THE FINDINGS OF SUCH SURVEY SHALL BE USED TO IDENTIFY SIGNIFICANT HISTORICAL RESOURCES AND TO DETERMINE WHETHER THE PROPOSED IMPROVEMENTS ARE COMPATIBLE WITH SUCH HISTORIC BUILDINGS, SITES, AND DISTRICTS;

(N) ENTER ON ANY LANDS, WATERS, OR PREMISES FOR THE PURPOSE OF MAKING BORINGS, SOUNDINGS, AND SURVEYS;

(O) ACCEPT ANY GIFTS OR ANY GRANT OF FUNDS OR PROPERTY FROM THE FEDERAL GOVERNMENT OR FROM THE STATE OR ANY OTHER FEDERAL OR STATE PUBLIC BODY OR POLITICAL SUBDIVISION OR ANY OTHER PERSON AND TO COMPLY WITH THE TERMS AND CONDITIONS THEREOF; AND

(P) WAIVE ANY FEE FOR A WORK PERMIT WHICH IT HAS THE POWER TO ISSUE IF IN ITS DISCRETION THE PROJECT WHICH IS SUBJECT TO A WORK PERMIT WOULD ADD VALUE TO CANAL LANDS WITHOUT ANY COST TO THE CANAL CORPORATION, THE AUTHORITY, OR THE STATE.

10. (A) THE CANAL CORPORATION SHALL REVIEW THE BUDGET REQUEST SUBMITTED BY THE CANAL RECREATIONWAY COMMISSION PURSUANT TO SECTION ONE HUNDRED THIRTY-EIGHT-B OF THE CANAL LAW.

(B) THE CANAL CORPORATION, ON OR BEFORE THE FIFTEENTH DAY OF SEPTEMBER OF EACH YEAR, SHALL SUBMIT TO THE DIRECTOR OF THE BUDGET A REQUEST FOR THE EXPENDITURE OF FUNDS AVAILABLE FROM THE NEW YORK STATE CANAL SYSTEM DEVELOPMENT FUND PURSUANT TO SECTION NINETY-TWO-U OF THE STATE FINANCE LAW OR AVAILABLE FROM ANY OTHER NON-FEDERAL SOURCES APPROPRIATED FROM THE STATE TREASURY.

(C) IN THE EVENT THAT THE REQUEST SUBMITTED BY THE CANAL CORPORATION TO THE DIRECTOR OF THE BUDGET DIFFERS FROM THE REQUEST SUBMITTED BY THE COMMISSION TO THE CANAL CORPORATION, THEN THE REQUEST SUBMITTED BY THE CANAL CORPORATION TO THE DIRECTOR OF THE BUDGET SHALL SPECIFY THE DIFFERENCES AND SHALL SET FORTH THE REASONS FOR SUCH DIFFERENCES.

11. THE CANAL CORPORATION SHALL NOT HAVE THE POWER TO ISSUE BONDS, NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS; PROVIDED THAT NOTWITHSTANDING THE FOREGOING, THE CANAL CORPORATION MAY AGREE TO REPAY AMOUNTS ADVANCED

TO THE CANAL CORPORATION BY THE AUTHORITY AND TO EVIDENCE SUCH AGREEMENT BY DELIVERY OF A PROMISSORY NOTE OR NOTES TO THE AUTHORITY.

12. THE CANAL CORPORATION MAY DO ANY AND ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT AND EXERCISE THE POWERS GIVEN AND GRANTED BY THIS SECTION.

13. THE AUTHORITY AND ALL OTHER STATE OFFICERS, DEPARTMENTS, BOARDS, DIVISIONS, COMMISSIONS, PUBLIC AUTHORITIES, AND PUBLIC BENEFIT CORPORATIONS MAY RENDER SUCH SERVICES TO THE CANAL CORPORATION WITHIN THEIR RESPECTIVE FUNCTIONS AS MAY BE REQUESTED BY THE CANAL CORPORATION.

14. WHENEVER ANY STATE POLITICAL SUBDIVISION, MUNICIPALITY, COMMISSION, AGENCY, OFFICER, DEPARTMENT, BOARD, DIVISION, OR PERSON IS AUTHORIZED AND EMPOWERED FOR ANY OF THE PURPOSES OF THIS TITLE TO COOPERATE AND ENTER INTO AGREEMENTS WITH THE AUTHORITY, SUCH STATE POLITICAL SUBDIVISION, MUNICIPALITY, COMMISSION, AGENCY, OFFICER, DEPARTMENT, BOARD, DIVISION, OR PERSON SHALL HAVE THE SAME AUTHORIZATION AND POWER FOR ANY SUCH PURPOSES TO COOPERATE AND ENTER INTO AGREEMENTS WITH THE CANAL CORPORATION.

S 23. The public authorities law is amended by adding a new section 1005-c to read as follows:

S 1005-C. ADDITIONAL POWERS OF THE AUTHORITY TO FINANCE CERTAIN PROJECTS IN CONNECTION WITH THE NEW YORK STATE CANAL SYSTEM. 1. (A) THE AUTHORITY IS HEREBY AUTHORIZED, AS AN ADDITIONAL CORPORATE PURPOSE THEREOF, TO ISSUE ITS BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS IN CONFORMITY WITH APPLICABLE PROVISIONS OF THE UNIFORM COMMERCIAL CODE FOR PURPOSES OF FINANCING THE CONSTRUCTION, RECONSTRUCTION, DEVELOPMENT AND IMPROVEMENT OF THE NEW YORK STATE CANAL SYSTEM.

(B) THE AUTHORITY SHALL ISSUE ANY SUCH BONDS, NOTES, OR EVIDENCES OF INDEBTEDNESS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION ON A BASIS SUBORDINATE IN LIEN AND PRIORITY OF PAYMENT TO THE AUTHORITY'S SENIOR LIEN INDEBTEDNESS AS THE AUTHORITY SHALL PROVIDE BY RESOLUTION.

2. ALL OF THE PROVISIONS OF THIS TITLE RELATING TO BONDS, NOTES AND OTHER EVIDENCE OF INDEBTEDNESS, WHICH ARE NOT INCONSISTENT WITH THIS SECTION, SHALL APPLY TO OBLIGATIONS AUTHORIZED BY THIS SECTION, INCLUDING BUT NOT LIMITED TO THE POWER TO ISSUE RENEWAL NOTES OR REFUNDING BONDS THEREOF.

3. SUBJECT TO AGREEMENTS WITH NOTEHOLDERS OR BONDHOLDERS, THE AUTHORITY SHALL HAVE THE AUTHORITY TO FIX AND COLLECT SUCH FEES, RENTALS AND CHARGES FOR THE USE OF THE CANAL SYSTEM OR ANY PART THEREOF NECESSARY OR CONVENIENT, WITH AN ADEQUATE MARGIN OF SAFETY, TO PRODUCE SUFFICIENT REVENUE TO MEET THE EXPENSE OF MAINTENANCE AND OPERATION AND TO FULFILL THE TERMS OF ANY AGREEMENTS MADE WITH THE HOLDERS OF ITS NOTES OR BONDS, AND TO ESTABLISH THE RIGHTS AND PRIVILEGES GRANTED UPON PAYMENT THEREOF; PROVIDED, HOWEVER, THAT TOLLS MAY ONLY BE IMPOSED FOR THE PASSAGE THROUGH LOCKS AND LIFT BRIDGES BY VESSELS WHICH ARE PROPELLED IN WHOLE OR IN PART BY MECHANICAL POWER.

S 24. Paragraph (i) of subdivision 1 of section 19 of the public officers law, as added by chapter 115 of the laws of 2000, is REPEALED and a new paragraph (j) is added to read as follows:

(J) FOR PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE DIRECTORS, OFFICERS AND EMPLOYEES OF THE THRUWAY AUTHORITY, AND THE DIRECTORS, OFFICERS AND EMPLOYEES OF THE CANAL CORPORATION. IN THOSE CASES WHERE THE DEFINITION OF THE TERM "EMPLOYEE" PROVIDED IN THIS PARAGRAPH IS APPLICABLE, THE TERM "STATE", AS UTILIZED IN SUBDIVISIONS TWO, THREE, AND FOUR OF THIS SECTION, SHALL MEAN THE THRUWAY AUTHORITY WHEN THE EMPLOYEE IS A DIRECTOR, OFFICER, OR EMPLOYEE OF THE THRUWAY AUTHORI-

TY, OR THE CANAL CORPORATION, WHEN THE EMPLOYEE IS A DIRECTOR, OFFICER, OR EMPLOYEE OF THE CANAL CORPORATION.

S 25. Subdivisions 9 and 10 of section 481 of the transportation law, as added by section 1 of part A of chapter 60 of the laws of 2005, are amended to read as follows:

9. "Canal corporation" shall mean the New York state canal corporation created [pursuant to section three hundred eighty-two] AS A SUBSIDIARY CORPORATION OF THE NEW YORK STATE THRUWAY AUTHORITY PURSUANT TO CHAPTER SEVEN HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO AND CONTINUED AND RECONSTITUTED AS A SUBSIDIARY CORPORATION OF THE POWER AUTHORITY OF THE STATE OF NEW YORK PURSUANT TO SUBDIVISION ONE OF SECTION ONE THOUSAND FIVE-B of the public authorities law.

10. "Canal system" shall mean the "New York state canal system"[, as such term is defined by subdivision ten of section three hundred fifty-one of the public authorities law] SHALL MEAN ALL OF THE CANALS, CANAL LANDS, FEEDER CANALS, RESERVOIRS, CANAL TERMINALS, CANAL TERMINAL LANDS AND OTHER PROPERTY UNDER THE JURISDICTION OF THE CANAL CORPORATION OF THE STATE OF NEW YORK PURSUANT TO ARTICLE ONE-A OF THE CANAL LAW.

S 26. Section 33.01 of the parks, recreation and historic preservation law, as amended by chapter 317 of the laws of 2009, is amended to read as follows:

S 33.01 New York state heritage areas advisory council. There shall continue to be in the office a New York state heritage areas advisory council which shall consist of twenty-six members or their designated representatives. The commissioner shall be a member of the advisory council. In addition, the advisory council shall consist of the following twenty-five other members: the commissioner of economic development, to advise and assist regarding related tourism and economic revitalization; the commissioner of education, to advise and assist regarding the interpretive and educational aspects of the programs; the secretary of state, to advise and assist regarding matters of community development and state planning and to advise on the identification and preservation of rural resources; the commissioner of transportation, to advise and assist regarding matters of transportation to and within heritage areas; the president of the New York state urban development corporation, to advise and assist regarding matters of economic development; the commissioner of environmental conservation, to advise and assist regarding matters of conservation and use of natural resources; the chairman of the state board for historic preservation, to advise and assist in matters regarding historic preservation; the commissioner of housing and community renewal to advise and assist regarding neighborhood and community development and preservation programs; the [chairman of the New York state thruway authority] PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE POWER AUTHORITY OF THE STATE OF NEW YORK regarding the operation of the New York state canal system; the commissioner of agriculture and markets regarding agriculture in heritage areas; a representative of the State Heritage Area Association; the director or chief executive officer of the Hudson River National Heritage Area, the Erie Canalway National Heritage Corridor, the Champlain Valley National Heritage Partnership and the Niagara Falls National Heritage Area; and ten members to be appointed by the governor, three of such members shall be municipal officers, elected officials or representatives of local government interest and seven of such members shall be, by professional training or experience or attainment, qualified to analyze or interpret matters relevant to the establishment and maintenance of state designated heritage areas including urban cultural parks and heritage corridors, one of

whom shall be the director of a heritage area. Of these last seven, two are to be appointed from names recommended by the majority leader of the senate, two are to be appointed from names recommended by the speaker of the assembly, one is to be appointed from names recommended by the minority leader of the senate and one is to be appointed from names recommended by the minority leader of the assembly. The governor may designate such ex-officio members who shall be from the executive department, state agencies or public corporations as he or she deems appropriate; provided that such ex-officio members shall not vote on matters before the advisory council. For the ten members appointed by the governor, each shall hold office for a term of five years and until his or her successor shall have been appointed or until he or she shall resign. The members of the advisory council shall elect a chair from amongst its members for a term of three years. Eleven members of the advisory council shall constitute a quorum for the transaction of any business at both regular and special meetings. Any ex-officio member may delegate all his or her duties of membership, including voting rights, to an officer or employee of such member's organization. No member shall receive any compensation.

S 27. Paragraph (h-1) of subdivision 2 of section 35.07 of the parks, recreation and historic preservation law, as amended by chapter 666 of the laws of 1994, is amended to read as follows:

(h-1) [Chairman of the New York state thruway authority] PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE POWER AUTHORITY OF THE STATE OF NEW YORK regarding [its] operation of the New York state canal system;

S 28. Notwithstanding any other provision of law, the power authority of the state of New York (power authority) and the New York state thruway authority (thruway authority) are hereby authorized to enter into an agreement, effective April 1, 2016, whereby the power authority shall reimburse the thruway authority, monthly, for any and all operating and capital costs, expended by the thruway authority for the operation and maintenance of the New York state canal system (canal system), and the operation of the New York state canal corporation (canal corporation), for the period of April 1, 2016 through January 1, 2017. The thruway authority shall provide the power authority with a monthly report of all expenditures related to the canal corporation and the canal system, and provide access to all necessary financial records to carry out the intent of this section.

