

6408--B

I N S E N A T E

January 14, 2016

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to commit 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); intentionally omitted (Part B); intentionally omitted (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 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 the university of Rochester laboratory for laser energetics from an assessment on gas and electric corporations (Part J); intentionally omitted (Part K); to amend the public service law, in relation to the definition of major changes (Part L); to amend chapter 21 of the laws of 2003,

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

LBD12673-04-6

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); intentionally omitted (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); intentionally omitted (Part P); intentionally omitted (Part Q); to establish the private activity bond allocation act of 2016; to repeal the private activity bond allocation act of 2014; and providing for the repeal of such provisions upon expiration thereof (Part R); intentionally omitted (Part S); to amend the environmental conservation law, in relation to mandatory tire acceptance, and the use of waste tire management and recycling fee funds (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); to amend the navigation law, in relation to the authorized reimbursement rate paid to governmental entities (Part V); to amend the New York state urban development corporation act, in relation to the criteria governing the award of grants from the beginning farmers NY fund (Part W); to amend the public service law, in relation to operation of farm waste electric generating equipment (Part X); to amend the agriculture and markets law, in relation to establishing and implementing the NY pride/NY certified program for the voluntary labeling of agricultural products grown and produced in this state (Part Y); to amend the environmental conservation law, in relation to the use of ultra low sulfur diesel fuel and best available technology by the state (Part Z); establishing the New York state water infrastructure improvement act of 2016 (Part AA); to amend the environmental conservation law, in relation to establishing the paint stewardship program (Part BB); to amend the environmental conservation law and the state finance law, in relation to manufacturer liability for the cost of collection, handling, and recycling and reuse of electronic waste, and compensation by the state to electronic waste collection sites, consolidation facilities and recycling facilities for those costs not paid by a manufacturer (Part CC); to designate as brownfield sites, certain real property previously owned by the state that has been transitioned to private use or ownership (Part DD); to amend the tax law, in relation to establishing a sales tax exemption for the purchase of electric vehicles and zero emission vehicles in the state; to amend the vehicle and traffic law, in relation to exempting electric vehicles and zero emission vehicles from the emissions inspection requirements; and to amend the public authorities law, in relation to establishing the zero emission vehicle rebate program within the New York state energy research and development authority (Part EE); to amend the navigation law, in relation to license fees per barrel of petroleum (Part FF); to amend the environmental conservation law, in relation to fees for certification of pesticide applicators; and to repeal certain provisions of such law relating thereto (Part GG); to amend part SS of chapter 58 of the laws of 2015 relating to requiring the New York state energy research and development authority to develop standards

and/or criteria that will encourage and increase issuance of loans to low-to-moderate income households for qualified energy efficiency services, in relation to extending to offer financing to certain persons and entities (Part HH); to amend the public service law, in relation to providing a program to extend natural gas delivery to unserved or underserved areas (Part II); to amend the state finance law, in relation to directing the commissioner of the state finance department to develop a comprehensive transportation plan for the state (Part JJ); to amend the public authorities law, in relation to toll discount programs (Part KK); to amend the vehicle and traffic law, in relation to the disposition of certain fees received from the registration of snowmobiles (Part LL); to amend the vehicle and traffic law, in relation to the inspection of tinted or shaded windows, airbag systems, and antilock brake systems during the required periodic inspection of motor vehicles (Part MM); to amend the waterfront commission act, in relation to cargo facility charges by the Port Authority of New York and New Jersey (Part NN); to amend the vehicle and traffic law, in relation to establishing the behavioral-based driver retraining programs; to amend the state finance law, in relation to establishing the behavioral-based driver retraining pilot program fund; and providing for the repeal of such provisions upon expiration thereof (Part OO); to amend the vehicle and traffic law, in relation to providing for a discount on driver's license renewal fees for senior citizens (Part PP); to amend the parks, recreation and historic preservation law, the vehicle and traffic law, the state finance law and the environmental conservation law, in relation to the creation of an ATV trail fund and the use of ATVs (Part QQ); to amend the vehicle and traffic law, the highway law and the general municipal law, in relation to the definition of electric assisted bicycle (Part RR); in relation to discontinuing the collection of tolls for travel between exits forty-nine and fifty of the New York state thruway (Part SS); and to amend the public service law and the public authorities law, in relation to oversight by the New York state public authorities control board (Part TT)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2016-2017
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through TT. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. This act shall be known as the "Transportation Capital
14 Financing Act of 2016". This act commits the state of New York to fund
15 over a multi-year period, \$3,500,000,000 in capital costs related to

1 projects contained in the department of transportation's 2015-2019 capi-
2 tal program. The \$3,500,000,000 of additional funds to be provided by
3 the state shall be used by the department of transportation to pay
4 direct capital costs. This act commits the state of New York (state)
5 and the city of New York (city) to fund, over a multi-year period,
6 \$10,828,000,000 in capital costs related to projects contained in the
7 MTA's 2015-2019 capital program (capital program). The state share of
8 \$8,336,000,000 shall consist of \$1,000,000,000 in appropriations first
9 enacted in the 2015-2016 state budget and additional funds sufficient
10 for MTA to pay \$7,336,000,000 of capital costs as provided herein. The
11 city share of \$2,492,000,000 shall consist of \$657,000,000 to be
12 provided by the city from 2015 through 2019, and additional funds suffi-
13 cient for MTA to pay \$1,835,000,000 of capital costs for the capital
14 program. The \$7,336,000,000 of additional funds to be provided by the
15 state may be used by the MTA to pay direct capital costs and/or the
16 state may fund such \$7,336,000,000 of capital costs through financing
17 mechanisms undertaken by the MTA.

18 S 2. (a) The additional funds provided by the state pursuant to
19 section one of this act shall be scheduled and made available to pay for
20 the costs of the capital program after MTA capital resources planned for
21 the capital program, not including additional city and state funds, have
22 been exhausted, or when MTA capital resources planned for the capital
23 program are not available. It is anticipated that state funds shall be
24 required by, and provided to, the MTA in an amount to support
25 \$1,500,000,000 of capital costs in the first year in which planned MTA
26 capital resources are exhausted; \$2,600,000,000 in the second year;
27 \$1,840,000,000 in the third year and \$1,396,000,000 in the fourth year
28 or thereafter.

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

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

53 S 3. In order to annually determine the adequacy and pace of the level
54 of state funding in support of the MTA's capital program, and to gauge
55 the availability of MTA capital resources planned for the capital
56 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. Intentionally omitted.

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

Intentionally Omitted

PART C

Intentionally Omitted

PART D

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

S 399-1. 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

1 which two dollars and fifty cents shall be deposited BY THE COMPTROLLER
2 into the [motorcycle safety fund established pursuant to section nine-
3 ty-two-g of the state finance law] SPECIAL OBLIGATION RESERVE AND
4 PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTAB-
5 LISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR
6 THE PURPOSES ESTABLISHED IN THIS SECTION.

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

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

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

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

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

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

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

34 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
35 sion, an order of suspension issued pursuant to paragraph (a) or (e) of
36 this subdivision may be terminated if the registrant pays to the commis-
37 sioner a civil penalty in the amount of eight dollars for each day up to
38 thirty days for which financial security was not in effect, plus ten
39 dollars for each day from the thirty-first to the sixtieth day for which
40 financial security was not in effect, plus twelve dollars for each day
41 from the sixty-first to the ninetieth day for which financial security
42 was not in effect. Of each eight dollar penalty, six dollars will be
43 deposited in the general fund and two dollars in the [miscellaneous
44 special revenue fund - compulsory insurance account] SPECIAL OBLIGATION
45 RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST
46 FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE
47 LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION. Of each ten dollar
48 penalty collected, six dollars will be deposited in the general fund,
49 two dollars will be deposited in the [miscellaneous special revenue fund
50 - compulsory insurance account] SPECIAL OBLIGATION RESERVE AND PAYMENT
51 ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED
52 PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE
53 PURPOSES ESTABLISHED IN THIS SECTION, and two dollars shall be deposited
54 in the dedicated highway and bridge trust fund established pursuant to
55 section eighty-nine-b of the state finance law and the dedicated mass
56 transportation fund established pursuant to section eighty-nine-c of the

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

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

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

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

30 (a) The special obligation reserve and payment account shall consist
31 (i) of all moneys required to be deposited in the dedicated highway and
32 bridge trust fund pursuant to the provisions of sections two hundred
33 five, two hundred eighty-nine-e, three hundred one-j, five hundred
34 fifteen and eleven hundred sixty-seven of the tax law, section four
35 hundred one of the vehicle and traffic law, and section thirty-one of
36 chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all
37 fees, fines or penalties collected by the commissioner of transportation
38 AND THE COMMISSIONER OF MOTOR VEHICLES pursuant to section fifty-two,
39 section three hundred twenty-six, section eighty-eight of the highway
40 law, subdivision fifteen of section three hundred eighty-five, SECTION
41 FOUR HUNDRED TWENTY-THREE-A, SECTION FOUR HUNDRED TEN, SECTION THREE
42 HUNDRED SEVENTEEN, SECTION THREE HUNDRED EIGHTEEN, ARTICLE TWELVE-C, AND
43 PARAGRAPH (C-1) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED THREE of the
44 vehicle and traffic law, section two of the chapter of the laws of two
45 thousand three that amended this paragraph, subdivision (d) of section
46 three hundred four-a, paragraph one of subdivision (a) and subdivision
47 (d) of section three hundred five, subdivision six-a of section four
48 hundred fifteen and subdivision (g) of section twenty-one hundred twen-
49 ty-five of the vehicle and traffic law, section fifteen of this chapter,
50 excepting moneys deposited with the state on account of betterments
51 performed pursuant to subdivision twenty-seven or subdivision thirty-
52 five of section ten of the highway law, and sections ninety-four, one
53 hundred thirty-five, [one hundred forty-four] and one hundred forty-five
54 of the transportation law, (iii) any moneys collected by the department
55 of transportation for services provided pursuant to agreements entered
56 into in accordance with section ninety-nine-r of the general municipal

1 law, (IV) ANY MONEYS COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES, and
2 [(iv)] (V) any other moneys collected therefor or credited or trans-
3 ferred thereto from any other fund, account or source.

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

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

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

43 PART E

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

47 (vi) Farm endorsement. Shall be required to operate a farm vehicle or
48 a combination of farm vehicles which may not be operated with a class C,
49 D or E license AND WHICH IS USED TO TRANSPORT HAZARDOUS MATERIALS AS
50 DEFINED IN SECTION ONE HUNDRED THREE OF THE HAZARDOUS MATERIALS TRANS-
51 PORTATION ACT, PUBLIC LAW 93-633 TITLE I, WHEN THE VEHICLE TRANSPORTING
52 SUCH MATERIALS IS REQUIRED TO BE PLACARDED UNDER THE HAZARDOUS MATERIALS
53 REGULATION, 49 CFR PART 172, SUBPART F OR IS TRANSPORTING ANY QUANTITY
54 OF MATERIAL LISTED AS A SELECT AGENT OR TOXIN IN 42 CFR PART 73. The

1 identification and scope of any such endorsement or endorsements shall
2 be as prescribed by regulation of the commissioner. Such identification
3 and scope shall, at a minimum, include a distinction between the opera-
4 tion of a farm vehicle having a GVWR of more than twenty-six thousand
5 pounds within one hundred fifty miles of the person's farm and the oper-
6 ation of a combination of farm vehicles having a GVWR of more than twen-
7 ty-six thousand pounds within one hundred fifty miles of the person's
8 farm.

9 S 2. Subparagraph (i) of paragraph (b) of subdivision 4 of section
10 501-a of the vehicle and traffic law, as amended by chapter 36 of the
11 laws of 2009, is amended to read as follows:

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

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

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

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

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

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

52 (D) THE COMMISSIONER SHALL, BY REGULATION, DESIGNATE AN ENDORSEMENT OR
53 ENDORSEMENTS FOR THE OPERATION OF COVERED FARM VEHICLES WEIGHING MORE
54 THAN TWENTY-SIX THOUSAND POUNDS. THE IDENTIFICATION AND SCOPE OF SUCH
55 ENDORSEMENT OR ENDORSEMENTS SHALL, AT A MINIMUM, INCLUDE A DISTINCTION
56 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 the 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 1. "Transformational economic development infrastructure and revitali-
2 zation projects act" or "projects" shall include construction projects
3 in the county of New York related to the Jacob V. Javits Convention
4 Center, the Empire State Station Complex, the James A. Farley Building
5 Replacement, and the Pennsylvania Station New York Redevelopment. The
6 term "project" shall refer to any of these construction projects.