S 29. This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

S 30. This act shall take effect on January 1, 2017; provided, however, that sections five and twenty-eight of this act shall take effect immediately.

PART R

Section 1. Short title. This act shall be known and may be cited as the "private activity bond allocation act of 2016".

S 2. Legislative findings and declaration. The legislature hereby finds and declares that the federal tax reform act of 1986 established a statewide bond volume ceiling on the issuance of certain tax exempt private activity bonds and notes and, under certain circumstances, governmental use bonds and notes issued by the state and its public authorities, local governments, agencies which issue on behalf of local governments, and certain other issuers. The federal tax reform act

establishes a formula for the allocation of the bond volume ceiling which was subject to temporary modification by gubernatorial executive order until December 31, 1987. That act also permits state legislatures to establish, by statute, an alternative formula for allocating the volume ceiling. Bonds and notes subject to the volume ceiling require an allocation from the state's annual volume ceiling in order to qualify for federal tax exemption.

It is hereby declared to be the policy of the state to maximize the public benefit through the issuance of private activity bonds for the purposes of, among other things, allocating a fair share of the bond volume ceiling upon initial allocation and from a bond reserve to local agencies and for needs identified by local governments; providing housing and promoting economic development; job creation; an economical energy supply; and resource recovery and to provide for an orderly and efficient volume ceiling allocation process for state and local agencies by establishing an alternative formula for making such allocations.

S 3. Definitions. As used in this act, unless the context requires otherwise:

1. "Bonds" means bonds, notes or other obligations.

2. "Carryforward" means an amount of unused private activity bond ceiling available to an issuer pursuant to an election filed with the internal revenue service pursuant to section 146(f) of the code.

3. "Code" means the internal revenue code of 1986, as amended.

4. "Commissioner" means the commissioner of the New York state department of economic development.

5. "Covered bonds" means those tax exempt private activity bonds and that portion of the non-qualified amount of an issue of governmental use bonds for which an allocation of the statewide ceiling is required for the interest earned by holders of such bonds to be excluded from the gross income of such holders for federal income tax purposes under the code.

6. "Director" means the director of the New York state division of the budget.

7. "Issuer" means a local agency, state agency or other issuer.

8. "Local agency" means an industrial development agency established or operating pursuant to article 18-A of the general municipal law, the Troy industrial development authority and the Auburn industrial development authority.

9. "Other issuer" means any agency, political subdivision or other entity, other than a local agency or state agency, that is authorized to issue covered bonds.

10. "Qualified small issue bonds" means qualified small issue bonds, as defined in section 144(a) of the code.

11. "State agency" means the state of New York, the New York state energy research and development authority, the New York job development authority, the New York state environmental facilities corporation, the New York state urban development corporation and its subsidiaries, the Battery Park city authority, the port authority of New York and New Jersey, the power authority of the state of New York, the dormitory authority of the state of New York, the New York state housing finance agency, the state of New York mortgage agency, and any other public benefit corporation or public authority designated by the governor for the purposes of this act.

12. "Statewide ceiling" means for any calendar year the highest state ceiling (as such term is used in section 146 of the code) applicable to New York state.

13. "Future allocations" means allocations of statewide ceiling for up to two future years.

14. "Multi-year housing development project" means a project (a) which qualifies for covered bonds;

(b) which is to be constructed over two or more years; and

(c) in which at least twenty percent of the dwelling units will be occupied by persons and families of low income.

S 4. Local agency set-aside. (a) A set-aside of statewide ceiling for local agencies for any calendar year shall be an amount which bears the same ratio to one-third of the statewide ceiling as the population of the jurisdiction of such local agency bears to the population of the entire state. The commissioner shall administer allocations of such set-aside to local agencies.

(b) Any financings or bond issuances that utilize the local agency set-aside authorized by this section and executed by entities or successor entities defined by subdivisions 8 and 9 of section 3 of this act, including entities established pursuant to article 18-A of the general municipal law, and corporations established pursuant to section 1411 of the not-for-profit corporation law and article 12 of the private housing finance law, shall be subject to the provisions of article 1-A of the public authorities law.

S 5. State agency set-aside. A set-aside of statewide ceiling for all state agencies for any calendar year shall be one-third of the statewide ceiling. The director shall administer allocations of such set-aside to state agencies and may grant an allocation to any state agency upon receipt of an application in such form as the director shall require.

S 6. Statewide bond reserve. One-third of the statewide ceiling is hereby set aside as a statewide bond reserve to be administered by the director. 1. Allocation of the statewide bond reserve among state agencies, local agencies and other issuers. The director shall transfer a portion of the statewide bond reserve to the commissioner for allocation to and use by local agencies and other issuers in accordance with the terms of this section. The remainder of the statewide bond reserve may be allocated by the director to state agencies in accordance with the terms of this section.

2. Allocation of statewide bond reserve to local agencies or other issuers. (a) Local agencies or other issuers may at any time apply to the commissioner for an allocation from the statewide bond reserve. Such application shall demonstrate:

(i) that the requested allocation is required under the code for the interest earned on the bonds to be excluded from the gross income of bondholders for federal income tax purposes;

(ii) that the local agency's remaining unused allocation provided pursuant to section four of this act, and other issuer's remaining unused allocation, or any available carryforward will be insufficient for the specific project or projects for which the reserve allocation is requested; and

(iii) that, except for those allocations made pursuant to section twelve of this act to enable carryforward elections, the requested allocation is reasonably expected to be used during the calendar year, and the requested future allocation is reasonably expected to be used in the calendar year to which the future allocation relates.

(b) In reviewing and approving or disapproving applications, the commissioner shall exercise discretion to ensure an equitable distribution of allocations from the statewide bond reserve to local agencies and other issuers. Prior to making a determination on such applications,

the commissioner shall notify and seek the recommendation of the president and chief executive officer of the New York state housing finance agency in the case of an application related to the issuance of multi-family housing or mortgage revenue bonds, and in the case of other requests, such state officers, departments, divisions and agencies as the commissioner deems appropriate.

(c) Applications for allocations shall be made in such form and contain such information and reports as the commissioner shall require.

3. Allocation of statewide bond reserve to state agencies. The director may make an allocation from the statewide bond reserve to any state agency. Before making any allocation of statewide bond reserve to state agencies the director shall be satisfied: (a) that the allocation is required under the code for the interest earned on the bonds to be excluded from the gross income of bondholders for federal income tax purposes;

(b) that the state agency's remaining unused allocation provided pursuant to section five of this act or any available carryforward will be insufficient to accommodate the specific bond issue or issues for which the reserve allocation is requested; and

(c) that, except for those allocations made pursuant to section twelve of this act to enable carryforward elections, the requested allocation is reasonably expected to be used during the calendar year, and the requested future allocation is reasonably expected to be used in the calendar year to which the future allocation relates.

S 7. Access to employment opportunities. 1. All issuers shall require that any new employment opportunities created in connection with the industrial or manufacturing projects financed through the issuance of qualified small issue bonds shall be listed with the New York state department of labor and with the one-stop career center established pursuant to the federal workforce investment act (Pub. L. No. 105-220) serving the locality in which the employment opportunities are being created. Such listing shall be in a manner and form prescribed by the commissioner. All issuers shall further require that for any new employment opportunities created in connection with an industrial or manufacturing project financed through the issuance of qualified small issue bonds by such issuer, industrial or manufacturing firms shall first consider persons eligible to participate in workforce investment act (Pub. L. No. 105-220) programs who shall be referred to the industrial or manufacturing firm by one-stop centers in local workforce investment areas or by the department of labor. Issuers of qualified small issue bonds are required to monitor compliance with the provisions of this section as prescribed by the commissioner.

2. Nothing in this section shall be construed to require users of qualified small issue bonds to violate any existing collective bargaining agreement with respect to the hiring of new employees. Failure on the part of any user of qualified small issue bonds to comply with the requirements of this section shall not affect the allocation of bonding authority to the issuer of the bonds or the validity or tax exempt status of such bonds.

S 8. Overlapping jurisdictions. In a geographic area represented by a county local agency and one or more sub-county local agencies, the allocation granted by section four of this act with respect to such area of overlapping jurisdiction shall be apportioned one-half to the county local agency and one-half to the sub-county local agency or agencies. Where there is a local agency for the benefit of a village within the geographic area of a town for the benefit of which there is a local

agency, the allocation of the village local agency shall be based on the population of the geographic area of the village, and the allocation of the town local agency shall be based upon the population of the geographic area of the town outside of the village. Notwithstanding the foregoing, a local agency may surrender all or part of its allocation for such calendar year to another local agency with an overlapping jurisdiction. Such surrender shall be made at such time and in such manner as the commissioner shall prescribe.

S 9. Ineligible local agencies. To the extent that any allocation of the local agency set-aside would be made by this act to a local agency which is ineligible to receive such allocation under the code or under regulations interpreting the state volume ceiling provisions of the code, such allocation shall instead be made to the political subdivision for whose benefit that local agency was created.

S 10. Municipal reallocation. The chief executive officer of any political subdivision or, if such political subdivision has no chief executive officer, the governing board of the political subdivision for the benefit of which a local agency has been established, may withdraw all or any portion of the allocation granted by section four of this act to such local agency. The political subdivision may then reallocate all or any portion of such allocation, as well as all or any portion of the allocation received pursuant to section nine of this act, to itself or any other issuer established for the benefit of that political subdivision or may assign all or any portion of the allocation received pursuant to section nine of this act to the local agency created for its benefit. The chief executive officer or governing board of the political subdivision, as the case may be, shall notify, and receive prior approval from the commissioner before any such reallocation.

S 11. Future allocations for multi-year housing development projects. 1. In addition to other powers granted under this act, the commissioner is authorized to make the following future allocations of statewide ceiling for any multi-year housing development project for which the commissioner also makes an allocation of statewide ceiling for the current year under this act: (a) to local agencies from the local agency set-aside (but only with the approval of the chief executive officer of the political subdivision to which the local agency set-aside relates or the governing body of a political subdivision having no chief executive officer) and

(b) to other issuers from that portion, if any, of the statewide bond reserve transferred to the commissioner by the director. Any future allocation made by the commissioner shall constitute an allocation of statewide ceiling for the future year specified by the commissioner and shall be deemed to have been made on the first day of the future year so specified.

2. In addition to other powers granted under this act, the director is authorized to make future allocations of statewide ceiling from the state agency set-aside or from the statewide bond reserve to state agencies for any multi-year housing development project for which the director also makes an allocation of statewide ceiling from the current year under this act, and is authorized to make transfers of the statewide bond reserve to the commissioner for future allocations to other issuers for multi-year housing development projects for which the commissioner has made an allocation of statewide ceiling for the current year. Any such future allocation or transfer of the statewide bond reserve for future allocation made by the director shall constitute an allocation of statewide ceiling or transfer of the statewide bond reserve for the

future years specified by the director and shall be deemed to have been made on the first day of the future year so specified.

3. (a) If an allocation made with respect to a multi-year housing development project is not used by October fifteenth of the year to which the allocation relates, the allocation with respect to the then current year shall be subject to recapture in accordance with the provisions of section twelve of this act, and in the event of such a recapture, unless a carryforward election by another issuer shall have been approved by the commissioner or a carryforward election by a state agency shall have been approved by the director, all future allocations made with respect to such project pursuant to subdivision one or two of this section shall be canceled.

(b) The commissioner and the director shall have the authority to make future allocations from recaptured current year allocations and canceled future allocations to multi-year housing development projects in a manner consistent with the provisions of this act.

(c) The commissioner and the director shall establish procedures consistent with the provisions of this act relating to carryforward of future allocations.

4. The aggregate future allocations from either of the two succeeding years shall not exceed six hundred fifty million dollars for each such year.

S 12. Year end allocation recapture. On or before October first of each year, each state agency shall report to the director and each local agency and each other issuer shall report to the commissioner the amount of bonds subject to allocation under this act that will be issued prior to the end of the then current calendar year, and the amount of the issuer's then total allocation that will remain unused. As of October fifteenth of each year, the unused portion of each local agency's and other issuer's then total allocation as reported and the unallocated portion of the set-aside for state agencies shall be recaptured and added to the statewide bond reserve and shall no longer be available to covered bond issuers except as otherwise provided herein. From October fifteenth through the end of the year, each local agency or other issuer having an allocation shall immediately report to the commissioner and each state agency having an allocation shall immediately report to the director any changes to the status of its allocation or the status of projects for which allocations have been made which should affect the timing or likelihood of the issuance of covered bonds therefor. If the commissioner determines that a local agency or other issuer has overestimated the amount of covered bonds subject to allocation that will be issued prior to the end of the calendar year, the commissioner may recapture the amount of the allocation to such local agency or other issuer represented by such overestimation by notice to the local agency or other issuer, and add such allocation to the statewide bond reserve. The director may likewise make such determination and recapture with respect to state agency allocations.

S 13. Allocation carryforward. 1. No local agency or other issuer shall make a carryforward election utilizing any unused allocation (pursuant to section 146(f) of the code) without the prior approval of the commissioner. Likewise no state agency shall make or file such an election, or elect to issue or carryforward mortgage credit certificates, without the prior approval of the director.