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

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

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

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

16 (c) The level of customer satisfaction with the contractor's perform-
17 ance on previous projects;

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

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

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

22 (g) The contractor's technical capacities;

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

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

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

29 Such basis shall reflect, wherever possible, objective and quantifi-
30 able analysis.

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

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

37 6. "Project labor agreement" shall mean a pre-hire collective bargain-
38 ing agreement between a contractor and a bona fide building and
39 construction trade labor organization establishing the labor organiza-
40 tion as the collective bargaining representative for all persons who
41 will perform work on the project, and which provides that only contrac-
42 tors and subcontractors who sign a pre-negotiated agreement with the
43 labor organization can perform project work.

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

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

54 1. Step one. Generation of a list of entities that have demonstrated
55 the general capability to perform a design-build contract for the
56 project. Such list shall consist of a specified number of entities, as

1 determined by the authorized entity, and shall be generated based upon
2 the authorized entity's review of responses to a publicly advertised
3 request for qualifications for the project. The authorized entity's
4 request for qualifications for the project shall include a general
5 description of the project, the maximum number of entities to be
6 included on the list, and the selection criteria to be used in generat-
7 ing the list. Such selection criteria shall include the qualifications
8 and experience of the design and construction team, organization, demon-
9 strated responsibility, ability of the team or of a member or members of
10 the team to comply with applicable requirements, including the
11 provisions of articles 145, 147 and 148 of the education law, past
12 record of compliance with the labor law including prevailing wage
13 requirements under state and federal law; the past record of compliance
14 with existing labor standards and maintaining harmonious labor
15 relations; the record of protecting the health and safety of workers on
16 public works projects and job sites as demonstrated by the experience
17 modification rate for each of the last three years; the prospective
18 bidder's ability to undertake the particular type and complexity of
19 work; the financial capability, responsibility and reliability of the
20 prospective bidder for such type and complexity of work; the prospective
21 bidder's compliance with equal employment opportunity requirements and
22 anti-discrimination laws, and demonstrated commitment to working with
23 minority and women-owned businesses through joint ventures or subcon-
24 tractor relationships; whether or not the prospective bidder or a person
25 or entity with an interest of at least ten per centum in the prospective
26 bidder, is debarred for having disregarded obligations to employees
27 under the Davis-Bacon Act pursuant to 40 U.S.C. 3144 and 29 C.F.R. 5.12
28 and such other qualifications the authorized entity deems appropriate
29 which may include but are not limited to project understanding, finan-
30 cial capability and record of past performance. The authorized entity
31 shall evaluate and rate all entities responding to the request for qual-
32 ifications. Based upon such ratings, the authorized entity shall list
33 the entities that shall receive a request for proposals in accordance
34 with subdivision two of this section. To the extent consistent with
35 applicable federal law, the authorized entity shall consider, when
36 awarding any contract pursuant to this section, the participation of:
37 (a) firms certified pursuant to article 15-A of the executive law as
38 minority or women-owned businesses and the ability of other businesses
39 under consideration to work with minority and women-owned businesses so
40 as to promote and assist participation by such businesses; and (b) small
41 business concerns identified pursuant to subdivision (b) of section
42 139-g of the state finance law.

43 2. Step two. Selection of the proposal which is the best value to the
44 authorized entity. The authorized entity shall issue a request for
45 proposals for the project to the entities listed pursuant to subdivision
46 one of this section. If such an entity consists of a team of separate
47 entities, the entities that comprise such a team must remain unchanged
48 from the entity as listed pursuant to subdivision one of this section
49 unless otherwise approved by the authorized entity. The request for
50 proposals for the project shall set forth the project's scope of work,
51 and other requirements, as determined by the authorized entity. The
52 request for proposals shall specify the criteria to be used to evaluate
53 the responses and the relative weight of each such criteria. Such crite-
54 ria shall include the proposal's cost, the quality of the proposal's
55 solution, the qualifications and experience of the design-build entity,
56 and other factors deemed pertinent by the authorized entity, which may

1 include, but shall not be limited to, the proposal's project implementa-
2 tion, ability to complete the work in a timely and satisfactory manner,
3 maintenance costs of the completed project, maintenance of traffic
4 approach, and community impact. Any contract awarded pursuant to this
5 act shall be awarded to a responsive and responsible entity that submits
6 the proposal, which, in consideration of these and other specified
7 criteria deemed pertinent to the project, offers the best value to the
8 authorized entity, as determined by the authorized entity. Nothing in
9 this act shall be construed to prohibit the authorized entity from nego-
10 tiating final contract terms and conditions including cost.

11 3. Notwithstanding the foregoing provisions of this section, an entity
12 selected by the authorized entity to enter into a design-build contract
13 for this project shall determine, before awarding any contracts author-
14 ized by this act, whether the bidder, or a person or entity with an
15 interest of at least ten per centum in the bidder, is included in the
16 published list of debarred contractors pursuant to 40 U.S.C. 3144 and 29
17 C.F.R. 5.12, for having disregarded obligations to employees under the
18 Davis Bacon Act, and the bidder's inclusion on such list must be taken
19 into consideration in deciding whether the bidder is awarded any
20 contract.

21 S 5. Any contract entered into pursuant to this act shall include a
22 clause requiring that any professional services regulated by articles
23 145, 147 and 148 of the education law shall be performed and stamped and
24 sealed, where appropriate, by a professional licensed in accordance with
25 such articles.

26 S 6. The construction, demolition, reconstruction, excavation, reha-
27 bilitation, repair, renovation of the project undertaken by the author-
28 ized entity pursuant to this act shall be deemed a "public work" to be
29 performed in accordance with the provisions of article 8 of the labor
30 law, as well as subject to sections 200, 240, 241 and 242 of the labor
31 law and enforcement of prevailing wage requirements by the New York
32 state department of labor.

33 S 7. A project labor agreement shall be included in the request for
34 proposals for the project, provided that, based upon a study done by or
35 for the authorized entity, the authorized entity determines that its
36 interests are best met by requiring a project labor agreement. The
37 authorized entity shall conduct such a study and the project labor
38 agreement shall be performed consistent with the provisions of section
39 222 of the labor law. If a project labor agreement is not performed on
40 the project; (1) the authorized entity shall not utilize a design-build
41 contract for the project; and (2) sections 101 and 103 of the general
42 municipal law and section 135 of the state finance law shall apply to
43 the project.

44 S 8. Each contract entered into by the authorized entity pursuant to
45 this act shall comply, whenever practical, with the objectives and goals
46 of minority and women-owned business enterprises pursuant to article
47 15-A of the executive law or, if the project receives federal aid, shall
48 comply with applicable federal requirements for disadvantaged business
49 enterprises.

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

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

1 S 11. Nothing contained in this act shall limit the right or obli-
2 gation of the authorized entity to comply with the provisions of any
3 existing contract, including any existing contract with or for the bene-
4 fit of the holders of the obligations of the authorized entity, or to
5 award contracts as otherwise provided by law.

6 S 12. This act shall take effect immediately.

7 PART I

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

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

14 PART J

15 Section 1. Expenditures of moneys by the New York state energy
16 research and development authority shall be subject to the provisions of
17 this section. Notwithstanding the provisions of subdivision 4-a of
18 section 18-a of the public service law, all moneys committed or expended
19 in an amount not to exceed \$750,000 shall be reimbursed by assessment
20 against gas corporations, as defined in subdivision 11 of section 2 of
21 the public service law and electric corporations as defined in subdivi-
22 sion 13 of section 2 of the public service law, where such gas corpo-
23 rations and electric corporations have gross revenues from intrastate
24 utility operations in excess of \$500,000 in the preceding calendar year,
25 and the total amount which may be charged to any gas corporation and any
26 electric corporation shall not exceed one cent per one thousand cubic
27 feet of gas sold and .010 cent per kilowatt-hour of electricity sold by
28 such corporations in their intrastate utility operations in calendar
29 year 2014. Such amounts shall be excluded from the general assessment
30 provisions of subdivision 2 of section 18-a of the public service law.
31 The chair of the public service commission shall bill such gas and/or
32 electric corporations for such amounts on or before August 10, 2016 and
33 such amounts shall be paid to the New York state energy research and
34 development authority on or before September 10, 2016. Upon receipt, the
35 New York state energy research and development authority shall deposit
36 such funds in the energy research and development operating fund estab-
37 lished pursuant to section 1859 of the public authorities law. The New
38 York state energy research and development authority is authorized and
39 directed to transfer \$750,000 to the University of Rochester laboratory
40 for laser energetics from the funds received; and commencing in 2016,
41 provide to the chair of the public service commission and the director
42 of the budget and the chairs and secretaries of the legislative fiscal
43 committees, on or before August first of each year, an itemized record,
44 certified by the president and chief executive officer of the authority,
45 or his or her designee, detailing any and all expenditures and commit-
46 ments ascribable to moneys received as a result of this assessment by
47 the chair of the department of public service pursuant to section 18-a
48 of the public service law. This itemized record shall include an item-
49 ized breakdown of the programs being funded by this section and the
50 amount committed to each program. The authority shall not commit for
51 any expenditure, any moneys derived from the assessment provided for in
52 this section, until the chair of such authority shall have submitted,

1 and the director of the budget shall have approved, a comprehensive
2 financial plan encompassing all moneys available to and all anticipated
3 commitments and expenditures by such authority from any source for the
4 operations of such authority. Copies of the approved comprehensive
5 financial plan shall be immediately submitted by the chair to the chairs
6 and secretaries of the legislative fiscal committees. Any such amount
7 not committed by such authority to contracts or contracts to be awarded
8 or otherwise expended by the authority during the fiscal year shall be
9 refunded by such authority on a pro-rata basis to such gas and/or elec-
10 tric corporations, in a manner to be determined by the department of
11 public service.

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

14 PART K

15 Intentionally Omitted

16 PART L

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

20 (c) For the purpose of this subdivision, "major changes" shall mean an
21 increase in the rates and charges which would increase the aggregate
22 revenues of the applicant more than the greater of three hundred thou-
23 sand dollars or two and one-half percent, but shall not include changes
24 in rates, charges or rentals (I) allowed to go into effect by the
25 commission or made by the utility pursuant to an order of the commission
26 after hearings held upon notice to the public, OR (II) PROPOSED BY A
27 MUNICIPALITY.

28 S 2. Intentionally omitted.

29 S 3. Intentionally omitted.

30 S 4. Intentionally omitted.

31 S 5. This act shall take effect immediately.

32 PART M

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

39 S 2. This act shall take effect immediately, provided however, that
40 section one of this act shall be deemed to have been in full force and
41 effect on and after April 1, 2003 and shall expire March 31, [2016]
42 2017.

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

45 PART N

46 Intentionally Omitted

47 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,

1 MONEY, PRIZE, PECUNIARY GAIN, OR OTHER THING EXCEEDING SEVENTY-FIVE
2 DOLLARS IN VALUE.

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

10 S 1002. COMBATIVE SPORTS PROHIBITED. 1. THE CONDUCT OF COMBATIVE
11 SPORTS OUTSIDE THE SUPERVISION OF THE COMMISSION OR AN AUTHORIZED SANC-
12 TIONING ENTITY IS PROHIBITED.

13 2. A PERSON ADVANCES A PROHIBITED COMBATIVE SPORT WHEN, ACTING OTHER
14 THAN AS A SPECTATOR, HE OR SHE ENGAGES IN CONDUCT WHICH MATERIALLY AID
15 ANY UNAUTHORIZED COMBATIVE SPORT. SUCH CONDUCT INCLUDES BUT IS NOT
16 LIMITED TO CONDUCT DIRECTED TOWARD THE CREATION, ESTABLISHMENT OR
17 PERFORMANCE OF A PROHIBITED COMBATIVE SPORT, TOWARD THE ACQUISITION OR
18 MAINTENANCE OF PREMISES, PARAPHERNALIA, EQUIPMENT OR APPARATUS THEREFOR,
19 TOWARD THE SOLICITATION OR INDUCEMENT OF PERSONS TO ATTEND OR PARTIC-
20 IPATE THEREIN, TOWARD THE ACTUAL CONDUCT OF THE PERFORMANCE THEREOF,
21 TOWARD THE ARRANGEMENT OF ANY OF ITS FINANCIAL OR PROMOTIONAL PHASES, OR
22 TOWARD ANY OTHER PHASE OF A PROHIBITED COMBATIVE SPORT. ONE ADVANCES A
23 PROHIBITED COMBATIVE SPORT WHEN, HAVING SUBSTANTIAL PROPRIETARY OR OTHER
24 AUTHORITATIVE CONTROL OVER PREMISES BEING USED WITH HIS OR HER KNOWLEDGE
25 FOR PURPOSES OF A PROHIBITED COMBATIVE SPORT, HE OR SHE PERMITS SUCH TO
26 OCCUR OR CONTINUE OR MAKES NO EFFORT TO PREVENT ITS OCCURRENCE OR
27 CONTINUATION.