2. On or before November fifteenth of each year, each state agency seeking unused statewide ceiling for use in future years shall make a request for an allocation for a carryforward to the director, whose

approval shall be required before a carryforward election is filed by or on behalf of any state agency. A later request may also be considered by the director, who may file a carryforward election for any state agency with the consent of such agency.

3. On or before November fifteenth of each year, each local agency or other issuer seeking unused statewide ceiling for use in future years shall make a request for an allocation for a carryforward to the commissioner, whose approval shall be required before a carryforward election is filed by or on behalf of any local or other agency. A later request may also be considered by the commissioner.

S 14. New York state bond allocation policy advisory panel. 1. There is hereby created a policy advisory panel and process to provide policy advice regarding the priorities for distribution of the statewide ceiling.

2. The panel shall consist of five members, one designee being appointed by each of the following: the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly. The designee of the governor shall chair the panel. The panel shall monitor the allocation process through the year, and in that regard, the division of the budget and the department of economic development shall assist and cooperate with the panel as provided in this section. The advisory process shall operate through the issuance of advisory opinions by members of the panel as provided in subdivisions six and seven of this section. A meeting may be held at the call of the chair with the unanimous consent of the members.

3. (a) Upon receipt of a request for allocation or a request for approval of a carryforward election from the statewide reserve from a local agency or other issuer, the commissioner shall, within five working days, notify the panel of such request and provide the panel with copies of all application materials submitted by the applicant.

(b) Upon receipt of a request for allocation or a request for approval of carryforward election from the statewide reserve from a state agency, the director shall, within five working days, notify the panel of such request and provide the panel with copies of all application materials submitted by the applicant.

4. (a) Following receipt of a request for allocation from a local agency or other issuer, the commissioner shall notify the panel of a decision to approve or exclude from further consideration such request, and the commissioner shall state the reasons. Such notification shall be made with or after the transmittal of the information specified in subdivision three of this section and at least five working days before formal notification is made to the applicant.

(b) Following receipt of a request for allocation from a state agency, the director shall notify the panel of a decision to approve or exclude from further consideration such request, and shall state the reasons. Such notification shall be made with or after the transmission of the information specified in subdivision three of this section and at least five working days before formal notification is made to the state agency.

5. The requirements of subdivisions three and four of this section shall not apply to adjustments to allocations due to bond sizing changes.

6. In the event that any decision to approve or to exclude from further consideration a request for allocation is made within ten working days of the end of the calendar year and in the case of all requests

for consent to a carryforward election, the commissioner or director, as is appropriate, shall provide the panel with the longest possible advance notification of the action, consistent with the requirements of the code, and shall, wherever possible, solicit the opinions of the members of the panel before formally notifying any applicant of the action. Such notification may be made by means of telephone communication to the members or by written notice delivered to the Albany office of the appointing authority of the respective members.

7. Upon notification by the director or the commissioner, any member of the panel may, within five working days, notify the commissioner or the director of any policy objection concerning the expected action. If three or more members of the panel shall submit policy objections in writing to the intended action, the commissioner or the director shall respond in writing to the objection prior to taking the intended action unless exigent circumstances make it necessary to respond after the action has been taken.

8. On or before the first day of July, in any year, the director shall report to the members of the New York state bond allocation policy advisory panel on the actual utilization of volume cap for the issuance of bonds during the prior calendar year and the amount of such cap allocated for carryforwards for future bond issuance. The report shall include, for each local agency or other issuer and each state agency the initial allocation, the amount of bonds issued subject to the allocation, the amount of the issuer's allocation that remained unused, the allocation of the statewide bond reserve, carryforward allocations and recapture of allocations. Further, the report shall include projections regarding private activity bond issuance for state and local issuers for the calendar year, as well as any recommendations for legislative action.

S 15. Severability. If any clause, sentence, paragraph, 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, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 16. Chapter 49 of the laws of 2014 is REPEALED.

S 17. Section 51 of the public authorities law is amended by adding a new subdivision 6 to read as follows:

6. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, THE BOARD SHALL HAVE THE POWER AND IT SHALL BE ITS DUTY TO RECEIVE APPLICATIONS FOR APPROVAL FOR ANY FINANCING OR BOND ISSUANCES THAT UTILIZE THE LOCAL AGENCY SET-ASIDE, AS AUTHORIZED BY THE "PRIVATE ACTIVITY BOND ALLOCATION ACT OF 2016", EXECUTED BY ENTITIES OR SUCCESSOR ENTITIES AS DEFINED BY SUBDIVISIONS EIGHT AND NINE OF SECTION THREE OF THAT ACT, INCLUDING ENTITIES ESTABLISHED PURSUANT TO ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, AND CORPORATIONS ESTABLISHED PURSUANT TO SECTION FOURTEEN HUNDRED ELEVEN OF THE NOT-FOR-PROFIT CORPORATION LAW AND ARTICLE TWELVE OF THE PRIVATE HOUSING FINANCE LAW.

S 18. This act shall take effect immediately.

PART S

Section 1. Section 258-aa and article 25 of the agriculture and markets law are REPEALED.

S 2. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding three new sections 16-x, 16-y and 16-z to read as follows:

S 16-X. DAIRY PROMOTION ACT. 1. DECLARATION OF POLICY. (A) IT IS HEREBY DECLARED THAT THE MISSION OF THE CORPORATION IS TO PROMOTE A VIGOROUS AND GROWING STATE ECONOMY. IN IMPLEMENTING THIS MISSION, THE CORPORATION HAS UNDERTAKEN A VIGOROUS CAMPAIGN TO MARKET THE STATE'S ASSETS AND, BY CARRYING OUT THE PROVISIONS OF THIS SECTION, WOULD FURTHER THIS MISSION BY PROMOTING THE STATE'S DAIRY INDUSTRY.

(B) IT IS FURTHER DECLARED THAT THE CONTINUED EXISTENCE OF THE STATE DAIRY INDUSTRY, AND THE CONTINUED PRODUCTION OF MILK ON THE FARMS OF THIS STATE, IS OF VAST ECONOMIC IMPORTANCE TO THE STATE AND TO THE HEALTH AND WELFARE OF THE INHABITANTS THEREOF; THAT IT IS ESSENTIAL, IN ORDER TO ASSURE SUCH CONTINUED PRODUCTION OF MILK AND ITS HANDLING AND DISTRIBUTION, THAT PRICES TO PRODUCERS BE SUCH AS TO RETURN REASONABLE COSTS OF PRODUCTION, AND AT THE SAME TIME TO ASSURE AN ADEQUATE SUPPLY OF MILK AND DAIRY PRODUCTS TO CONSUMERS AT REASONABLE PRICES; AND TO THESE ENDS IT IS ESSENTIAL THAT CONSUMERS AND OTHERS BE ADEQUATELY INFORMED AS TO THE DIETARY NEEDS AND ADVANTAGES OF MILK AND DAIRY PRODUCTS AND AS TO THE ECONOMIES RESULTING FROM THE USE OF MILK AND DAIRY PRODUCTS, AND TO COMMAND FOR MILK AND DAIRY PRODUCTS, CONSUMER ATTENTION AND DEMAND CONSISTENT WITH THEIR IMPORTANCE AND VALUE. IT IS FURTHER DECLARED THAT CONTINUED DECLINE IN THE CONSUMPTION OF FLUID MILK AND SOME OTHER DAIRY PRODUCTS WILL JEOPARDIZE THE PRODUCTION OF ADEQUATE SUPPLIES OF MILK AND DAIRY PRODUCTS BECAUSE OF INCREASING SURPLUSES NECESSARILY RETURNING LESS TO PRODUCERS; AND THAT CONTINUED ADEQUATE SUPPLIES OF MILK AND DAIRY PRODUCTS IS A MATTER OF VITAL CONCERN AS AFFECTING THE HEALTH AND GENERAL WELFARE OF THE PEOPLE OF THIS STATE. IT IS THEREFORE DECLARED TO BE THE LEGISLATIVE INTENT AND POLICY OF THE STATE:

(I) TO ENABLE MILK PRODUCERS AND OTHERS IN THE DAIRY INDUSTRY, WITH THE AID OF THE STATE, TO MORE EFFECTIVELY PROMOTE THE CONSUMPTION OF MILK AND DAIRY PRODUCTS,

(II) TO PROVIDE METHODS AND MEANS FOR THE DEVELOPMENT OF NEW AND IMPROVED DAIRY PRODUCTS, AND TO PROMOTE THEIR USE, AND

(III) TO THIS END, TO ELIMINATE THE POSSIBLE IMPAIRMENT OF THE PURCHASING POWER OF THE MILK PRODUCERS OF THIS STATE AND TO ASSURE AN ADEQUATE SUPPLY OF MILK FOR CONSUMERS AT REASONABLE PRICES.

2. DEFINITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "PRESIDENT" MEANS THE PRESIDENT OF THE CORPORATION.

(B) "DAIRY PRODUCTS" MEANS MILK AND PRODUCTS DERIVED THEREFROM, AND PRODUCTS OF WHICH MILK OR A PORTION THEREOF IS A SIGNIFICANT PART.

(C) "PRODUCER" MEANS ANY PERSON IN THIS STATE WHO IS ENGAGED IN THE PRODUCTION OF MILK OR WHO CAUSES MILK TO BE PRODUCED FOR ANY MARKET IN THIS OR ANY OTHER STATE.

(D) "ADVISORY BOARD" MEANS THE PERSONS APPOINTED BY THE PRESIDENT FROM NOMINATIONS FROM PRODUCERS TO ASSIST THE PRESIDENT IN ADMINISTERING A DAIRY PROMOTION ORDER.

(E) "MILK DEALER" MEANS ANY PERSON WHO PURCHASES OR HANDLES OR RECEIVES OR SELLS MILK, INCLUDING INDIVIDUALS, PARTNERSHIPS, CORPORATIONS, COOPERATIVE ASSOCIATIONS, AND UNINCORPORATED COOPERATIVE ASSOCIATIONS.

(F) "DAIRY PROMOTION ORDER" MEANS AN ORDER ISSUED BY THE PRESIDENT, PURSUANT TO THE PROVISIONS OF THIS SECTION.

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

(H) "STATE" MEANS THE STATE OF NEW YORK.

3. POWERS AND DUTIES OF THE PRESIDENT. (A) THE PRESIDENT SHALL ADMINISTER AND ENFORCE THE PROVISIONS OF THIS SECTION. IN ORDER TO EFFECTUATE THE DECLARED POLICY OF THIS SECTION THE PRESIDENT, IN CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS, MAY, AFTER DUE NOTICE AND HEARING, MAKE AND ISSUE A DAIRY PROMOTION ORDER, OR ORDERS.

(B) SUCH ORDER OR ORDERS SHALL BE ISSUED AND AMENDED OR TERMINATED IN ACCORDANCE WITH THE FOLLOWING PROCEDURES:

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

(A) COOPERATIVES MAY SUBMIT WRITTEN APPROVAL OF SUCH ORDER WITHIN A PERIOD OF ONE HUNDRED TWENTY DAYS AFTER THE PRESIDENT HAS ANNOUNCED A REFERENDUM ON A PROPOSED ORDER, FOR SUCH PRODUCERS WHO ARE LISTED AND CERTIFIED TO THE PRESIDENT AS MEMBERS OF SUCH COOPERATIVE; PROVIDED, HOWEVER, THAT ANY COOPERATIVE BEFORE SUBMITTING SUCH WRITTEN APPROVAL SHALL GIVE AT LEAST SIXTY DAYS PRIOR WRITTEN NOTICE TO EACH PRODUCER WHO IS ITS MEMBER, OF THE INTENTION OF THE COOPERATIVE TO APPROVE SUCH PROPOSED ORDER, AND FURTHER PROVIDE THAT IF SUCH COOPERATIVE DOES NOT INTEND TO APPROVE SUCH PROPOSED ORDER, IT SHALL LIKEWISE GIVE WRITTEN NOTICE TO EACH SUCH PRODUCER WHO IS ITS MEMBER, OF ITS INTENTION NOT TO APPROVE OF SUCH PROPOSED ORDER.

(B) ANY PRODUCER MAY OBTAIN A BALLOT FROM THE PRESIDENT SO THAT HE OR SHE MAY REGISTER HIS OR HER OWN APPROVAL OR DISAPPROVAL OF THE PROPOSED ORDER.

(C) A PRODUCER WHO IS A MEMBER OF A COOPERATIVE WHICH HAS NOTIFIED HIM OR HER OF ITS INTENT TO APPROVE OR NOT TO APPROVE OF A PROPOSED ORDER, AND WHO OBTAINS A BALLOT AND WITH SUCH BALLOT EXPRESSES HIS OR HER APPROVAL OR DISAPPROVAL OF THE PROPOSED ORDER, SHALL NOTIFY THE PRESIDENT AS TO THE NAME OF THE COOPERATIVE OF WHICH HE OR SHE IS A MEMBER, AND THE PRESIDENT SHALL REMOVE SUCH PRODUCER'S NAME FROM THE LIST CERTIFIED BY SUCH COOPERATIVE.

(D) IN ORDER TO ENSURE THAT ALL MILK PRODUCERS ARE INFORMED REGARDING A PROPOSED ORDER, THE PRESIDENT SHALL NOTIFY ALL MILK PRODUCERS THAT AN ORDER IS BEING CONSIDERED AND THAT EACH PRODUCER MAY REGISTER HIS OR HER APPROVAL OR DISAPPROVAL WITH THE PRESIDENT EITHER DIRECTLY OR THROUGH HIS OR HER COOPERATIVE.

(E) THE PRESIDENT MAY APPOINT A REFERENDUM ADVISORY COMMITTEE TO ASSIST AND ADVISE HIM OR HER IN THE CONDUCT OF THE REFERENDUM. SUCH COMMITTEE SHALL REVIEW REFERENDUM PROCEDURES AND THE TABULATION OF RESULTS, AND SHALL ADVISE THE PRESIDENT OF ITS FINDINGS. THE FINAL CERTIFICATION OF THE REFERENDUM RESULTS SHALL BE MADE BY THE PRESIDENT. THE COMMITTEE SHALL CONSIST OF NOT LESS THAN THREE MEMBERS, NONE OF WHOM SHALL BE PERSONS DIRECTLY AFFECTED BY THE PROMOTION ORDER BEING VOTED UPON. TWO MEMBERS SHALL BE REPRESENTATIVES OF GENERAL FARM ORGANIZA-

TIONS WHICH ARE NOT DIRECTLY AFFECTED BY THE ORDER BEING VOTED UPON. THE MEMBERS OF THE COMMITTEE SHALL NOT RECEIVE A SALARY BUT SHALL BE ENTITLED TO ACTUAL AND REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(II) THE PRESIDENT MAY, AND UPON WRITTEN PETITION OF NOT LESS THAN TEN PER CENTUM OF THE PRODUCERS IN THE AREA, EITHER AS INDIVIDUALS OR THROUGH COOPERATIVE REPRESENTATION, SHALL CALL A HEARING TO AMEND OR TERMINATE SUCH ORDER, AND ANY SUCH AMENDMENT OR TERMINATION SHALL BE EFFECTIVE ONLY UPON APPROVAL OF FIFTY-ONE PER CENTUM OF THE PRODUCERS OF MILK FOR THE AREA REGULATED PARTICIPATING IN A REFERENDUM VOTE AS PROVIDED PURSUANT TO THIS PARAGRAPH.

(C) THE PRESIDENT SHALL ADMINISTER AND ENFORCE ANY SUCH DAIRY PROMOTION ORDER WHILE IT IS IN EFFECT, FOR THE PURPOSE OF:

(I) ENCOURAGING THE CONSUMPTION OF MILK AND DAIRY PRODUCTS BY ACQUAINTING CONSUMERS AND OTHERS WITH THE ADVANTAGES AND ECONOMY OF USING MORE OF SUCH PRODUCTS,

(II) PROTECTING THE HEALTH AND WELFARE OF CONSUMERS BY ASSURING AN ADEQUATE SUPPLY OF MILK AND DAIRY PRODUCTS,

(III) PROVIDING FOR RESEARCH PROGRAMS DESIGNED TO DEVELOP NEW AND IMPROVED DAIRY PRODUCTS,

(IV) PROVIDING FOR RESEARCH PROGRAMS DESIGNED TO ACQUAINT CONSUMERS AND THE PUBLIC GENERALLY WITH THE EFFECTS OF THE USE OF MILK AND DAIRY PRODUCTS ON THE HEALTH OF SUCH CONSUMERS,

(V) CARRYING OUT, IN OTHER WAYS, THE DECLARED POLICY AND INTENT OF THIS SECTION.

4. PROVISIONS OF DAIRY PROMOTION ORDERS. ANY DAIRY PROMOTION ORDER OR ORDERS MAY CONTAIN, AMONG OTHERS, ANY OR ALL OF THE FOLLOWING:

(A) PROVISION FOR LEVYING AN ASSESSMENT AGAINST ALL PRODUCERS SUBJECT TO THE REGULATION FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF SUCH ORDER AND TO PAY THE COST OF ADMINISTERING AND ENFORCING SUCH ORDER. IN ORDER TO COLLECT ANY SUCH ASSESSMENTS, PROVISION SHALL BE MADE FOR EACH MILK DEALER WHO RECEIVES MILK FROM PRODUCERS TO DEDUCT THE AMOUNT OF ASSESSMENT FROM MONEYS OTHERWISE DUE TO PRODUCERS FOR THE MILK SO DELIVERED. THE RATE OF SUCH ASSESSMENT SHALL NOT EXCEED TWO PERCENT PER HUNDREDWEIGHT OF THE GROSS VALUE OF THE PRODUCERS' MILK, AND THERE MAY BE CREDITED AGAINST ANY SUCH ASSESSMENT THE AMOUNTS PER HUNDREDWEIGHT OTHERWISE PAID BY ANY PRODUCER COVERED BY THE ORDER BY VOLUNTARY CONTRIBUTION OR OTHERWISE PURSUANT TO ANY OTHER FEDERAL OR STATE MILK MARKET ORDER FOR ANY SIMILAR RESEARCH PROMOTION OR ADVERTISING PROGRAM. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION, THE PRESIDENT, UPON WRITTEN PETITION OF NO LESS THAN TWENTY-FIVE PERCENT OF PRODUCERS IN THE AREA, EITHER AS INDIVIDUALS OR THROUGH COOPERATIVE REPRESENTATION, MAY CALL A HEARING FOR THE SOLE PURPOSE OF ESTABLISHING A NEW RATE OF ASSESSMENT HEREUNDER AND MAY SUBMIT A PROPOSED CHANGE IN THE RATE OF ASSESSMENT TO THE PRODUCERS FOR ACCEPTANCE OR REJECTION WITHOUT OTHERWISE AFFECTING THE ORDER. THE PRODUCERS IN THE AREA MAY VOTE ON THE PROPOSED RATE EITHER AS INDIVIDUALS OR THROUGH COOPERATIVE REPRESENTATION. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS PARAGRAPH AND OF PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION, OR THE PROVISIONS OF ANY ORDER PROMULGATED PURSUANT TO THIS SECTION, THE RATE OF ASSESSMENT, FOR ANY PERIOD DURING WHICH A DAIRY PRODUCTS PROMOTION AND RESEARCH ORDER ESTABLISHED PURSUANT TO THE FEDERAL DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983 IS IN EFFECT, SHALL NOT BE LESS THAN AN AMOUNT EQUAL TO THE MAXIMUM CREDIT WHICH PRODUCERS PARTICIPATING IN THIS STATE'S DAIRY PRODUCTS PROMOTION OR NUTRITION

EDUCATION PROGRAMS MAY RECEIVE PURSUANT TO SUBDIVISION (G) OF SEC. 113 OF SAID FEDERAL ACT.

(B) PROVISION FOR PAYMENTS TO ORGANIZATIONS ENGAGED IN CAMPAIGNS BY ADVERTISEMENTS OR OTHERWISE, INCLUDING PARTICIPATION IN SIMILAR REGIONAL OR NATIONAL PLANS OR CAMPAIGNS TO PROMOTE THE INCREASED CONSUMPTION OF MILK AND DAIRY PRODUCTS, TO ACQUAINT THE PUBLIC WITH THE DIETARY ADVANTAGES OF MILK AND DAIRY PRODUCTS AND WITH THE ECONOMY OF THEIR INCLUSION IN THE DIET AND TO COMMAND, FOR MILK AND DAIRY PRODUCTS, CONSUMER ATTENTION CONSISTENT WITH THEIR IMPORTANCE AND VALUE.

(C) PROVISION FOR PAYMENTS TO INSTITUTIONS OR ORGANIZATIONS ENGAGED IN RESEARCH LEADING TO THE DEVELOPMENT OF NEW OR IMPROVED DAIRY PRODUCTS OR RESEARCH WITH RESPECT TO THE VALUE OF MILK AND DAIRY PRODUCTS IN THE HUMAN DIET.

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

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

(F) PROVISION FOR AN ADVISORY BOARD PURSUANT TO SUBDIVISION 10 OF THIS SECTION.

(G) PROVISION FOR THE PRESIDENT TO RETAIN MONEY COLLECTED UNDER ANY MARKETING ORDER ISSUED PURSUANT TO THIS SECTION, TO DEFRAY THE COSTS AND EXPENSES IN THE ADMINISTRATION THEREOF.

(H) SUCH OTHER PROVISIONS AS MAY BE NECESSARY TO EFFECTUATE THE DECLARED POLICIES OF THIS SECTION.

5. MATTERS TO BE CONSIDERED. IN CARRYING OUT THE PROVISIONS OF THIS SECTION AND PARTICULARLY IN DETERMINING WHETHER OR NOT A DAIRY PROMOTION ORDER SHALL BE ISSUED, THE PRESIDENT, IN CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS, SHALL TAKE INTO CONSIDERATION, AMONG OTHERS, FACTS AVAILABLE TO HIM OR HER WITH RESPECT TO THE FOLLOWING:

(A) THE TOTAL PRODUCTION OF MILK IN THE AREA AND THE PROPORTION OF SUCH MILK BEING UTILIZED IN FLUID FORM AND IN OTHER PRODUCTS,

(B) THE PRICES BEING RECEIVED FOR MILK BY PRODUCERS IN THE AREA,

(C) THE LEVEL OF CONSUMPTION PER CAPITA FOR FLUID MILK AND OF OTHER DAIRY PRODUCTS,

(D) THE PURCHASING POWER OF CONSUMERS,

(E) OTHER PRODUCTS WHICH COMPETE WITH MILK AND DAIRY PRODUCTS AND PRICES OF SUCH PRODUCTS.

6. INTERSTATE ORDERS FOR COMPACTS. THE PRESIDENT, IN CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS, IS AUTHORIZED TO CONFER AND COOPERATE WITH THE LEGALLY CONSTITUTED AUTHORITIES OF OTHER STATES AND OF THE UNITED STATES WITH RESPECT TO THE ISSUANCE AND OPERATION OF JOINT AND CONCURRENT DAIRY PROMOTION ORDERS OR OTHER ACTIVITIES TENDING TO CARRY OUT THE DECLARED INTENT OF THE ACT. HE OR SHE MAY JOIN WITH SUCH OTHER AUTHORITIES IN CONDUCTING JOINT INVESTIGATIONS, HOLDING JOINT HEARINGS AND ISSUING JOINT OR CONCURRENT ORDER OR ORDERS COMPLEMENTARY TO THOSE OF THE FEDERAL GOVERNMENT AND SHALL HAVE THE AUTHORITY TO EMPLOY OR DESIGNATE A JOINT AGENT OR JOINT AGENCIES TO CARRY OUT AND ENFORCE SUCH JOINT, CONCURRENT OR SUPPLEMENTARY ORDERS.

7. PRIOR ASSESSMENTS. PRIOR TO THE EFFECTIVE DATE OF ANY DAIRY PROMOTION ORDER AS PROVIDED IN THIS SECTION, THE PRESIDENT MAY REQUIRE THAT COOPERATIVE ASSOCIATIONS WHICH HAVE PETITIONED FOR SUCH AN ORDER AND THAT HAVE APPROVED OF THE ISSUANCE OF SUCH AN ORDER, TO DEPOSIT WITH THE PRESIDENT SUCH AMOUNTS AS HE OR SHE MAY DEEM NECESSARY TO DEFRAY THE EXPENSE OF ADMINISTERING AND ENFORCING SUCH ORDER UNTIL SUCH TIME AS THE ASSESSMENTS AS HEREIN BEFORE PROVIDED ARE ADEQUATE FOR THAT PURPOSE.

SUCH FUNDS SHALL BE RECEIVED, DEPOSITED AND DISBURSED BY THE PRESIDENT IN THE SAME MANNER AS OTHER FUNDS RECEIVED BY HIM OR HER PURSUANT TO THIS SECTION AND THE PRESIDENT SHALL REIMBURSE THOSE WHO PAID THESE PRIOR ASSESSMENTS FROM OTHER FUNDS RECEIVED BY HIM OR HER PURSUANT TO THIS SECTION.

8. STATUS OF FUNDS. ANY MONEYS COLLECTED UNDER ANY MARKET ORDER ISSUED PURSUANT TO THIS SECTION SHALL NOT BE DEEMED TO BE STATE FUNDS AND SHALL BE DEPOSITED IN A BANK OR OTHER DEPOSITORY OF THE CORPORATION, APPROVED BY THE PRESIDENT, ALLOCATED TO EACH DAIRY PROMOTION ORDER UNDER WHICH THEY WERE COLLECTED, AND SHALL BE DISBURSED BY THE PRESIDENT ONLY FOR THE NECESSARY EXPENSES INCURRED BY THE PRESIDENT WITH RESPECT TO EACH SEPARATE ORDER, ALL IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE PRESIDENT. ALL SUCH EXPENSES SHALL BE AUDITED BY THE CORPORATION AT LEAST ANNUALLY. ANY MONEYS REMAINING IN SUCH FUND ALLOCABLE TO A PARTICULAR ORDER, AFTER THE TERMINATION OF SUCH ORDER AND NOT REQUIRED BY THE PRESIDENT TO DEFRAY THE EXPENSES OF OPERATING SUCH ORDER, MAY IN THE DISCRETION OF THE PRESIDENT BE REFUNDED ON A PRO-RATA BASIS TO ALL PERSONS FROM WHOM ASSESSMENTS THEREFOR WERE COLLECTED; PROVIDED, HOWEVER, THAT IF THE PRESIDENT FINDS THAT THE AMOUNTS SO REFUNDABLE ARE SO SMALL AS TO MAKE IMPRACTICABLE THE COMPUTATION AND REFUNDING OF SUCH MONEYS, THE PRESIDENT MAY USE SUCH MONEYS TO DEFRAY THE EXPENSES INCURRED BY HIM OR HER IN THE PROMULGATION, ISSUANCE, ADMINISTRATION OR ENFORCEMENT OF ANY OTHER SIMILAR DAIRY PROMOTION ORDER OR IN THE ABSENCE OF ANY OTHER SUCH DAIRY PROMOTION ORDER, THE PRESIDENT MAY PAY SUCH MONEYS TO ANY ORGANIZATION OR INSTITUTION AS PROVIDED IN PARAGRAPH (B) OR (C) OF SUBDIVISION FOUR OF THIS SECTION.