28 3. A PERSON PROFITS FROM A PROHIBITED COMBATIVE SPORT WHEN HE OR SHE
29 ACCEPTS OR RECEIVES MONEY OR OTHER PROPERTY WITH INTENT TO PARTICIPATE
30 IN THE PROCEEDS OF A PROHIBITED COMBATIVE SPORT, OR PURSUANT TO AN
31 AGREEMENT OR UNDERSTANDING WITH ANY PERSON WHEREBY HE OR SHE PARTIC-
32 IPATES OR IS TO PARTICIPATE IN THE PROCEEDS OF A PROHIBITED COMBATIVE
33 SPORT.

34 S 1003. STATE ATHLETIC COMMISSION. 1. THE STATE ATHLETIC COMMISSION,
35 AS NAMED BY CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED
36 TWENTY, AS AMENDED BY CHAPTER SIX HUNDRED THREE OF THE LAWS OF NINETEEN
37 HUNDRED EIGHTY-ONE, IS CONTINUED AS A DIVISION OF THE DEPARTMENT OF
38 STATE. THE COMMISSION SHALL ACT IN THE BEST INTERESTS OF COMBATIVE
39 SPORTS. THE COMMISSION IS ENACTED TO PROTECT THE HEALTH, SAFETY AND
40 GENERAL WELFARE OF ALL PARTICIPANTS IN COMBATIVE SPORTS AND SPECTATORS
41 THEREOF, TO PRESERVE THE INTEGRITY OF COMBATIVE SPORTS THROUGH THE MEANS
42 OF LICENSING, OVERSIGHT, ENFORCEMENT AND THE AUTHORIZATION OF SANCTION-
43 ING ENTITIES, AND TO FACILITATE THE DEVELOPMENT AND RESPONSIBLE CONDUCT
44 OF COMBATIVE SPORTS THROUGHOUT THE ENTIRE STATE. THE COMMISSION SHALL
45 CONSIST OF FIVE MEMBERS WHO SHALL BE APPOINTED BY THE GOVERNOR BY AND
46 WITH THE ADVICE AND CONSENT OF THE SENATE. THE GOVERNOR SHALL DESIGNATE
47 ONE OF THE MEMBERS AS CHAIRPERSON OF THE COMMISSION. THE MEMBERS OF THE
48 COMMISSION SHALL BE APPOINTED FOR TERMS OF THREE YEARS. ANY VACANCY IN
49 THE MEMBERSHIP OF THE COMMISSION CAUSED OTHERWISE THAN BY EXPIRATION OF
50 TERM SHALL BE FILLED ONLY FOR THE BALANCE OF THE TERM OF THE MEMBER IN
51 WHOSE POSITION THE VACANCY OCCURS.

52 2. THE COMMISSIONERS SHALL BE PAID THEIR ACTUAL AND NECESSARY TRAVEL-
53 ING AND OTHER EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR
54 OFFICIAL DUTIES. THE MEMBERS OF THE COMMISSION SHALL ADOPT A SEAL FOR
55 THE COMMISSION, AND MAKE SUCH RULES FOR THE ADMINISTRATION OF THEIR
56 OFFICE, NOT INCONSISTENT HERewith, AS THEY MAY DEEM EXPEDIENT; AND THEY

1 MAY AMEND OR ABROGATE SUCH RULES. THREE OF THE MEMBERS OF THE COMMISSION
2 SHALL CONSTITUTE A QUORUM TO DO BUSINESS; AND THE CONCURRENCE OF A
3 MAJORITY OF THE COMMISSIONERS PRESENT SHALL BE NECESSARY TO RENDER A
4 DETERMINATION BY THE COMMISSION. THE COMMISSION IS VESTED WITH THE
5 AUTHORITY TO ADOPT SUCH RULES AND REGULATIONS AS NECESSARY TO EFFECTUATE
6 THE PROVISIONS OF THIS ARTICLE.

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

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

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

14 4. ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAIN-
15 TAIN TRAINING FACILITIES TO PREPARE PERSONS FOR PARTICIPATION IN AUTHOR-
16 IZED PROFESSIONAL COMBATIVE SPORTS;

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

19 6. ALL CONTRACTS DIRECTLY RELATED TO THE CONDUCT OF AUTHORIZED PROFES-
20 SIONAL COMBATIVE SPORTS IN THE STATE OF NEW YORK.

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

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

27 S 1006. SANCTIONING ENTITIES. 1. THE COMMISSION SHALL PROMULGATE REGU-
28 LATIONS ESTABLISHING A PROCESS BY WHICH ENTITIES MAY BE RECOGNIZED AND
29 APPROVED BY THE COMMISSION AS AUTHORIZED SANCTIONING ENTITIES FOR A
30 PERIOD OF TIME TO BE ESTABLISHED BY THE COMMISSION, DURING WHICH THE
31 ENTITY WILL BE ALLOWED TO OVERSEE AND CONDUCT COMBATIVE SPORTS WITHIN
32 THE STATE OF NEW YORK. THE COMMISSION MAY, IN ITS REASONABLE DISCRETION,
33 LIMIT THE SCOPE OF ANY RECOGNITION AND APPROVAL OF A SANCTIONING ENTITY
34 TO THE OVERSIGHT AND CONDUCT OF ONE OR MORE SPECIFIC COMBAT DISCIPLINES,
35 AMATEUR OR PROFESSIONAL COMBATIVE SPORTS, OR TO ANY COMBINATION OF THE
36 FOREGOING BASED ON THE QUALIFICATIONS, INTEGRITY AND HISTORY OF THE
37 ENTITY SEEKING AUTHORIZATION AS A SANCTIONING ENTITY.

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

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

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

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

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

48 S 1007. LICENSES; GENERAL PROVISIONS. 1. EXCEPT AS OTHERWISE PROVIDED
49 IN SECTIONS ONE THOUSAND SIX, ONE THOUSAND ELEVEN, AND ONE THOUSAND
50 SEVENTEEN OF THIS ARTICLE, WITH RESPECT TO ALL AUTHORIZED PROFESSIONAL
51 COMBATIVE SPORTS IN THIS STATE, ALL CORPORATIONS, ENTITIES, PERSONS,
52 REFEREES, JUDGES, MATCH-MAKERS, TIMEKEEPERS, PROFESSIONALS, AND THEIR
53 MANAGERS, TRAINERS, AND SECONDS SHALL BE LICENSED BY THE COMMISSION. NO
54 SUCH CORPORATION, ENTITY OR PERSON SHALL BE PERMITTED TO PARTICIPATE,
55 EITHER DIRECTLY OR INDIRECTLY, IN ANY AUTHORIZED PROFESSIONAL COMBATIVE
56 SPORT, OR THE HOLDING THEREOF, OR THE OPERATION OF ANY TRAINING FACILITY

1 PROVIDING CONTACT SPARRING MAINTAINED EITHER EXCLUSIVELY OR IN PART FOR
2 THE USE OF PROFESSIONAL BOXERS OR PROFESSIONAL MIXED MARTIAL ARTS
3 PARTICIPANTS, UNLESS SUCH CORPORATION OR PERSONS SHALL HAVE FIRST
4 PROCURED A LICENSE FROM THE COMMISSION. THE COMMISSION SHALL ESTABLISH
5 BY RULE AND REGULATION LICENSING STANDARDS FOR ALL LICENSEES.

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

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

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

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

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

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

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

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

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

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

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

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

54 (A) ANY LICENSEE WHO SUFFERED A KNOCKOUT OR TECHNICAL KNOCKOUT IN A
55 COMBATIVE SPORT MAY, UPON THE RECOMMENDATION OF THE ATTENDING COMMISSION
56 PHYSICIAN, BE SUSPENDED BY THE COMMISSION, FOR A PERIOD DETERMINED BY

1 THE COMMISSION, AND SHALL FORFEIT HIS OR HER LICENSE TO THE COMMISSION
2 DURING SUCH PERIOD. SUCH LICENSE SHALL NOT BE RETURNED TO THE LICENSEE
3 UNTIL HE OR SHE HAS MET ALL REQUIREMENTS, MEDICAL AND OTHERWISE, FOR
4 REINSTATEMENT OF SUCH LICENSE. ALL SUCH SUSPENSIONS SHALL BE RECORDED IN
5 HIS OR HER LICENSE BY A COMMISSION OFFICIAL.

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

10 S 1008. LICENSES; JUDGES. 1. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS
11 ONE THOUSAND SIX AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE, ONLY A
12 PERSON LICENSED BY THE COMMISSION, AS A COMBATIVE SPORTS JUDGE, MAY
13 JUDGE AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT WITHIN THE STATE. JUDG-
14 ES FOR ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT UNDER THE JURISDIC-
15 TION OF THE COMMISSION SHALL BE SELECTED BY THE COMMISSION FROM A LIST
16 OF QUALIFIED LICENSED JUDGES MAINTAINED BY THE COMMISSION.

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

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

29 4. EACH PERSON SEEKING A LICENSE TO JUDGE AUTHORIZED PROFESSIONAL
30 COMBATIVE SPORTS IN THE STATE SHALL BE REQUIRED TO FILL OUT A FINANCIAL
31 QUESTIONNAIRE CERTIFYING UNDER PENALTY OF PERJURY FULL DISCLOSURE OF THE
32 JUDGE'S FINANCIAL SITUATION ON A QUESTIONNAIRE TO BE PROMULGATED BY THE
33 COMMISSION. SUCH QUESTIONNAIRE SHALL BE IN A FORM AND MANNER APPROVED
34 BY THE COMMISSION AND SHALL PROVIDE INFORMATION AS TO AREAS OF ACTUAL OR
35 POTENTIAL CONFLICT OF INTEREST AS WELL AS APPEARANCES OF SUCH CONFLICTS,
36 INCLUDING FINANCIAL RESPONSIBILITY. WITHIN FORTY-EIGHT HOURS OF ANY
37 MATCH, EACH JUDGE OF A PROFESSIONAL COMBATIVE SPORT SHALL FILE WITH THE
38 COMMISSION A FINANCIAL DISCLOSURE STATEMENT IN SUCH FORM AND MANNER AS
39 SHALL BE ACCEPTABLE TO THE COMMISSION.

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

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

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

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

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

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

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

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

18 (V) COMPLIANCE WITH STATE AND LOCAL FIRE ORDINANCES;

19 (VI) INSPECTION AND APPROVAL OF SURFACES ON WHICH TRAINING FOR COMBA-
20 TIVE SPORTS WILL BE HELD; AND

21 (VII) ESTABLISHMENT OF A POLICY FOR POSTING ALL COMMISSION LICENSE
22 SUSPENSIONS AND LICENSE REVOCATIONS RECEIVED FROM THE COMMISSION INCLUD-
23 ING PROVISIONS FOR ENFORCEMENT OF SUCH SUSPENSIONS AND REVOCATIONS BY
24 THE FACILITY OPERATOR.

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

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

34 2. ANY PROFESSIONAL APPLYING FOR A LICENSE OR RENEWAL OF A LICENSE TO
35 PARTICIPATE IN COMBATIVE SPORTS UNDER THIS ARTICLE SHALL UNDERGO A
36 COMPREHENSIVE PHYSICAL EXAMINATION INCLUDING CLINICAL NEUROLOGICAL EXAM-
37 INATIONS BY A PHYSICIAN APPROVED BY THE COMMISSION. IF, AT THE TIME OF
38 SUCH EXAMINATION, THERE IS ANY INDICATION OF BRAIN INJURY, OR FOR ANY
39 OTHER REASON THE PHYSICIAN DEEMS IT APPROPRIATE, THE PROFESSIONAL SHALL
40 BE REQUIRED TO UNDERGO FURTHER NEUROLOGICAL EXAMINATIONS BY A NEUROLO-
41 GIST INCLUDING MAGNETIC RESONANCE IMAGING OR OTHER MEDICALLY EQUIVALENT
42 PROCEDURES. THE COMMISSION SHALL NOT ISSUE A LICENSE TO A PROFESSIONAL
43 UNTIL SUCH EXAMINATIONS ARE COMPLETED AND REVIEWED BY THE COMMISSION.
44 THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART
45 OF THE PROFESSIONAL'S PERMANENT MEDICAL RECORD AS MAINTAINED BY THE
46 COMMISSION. THE COSTS OF ALL SUCH EXAMINATIONS SHALL BE ASSUMED BY THE
47 APPLICANT OR PROMOTER WITH WHICH THE PROFESSIONAL BOXER OR MIXED MARTIAL
48 ARTS PARTICIPANT IS AFFILIATED, REGARDLESS OF PROVIDER.