9. BUDGET. THE PRESIDENT SHALL PREPARE A BUDGET FOR THE ADMINISTRATION AND OPERATING COSTS AND EXPENSES INCLUDING ADVERTISING AND SALES PROMOTION WHEN REQUIRED IN ANY DAIRY PROMOTION ORDER EXECUTED HEREUNDER AND TO PROVIDE FOR THE COLLECTION OF SUCH NECESSARY FEES OR ASSESSMENTS TO DEFRAY COSTS AND EXPENSES, IN NO CASE TO EXCEED TWO PERCENT PER HUNDREDWEIGHT OF THE GROSS VALUE OF MILK MARKETED BY PRODUCERS IN THE AREA COVERED BY THE ORDER.

10. ADVISORY BOARD. (A) ANY DAIRY PROMOTION ORDER ISSUED PURSUANT TO THIS SECTION SHALL PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY BOARD TO ADVISE AND ASSIST THE PRESIDENT IN THE ADMINISTRATION OF SUCH ORDER. THIS BOARD SHALL CONSIST OF NOT LESS THAN FIVE MEMBERS AND SHALL BE APPOINTED BY THE PRESIDENT FROM NOMINATIONS SUBMITTED BY PRODUCERS MARKETING MILK IN THE AREA TO WHICH THE ORDER APPLIES. NOMINATING PROCEDURE, QUALIFICATION, REPRESENTATION, AND SIZE OF THE ADVISORY BOARD SHALL BE PRESCRIBED IN THE ORDER FOR WHICH SUCH BOARD WAS APPOINTED.

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

(C) THE DUTIES AND RESPONSIBILITIES OF THE ADVISORY BOARD SHALL BE PRESCRIBED BY THE PRESIDENT AND HE OR SHE MAY SPECIFICALLY DELEGATE TO THE ADVISORY BOARD, BY INCLUSION IN THE DAIRY PROMOTION ORDER, ALL OR ANY OF THE FOLLOWING DUTIES AND RESPONSIBILITIES:

(I) THE RECOMMENDATION TO THE PRESIDENT OF ADMINISTRATIVE RULES AND REGULATIONS RELATING TO THE ORDER.

(II) RECOMMENDING TO THE PRESIDENT SUCH AMENDMENTS TO THE ORDER AS DEEMED ADVISABLE.

(III) THE PREPARATION AND SUBMISSION TO THE PRESIDENT OF AN ESTIMATED BUDGET REQUIRED FOR THE PROPER OPERATION OF THE ORDER.

(IV) RECOMMENDING TO THE PRESIDENT METHODS FOR ASSESSING PRODUCERS AND METHODS FOR COLLECTING THE NECESSARY FUNDS.

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

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

11. RULES AND REGULATIONS; ENFORCEMENT. (A) THE PRESIDENT MAY, WITH THE ADVICE AND ASSISTANCE OF THE ADVISORY BOARD, MAKE AND ISSUE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO EFFECTUATE THE PROVISIONS AND INTENT OF THIS SECTION AND TO ENFORCE THE PROVISIONS OF ANY DAIRY PROMOTION ORDER, ALL OF WHICH SHALL HAVE THE FORCE AND EFFECT OF LAW.

(B) THE PRESIDENT MAY INSTITUTE SUCH ACTION AT LAW OR IN EQUITY AS MAY APPEAR NECESSARY TO ENFORCE COMPLIANCE WITH ANY PROVISION OF THIS SECTION, OR ANY RULE OR REGULATION, OR DAIRY PROMOTION ORDER COMMITTED TO HIS OR HER ADMINISTRATION, AND MAY APPLY FOR RELIEF BY INJUNCTION IF NECESSARY TO PROTECT THE PUBLIC INTEREST WITHOUT BEING COMPELLED TO ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES NOT EXIST. SUCH APPLICATION SHALL BE MADE TO THE SUPREME COURT IN ANY DISTRICT OR COUNTY PROVIDED IN THE CIVIL PRACTICE LAW AND RULES, OR TO THE SUPREME COURT IN THE THIRD JUDICIAL DISTRICT.

12. COOPERATION BY THE DEPARTMENT OF AGRICULTURE AND MARKETS. THE PRESIDENT OF THE CORPORATION MAY REQUEST AND RECEIVE, WITHIN NINETY DAYS OF SUCH REQUEST FROM THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS (HEREAFTER REFERRED TO IN THIS SUBDIVISION AS THE "DEPARTMENT") SUCH ASSISTANCE, INFORMATION AND COOPERATION AS MAY BE NECESSARY FOR THE CORPORATION TO PROVIDE SERVICES WITH RESPECT TO THE ADMINISTRATION OF THE PROCEDURES SET FORTH FOR THE ISSUANCE, TERMINATION OR AMENDMENT OF ANY DAIRY PROMOTION ORDER AND/OR THE ADMINISTRATION OF ANY SUCH ORDER. THE CORPORATION SHALL RETAIN AN AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE CORPORATION IN PERFORMING ITS DUTIES PURSUANT TO THIS SECTION AND REIMBURSE THE DEPARTMENT AN AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE DEPARTMENT IN SUPPLYING SUCH SERVICES, SUBSEQUENT TO SUBMISSION AND AUDIT OF A VOUCHER THEREFOR. SUCH REIMBURSEMENT SHALL NOT EXCEED THE TOTAL AMOUNT OF FUNDS COLLECTED BY THE CORPORATION PURSUANT TO THIS SECTION LESS THE REASONABLE EXPENSES INCURRED BY THE CORPORATION IN PERFORMING ITS DUTIES PURSUANT TO THIS SECTION.

13. INDEMNIFICATION. THE STATE SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE CORPORATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, DAMAGES, COSTS AND EXPENSES WHATSOEVER ARISING DIRECTLY OR INDIRECTLY FROM, OR RELATING TO, THE ADMINISTRATION OF A DAIRY PROMOTION ORDER ISSUED OR ADMINISTERED PURSUANT TO THIS SECTION. IN CONNECTION WITH THE FOREGOING, THE CORPORATION SHALL GIVE THE STATE (A) PROMPT WRITTEN NOTICE OF ANY ACTION, CLAIM OR THREAT OF SUIT, (B) THE OPPORTUNITY TO TAKE OVER, SETTLE OR DEFEND SUCH ACTION, CLAIM OR SUIT AT THE STATE'S SOLE EXPENSE, AND (C) ASSISTANCE IN THE DEFENSE OF ANY SUCH ACTION AT THE EXPENSE OF THE STATE.

14. CONTRACTUAL PROVISIONS. THE CORPORATION MAY CONTRACT FOR SERVICES WITH RESPECT TO THE IMPLEMENTATION OF THIS SECTION IN ACCORDANCE WITH THE CORPORATION'S POLICIES, PROCEDURES AND GUIDELINES. NOTWITHSTANDING SECTION 2879 OF THE PUBLIC AUTHORITIES LAW OR ANY OTHER LAW TO THE CONTRARY, ANY SUCH CONTRACT MAY BE PROCURED BY THE CORPORATION ON A SOLE-SOURCE BASIS, AND SHALL NOT BE SUBJECT TO COMPETITIVE BID OR COMPETITIVE REQUEST FOR PROPOSAL REQUIREMENTS.

S 16-Y. MARKETING OF AGRICULTURAL PRODUCTS. DECLARATION OF POLICY. (A) IT IS HEREBY DECLARED THAT THE MISSION OF THE CORPORATION IS TO PROMOTE A VIGOROUS AND GROWING STATE ECONOMY. IN IMPLEMENTING THIS MISSION, THE CORPORATION HAS UNDERTAKEN A VIGOROUS CAMPAIGN TO MARKET THE STATE'S

ASSETS AND BY CARRYING OUT THE PROVISIONS OF THIS SECTION, WOULD FURTHER THIS MISSION BY PROMOTING THE DEVELOPMENT OF MARKETS FOR AGRICULTURAL PRODUCTS GROWN AND PRODUCED IN THE STATE.

(B) IT IS FURTHER DECLARED THAT THE MARKETING OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS IN THIS STATE, IN EXCESS OF REASONABLE AND NORMAL MARKET DEMANDS THEREFOR; DISORDERLY MARKETING OF SUCH COMMODITIES; IMPROPER PREPARATION FOR MARKET AND LACK OF UNIFORM GRADING AND CLASSIFICATION OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS; UNFAIR METHODS OF COMPETITION IN THE MARKETING OF SUCH COMMODITIES AND THE INABILITY OF INDIVIDUAL PRODUCERS TO DEVELOP NEW AND LARGER MARKETS FOR AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS, RESULT IN AN UNREASONABLE AND UNNECESSARY ECONOMIC WASTE OF THE AGRICULTURAL WEALTH OF THIS STATE. SUCH CONDITIONS AND THE ACCOMPANYING WASTE JEOPARDIZE THE FUTURE CONTINUED PRODUCTION OF ADEQUATE FOOD SUPPLIES FOR THE PEOPLE OF THIS AND OTHER STATES. THESE CONDITIONS VITALLY CONCERN THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PEOPLE OF THIS STATE.

IT IS THEREFORE DECLARED THE LEGISLATIVE PURPOSE AND THE POLICY OF THIS STATE:

(I) TO ENABLE AGRICULTURAL PRODUCERS AND AQUATIC PRODUCERS OF THIS STATE, WITH THE AID OF THE STATE, MORE EFFECTIVELY TO CORRELATE THE MARKETING OF THEIR AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS WITH MARKET DEMANDS THEREFOR.

(II) TO ESTABLISH ORDERLY, EFFICIENT AND EQUITABLE MARKETING OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS.

(III) TO PROVIDE FOR UNIFORM GRADING AND PROPER PREPARATION OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS FOR MARKET.

(IV) TO PROVIDE METHODS AND MEANS FOR THE DEVELOPMENT OF NEW AND LARGER MARKETS FOR AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS PRODUCED IN NEW YORK.

(V) TO ELIMINATE OR REDUCE THE ECONOMIC WASTE IN THE MARKETING OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS.

(VI) TO ELIMINATE UNJUST IMPAIRMENT OF THE PURCHASING POWER OF AQUATIC PRODUCERS AND THE AGRICULTURAL PRODUCERS OF THIS STATE; AND

(VII) TO AID AGRICULTURAL AND AQUATIC PRODUCERS IN MAINTAINING AN INCOME AT AN ADEQUATE AND EQUITABLE LEVEL.

2. DEFINITIONS. (A) "AGRICULTURAL COMMODITY" MEANS ANY AND ALL AGRICULTURAL, HORTICULTURAL, VINEYARD PRODUCTS, CORN FOR GRAIN, OATS, SOYBEANS, BARLEY, WHEAT, POULTRY OR POULTRY PRODUCTS, BEES, MAPLE SAP AND PURE MAPLE PRODUCTS PRODUCED THEREFROM, CHRISTMAS TREES, LIVESTOCK, INCLUDING SWINE, AND HONEY, SOLD IN THE STATE EITHER IN THEIR NATURAL STATE OR AS PROCESSED BY THE PRODUCER THEREOF BUT DOES NOT INCLUDE MILK, TIMBER OR TIMBER PRODUCTS, OTHER THAN CHRISTMAS TREES, ALL HAY, RYE AND LEGUMES EXCEPT FOR SOYBEANS.

(B) "AQUACULTURE" MEANS THE CULTURE, CULTIVATION AND HARVEST OF AQUATIC PLANTS AND ANIMALS.

(C) "AQUATIC PRODUCTS" MEANS ANY FOOD OR FIBER PRODUCTS OBTAINED THROUGH THE PRACTICE OF AQUACULTURE, INCLUDING MARICULTURE; OR BY HARVEST FROM THE SEA WHEN SUCH PRODUCTS ARE CULTURED OR LANDED IN THIS STATE. SUCH PRODUCTS INCLUDE BUT ARE NOT LIMITED TO FISH, SHELLFISH, SEAWEED OR OTHER WATER BASED PLANT LIFE.

(D) "PRODUCER" MEANS ANY PERSON ENGAGED WITHIN THIS STATE IN THE BUSINESS OF PRODUCING, OR CAUSING TO BE PRODUCED FOR ANY MARKET, ANY AGRICULTURAL COMMODITY OR AQUATIC PRODUCT.

(E) "HANDLER" MEANS ANY PERSON ENGAGED IN THE OPERATION OF PACKING, GRADING, SELLING, OFFERING FOR SALE OR MARKETING ANY MARKETABLE AGRICUL-

TURAL COMMODITIES OR AQUATIC PRODUCTS, WHO AS OWNER, AGENT OR OTHERWISE SHIPS OR CAUSES AN AGRICULTURAL COMMODITY TO BE SHIPPED.

(F) "PROCESSOR" MEANS ANY PERSON ENGAGED WITHIN THIS STATE IN PROCESSING, OR IN THE OPERATION OF RECEIVING, GRADING, PACKING, CANNING, FREEZING, DEHYDRATING, FERMENTING, DISTILLING, EXTRACTING, PRESERVING, GRINDING, CRUSHING, OR IN ANY OTHER WAY PRESERVING OR CHANGING THE FORM OF AN AGRICULTURAL PRODUCT OR AQUATIC PRODUCT FOR THE PURPOSE OF MARKETING SUCH COMMODITY BUT SHALL NOT INCLUDE A PERSON ENGAGED IN MANUFACTURING FROM AN AGRICULTURAL COMMODITY OR AQUATIC PRODUCT ANOTHER AND DIFFERENT PRODUCT.

(G) "DISTRIBUTOR" MEANS ANY PERSON ENGAGED WITHIN THIS STATE, IN SELLING, OFFERING FOR SALE, MARKETING OR DISTRIBUTING AN AGRICULTURAL COMMODITY OR AQUATIC PRODUCT WHICH HE OR SHE HAS PURCHASED OR ACQUIRED FROM A PRODUCER OR OTHER PERSON OR WHICH HE OR SHE IS MARKETING ON BEHALF OF A PRODUCER OR OTHER PERSON, WHETHER AS OWNER, AGENT, EMPLOYEE, BROKER OR OTHERWISE, BUT SHALL NOT INCLUDE A RETAILER, EXCEPT SUCH RETAILER WHO PURCHASES OR ACQUIRES FROM, OR HANDLES ON BEHALF OF ANY PRODUCER OR OTHER PERSON, AN AGRICULTURAL COMMODITY OR AQUATIC PRODUCT SUBJECT TO REGULATION BY THE MARKETING AGREEMENT OR ORDER COVERING SUCH COMMODITY.

(H) "PRESIDENT" MEANS THE PRESIDENT OF THE CORPORATION.

(I) "MARKETING AGREEMENT" MEANS AN AGREEMENT ENTERED INTO, WITH THE APPROVAL OF THE PRESIDENT, BY PRODUCERS WITH DISTRIBUTORS, PROCESSORS AND HANDLERS REGULATING THE PREPARATION, SALE AND HANDLING OF AGRICULTURAL COMMODITIES OR AQUATIC PRODUCTS.

(J) "MARKETING ORDER" MEANS AN ORDER ISSUED BY THE PRESIDENT PURSUANT TO THIS SECTION, PRESCRIBING RULES AND REGULATIONS GOVERNING THE MARKETING FOR PROCESSING, THE DISTRIBUTING, THE SALE OF, OR THE HANDLING IN ANY MANNER OF ANY AGRICULTURAL COMMODITY OR AQUATIC PRODUCT SOLD IN THIS STATE DURING ANY SPECIFIED PERIOD OR PERIODS.

3. POWERS AND DUTIES OF THE PRESIDENT. (A) IN ORDER TO EFFECTUATE THE DECLARED POLICY OF THIS SECTION, THE PRESIDENT, IN CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS, MAY, AFTER DUE NOTICE AND OPPORTUNITY FOR HEARING, APPROVE MARKETING AGREEMENTS, WHICH MARKETING AGREEMENTS SHALL THEREUPON BE BINDING UPON THE SIGNATORIES THERETO EXCLUSIVELY.

(B) THE PRESIDENT MAY MAKE AND ISSUE MARKETING ORDERS, AFTER DUE NOTICE AND OPPORTUNITY FOR HEARING, SUBJECT TO:

(I) APPROVAL OF NOT LESS THAN SIXTY-SIX AND TWO-THIRDS PER CENTUM OF THE PRODUCERS PARTICIPATING IN A REFERENDUM IN THE AREA AFFECTED, OR

(II) APPROVAL OF NOT LESS THAN SIXTY-FIVE PER CENTUM OF THE PRODUCERS PARTICIPATING IN A REFERENDUM VOTE, IN THE AREA AFFECTED, AND HAVING MARKETED NOT LESS THAN FIFTY-ONE PER CENTUM OF THE TOTAL QUANTITY OF THE COMMODITY WHICH WAS MARKETED IN THE NEXT PRECEDING, ORDINARY MARKETING SEASON BY ALL PRODUCERS THAT VOTED IN THE REFERENDUM, OR

(III) APPROVAL OF NOT LESS THAN FIFTY-ONE PER CENTUM OF THE PRODUCERS PARTICIPATING IN A REFERENDUM VOTE, IN THE AREA AFFECTED, AND HAVING MARKETED NOT LESS THAN SIXTY-FIVE PER CENTUM OF THE TOTAL QUANTITY OF THE COMMODITY WHICH WAS MARKETED IN THE NEXT PRECEDING, ORDINARY MARKETING SEASON BY ALL PRODUCERS THAT VOTED IN THE REFERENDUM. THE PRESIDENT MAY, AND UPON WRITTEN PETITION DULY SIGNED BY TWENTY-FIVE PER CENTUM OF THE PRODUCERS IN THE AREA AMEND OR TERMINATE SUCH ORDER AFTER DUE NOTICE AND OPPORTUNITY FOR HEARING, BUT SUBJECT TO THE APPROVAL OF NOT LESS THAN FIFTY PER CENTUM OF SUCH PRODUCERS PARTICIPATING IN A REFERENDUM VOTE.

(C) THE PRESIDENT SHALL ADMINISTER AND ENFORCE ANY MARKETING ORDER, WHILE IT IS IN EFFECT, TO:

(I) ENCOURAGE AND MAINTAIN STABLE PRICES RECEIVED BY PRODUCERS FOR SUCH AGRICULTURAL COMMODITY AND AQUATIC PRODUCT AT A LEVEL WHICH IS CONSISTENT WITH THE PROVISIONS AND AIMS OF THIS ACT.

(II) PREVENT THE UNREASONABLE OR UNNECESSARY WASTE OF LAND OR WATER BASED WEALTH.

(III) PROTECT THE INTERESTS OF CONSUMERS OF SUCH COMMODITY, BY EXERCISING THE POWERS OF THIS SECTION TO SUCH EXTENT AS IS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ACT.

(IV) PREPARE A BUDGET FOR THE ADMINISTRATION AND OPERATING COSTS AND EXPENSES INCLUDING ADVERTISING AND SALES PROMOTION WHEN REQUIRED IN ANY MARKETING AGREEMENT OR ORDER EXECUTED IN THIS SECTION AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF SUCH NECESSARY FEES TO DEFRAY SUCH COSTS AND EXPENSES, IN NO CASE TO EXCEED FIVE PERCENT OF THE GROSS DOLLAR VOLUME OF SALES OR DOLLAR VOLUME OF PURCHASES OR AMOUNTS HANDLED, TO BE COLLECTED FROM EACH PERSON ENGAGED IN THE PRODUCTION, PROCESSING, DISTRIBUTING OR THE HANDLING OF ANY MARKETABLE AGRICULTURAL COMMODITY AND AQUATIC PRODUCT PRODUCED OR LANDED IN THIS STATE AND DIRECTLY AFFECTED BY ANY MARKETING ORDER ISSUED PURSUANT TO THIS SECTION FOR SUCH COMMODITY.

(V) CONFER AND COOPERATE WITH THE LEGALLY CONSTITUTED AUTHORITIES OF OTHER STATES AND THE UNITED STATES.

(D) ANY MARKETING AGREEMENT OR ORDER ISSUED BY THE PRESIDENT PURSUANT TO THIS SECTION MAY CONTAIN ANY OR ALL OF THE FOLLOWING:

(I) PROVISIONS FOR DETERMINING THE EXISTENCE AND EXTENT OF THE SURPLUS OF ANY AGRICULTURAL COMMODITY, OR OF ANY GRADE, SIZE OR QUALITY THEREOF, AND PROVIDING FOR THE REGULATION AND DISPOSITION OF SUCH SURPLUS.

(II) PROVISIONS FOR LIMITING THE TOTAL QUANTITY OF ANY AGRICULTURAL PRODUCT, OR OF ANY GRADE OR GRADES, SIZE OR SIZES, OR QUALITY OR PORTIONS OR COMBINATIONS THEREOF, WHICH MAY BE MARKETED DURING ANY SPECIFIED PERIOD OR PERIODS. SUCH TOTAL QUANTITY OF ANY SUCH COMMODITY SO REGULATED SHALL NOT BE LESS THAN THE QUANTITY WHICH THE PRESIDENT SHALL FIND IS REASONABLY NECESSARY TO SUPPLY THE MARKET DEMAND OF CONSUMERS FOR SUCH COMMODITY.

(III) PROVISIONS REGULATING TO THE PERIOD, OR PERIODS, DURING WHICH ANY AGRICULTURAL COMMODITY, OR ANY GRADE OR GRADES, SIZE OR SIZES OR QUALITY OR PORTIONS OR COMBINATIONS OF SUCH COMMODITY, MAY BE MARKETED.

(IV) PROVISIONS FOR THE ESTABLISHMENT OF UNIFORM GRADING, STANDARDS, AND INSPECTION OF ANY AGRICULTURAL COMMODITY DELIVERED BY PRODUCERS OR OTHER PERSONS TO HANDLERS, PROCESSORS, DISTRIBUTORS OR OTHERS ENGAGING IN THE HANDLING THEREOF, AND FOR THE ESTABLISHMENT OF GRADING OR STANDARDS OF QUALITY, CONDITION, SIZE, MATURITY OR PACK FOR ANY AGRICULTURAL COMMODITY, AND THE INSPECTION AND GRADING OF SUCH COMMODITY IN ACCORDANCE WITH SUCH GRADING OR STANDARDS SO ESTABLISHED; AND FOR PROVISIONS THAT NO PRODUCER, HANDLER, PROCESSOR OR DISTRIBUTOR OF ANY AGRICULTURAL COMMODITY FOR WHICH GRADING OR STANDARDS ARE SO ESTABLISHED MAY, EXCEPT AS OTHERWISE PROVIDED IN SUCH MARKETING AGREEMENT OR ORDER, SELL, OFFER FOR SALE, PROCESS, DISTRIBUTE OR OTHERWISE HANDLE ANY SUCH COMMODITY WHETHER PRODUCED WITHIN OR WITHOUT THIS STATE, NOT MEETING AND COMPLYING WITH SUCH ESTABLISHED GRADING OR STANDARDS. FOR THE PURPOSES OF THIS SECTION, THE FEDERAL-STATE INSPECTION SERVICE SHALL PERFORM ALL INSPECTIONS MADE NECESSARY BY SUCH PROVISIONS.

(V) PROVISIONS FOR THE ESTABLISHMENT OF RESEARCH PROGRAMS DESIGNED TO BENEFIT A SPECIFIED COMMODITY OR NEW YORK AGRICULTURE IN GENERAL.

(VI) PROVISIONS FOR THE PRESIDENT TO RETAIN MONEY COLLECTED UNDER ANY MARKETING ORDER ISSUED PURSUANT TO THIS SECTION TO DEFRAY THE COSTS AND EXPENSES IN THE ADMINISTRATION THEREOF.

(VII) SUCH OTHER PROVISIONS AS MAY BE NECESSARY TO EFFECTUATE THE DECLARED POLICIES OF THIS SECTION.

(VIII) PROVISIONS TO ESTABLISH MARKETING PROMOTION AND RESEARCH PROGRAMS FOR AQUATIC PRODUCTS WHICH MAY INCLUDE SUBPARAGRAPHS (I) THROUGH (VII) OF THIS PARAGRAPH.

(E) THE PRESIDENT MAY TEMPORARILY SUSPEND THE OPERATION OF AN EFFECTIVE MARKETING ORDER FOR A CONTINUING PERIOD OF NOT LONGER THAN ONE GROWING AND MARKETING SEASON, IF THE PURPOSES OF THIS SECTION ARE DEEMED UNNECESSARY DURING SUCH SEASON.

(F) IN CARRYING OUT THE PURPOSES OF THIS SECTION, THE PRESIDENT, IN CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS, SHALL TAKE INTO CONSIDERATION ANY AND ALL FACTS AVAILABLE TO HIM OR HER WITH RESPECT TO THE FOLLOWING ECONOMIC FACTORS:

(I) THE QUANTITY OF SUCH AGRICULTURAL COMMODITY AVAILABLE FOR DISTRIBUTION.

(II) THE QUANTITY OF SUCH AGRICULTURAL COMMODITY NORMALLY REQUIRED BY CONSUMERS.

(III) THE COST OF PRODUCING SUCH AGRICULTURAL COMMODITY.

(IV) THE PURCHASING POWER OF CONSUMERS.