49 3. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE SHALL, AS A CONDITION
50 OF LICENSURE, WAIVE RIGHT OF CONFIDENTIALITY OF MEDICAL RECORDS RELATING
51 TO TREATMENT OF ANY PHYSICAL CONDITION WHICH RELATES TO HIS OR HER ABIL-
52 ITY TO FIGHT. ALL MEDICAL REPORTS SUBMITTED TO, AND ALL MEDICAL RECORDS
53 OF THE MEDICAL ADVISORY BOARD OR THE COMMISSION RELATIVE TO THE PHYSICAL
54 EXAMINATION OR CONDITION OF PROFESSIONALS SHALL BE CONSIDERED CONFIDEN-
55 TIAL, AND SHALL BE OPEN TO EXAMINATION ONLY TO THE COMMISSION OR ITS
56 AUTHORIZED REPRESENTATIVE, TO THE LICENSED PROFESSIONAL OR MANAGER UPON

1 WRITTEN APPLICATION TO EXAMINE SAID RECORDS, OR UPON THE ORDER OF A
2 COURT OF COMPETENT JURISDICTION IN AN APPROPRIATE CASE.

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

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

21 S 1013. MEDICAL ADVISORY BOARD. 1. THE MEDICAL ADVISORY BOARD CREATED
22 PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED
23 TWENTY, AND SUBSEQUENT AMENDMENTS THERETO IS HEREBY CONTINUED WITHOUT
24 INTERRUPTION. IT SHALL REMAIN A DIVISION OF THE STATE ATHLETIC COMMIS-
25 SION, AND SHALL CONSIST OF NINE MEMBERS TO BE APPOINTED BY THE GOVERNOR.
26 THE GOVERNOR SHALL DESIGNATE ONE OF SUCH MEMBERS AS CHAIRPERSON OF THE
27 ADVISORY BOARD. THE TERM OF A MEMBER THEREAFTER APPOINTED, EXCEPT TO
28 FILL A VACANCY, SHALL BE THREE YEARS FROM THE EXPIRATION OF THE TERM OF
29 HIS PREDECESSOR. UPON THE APPOINTMENT OF A SUCCESSOR TO THE CHAIRPERSON
30 OF THE ADVISORY BOARD, THE GOVERNOR SHALL DESIGNATE SUCH SUCCESSOR OR
31 OTHER MEMBER OF THE ADVISORY BOARD AS CHAIRPERSON. A VACANCY OCCURRING
32 OTHERWISE THAN BY EXPIRATION OF TERM, SHALL BE FILLED BY APPOINTMENT BY
33 THE GOVERNOR FOR THE REMAINDER ONLY OF THE TERM. EACH MEMBER OF THE
34 ADVISORY BOARD SHALL BE DULY LICENSED TO PRACTICE MEDICINE IN THE STATE
35 OF NEW YORK, AND AT THE TIME OF HIS OR HER APPOINTMENT HAVE HAD AT LEAST
36 FIVE YEARS' EXPERIENCE IN THE PRACTICE OF HIS OR HER PROFESSION. THE
37 MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE SUCH COMPENSATION AS MAY BE
38 FIXED BY THE COMMISSION WITHIN THE AMOUNT PROVIDED BY APPROPRIATION, AND
39 SHALL BE ALLOWED AND PAID NECESSARY TRAVELING AND OTHER EXPENSES
40 INCURRED BY THEM, RESPECTIVELY, IN THE PERFORMANCE OF THEIR DUTIES HERE-
41 UNDER.

42 2. THE ADVISORY BOARD SHALL HAVE POWER AND IT SHALL BE THE DUTY OF THE
43 BOARD TO PREPARE AND SUBMIT TO THE COMMISSION FOR APPROVAL REGULATIONS
44 AND STANDARDS FOR THE PHYSICAL EXAMINATION OF PROFESSIONALS INCLUDING,
45 WITHOUT LIMITATION, PRE-FIGHT AND POST-FIGHT EXAMINATIONS AND PERIODIC
46 COMPREHENSIVE EXAMINATIONS. THE BOARD SHALL CONTINUE TO SERVE IN AN
47 ADVISORY CAPACITY TO THE COMMISSION AND FROM TIME TO TIME PREPARE AND
48 SUBMIT TO THE COMMISSION FOR APPROVAL, SUCH ADDITIONAL REGULATIONS AND
49 STANDARDS OF EXAMINATION AS IN THEIR JUDGMENT WILL SAFEGUARD THE PHYS-
50 ICAL WELFARE OF PROFESSIONALS LICENSED BY THE COMMISSION. THE ADVISORY
51 BOARD SHALL RECOMMEND TO THE COMMISSION FROM TIME TO TIME SUCH QUALIFIED
52 PHYSICIANS, WHO MAY BE DESIGNATED AND EMPLOYED BY THE COMMISSION FOR THE
53 PURPOSE OF CONDUCTING PHYSICAL EXAMINATIONS OF PROFESSIONALS AND OTHER
54 SERVICES AS THE RULES OF THE COMMISSION SHALL PROVIDE. SUCH PHYSICIANS,
55 IF SO EMPLOYED, SHALL RECEIVE COMPENSATION AS FIXED BY THE COMMISSION

1 WITHIN AMOUNTS APPROPRIATED THEREFOR. THE PROVISIONS OF SECTION SEVEN-
2 TEEN OF THE PUBLIC OFFICERS LAW SHALL APPLY TO ANY PHYSICIAN WHO:

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

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

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

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

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

16 S 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. THE
17 COMMISSION SHALL PROMULGATE REGULATIONS GOVERNING THE CONDUCT OF AUTHOR-
18 IZED PROFESSIONAL COMBATIVE SPORTS THAT:

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

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

23 3. ESTABLISH THE REQUIREMENTS FOR THE PRESENCE OF MEDICAL EQUIPMENT,
24 MEDICAL PERSONNEL, AN AMBULANCE, OTHER EMERGENCY APPARATUS AND AN EMER-
25 GENCY MEDICAL PLAN;

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

28 5. DEFINE UNSPORTSMANLIKE PRACTICES;

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

32 7. ESTABLISH PARAMETERS AND STANDARDS FOR REQUIRED AND ALLOWED EQUIP-
33 MENT ITEMS UTILIZED BY PROFESSIONALS;

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

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

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

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

49 3. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE
50 THOUSAND SEVENTEEN OF THIS ARTICLE, AT EACH AUTHORIZED PROFESSIONAL
51 COMBATIVE SPORT, EXCEPT WHERE CONDUCTED SOLELY FOR TRAINING PURPOSES,
52 THERE SHALL BE IN ATTENDANCE A DULY LICENSED REFEREE WHO SHALL DIRECT
53 AND CONTROL THE SAME. THERE SHALL ALSO BE IN ATTENDANCE, EXCEPT WHERE
54 CONDUCTED SOLELY FOR TRAINING PURPOSES, THREE DULY LICENSED JUDGES WHO
55 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 ARTI-

1 CLE AND THE RULES AND REGULATIONS OF THE COMMISSION, AND UPON THE FILING
2 AND APPROVAL OF SAID BOND THE SECRETARY OF STATE SHALL ISSUE TO SAID
3 APPLICANT A CERTIFICATE OF SUCH FILING AND APPROVAL, WHICH SHALL BE, BY
4 SAID APPLICANT, FILED IN THE OFFICE OF THE COMMISSION WITH ITS APPLICA-
5 TION FOR LICENSE, AND NO SUCH LICENSE SHALL BE ISSUED UNTIL SUCH CERTIF-
6 ICATE SHALL BE FILED. IN CASE OF DEFAULT IN SUCH PERFORMANCE, THE
7 COMMISSION MAY IMPOSE UPON THE DELINQUENT A PENALTY IN THE SUM OF NOT
8 MORE THAN ONE THOUSAND DOLLARS FOR EACH OFFENSE, WHICH MAY BE RECOVERED
9 BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW
10 YORK IN THE SAME MANNER AS OTHER PENALTIES ARE RECOVERED BY LAW; ANY
11 AMOUNT SO RECOVERED SHALL BE PAID INTO THE TREASURY.

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

21 11. ALL PERSONS, PARTIES OR CORPORATIONS HAVING LICENSES AS PROMOTERS
22 OR WHO ARE LICENSED IN ACCORDANCE WITH SECTION ONE THOUSAND SEVENTEEN OF
23 THIS ARTICLE SHALL CONTINUOUSLY PROVIDE ACCIDENT INSURANCE OR SUCH OTHER
24 FORM OF FINANCIAL GUARANTEE DEEMED ACCEPTABLE BY THE COMMISSION, FOR THE
25 PROTECTION OF LICENSED PROFESSIONALS AND PROFESSIONAL WRESTLERS, APPEAR-
26 ING IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS OR WRESTLING EXHIBI-
27 TIONS. SUCH ACCIDENT INSURANCE OR FINANCIAL GUARANTEE SHALL PROVIDE
28 COVERAGE TO THE LICENSED PROFESSIONAL FOR: MEDICAL, SURGICAL AND HOSPI-
29 TAL CARE, WITH A MINIMUM LIMIT OF FIFTY THOUSAND DOLLARS FOR INJURIES
30 SUSTAINED WHILE PARTICIPATING IN ANY PROGRAM OPERATED UNDER THE CONTROL
31 OF SUCH LICENSED PROMOTER AND FOR A PAYMENT OF FIFTY THOUSAND DOLLARS TO
32 THE ESTATE OF ANY DECEASED ATHLETE WHERE SUCH DEATH IS OCCASIONED BY
33 INJURIES RECEIVED IN THIS STATE DURING THE COURSE OF A PROGRAM IN WHICH
34 SUCH LICENSED PROFESSIONAL OR PROFESSIONAL WRESTLER PARTICIPATED UNDER
35 THE PROMOTION OR CONTROL OF ANY LICENSED PROMOTER; AND, MEDICAL, SURGI-
36 CAL AND HOSPITAL CARE WITH A MINIMUM LIMIT OF ONE MILLION DOLLARS FOR
37 THE TREATMENT OF A LIFE-THREATENING BRAIN INJURY SUSTAINED IN A PROGRAM
38 OPERATED UNDER THE CONTROL OF SUCH LICENSED PROMOTER, WHERE AN IDENTIFI-
39 FICABLE, CAUSAL LINK EXISTS BETWEEN THE PROFESSIONAL LICENSEE'S PARTIC-
40 IPATION IN SUCH PROGRAM AND THE LIFE-THREATENING BRAIN INJURY. WHERE
41 APPLICABLE, PROFESSIONAL LICENSEES SHALL BE AFFORDED THE OPTION TO
42 SUPPLEMENT THE PREMIUMS FOR THE ACCIDENT INSURANCE OR FINANCIAL GUARAN-
43 TEE TO INCREASE THE COVERAGE BEYOND THE MINIMUM LIMITS REQUIRED BY THIS
44 SUBDIVISION. THE COMMISSION MAY FROM TIME TO TIME, PROMULGATE REGU-
45 LATIONS TO ADJUST THE AMOUNT OF SUCH MINIMUM LIMITS. THE FAILURE TO
46 PROVIDE SUCH INSURANCE AS IS REQUIRED BY THIS SUBDIVISION SHALL BE CAUSE
47 FOR THE SUSPENSION OR THE REVOCATION OF THE LICENSE OF SUCH DEFAULTING
48 ENTITY.

49 12. (A) EVERY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB HOLDING ANY
50 PROFESSIONAL OR AMATEUR COMBATIVE SPORT, INCLUDING ANY PROFESSIONAL
51 WRESTLING MATCH OR EXHIBITION, FOR WHICH AN ADMISSION FEE IS CHARGED OR
52 RECEIVED, SHALL NOTIFY THE ATHLETIC COMMISSION AT LEAST TEN DAYS IN
53 ADVANCE OF THE HOLDING OF SUCH CONTEST. ALL TICKETS OF ADMISSION TO ANY
54 SUCH PROFESSIONAL OR AMATEUR COMBATIVE SPORT OR PROFESSIONAL WRESTLING
55 MATCH OR EXHIBITION SHALL BE PROCURED FROM A PRINTER DULY AUTHORIZED BY

1 THE STATE ATHLETIC COMMISSION TO PRINT SUCH TICKETS AND SHALL BEAR
2 CLEARLY UPON THE FACE THEREOF THE PURCHASE PRICE AND LOCATION OF SAME.

3 (B) PURSUANT TO DIRECTION BY THE COMMISSIONER OF TAXATION AND FINANCE,
4 EMPLOYEES OR OFFICERS OF THE COMMISSION SHALL ACT AS AGENTS OF THE
5 COMMISSIONER OF TAXATION AND FINANCE TO COLLECT THE TAX IMPOSED BY ARTI-
6 CLE NINETEEN OF THE TAX LAW. THE ATHLETIC COMMISSION SHALL PROVIDE THE
7 COMMISSIONER OF TAXATION AND FINANCE WITH SUCH INFORMATION AND TECHNICAL
8 ASSISTANCE AS MAY BE NECESSARY FOR THE PROPER ADMINISTRATION OF SUCH
9 TAX.

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

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

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

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

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

54 2. EVERY PERSON, PARTNERSHIP OR CORPORATION PROMOTING ONE OR MORE
55 PROFESSIONAL WRESTLING EXHIBITIONS IN THIS STATE SHALL BE REQUIRED TO
56 OBTAIN FROM THE COMMISSION AN ANNUAL LICENSE TO CONDUCT SUCH EXHIBITIONS

1 SUBJECT TO TERMS AND CONDITIONS PROMULGATED BY THE COMMISSION PURSUANT
2 TO RULE AND CONSISTENT WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE.
3 EACH APPLICANT SHALL PAY AN ANNUAL FEE ESTABLISHED BY THE COMMISSION
4 PURSUANT TO RULE.

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

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

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

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

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

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

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

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

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

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

55 2. ANY PERSON WHO KNOWINGLY ADVANCES OR PROFITS FROM A PROHIBITED
56 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.

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

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

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

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

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

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

48 S 4. Section 451 of the tax law is amended by adding a new subdivision
49 4 to read as follows:

50 4. "AUTHORIZED COMBATIVE SPORT" SHALL MEAN ANY COMBATIVE SPORT AUTHOR-
51 IZED PURSUANT TO SECTION ONE THOUSAND ONE OF THE GENERAL BUSINESS LAW.

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

54 S 452. Imposition of tax. 1. On and after October first, nineteen
55 hundred ninety-nine, a tax is hereby imposed and shall be paid upon the
56 gross receipts of every person holding any professional or amateur

1 boxing, sparring or wrestling match or exhibition in this state. Such
2 tax shall be imposed on such gross receipts, exclusive of any federal
3 taxes, as follows:

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

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

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

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

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

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

23 [BOXING AND WRESTLING EXHIBITIONS] AUTHORIZED COMBATIVE
24 SPORTS TAX

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

28 (1) Any admission charge where such admission charge is in excess of
29 ten cents to or for the use of any place of amusement in the state,
30 except charges for admission to race tracks[, boxing, sparring or wres-
31 tling matches or exhibitions] OR AUTHORIZED COMBATIVE SPORTS which
32 charges are taxed under any other law of this state, or dramatic or
33 musical arts performances, or live circus performances, or motion
34 picture theaters, and except charges to a patron for admission to, or
35 use of, facilities for sporting activities in which such patron is to be
36 a participant, such as bowling alleys and swimming pools. For any person
37 having the permanent use or possession of a box or seat or a lease or a
38 license, other than a season ticket, for the use of a box or seat at a
39 place of amusement, the tax shall be upon the amount for which a similar
40 box or seat is sold for each performance or exhibition at which the box
41 or seat is used or reserved by the holder, licensee or lessee, and shall
42 be paid by the holder, licensee or lessee.

43 S 8. The section heading of section 1820 of the tax law, as amended
44 by section 32 of subpart I of part V-1 of chapter 57 of the laws of
45 2009, is amended to read as follows:

46 [Boxing and wrestling exhibitions] AUTHORIZED COMBATIVE SPORTS tax.

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

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

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

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

28 PART P

29 Intentionally Omitted

30 PART Q

31 Intentionally Omitted

32 PART R

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

35 S 2. Legislative findings and declaration. The legislature hereby
36 finds and declares that the federal tax reform act of 1986 established a
37 statewide bond volume ceiling on the issuance of certain tax exempt
38 private activity bonds and notes and, under certain circumstances,
39 governmental use bonds and notes issued by the state and its public
40 authorities, local governments, agencies which issue on behalf of local
41 governments, and certain other issuers. The federal tax reform act
42 establishes a formula for the allocation of the bond volume ceiling
43 which was subject to temporary modification by gubernatorial executive
44 order until December 31, 1987. That act also permits state legislatures
45 to establish, by statute, an alternative formula for allocating the
46 volume ceiling. Bonds and notes subject to the volume ceiling require
47 an allocation from the state's annual volume ceiling in order to qualify
48 for federal tax exemption.

49 It is hereby declared to be the policy of the state to maximize the
50 public benefit through the issuance of private activity bonds for the

1 purposes of, among other things, allocating a fair share of the bond
2 volume ceiling upon initial allocation and from a bond reserve to local
3 agencies and for needs identified by local governments; providing hous-
4 ing and promoting economic development; job creation; an economical
5 energy supply; and resource recovery and to provide for an orderly and
6 efficient volume ceiling allocation process for state and local agencies
7 by establishing an alternative formula for making such allocations.

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

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

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

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

15 4. "Commissioner" means the commissioner of the New York state depart-
16 ment of economic development.

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

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

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

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

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

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

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

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

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

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

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

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

55 S 4. Local agency set-aside. A set-aside of statewide ceiling for
56 local agencies for any calendar year shall be an amount which bears the

1 same ratio to one-third of the statewide ceiling as the population of
2 the jurisdiction of such local agency bears to the population of the
3 entire state. The commissioner shall administer allocations of such
4 set-aside to local agencies.

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

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

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

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

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

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

36 (b) In reviewing and approving or disapproving applications, the
37 commissioner shall exercise discretion to ensure an equitable distrib-
38 ution of allocations from the statewide bond reserve to local agencies
39 and other issuers. Prior to making a determination on such applications,
40 the commissioner shall notify and seek the recommendation of the presi-
41 dent and chief executive officer of the New York state housing finance
42 agency in the case of an application related to the issuance of multi-
43 family housing or mortgage revenue bonds, and in the case of other
44 requests, such state officers, departments, divisions and agencies as
45 the commissioner deems appropriate.

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

48 (d) On or before September fifteenth of each year, the commissioner
49 shall publish the total amount of local agency set-aside that has been
50 recaptured pursuant to section twelve of this act for that year on the
51 department of economic development's website.

52 3. Allocation of statewide bond reserve to state agencies. The direc-
53 tor may make an allocation from the statewide bond reserve to any state
54 agency. Before making any allocation of statewide bond reserve to state
55 agencies the director shall be satisfied: (a) that the allocation is
56 required under the code for the interest earned on the bonds to be

1 excluded from the gross income of bondholders for federal income tax
2 purposes;

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

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

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

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

37 S 8. Overlapping jurisdictions. In a geographic area represented by a
38 county local agency and one or more sub-county local agencies, the allo-
39 cation granted by section four of this act with respect to such area of
40 overlapping jurisdiction shall be apportioned one-half to the county
41 local agency and one-half to the sub-county local agency or agencies.
42 Where there is a local agency for the benefit of a village within the
43 geographic area of a town for the benefit of which there is a local
44 agency, the allocation of the village local agency shall be based on the
45 population of the geographic area of the village, and the allocation of
46 the town local agency shall be based upon the population of the
47 geographic area of the town outside of the village. Notwithstanding the
48 foregoing, a local agency may surrender all or part of its allocation
49 for such calendar year to another local agency with an overlapping
50 jurisdiction. Such surrender shall be made at such time and in such
51 manner as the commissioner shall prescribe.

52 S 9. Ineligible local agencies. To the extent that any allocation of
53 the local agency set-aside would be made by this act to a local agency
54 which is ineligible to receive such allocation under the code or under
55 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 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 or for which, in the event of expiration of provisions of this act described in section eighteen of this act, an allocation of volume cap for a calendar year subsequent to such expiration shall have been made under section 146 of the code: (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 September 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

1 agency shall have been approved by the director, all future allocations
2 made with respect to such project pursuant to subdivision one or two of
3 this section shall be canceled.

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

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

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

14 S 12. Year end allocation recapture. On or before September first of
15 each year, each state agency shall report to the director and each local
16 agency and each other issuer shall report to the commissioner the amount
17 of bonds subject to allocation under this act that will be issued prior
18 to the end of the then current calendar year, and the amount of the
19 issuer's then total allocation that will remain unused. As of September
20 fifteenth of each year, the unused portion of each local agency's and
21 other issuer's then total allocation as reported and the unallocated
22 portion of the set-aside for state agencies shall be recaptured and
23 added to the statewide bond reserve and shall no longer be available to
24 covered bond issuers except as otherwise provided herein. From September
25 fifteenth through the end of the year, each local agency or other issuer
26 having an allocation shall immediately report to the commissioner and
27 each state agency having an allocation shall immediately report to the
28 director any changes to the status of its allocation or the status of
29 projects for which allocations have been made which should affect the
30 timing or likelihood of the issuance of covered bonds therefor. If the
31 commissioner determines that a local agency or other issuer has overes-
32 timated the amount of covered bonds subject to allocation that will be
33 issued prior to the end of the calendar year, the commissioner may
34 recapture the amount of the allocation to such local agency or other
35 issuer represented by such overestimation by notice to the local agency
36 or other issuer, and add such allocation to the statewide bond reserve.
37 The director may likewise make such determination and recapture with
38 respect to state agency allocations.

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

45 2. On or before November fifteenth of each year, each state agency
46 seeking unused statewide ceiling for use in future years shall make a
47 request for an allocation for a carryforward to the director, whose
48 approval shall be required before a carryforward election is filed by or
49 on behalf of any state agency. A later request may also be considered by
50 the director, who may file a carryforward election for any state agency
51 with the consent of such agency.

52 3. On or before November fifteenth of each year, each local agency or
53 other issuer seeking unused statewide ceiling for use in future years
54 shall make a request for an allocation for a carryforward to the commis-
55 sioner, whose approval shall be required before a carryforward election

1 is filed by or on behalf of any local or other agency. A later request
2 may also be considered by the commissioner.

3 4. On or before January fifteenth of each year, the director shall
4 publish the total amount of unused statewide ceiling from the prior year
5 on the division of budget's website.

6 S 14. New York state bond allocation policy advisory panel. 1. There
7 is hereby created a policy advisory panel and process to provide policy
8 advice regarding the priorities for distribution of the statewide ceil-
9 ing.

10 2. The panel shall consist of five members, one designee being
11 appointed by each of the following: the governor, the temporary presi-
12 dent of the senate, the speaker of the assembly, the minority leader of
13 the senate and the minority leader of the assembly. The designee of the
14 governor shall chair the panel. The panel shall monitor the allocation
15 process through the year, and in that regard, the division of budget and
16 the department of economic development shall assist and cooperate with
17 the panel as provided in this section. The advisory process shall oper-
18 ate through the issuance of advisory opinions by members of the panel as
19 provided in subdivisions six and seven of this section. A meeting may be
20 held at the call of the chair with the unanimous consent of the members.

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

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

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

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

45 5. The requirements of subdivisions three and four of this section
46 shall not apply to adjustments to allocations due to bond sizing chang-
47 es.

48 6. In the event that any decision to approve or to exclude from
49 further consideration a request for allocation is made within ten work-
50 ing days of the end of the calendar year and in the case of all requests
51 for consent to a carryforward election, the commissioner or director, as
52 is appropriate, shall provide the panel with the longest possible
53 advance notification of the action, consistent with the requirements of
54 the code, and shall, wherever possible, solicit the opinions of the
55 members of the panel before formally notifying any applicant of the
56 action. Such notification may be made by means of telephone communi-

1 cation to the members or by written notice delivered to the Albany
2 office of the appointing authority of the respective members.