(V) THE LEVEL OF PRICES OF COMMODITIES, SERVICES AND SECTIONS WHICH THE FARMERS COMMONLY BUY.

(VI) THE LEVEL OF PRICES OF OTHER COMMODITIES WHICH COMPETE WITH OR ARE UTILIZED AS SUBSTITUTES FOR SUCH AGRICULTURAL COMMODITY.

(G) THE EXECUTION OF SUCH MARKETING AGREEMENTS SHALL IN NO MANNER AFFECT THE ISSUANCE, ADMINISTRATION OR ENFORCEMENT OF ANY MARKETING ORDER PROVIDED FOR IN THIS SECTION. THE PRESIDENT MAY ISSUE SUCH MARKETING ORDER WITHOUT EXECUTING A MARKETING AGREEMENT OR MAY EXECUTE A MARKETING AGREEMENT WITHOUT ISSUING A MARKETING ORDER COVERING THE SAME COMMODITY. THE PRESIDENT, IN HIS OR HER DISCRETION, MAY HOLD A CONCURRENT HEARING UPON A PROPOSED MARKETING AGREEMENT AND A PROPOSED MARKETING ORDER IN THE MANNER PROVIDED FOR GIVING DUE NOTICE AND OPPORTUNITY FOR HEARING FOR A MARKETING ORDER AS PROVIDED IN THIS SECTION.

(H) PRIOR TO THE ISSUANCE, AMENDMENT OR TERMINATION OF ANY MARKETING ORDER, THE PRESIDENT MAY REQUIRE THE APPLICANTS FOR SUCH ISSUANCE, AMENDMENT OR TERMINATION TO DEPOSIT WITH HIM OR HER SUCH AMOUNT AS HE OR SHE MAY DEEM NECESSARY TO DEFRAY THE EXPENSES OF PREPARING AND MAKING EFFECTIVE AMENDING OR TERMINATING A MARKETING ORDER. SUCH FUNDS SHALL BE RECEIVED, DEPOSITED AND DISBURSED BY THE PRESIDENT IN THE SAME MANNER AS OTHER FEES RECEIVED BY HIM OR HER UNDER THIS SECTION AND, IN THE EVENT THE APPLICATION FOR ADOPTION, AMENDMENT OR TERMINATION OF A MARKETING ORDER IS APPROVED IN A REFERENDUM, THE PRESIDENT SHALL REIMBURSE ANY SUCH APPLICANT IN THE AMOUNT OF ANY SUCH DEPOSIT FROM ANY UNEXPENDED MONIES COLLECTED UNDER THE MARKETING ORDER AFFECTED BY SUCH REFERENDUM.

(I) ANY MONEYS COLLECTED BY THE PRESIDENT PURSUANT TO THIS SECTION SHALL NOT BE DEEMED STATE FUNDS AND SHALL BE DEPOSITED IN A BANK OR OTHER DEPOSITORY OF THE CORPORATION, APPROVED BY THE PRESIDENT, ALLOCATED TO EACH MARKETING ORDER UNDER WHICH THEY ARE COLLECTED, AND SHALL BE DISBURSED BY THE PRESIDENT ONLY FOR THE NECESSARY EXPENSES INCURRED BY THE PRESIDENT WITH RESPECT TO EACH SUCH SEPARATE MARKETING ORDER, ALL IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE PRESIDENT. ALL SUCH EXPENDITURES SHALL BE AUDITED BY THE CORPORATION AT LEAST ANNUALLY. ANY MONEYS REMAINING IN SUCH FUND ALLOCABLE TO ANY PARTICULAR COMMODITY AFFECTED BY A MARKETING ORDER MAY, IN THE DISCRETION OF THE PRESIDENT,

BE REFUNDED AT THE CLOSE OF ANY MARKETING SEASON UPON A PRO-RATA BASIS TO ALL PERSONS FROM WHOM ASSESSMENTS THEREFOR WERE COLLECTED OR, WHENEVER THE PRESIDENT FINDS THAT SUCH MONEYS MAY BE NECESSARY TO DEFRAY THE COST OF OPERATING SUCH MARKETING ORDER IN A SUCCEEDING MARKETING SEASON, HE OR SHE MAY CARRY OVER ALL OR ANY PORTION OF SUCH MONEYS INTO THE NEXT SUCH SUCCEEDING SEASON. UPON THE TERMINATION BY THE PRESIDENT OF ANY MARKETING ORDER, ALL MONEYS REMAINING AND NOT REQUIRED BY THE PRESIDENT TO DEFRAY THE EXPENSES OF OPERATING SUCH MARKETING ORDER, SHALL BE REFUNDED BY THE PRESIDENT UPON A PRO-RATA BASIS TO ALL PERSONS FROM WHOM ASSESSMENTS THEREFOR WERE COLLECTED; PROVIDED, HOWEVER, THAT IF THE PRESIDENT FINDS THAT THE AMOUNTS SO REFUNDABLE ARE SO SMALL AS TO MAKE IMPRACTICABLE THE COMPUTATION AND REFUNDING OF SUCH REFUNDS, THE PRESIDENT MAY USE SUCH MONEYS TO DEFRAY THE EXPENSES INCURRED BY HIM OR HER IN THE FORMULATION, ISSUANCE, ADMINISTRATION OR ENFORCEMENT OF ANY SUBSEQUENT MARKETING ORDER FOR SUCH COMMODITY.

(J) ADVISORY BOARD. (I) ANY MARKETING ORDER ISSUED PURSUANT TO THIS SECTION SHALL PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY BOARD, TO CONSIST OF NOT LESS THAN FIVE MEMBERS NOR MORE THAN NINE MEMBERS, TO ADVISE THE PRESIDENT IN THE ADMINISTRATION OF SUCH MARKETING ORDER IN ACCORDANCE WITH ITS TERMS AND PROVISIONS. THE MEMBERS OF SAID BOARD SHALL BE APPOINTED BY THE PRESIDENT FROM NOMINATIONS RECEIVED FROM THE COMMODITY GROUP FOR WHICH THE MARKETING ORDER IS ESTABLISHED. NOMINATING PROCEDURE, QUALIFICATION, REPRESENTATION AND SIZE OF THE ADVISORY BOARD SHALL BE PRESCRIBED IN EACH MARKETING ORDER FOR WHICH SUCH BOARD IS APPOINTED. EACH ADVISORY BOARD SHALL BE COMPOSED OF SUCH PRODUCERS AND HANDLERS OR PROCESSORS AS ARE DIRECTLY AFFECTED BY THE MARKETING ORDER IN SUCH PROPORTION OF REPRESENTATION AS THE ORDER SHALL PRESCRIBE. THE PRESIDENT MAY APPOINT ONE PERSON WHO IS NEITHER A PRODUCER, PROCESSOR OR OTHER HANDLER TO REPRESENT THE DEPARTMENT OF AGRICULTURE AND MARKETS, THE CORPORATION, OR THE PUBLIC GENERALLY.

(II) NO MEMBER OF AN ADVISORY BOARD SHALL RECEIVE A SALARY, BUT EACH SHALL BE ENTITLED TO HIS OR HER ACTUAL EXPENSES INCURRED WHILE ENGAGED IN PERFORMING HIS OR HER DUTIES HEREIN AUTHORIZED.

(III) THE DUTIES AND RESPONSIBILITIES OF EACH ADVISORY BOARD SHALL BE PRESCRIBED BY THE PRESIDENT, AND HE OR SHE MAY SPECIFICALLY DELEGATE TO THE ADVISORY BOARD, BY INCLUSION IN THE MARKETING ORDER, ALL OR ANY OF THE FOLLOWING DUTIES AND RESPONSIBILITIES:

(A) THE RECOMMENDATION TO THE PRESIDENT OF ADMINISTRATIVE RULES AND REGULATIONS RELATING TO THE MARKETING ORDER.

(B) RECOMMENDING TO THE PRESIDENT SUCH AMENDMENTS TO THE MARKETING ORDER AS DEEMED ADVISABLE.

(C) THE PREPARATION AND SUBMISSION TO THE PRESIDENT OF THE ESTIMATED BUDGET REQUIRED FOR THE PROPER OPERATION OF THE MARKETING ORDER.

(D) RECOMMENDING TO THE PRESIDENT METHODS FOR ASSESSING MEMBERS OF THE INDUSTRY AND METHODS FOR COLLECTING THE NECESSARY FUNDS.

(E) ASSISTING THE PRESIDENT IN THE COLLECTION AND ASSEMBLING OF INFORMATION AND DATA NECESSARY TO THE PROPER ADMINISTRATION OF THE ORDER.

(F) THE PERFORMANCE OF SUCH OTHER DUTIES IN CONNECTION WITH THE MARKETING ORDER AS THE PRESIDENT SHALL DESIGNATE.

4. RULES AND REGULATIONS; ENFORCEMENT. THE PRESIDENT MAY MAKE AND PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO EFFECTUATE THE PROVISIONS AND INTENT OF THIS SECTION AND TO ENFORCE THE PROVISION OF ANY MARKETING AGREEMENT OR ORDER, ALL OF WHICH SHALL HAVE THE FORCE AND EFFECT OF LAW.

THE PRESIDENT MAY INSTITUTE SUCH ACTION AT LAW OR IN EQUITY AS MAY APPEAR NECESSARY TO ENFORCE COMPLIANCE WITH ANY PROVISION OF THIS

SECTION, OR ANY RULE OR REGULATION, MARKETING AGREEMENT OR ORDER, COMMITTED TO HIS OR HER ADMINISTRATION, AND IN ADDITION MAY APPLY FOR RELIEF BY INJUNCTION IF NECESSARY TO PROTECT THE PUBLIC INTEREST WITHOUT BEING COMPELLED TO ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES NOT EXIST. SUCH APPLICATION MAY BE MADE TO THE SUPREME COURT IN ANY DISTRICT OR COUNTY AS PROVIDED IN THE CIVIL PRACTICE LAW AND RULES, OR TO THE SUPREME COURT IN THE THIRD JUDICIAL DISTRICT.

5. COOPERATION BY THE DEPARTMENT OF AGRICULTURE AND MARKETS. THE PRESIDENT OF THE CORPORATION MAY REQUEST AND RECEIVE, WITHIN NINETY DAYS OF SUCH REQUEST, FROM THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS (HEREINAFTER REFERRED TO IN THIS SUBDIVISION AS THE "DEPARTMENT") SUCH ASSISTANCE, INFORMATION AND COOPERATION AS MAY BE NECESSARY FOR THE CORPORATION TO PROVIDE SERVICES WITH RESPECT TO THE ADMINISTRATION OF THE PROCEDURES SET FORTH FOR THE ISSUANCE, TERMINATION OR AMENDMENT OF ANY AGRICULTURAL, COMMODITIES OR AQUATIC ORDER AND/OR THE ADMINISTRATION OF ANY SUCH ORDER. THE CORPORATION SHALL RETAIN AN AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE CORPORATION IN PERFORMING ITS DUTIES PURSUANT TO THIS SECTION AND REIMBURSE THE DEPARTMENT AN AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE DEPARTMENT IN SUPPLYING SUCH SERVICES, SUBSEQUENT TO SUBMISSION AND AUDIT OF A VOUCHER THEREFOR. SUCH REIMBURSEMENT SHALL NOT EXCEED THE TOTAL AMOUNT OF FUNDS COLLECTED BY THE CORPORATION PURSUANT TO THIS SECTION LESS THE REASONABLE EXPENSES INCURRED BY THE CORPORATION IN PERFORMING ITS DUTIES PURSUANT TO THIS SECTION.

6. INDEMNIFICATION. THE STATE SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE CORPORATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, DAMAGES, COSTS AND EXPENSES WHATSOEVER ARISING DIRECTLY OR INDIRECTLY FROM, OR RELATING TO, THE ADMINISTRATION OF ANY AGRICULTURAL, COMMODITIES OR AQUATIC PROMOTION ORDER ISSUED OR ADMINISTERED PURSUANT TO THIS SECTION. IN CONNECTION WITH THE FOREGOING, THE CORPORATION SHALL GIVE THE STATE (A) PROMPT WRITTEN NOTICE OF ANY ACTION, CLAIM OR THREAT OF SUIT, (B) THE OPPORTUNITY TO TAKE OVER, SETTLE OR DEFEND SUCH ACTION, CLAIM OR SUIT AT THE STATE'S SOLE EXPENSE, AND (C) ASSISTANCE IN THE DEFENSE OF ANY SUCH ACTION AT THE EXPENSE OF THE STATE.

7. CONTRACTUAL PROVISIONS. THE CORPORATION MAY CONTRACT FOR SERVICES WITH RESPECT TO THE IMPLEMENTATION OF THIS SECTION IN ACCORDANCE WITH THE CORPORATION'S POLICIES, PROCEDURES AND GUIDELINES. NOTWITHSTANDING SECTION 2879 OF THE PUBLIC AUTHORITIES LAW OR ANY OTHER LAW TO THE CONTRARY, ANY SUCH CONTRACT MAY BE PROCURED BY THE CORPORATION ON A SOLE-SOURCE BASIS, AND SHALL NOT BE SUBJECT TO COMPETITIVE BID OR COMPETITIVE REQUEST FOR PROPOSAL REQUIREMENTS.