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

11 8. On or before the first day of July, in any year, the director shall
12 report to the members of the New York state bond allocation policy advi-
13 sory panel on the actual utilization of volume cap for the issuance of
14 bonds during the prior calendar year and the amount of such cap allo-
15 cated for carryforwards for future bond issuance. The report shall
16 include, for each local agency or other issuer and each state agency the
17 initial allocation, the amount of bonds issued subject to the allo-
18 cation, the amount of the issuer's allocation that remained unused, the
19 allocation of the statewide bond reserve, carryforward allocations and
20 recapture of allocations. Further, the report shall include projections
21 regarding private activity bond issuance for state and local issuers for
22 the calendar year, as well as any recommendations for legislative
23 action. The director shall publish the report on the division of budg-
24 et's website concurrently with the release of the report to the panel.

25 S 15. Severability. If any clause, sentence, paragraph, section, or
26 part of this act shall be adjudged by any court of competent jurisdic-
27 tion to be invalid, such judgment shall not affect, impair, or invali-
28 date the remainder thereof, but shall be confined in its operation to
29 the clause, sentence, paragraph, section, or part thereof directly
30 involved in the controversy in which such judgment shall have been
31 rendered.

32 S 16. Chapter 49 of the laws of 2014, relating to enacting the private
33 activity bond allocation act of 2014, is REPEALED.

34 S 17. Intentionally omitted.

35 S 18. This act shall take effect immediately; provided, however, that
36 this act shall expire and be deemed repealed July 1, 2018.

37 PART S

38 Intentionally Omitted

39 PART T

40 Section 1. Subdivision 1 and the opening paragraph of subdivision 2 of
41 section 27-1905 of the environmental conservation law, as amended by
42 section 1 of part G of chapter 58 of the laws of 2013, are amended to
43 read as follows:

44 1. Until December thirty-first, two thousand [sixteen] NINETEEN,
45 accept from a customer, waste tires of approximately the same size and
46 in a quantity equal to the number of new tires purchased or installed by
47 the customer; and

48 Until December thirty-first, two thousand [sixteen] NINETEEN, post
49 written notice in a prominent location, which must be at least eight and
50 one-half inches by fourteen inches in size and contain the following
51 language:

1 S 2. The opening paragraph of subdivision 1, the opening paragraph of
2 subdivision 2, the opening paragraph of subdivision 3 and paragraph (a)
3 of subdivision 6 of section 27-1913 of the environmental conservation
4 law, as amended by section 2 of part G of chapter 58 of the laws of
5 2013, are amended to read as follows:

6 Until December thirty-first, two thousand [sixteen] NINETEEN, a waste
7 tire management and recycling fee of two dollars and fifty cents shall
8 be charged on each new tire sold. The fee shall be paid by the purchaser
9 to the tire service at the time the new tire or new motor vehicle is
10 purchased.

11 Until December thirty-first, two thousand [sixteen] NINETEEN, the tire
12 service shall collect the waste tire management and recycling fee from
13 the purchaser at the time of the sale and shall remit such fee to the
14 department of taxation and finance with the quarterly report filed
15 pursuant to subdivision three of this section.

16 Until March thirty-first, two thousand [seventeen] TWENTY, each tire
17 service maintaining a place of business in this state shall make a
18 return to the department of taxation and finance on a quarterly basis,
19 with the return for December, January, and February being due on or
20 before the immediately following March thirty-first; the return for
21 March, April, and May being due on or before the immediately following
22 June thirtieth; the return for June, July, and August being due on or
23 before the immediately following September thirtieth; and the return for
24 September, October, and November being due on or before the immediately
25 following December thirty-first.

26 (a) Until December thirty-first, two thousand [sixteen] NINETEEN, any
27 additional waste tire management and recycling costs of the tire service
28 in excess of the amount authorized to be retained pursuant to paragraph
29 (b) of subdivision two of this section may be included in the published
30 selling price of the new tire, or charged as a separate per-tire charge
31 on each new tire sold. When such costs are charged as a separate per-
32 tire charge: (i) such charge shall be stated as an invoice item separate
33 and distinct from the selling price of the tire; (ii) the invoice shall
34 state that the charge is imposed at the sole discretion of the tire
35 service; and (iii) the amount of such charge shall reflect the actual
36 cost to the tire service for the management and recycling of waste tires
37 accepted by the tire service pursuant to section 27-1905 of this title,
38 provided however, that in no event shall such charge exceed two dollars
39 and fifty cents on each new tire sold.

40 S 2-a. Subdivisions 1, 2 and 6 of section 27-1915 of the environmental
41 conservation law, subdivision 1 as amended by section 5 of part DD of
42 chapter 59 of the laws of 2010 and subdivisions 2 and 6 as added by
43 section 3 of part VI of chapter 62 of the laws of 2003, are amended to
44 read as follows:

45 1. costs of the department for the following:

46 (a) first-year costs:

47 (i) enumeration and assessment of noncompliant waste tire stockpiles;
48 and

49 (ii) aerial reconnaissance to locate, survey and characterize sites
50 environmentally, for remote sensing, special analysis and scanning;

51 (b) abatement of noncompliant waste tire stockpiles; [and]

52 (c) COSTS INCURRED BY THE DEPARTMENT WHEN WORKING WITH COMMUNITY OR
53 GROUP WASTE TIRE RECYCLING AND DISPOSAL EVENTS; AND

54 (D) administration and enforcement of the requirements of this arti-
55 cle, exclusive of titles thirteen and fourteen.

56 2. costs of the department of economic development for the following:

(a) conducting an updated market analysis of outlets for waste tire utilization including recycling and energy recovery opportunities;

(b) establishment of a program to provide [funds] LOANS AND GRANTS to NEW YORK-BASED businesses to develop technology that leads to increased markets for waste tires AND TO HELP NEW YORK-BASED BUSINESSES TO EXPAND PRODUCTION CAPACITY, PURCHASE EQUIPMENT OR CONDUCT TESTING FOR THE UTILIZATION OF WASTE TIRES;

(c) funding of demonstration projects; and

(d) administration of requirements of this section.

6. costs of the department of health for the following:

(a) recommendations to protect public health; and

(b) administration of requirements of this section; AND

(C) DISEASE CONTROL MEASURES, INCLUDING IMPLEMENTATION OF PUBLIC HEALTH SAFETY MEASURES SUCH AS MOSQUITO CONTROL.

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

1 CLIMATE RESILIENT FARMS PROGRAM; STATE VULNERABILITY ASSESSMENTS; AND
2 PROGRAMS AND PROJECTS TO IMPLEMENT AND COMPLY WITH THE PROVISIONS OF
3 CHAPTER THREE HUNDRED FIFTY-FIVE OF THE LAWS OF TWO THOUSAND FOURTEEN,
4 KNOWN AS THE "COMMUNITY RISK AND RESILIENCY ACT".

5 S 4. Section 54-1101 of the environmental conservation law, as amended
6 by chapter 309 of the laws of 1996, subdivisions 1 and 5 as amended by
7 chapter 355 of the laws of 2014, is amended to read as follows:

8 S 54-1101. Local waterfront revitalization programs.

9 1. The secretary is authorized to provide on a competitive basis,
10 within amounts appropriated, state assistance payments AND/OR TECHNICAL
11 ASSISTANCE to municipalities toward the [cost] DEVELOPMENT of any local
12 waterfront revitalization program, including planning projects to miti-
13 gate future physical climate risks. Eligible costs include planning,
14 studies, preparation of local laws, and construction projects.

15 2. State assistance payments AND/OR TECHNICAL ASSISTANCE shall not
16 exceed fifty percent of the cost of the program, EXCEPT WHERE THE MUNI-
17 CIPALITY HAS A POPULATION, AS DETERMINED IN THE MOST RECENT UNITED
18 STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN HOUSEHOLD
19 INCOME OF LESS THAN OR EQUAL TO ONE HUNDRED TWENTY-FIVE PERCENT OF THE
20 STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT UNITED STATES
21 CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMULGATED BY THE
22 DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE FUTURE PHYS-
23 ICAL CLIMATE RISKS, IN WHICH CASE STATE ASSISTANCE PAYMENTS AND/OR TECH-
24 NICAL ASSISTANCE SHALL NOT EXCEED NINETY PERCENT OF THE COST OF THE
25 PROGRAM. For the purpose of determining the amount of state assistance
26 payments, costs shall not be more than the amount set forth in the
27 application for state assistance payments approved by the secretary. The
28 state assistance payments shall be paid on audit and warrant of the
29 state comptroller on a certificate of availability of the director of
30 the budget.

31 3. THE SECRETARY IS AUTHORIZED TO PROVIDE ON A NONCOMPETITIVE BASIS,
32 WITHIN AMOUNTS APPROPRIATED, STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL
33 ASSISTANCE TOWARD THE DEVELOPMENT OF PLANNING PROJECTS TO MITIGATE
34 FUTURE PHYSICAL CLIMATE RISKS TO MUNICIPALITIES THAT HAVE BEEN AWARDED
35 STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE UNDER SUBDIVISION
36 ONE OF THIS SECTION. SUCH PAYMENTS MAY BE USED FOR UPDATES DESIGNED TO
37 MITIGATE FUTURE PHYSICAL CLIMATE RISKS.

38 4. The secretary shall have the power to approve vouchers for payments
39 pursuant to an approved contract.

40 [4.] 5. No moneys shall be expended as authorized by this section
41 except pursuant to an appropriation therefor.

42 [5.] 6. The secretary shall impose such contractual requirements and
43 conditions upon any municipality which receives state assistance
44 payments pursuant to this article as may be necessary and appropriate to
45 ensure that a public benefit shall accrue from the use of such funds by
46 the municipality including but not limited to, a demonstration that
47 future physical climate risk due to sea level rise, and/or storm surges
48 and/or flooding, based on available data predicting the likelihood of
49 future extreme weather events, including hazard risk analysis data if
50 applicable, has been considered.

51 S 5. Intentionally omitted.

52 S 6. Subdivision 1 of section 918 of the executive law, as added by
53 chapter 840 of the laws of 1981, is amended to read as follows:

54 1. The secretary may enter into a contract or contracts for grants OR
55 PAYMENTS to be made, within the limits of any appropriations therefor,
56 for the following:

1 a. To any local governments, or to two or more local governments, for
2 projects approved by the secretary which lead to preparation of a water-
3 front revitalization program; provided, however, that such grants OR
4 PAYMENTS shall not exceed fifty percent of the approved cost of such
5 projects, EXCEPT WHERE EACH LOCAL GOVERNMENT HAS A POPULATION, AS DETER-
6 MINED IN THE MOST RECENT UNITED STATES CENSUS, OF UNDER THREE HUNDRED
7 THOUSAND AND A MEDIAN HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE
8 HUNDRED TWENTY-FIVE PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR
9 THE MOST RECENT UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY
10 REGULATION PROMULGATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING
11 PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE SUCH
12 GRANTS OR PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST
13 OF SUCH PROJECTS;

14 b. TO SERVICE PROVIDERS, ON BEHALF OF AND IN CONSULTATION WITH ANY
15 LOCAL GOVERNMENTS OR TWO OR MORE LOCAL GOVERNMENTS, FOR PROJECTS
16 APPROVED BY THE SECRETARY WHICH LEAD TO PREPARATION OF A WATERFRONT
17 REVITALIZATION PROGRAM; HOWEVER, THAT SUCH GRANTS OR PAYMENTS SHALL NOT
18 EXCEED FIFTY PERCENT OF THE APPROVED COST OF SUCH PROJECTS, EXCEPT WHERE
19 EACH LOCAL GOVERNMENT HAS A POPULATION, AS DETERMINED IN THE MOST RECENT
20 UNITED STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN
21 HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE HUNDRED TWENTY-FIVE
22 PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT
23 UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMUL-
24 GATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE
25 FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE SUCH GRANTS OR PAYMENTS
26 SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST OF SUCH PROJECTS;

27 c. To any local government or local government agency for research,
28 design, and other activities which serve to facilitate construction
29 projects provided for in an approved waterfront revitalization program;
30 provided, however, that such grants or payments shall not exceed ten
31 percent of the estimated cost of such construction project.