S 16-Z. MARKETING ORDERS. THE MARKETING ORDERS, THE REGULATORY PROVISIONS RELATING THERETO, SET FORTH IN TITLE ONE OF THE OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK PARTS 40, 200, 201, 203, 204, AND 205, AND THE CONTRACTS RELATING THERETO SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL AMENDED OR REPEALED PURSUANT TO THE STATUTORY AUTHORITY SET FORTH IN SECTIONS 16-X AND 16-Y OF THIS ACT EXCEPT THAT: (A) SUCH MARKETING ORDERS, THE REGULATORY PROVISIONS RELATING THERETO, AND THE CONTRACTS RELATING THERETO SHALL BE ADMINISTERED BY AND UNDER THE SUPERVISION OF THE PRESIDENT OF THE CORPORATION AS OF THE EFFECTIVE DATE OF SECTIONS 16-X AND 16-Y OF THIS ACT; (B) ALL UNDISBURSED FUNDS UNDER THE CONTROL OF THE DEPARTMENT OF AGRICULTURE AND MARKETS SHALL BE TRANSFERRED TO THE CORPORATION ON OR BEFORE SUCH EFFECTIVE DATE; AND (C) ANY ASSESSMENTS DUE AND PAYABLE UNDER SUCH

MARKETING ORDERS SHALL BE REMITTED TO THE CORPORATION STARTING 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

S 3. This act shall take effect on the ninetieth day after it shall have become a law and shall expire and be deemed repealed five years after such date; provided, however, that any assessment due and payable under such marketing orders shall be remitted to the urban development corporation starting 30 days after such effective date.

PART T

Section 1. Subdivision 1 and the opening paragraph of subdivision 2 of section 27-1905 of the environmental conservation law, as amended by section 1 of part G of chapter 58 of the laws of 2013, are amended to read as follows:

1. [Until December thirty-first, two thousand sixteen, accept] ACCEPT from a customer, waste tires of approximately the same size and in a quantity equal to the number of new tires purchased or installed by the customer; and

[Until December thirty-first, two thousand sixteen, post] POST written notice in a prominent location, which must be at least eight and one-half inches by fourteen inches in size and contain the following language:

S 2. The opening paragraph of subdivisions 1, 2 and 3 and paragraph (a) of subdivision 6 of section 27-1913 of the environmental conservation law, as amended by section 2 of part G of chapter 58 of the laws of 2013, are amended to read as follows:

[Until December thirty-first, two thousand sixteen, a] A waste tire management and recycling fee of two dollars and fifty cents shall be charged on each new tire sold. The fee shall be paid by the purchaser to the tire service at the time the new tire or new motor vehicle is purchased.

[Until December thirty-first, two thousand sixteen, the] THE tire service shall collect the waste tire management and recycling fee from the purchaser at the time of the sale and shall remit such fee to the department of taxation and finance with the quarterly report filed pursuant to subdivision three of this section.

[Until March thirty-first, two thousand seventeen, each] EACH tire service maintaining a place of business in this state shall make a return to the department of taxation and finance on a quarterly basis, with the return for December, January, and February being due on or before the immediately following March thirty-first; the return for March, April, and May being due on or before the immediately following June thirtieth; the return for June, July, and August being due on or before the immediately following September thirtieth; and the return for September, October, and November being due on or before the immediately following December thirty-first.

(a) [Until December thirty-first, two thousand sixteen, any] ANY additional waste tire management and recycling costs of the tire service in excess of the amount authorized to be retained pursuant to paragraph (b) of subdivision two of this section may be included in the published selling price of the new tire, or charged as a separate per-tire charge on each new tire sold. When such costs are charged as a separate per-tire charge: (i) such charge shall be stated as an invoice item separate and distinct from the selling price of the tire; (ii) the invoice shall state that the charge is imposed at the sole discretion of the tire service; and (iii) the amount of such charge shall reflect the actual

cost to the tire service for the management and recycling of waste tires accepted by the tire service pursuant to section 27-1905 of this title, provided however, that in no event shall such charge exceed two dollars and fifty cents on each new tire sold.

S 3. This act shall take effect immediately.

PART U

Section 1. Paragraph a of subdivision 2 of section 92-s of the state finance law, as added by chapter 610 of the laws of 1993, is amended to read as follows:

a. The comptroller shall establish the following separate and distinct accounts within the environmental protection fund:

(i) solid waste account;

(ii) parks, recreation and historic preservation account;

(iii) open space account; [and]

(iv) CLIMATE CHANGE MITIGATION AND ADAPTATION ACCOUNT; AND

(V) environmental protection transfer account.

S 2. Paragraph (b) of subdivision 6 of section 92-s of the state finance law, as amended by chapter 432 of the laws of 1997, is amended to read as follows:

(b) Moneys from the solid waste account shall be available, pursuant to appropriation and upon certificate of approval of availability by the director of the budget, for any non-hazardous municipal landfill closure project; municipal waste reduction or recycling project, as defined in article fifty-four of the environmental conservation law; for the purposes of section two hundred sixty-one and section two hundred sixty-four of the economic development law; any project for the development, updating or revision of local solid waste management plans pursuant to sections 27-0107 and 27-0109 of the environmental conservation law; ENVIRONMENTAL JUSTICE PROGRAMS, PROJECTS AND GRANTS; and for the development of the pesticide sales and use data base [in conjunction with Cornell University] pursuant to title twelve of article thirty-three of the environmental conservation law.

S 3. Subdivision 6 of section 92-s of the state finance law is amended by adding a new paragraph (f) to read as follows:

(F) MONEYS FROM THE CLIMATE CHANGE MITIGATION AND ADAPTATION ACCOUNT SHALL BE AVAILABLE, PURSUANT TO APPROPRIATION AND UPON CERTIFICATE OF APPROVAL OF AVAILABILITY BY THE DIRECTOR OF THE BUDGET, FOR PROGRAMS AND PROJECTS TO REDUCE GREENHOUSE GASSES; FOR THE DEVELOPMENT, UPDATING OR REVISION OF LOCAL WATERFRONT REVITALIZATION PLANS PURSUANT TO TITLE ELEVEN OF ARTICLE FIFTY-FOUR OF THE ENVIRONMENTAL CONSERVATION LAW TO ADAPT FOR CLIMATE CHANGE, OR FOR OTHER PLANNING UNDERTAKEN TO IMPROVE RESILIENCY FROM IMPACTS OF CLIMATE CHANGE; FOR SMART GROWTH PROGRAMS; AND FOR ADAPTIVE INFRASTRUCTURE, INCLUDING GRANTS PURSUANT TO THE CLIMATE SMART COMMUNITIES PROGRAM; RESILIENCY PLANTING PROJECTS; THE CLIMATE RESILIENT FARMS PROGRAM; STATE VULNERABILITY ASSESSMENTS; AND PROGRAMS AND PROJECTS TO IMPLEMENT AND COMPLY WITH THE PROVISIONS OF CHAPTER THREE HUNDRED FIFTY-FIVE OF THE LAWS OF TWO THOUSAND FOURTEEN, KNOWN AS THE "COMMUNITY RISK AND RESILIENCY ACT".

S 4. Section 54-1101 of the environmental conservation law, as amended by chapter 309 of the laws of 1996, subdivisions 1 and 5 as amended by chapter 355 of the laws of 2014, is amended to read as follows:

S 54-1101. Local waterfront revitalization programs.

1. The secretary is authorized to provide on a competitive basis, within amounts appropriated, state assistance payments AND/OR TECHNICAL

ASSISTANCE to municipalities toward the [cost] DEVELOPMENT of any local waterfront revitalization program, including planning projects to mitigate future physical climate risks. Eligible costs include planning, studies, preparation of local laws, and construction projects.

2. State assistance payments AND/OR TECHNICAL ASSISTANCE shall not exceed fifty percent of the cost of the program, EXCEPT WHERE THE MUNICIPALITY HAS A POPULATION, AS DETERMINED IN THE MOST RECENT UNITED STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE HUNDRED TWENTY-FIVE PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMULGATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE SHALL NOT EXCEED NINETY PERCENT OF THE COST OF THE PROGRAM. For the purpose of determining the amount of state assistance payments, costs shall not be more than the amount set forth in the application for state assistance payments approved by the secretary. The state assistance payments shall be paid on audit and warrant of the state comptroller on a certificate of availability of the director of the budget.

3. THE SECRETARY IS AUTHORIZED TO PROVIDE ON A NONCOMPETITIVE BASIS, WITHIN AMOUNTS APPROPRIATED, STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE TOWARD THE DEVELOPMENT OF PLANNING PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS TO MUNICIPALITIES THAT HAVE BEEN AWARDED STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE UNDER SUBDIVISION ONE OF THIS SECTION. SUCH PAYMENTS MAY BE USED FOR UPDATES DESIGNED TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS.

4. The secretary shall have the power to approve vouchers for payments pursuant to an approved contract.

[4.] 5. No moneys shall be expended as authorized by this section except pursuant to an appropriation therefor.

[5.] 6. The secretary shall impose such contractual requirements and conditions upon any municipality which receives state assistance payments pursuant to this article as may be necessary and appropriate to ensure that a public benefit shall accrue from the use of such funds by the municipality including but not limited to, a demonstration that future physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable, has been considered.

S 5. Section 912 of the executive law is amended by adding a new subdivision 17 to read as follows:

17. TO ENCOURAGE STATE AGENCIES AND LOCAL GOVERNMENTS TO CONSIDER PHYSICAL CLIMATE RISKS IN PLANNING AND DEVELOPMENT EFFORTS.

S 6. Subdivision 1 of section 918 of the executive law, as added by chapter 840 of the laws of 1981, is amended to read as follows:

1. The secretary may enter into a contract or contracts for grants OR PAYMENTS to be made, within the limits of any appropriations therefor, for the following:

a. To any local governments, or to two or more local governments, for projects approved by the secretary which lead to preparation of a waterfront revitalization program; provided, however, that such grants OR PAYMENTS shall not exceed fifty percent of the approved cost of such projects, EXCEPT WHERE EACH LOCAL GOVERNMENT HAS A POPULATION, AS DETERMINED IN THE MOST RECENT UNITED STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE

HUNDRED TWENTY-FIVE PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMULGATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE SUCH GRANTS OR PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST OF SUCH PROJECTS;

b. TO SERVICE PROVIDERS, ON BEHALF OF AND IN CONSULTATION WITH ANY LOCAL GOVERNMENTS OR TWO OR MORE LOCAL GOVERNMENTS, FOR PROJECTS APPROVED BY THE SECRETARY WHICH LEAD TO PREPARATION OF A WATERFRONT REVITALIZATION PROGRAM; HOWEVER, THAT SUCH GRANTS OR PAYMENTS SHALL NOT EXCEED FIFTY PERCENT OF THE APPROVED COST OF SUCH PROJECTS, EXCEPT WHERE EACH LOCAL GOVERNMENT HAS A POPULATION, AS DETERMINED IN THE MOST RECENT UNITED STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE HUNDRED TWENTY-FIVE PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMULGATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE SUCH GRANTS OR PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST OF SUCH PROJECTS;

C. To any local government or local government agency for research, design, and other activities which serve to facilitate construction projects provided for in an approved waterfront revitalization program; provided, however, that such grants or payments shall not exceed ten percent of the estimated cost of such construction project.

S 7. This act shall take effect immediately.

PART V

Section 1. Subdivision 3 of section 79-b of the navigation law, as amended by section 1 of part D of chapter 109 of the laws of 2010, is amended to read as follows:

3. The amount of state aid to be allocated to eligible governmental entities pursuant to this article shall be determined by the commissioner as hereinafter provided. The commissioner shall determine the percentage proportion which the authorized expenditures of each individual entity, not exceeding four hundred thousand dollars for each county including municipalities therein, shall bear to the total authorized expenditures of all entities. Such percentage proportion shall then be applied against an amount equal to one-half of the total of the amount received by the state in each preceding program year in vessel registration fees as provided in section twenty-two hundred fifty-one of the vehicle and traffic law, less no more than thirty percent, subject to appropriation, which may be used by the commissioner and the commissioner of motor vehicles for administrative costs of the program, including training and equipment, and by the department of environmental conservation, the division of state police and other state agencies, subject to the approval of the commissioner, for the purposes of this article, plus the entire amount received pursuant to subdivision nine of section forty-four of this chapter. The amount thus determined shall constitute the maximum amount of state aid to which each such entity shall be entitled; provided, however, that no entity shall receive state aid in an amount in excess of [fifty] TWENTY-FIVE percent of its authorized expenditures as approved by the commissioner for such program year. The commissioner shall certify to the comptroller the amount thus determined for each eligible local governmental entity as the amount of state aid to be apportioned to such eligible local governmental entity. The allo-

cation of state aid to any county, town or village within the Lake George park shall not be reduced because of the allocation of state aid to the Lake George park commission. Of the remaining funds received by the state for the registration of vessels as provided in section twenty-two hundred fifty-one of the vehicle and traffic law, no less than six percent shall be made available to the commissioner for the expenses of the office in providing navigation law enforcement training and administering the provisions of this section.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016.

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 V of this act shall be as specifically set forth in the last section of such Parts.