32 S 7. This act shall take effect immediately.

33

PART V

34 Section 1. Subdivision 3 of section 79-b of the navigation law, as
35 amended by section 1 of part D of chapter 109 of the laws of 2010, is
36 amended to read as follows:

37 3. The amount of state aid to be allocated to eligible governmental
38 entities pursuant to this article shall be determined by the commission-
39 er as hereinafter provided. The commissioner shall determine the
40 percentage proportion which the authorized expenditures of each individ-
41 ual entity, not exceeding four hundred thousand dollars for each county
42 including municipalities therein, shall bear to the total authorized
43 expenditures of all entities. Such percentage proportion shall then be
44 applied against an amount equal to one-half of the total of the amount
45 received by the state in each preceding program year in vessel registra-
46 tion fees as provided in section twenty-two hundred fifty-one of the
47 vehicle and traffic law, less no more than thirty percent, subject to
48 appropriation, which may be used by the commissioner and the commission-
49 er of motor vehicles for administrative costs of the program, including
50 training and equipment, and by the department of environmental conserva-
51 tion, the division of state police and other state agencies, subject to
52 the approval of the commissioner, for the purposes of this article, plus
53 the entire amount received pursuant to subdivision nine of section
54 forty-four of this chapter. The amount thus determined shall constitute

1 the maximum amount of state aid to which each such entity shall be enti-
2 tled; provided, however, that no entity shall receive state aid in an
3 amount in excess of [fifty] SEVENTY-FIVE percent of its authorized
4 expenditures as approved by the commissioner for such program year. The
5 commissioner shall certify to the comptroller the amount thus determined
6 for each eligible local governmental entity as the amount of state aid
7 to be apportioned to such eligible local governmental entity. The allo-
8 cation of state aid to any county, town or village within the Lake
9 George park shall not be reduced because of the allocation of state aid
10 to the Lake George park commission. Of the remaining funds received by
11 the state for the registration of vessels as provided in section twen-
12 ty-two hundred fifty-one of the vehicle and traffic law, no less than
13 six percent shall be made available to the commissioner for the expenses
14 of the office in providing navigation law enforcement training and
15 administering the provisions of this section.
16 S 2. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after April 1, 2016.

PART W

18
19 Section 1. Subdivision 2 of section 16-w of section 1 of chapter 174
20 of the laws of 1968, constituting the New York state urban development
21 corporation act, as amended by section 1 of part FF of chapter 58 of the
22 laws of 2015, is amended to read as follows:
23 2. The corporation shall consult with the department of agriculture
24 and markets in order to establish such criteria governing the award of
25 grants as authorized herein, as the corporation and such department deem
26 necessary. Such criteria shall include, but not be limited to[:
27 (a)], farmers who have not produced an "agricultural product" as
28 defined by section three hundred twenty-eight of the agriculture and
29 markets law, for more than ten consecutive years, and who will mate-
30 rially and substantially participate in the production of an agricul-
31 tural product within a region of the state.
32 [(b) farms of one hundred fifty acres or less.]
33 S 2. This act shall take effect immediately.

PART X

34
35 Section 1. Paragraph (e) of subdivision 1 of section 66-j of the
36 public service law, as amended by chapter 355 of the laws of 2009, and
37 the opening paragraph as amended by chapter 336 of the laws of 2010, is
38 amended to read as follows:
39 (e) "Farm waste electric generating equipment" means equipment that
40 generates electric energy from biogas produced by the anaerobic
41 digestion of agricultural waste, such as livestock manure, farming
42 wastes and food processing wastes with a rated capacity of not more than
43 [one] TWO thousand kilowatts, that is:
44 (i) manufactured, installed, and operated in accordance with applica-
45 ble government and industry standards;
46 (ii) connected to the electric system and operated in conjunction with
47 an electric corporation's transmission and distribution facilities;
48 (iii) operated in compliance with any standards and requirements
49 established under this section;
50 (iv) fueled at a minimum of ninety percent on an annual basis by
51 biogas produced from the anaerobic digestion of agricultural waste such

as livestock manure materials, crop residues, and food processing waste;
and
(v) fueled by biogas generated by anaerobic digestion with at least
fifty percent by weight of its feedstock being livestock manure materi-
als on an annual basis.

S 2. This act shall take effect immediately.

PART Y

Section 1. The agriculture and markets law is amended by adding a new
article 24-A to read as follows:

ARTICLE 24-A

NY PRIDE / NY CERTIFIED PROGRAM

SECTION 291. NY PRIDE/NY CERTIFIED PROGRAM; ESTABLISHED.

S 291. NY PRIDE/NY CERTIFIED PROGRAM; ESTABLISHED. 1. THE DEPARTMENT
SHALL ESTABLISH AND IMPLEMENT A NY PRIDE/NY CERTIFIED PROGRAM FOR AGRI-
CULTURAL PRODUCTS PRODUCED IN THIS STATE WHICH ARE SO PRODUCED IN
ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

2. AN AGRICULTURAL PRODUCT PRODUCED IN THIS STATE SHALL BE ELIGIBLE TO
BE LABELED AS "NY PRIDE/NY CERTIFIED" IF IT WAS PRODUCED:

(A) BY A PRODUCER WHICH HAS BEEN CERTIFIED BY THE UNITED STATES
DEPARTMENT OF AGRICULTURE AS USING GOOD AGRICULTURAL PRACTICES OR A
SIMILAR CERTIFICATION FROM SUCH DEPARTMENT RELATING TO THE PARTICULAR
AGRICULTURAL PRODUCT; AND

(B) BY A PRODUCER WHICH PARTICIPATES IN THE APPROPRIATE COUNTY'S SOIL
AND WATER CONSERVATION DISTRICT IN IMPLEMENTING THE AGRICULTURAL ENVI-
RONMENTAL MANAGEMENT PLAN ESTABLISHED PURSUANT TO ARTICLE ELEVEN-A OF
THIS CHAPTER.

3. THE PRODUCER OF AN AGRICULTURAL PRODUCT WHICH MEETS THE REQUIRE-
MENTS OF SUBDIVISION TWO OF THIS SECTION MAY APPLY TO THE DEPARTMENT TO
HAVE SUCH PRODUCT CERTIFIED PURSUANT TO THIS SECTION. THE DEPARTMENT
SHALL SO CERTIFY EACH SUCH PRODUCT WITH THIRTY DAYS OF RECEIPT OF AN
APPLICATION.

4. THE DEPARTMENT SHALL ESTABLISH A LABEL OF SUCH DESIGN, AS SHALL BE
DEEMED APPROPRIATE BY THE COMMISSIONER, FOR THE MARKETING OF AGRICUL-
TURAL PRODUCTS THAT HAVE BEEN CERTIFIED TO BE LABELED "NY PRIDE/NY
CERTIFIED". ONLY AGRICULTURAL PRODUCTS CERTIFIED PURSUANT TO SUBDIVISION
THREE OF THIS SECTION SHALL BE AUTHORIZED TO BEAR SUCH LABEL.

S 2. This act shall take effect immediately.

PART Z

Section 1. Section 19-0323 of the environmental conservation law, as
added by chapter 629 of the laws of 2006, subdivisions 3 and 5 as
amended by section 1 and subdivision 7 as amended by section 2 of part
II of chapter 58 of the laws of 2015, and subdivisions 6 and 8 as renum-
bered by section 1 of part C of chapter 59 of the laws of 2010, is
amended to read as follows:

S 19-0323. Use of ultra low sulfur diesel fuel and best available tech-
nology by the state.

1. As used in this section, the terms:

a. "Ultra low sulfur diesel fuel" means diesel fuel having sulfur
content of 0.0015 [per cent] PERCENT of sulfur or less.

b. "Heavy duty vehicle" or "vehicle" means any on and off-road vehicle
powered by diesel fuel and having a gross vehicle weight of greater than
8,500 pounds, except that those vehicles defined in section 101 of the

1 vehicle and traffic law, paragraph 2 of schedule E and paragraph (a) of
2 schedule F of subdivision 7 of section 401 of such law, and vehicles
3 specified in subdivision 13 of section 401 of such law, and farm type
4 tractors and all terrain type vehicles used exclusively for agricultural
5 or mowing purposes, or for snow plowing, other than for hire, farm
6 equipment, including self-propelled machines used exclusively in grow-
7 ing, harvesting or handling farm produce, and self-propelled caterpillar
8 or crawler-type equipment while being operated on the contract site, and
9 timber harvesting equipment such as harvesters, wood chippers, forward-
10 ers, log skidders, and other processing equipment used exclusively off
11 highway for timber harvesting and logging purposes, shall not be deemed
12 heavy duty vehicles for purposes of this section. This term shall not
13 include vehicles that are specially equipped for emergency response by
14 the department, office of emergency management, sheriff's office of the
15 department of finance, police department or fire department.

16 c. "Best available retrofit technology" means technology, verified by
17 the United States environmental protection agency for reducing the emis-
18 sion of pollutants that achieves reductions in particulate matter emis-
19 sions at the highest classification level for diesel emission control
20 strategies that is applicable to the particular engine and application.
21 Such technology shall also, at a reasonable cost, achieve the greatest
22 reduction in emissions of nitrogen oxides at such particulate matter
23 reduction level and shall in no event result in a net increase in the
24 emissions of either particulate matter or nitrogen oxides.

25 d. "Reasonable cost" means that such technology does not cost greater
26 than 30 percent more than other technology applicable to the particular
27 engine and application that falls within the same classification level
28 for diesel emission control strategies, as set forth in paragraph c of
29 this subdivision, when considering the cost of the strategies, them-
30 selves, and the cost of installation.

31 2. Any diesel powered heavy duty vehicle that is owned by, operated by
32 or on behalf of, or leased by a state agency and state and regional
33 public authority shall be powered by ultra low sulfur diesel fuel.

34 3. Any diesel powered heavy duty vehicle that is owned by, operated by
35 [or on behalf of,] or leased by a state agency and state and regional
36 public authority with more than half of its governing body appointed by
37 the governor shall utilize the best available retrofit technology for
38 reducing the emission of pollutants. The commissioner shall promulgate
39 regulations for the implementation of this subdivision specifying that
40 all vehicles covered by this subdivision shall have best available
41 retrofit technology on or before December 31, [2016] 2018.

42 This subdivision shall not apply to any vehicle subject to a lease or
43 public works contract entered into or renewed prior to the effective
44 date of this section.

45 4. In addition to other provisions for regulations in this section,
46 the commissioner shall promulgate regulations as necessary and appropri-
47 ate to carry out the provisions of this act including but not limited to
48 provision for waivers upon written finding by the commissioner that (a)
49 best available retrofit technology for reducing the emissions of pollu-
50 tants as required by subdivision 3 of this section is not available for
51 a particular vehicle or class of vehicles and (b) that ultra low sulfur
52 diesel fuel is not available.

53 5. In addition to any waiver which may be issued pursuant to subdivi-
54 sion four of this section, the department shall issue a waiver to a
55 state agency[,] OR a state or regional public authority[, or a person
56 operating any diesel-powered heavy duty vehicle on behalf of a state

1 agency, state or regional public authority,] upon a request in a form
2 acceptable to the department for a waiver from the provisions of subdi-
3 vision three of this section for a vehicle engine provided that such
4 vehicle engine will cease to be used in the state on or before December
5 thirty-first, two thousand [seventeen] TWENTY-ONE. Any waiver issued
6 pursuant to this subdivision shall expire when a state agency[, a state
7 or regional public authority, or a person operating any diesel-powered
8 heavy duty vehicle on behalf of a state agency,] OR A state or regional
9 public authority ceases to use the engine in the state but not later
10 than December thirty-first, two thousand [seventeen] TWENTY-ONE.

11 6. This section shall not apply where federal law or funding precludes
12 the state from imposing the requirements of this section.

13 7. On or before January 1, 2008 and every year thereafter, the commis-
14 sioner shall report to the governor and legislature on the use of ultra
15 low sulfur diesel fuel. On or before January 1, [2017] 2019 and every
16 year thereafter, the commissioner shall include in the report to the
17 governor and legislature the use of the best available retrofit technol-
18 ogy as required under this section. The information contained in this
19 report shall include, but not be limited to, for each state agency and
20 public authority covered by this section: (a) the total number of diesel
21 fuel-powered motor vehicles owned or operated by such agency and author-
22 ity; (b) the number of such motor vehicles that were powered by ultra
23 low sulfur diesel fuel; (c) the total number of diesel fuel-powered
24 motor vehicles owned or operated by such agency and authority having a
25 gross vehicle weight rating of more than 8,500 pounds; (d) the number of
26 such motor vehicles that utilized the best available retrofit technolo-
27 gy, including a breakdown by motor vehicle model, engine year and the
28 type of technology used for each vehicle; (e) the number of such motor
29 vehicles that are equipped with an engine certified to the applicable
30 2007 United States environmental protection agency standard for particu-
31 late matter as set forth in section 86.007-11 of title 40 of the code of
32 federal regulations or to any subsequent United States environmental
33 protection agency standard for particulate matter that is at least as
34 stringent; and (f) all waivers, findings, and renewals of such findings,
35 which, for each waiver, shall include, but not be limited to, the quan-
36 tity of diesel fuel needed to power diesel fuel-powered motor vehicles
37 owned or operated by such agency and authority; specific information
38 concerning the availability of ultra low sulfur diesel fuel.

39 8. The department shall, to the extent practicable, coordinate with
40 regions which have proposed or adopted heavy duty emission inspection
41 programs to promote regional consistency in such programs.

42 S 2. This act shall take effect immediately.

43

PART AA

44 Section 1. This act may be known and be cited as the "New York state
45 water infrastructure improvement act of 2016".

46 S 2. For purposes of this act:

47 1. "water quality infrastructure project" shall mean "sewage treatment
48 works" as defined in section 17-1903 of the environmental conservation
49 law or "eligible project" as defined in paragraphs (a), (b), (c) and (e)
50 of subdivision 4 of section 1160 of the public health law.

51 2. "construction" shall mean:

52 (a) for sewage treatment works, the same as defined in section 17-1903
53 of the environmental conservation law; and

(b) for eligible projects, the same meaning as defined in section 1160 of the public health law.

3. "municipality" shall mean any county, city, town, village, district corporation, county or town improvement district, school district, Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York state, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of New York state which is empowered to construct and operate a water quality infrastructure project, or any two or more of the foregoing which are acting jointly in connection with a water quality infrastructure project.

S 3. 1. The environmental facilities corporation shall undertake and provide state financial assistance payments, from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects provided, however, in any such year that funds are appropriated for such purpose, no municipality shall receive more than five million dollars of appropriated funds. Such state financial assistance payments shall be awarded only to water quality infrastructure projects for:

(a) erection, building, acquisition, alteration, reconstruction, improvement, replacement, repair, enlargement or extension of infrastructure; or

(b) compliance with environmental and public health laws and regulations related to water quality.

2. Any state financial assistance payment awarded pursuant to this act shall not exceed sixty percent of the project cost.

3. A municipality may make an application for such state financial assistance payment, in a manner, form and timeframe and containing such information as the environmental facilities corporation may require provided however, such requirements shall not include a requirement for prior listing on the intended use plan.

4. A municipality shall not be required to accept environmental facilities corporation loan financing in order to obtain a state financial assistance payment pursuant to this act if it can provide proof of having obtained similarly low cost financing or other funding from another source.

5. In awarding such state financial assistance payments, the environmental facilities corporation shall consider and give preference to municipalities that meet the hardship criteria established by the environmental facilities corporation pursuant to section 1285-m of the public authorities law and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health. For the purposes of this act, the hardship criteria of section 1285-m of the public authorities law shall also apply to sewage treatment works defined in section 17-1903 of the environmental conservation law.

S 4. This act shall take effect April 1, 2016.

PART BB

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 20 to read as follows:

TITLE 20

PAINT STEWARDSHIP PROGRAM

SECTION 27-2001. DEFINITIONS.

27-2003. PAINT STEWARDSHIP PROGRAM.

27-2005. REGULATIONS.

27-2007. REPORTING.

S 27-2001. DEFINITIONS.

WHEN USED IN THIS TITLE:

1. "ARCHITECTURAL PAINT" MEANS INTERIOR AND EXTERIOR ARCHITECTURAL COATINGS SOLD IN CONTAINERS OF FIVE GALLONS OR LESS. ARCHITECTURAL PAINT DOES NOT INCLUDE INDUSTRIAL, ORIGINAL EQUIPMENT OR SPECIALTY COATINGS.

2. "DISTRIBUTOR" MEANS A PERSON THAT HAS A CONTRACTUAL RELATIONSHIP WITH ONE OR MORE PRODUCERS TO MARKET AND SELL ARCHITECTURAL PAINT TO RETAILERS OR DIRECTLY TO CONSUMERS OR END-USERS IN THE STATE.

3. "ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES" MEANS PROCEDURES FOR THE COLLECTION, STORAGE, TRANSPORTATION, REUSE, RECYCLING AND DISPOSAL OF ARCHITECTURAL PAINT, TO BE IMPLEMENTED BY THE PRODUCER OR REPRESENTATIVE ORGANIZATION OR SUCH REPRESENTATIVE ORGANIZATION'S CONTRACTED PARTNERS TO ENSURE COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS, REGULATIONS AND ORDINANCES AND THE PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT. ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES INCLUDE, BUT ARE NOT LIMITED TO, RECORD KEEPING, THE TRACKING AND DOCUMENTING OF THE FATE OF POST-CONSUMER PAINT IN AND OUTSIDE OF THE STATE, AND ENVIRONMENTAL LIABILITY COVERAGE FOR PROFESSIONAL SERVICES AND FOR THE OPERATIONS OF THE CONTRACTORS WORKING ON BEHALF OF THE PRODUCER OR REPRESENTATIVE ORGANIZATION.

4. "PAINT STEWARDSHIP ASSESSMENT" MEANS THE AMOUNT ADDED TO THE PURCHASE PRICE OF ARCHITECTURAL PAINT SOLD IN THE STATE THAT IS NECESSARY TO COVER THE COST OF COLLECTING, TRANSPORTING AND PROCESSING POST-CONSUMER PAINT BY THE PRODUCER OR REPRESENTATIVE ORGANIZATION PURSUANT TO THE PAINT STEWARDSHIP PROGRAM.

5. "PAINT STEWARDSHIP PROGRAM" OR "PROGRAM" MEANS A PROGRAM FOR THE MANAGEMENT OF POST-CONSUMER PAINT OPERATED BY A PRODUCER OR REPRESENTATIVE ORGANIZATION.

6. "POST-CONSUMER PAINT" MEANS ARCHITECTURAL PAINT THAT IS NOT USED AND THAT IS NO LONGER WANTED BY A PURCHASER OF ARCHITECTURAL PAINT.

7. "PRODUCER" MEANS A MANUFACTURER OF ARCHITECTURAL PAINT WHO SELLS, OFFERS FOR SALE, DISTRIBUTES OR CONTRACTS TO DISTRIBUTE ARCHITECTURAL PAINT IN THE STATE.

8. "RECYCLING" MEANS THE SERIES OF ACTIVITIES BY WHICH RECYCLABLES ARE COLLECTED, SORTED, PROCESSED AND CONVERTED INTO RAW MATERIALS OR USED IN THE PRODUCTION OF NEW PRODUCTS. THIS TERM EXCLUDES THERMAL TREATMENT OR THE USE OF WASTE AS A FUEL SUBSTITUTE OR FOR ENERGY PRODUCTION.

9. "REPRESENTATIVE ORGANIZATION" MEANS A NONPROFIT ORGANIZATION CREATED BY PRODUCERS TO IMPLEMENT THE PAINT STEWARDSHIP PROGRAM DESCRIBED IN SECTION 27-2003 OF THIS TITLE.

10. "RETAILER" MEANS ANY PERSON WHO OFFERS ARCHITECTURAL PAINT FOR SALE AT RETAIL IN THE STATE.

11. "REUSE" MEANS THE RETURN OF A PRODUCT INTO THE ECONOMIC STREAM FOR USE IN THE SAME KIND OF APPLICATION AS THE PRODUCT WAS ORIGINALLY INTENDED TO BE USED, WITHOUT A CHANGE IN THE PRODUCT'S IDENTITY.

12. "SELL" OR "SALE" MEANS ANY TRANSFER FOR CONSIDERATION OF TITLE OR THE RIGHT TO USE, FROM A MANUFACTURER OR RETAILER TO A PERSON, INCLUDING, BUT NOT LIMITED TO, TRANSACTIONS CONDUCTED THROUGH RETAIL SALES OUTLETS, CATALOGS, MAIL, THE TELEPHONE, THE INTERNET, OR ANY ELECTRONIC MEANS; THIS DOES NOT INCLUDE SAMPLES, DONATIONS, AND REUSE.

S 27-2003. PAINT STEWARDSHIP PROGRAM.

1. ON OR BEFORE MARCH FIRST, TWO THOUSAND SEVENTEEN, A PRODUCER OR A REPRESENTATIVE ORGANIZATION SHALL SUBMIT A PLAN FOR THE ESTABLISHMENT OF A PAINT STEWARDSHIP PROGRAM TO THE DEPARTMENT FOR APPROVAL. THE PROGRAM

1 SHALL MINIMIZE THE PUBLIC SECTOR INVOLVEMENT IN THE MANAGEMENT OF POST-
2 CONSUMER PAINT BY REDUCING THE GENERATION OF POST-CONSUMER PAINT, NEGO-
3 TIATING AGREEMENTS TO COLLECT, TRANSPORT, REUSE, RECYCLE, AND/OR BURN
4 FOR ENERGY RECOVERY AT AN APPROPRIATELY LICENSED FACILITY POST-CONSUMER
5 PAINT USING ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES. THE PROGRAM
6 SHALL MINIMIZE THE PUBLIC SECTOR INVOLVEMENT IN THE MANAGEMENT OF POST-
7 CONSUMER PAINT BY REDUCING THE GENERATION OF POST-CONSUMER PAINT, NEGO-
8 TIATING AGREEMENTS TO COLLECT, TRANSPORT, REUSE, RECYCLE, AND/OR COMBUST
9 FOR ENERGY RECOVERY AT AN APPROPRIATELY AUTHORIZED FACILITY, INCLUDING
10 PERMITTEES, POST-CONSUMER PAINT USING ENVIRONMENTALLY SOUND MANAGEMENT
11 PRACTICES.

12 2. THE PROGRAM SHALL PROVIDE FOR CONVENIENT AND AVAILABLE STATE-WIDE
13 COLLECTION OF POST-CONSUMER PAINT THAT, AT A MINIMUM, PROVIDES AT LEAST
14 ONE PERMANENT COLLECTION SITE LOCATED WITHIN A FIFTEEN MILE RADIUS OF
15 ALL "INCORPORATED CITIES" AND "CENSUS-DESIGNATED PLACES" IN THE STATE;
16 AND ONE ADDITIONAL PERMANENT COLLECTION SITE FOR EVERY THIRTY THOUSAND
17 PEOPLE LOCATED IN THOSE AREAS, UNLESS OTHERWISE APPROVED BY THE DEPART-
18 MENT. WHERE A PERMANENT COLLECTION SITE CANNOT BE LOCATED WITHIN A
19 FIFTEEN MILE RADIUS OF AN INCORPORATED CITY OR CENSUS-DESIGNATED PLACE,
20 THE PROGRAM SHALL PROVIDE FOR AT LEAST ONE COLLECTION EVENT ANNUALLY.
21 THE PROGRAM SHALL NOT CHARGE A FEE TO THE CONSUMER AT THE TIME OF
22 COLLECTION OF POST-CONSUMER ARCHITECTURAL PAINT.

23 3. THE PLAN SUBMITTED TO THE DEPARTMENT PURSUANT TO THIS SECTION
24 SHALL:

25 (A) IDENTIFY EACH PRODUCER PARTICIPATING IN THE PAINT STEWARDSHIP
26 PROGRAM AND THE BRANDS OF ARCHITECTURAL PAINT SOLD IN THE STATE COVERED
27 BY THE PROGRAM;

28 (B) IDENTIFY HOW THE PRODUCER OR REPRESENTATIVE ORGANIZATION WILL
29 PROVIDE CONVENIENT, STATEWIDE ACCESSIBILITY TO THE PROGRAM;

30 (C) SET FORTH THE PROCESS BY WHICH AN INDEPENDENT AUDITOR WILL BE
31 SELECTED AND IDENTIFY THE CRITERIA USED BY THE PRODUCER OR REPRESENTATIVE
32 ORGANIZATION IN SELECTING AN INDEPENDENT AUDITOR;

33 (D) IDENTIFY, IN DETAIL, THE EDUCATIONAL AND OUTREACH PROGRAM THAT
34 WILL BE IMPLEMENTED TO INFORM CONSUMERS AND RETAILERS OF THE PROGRAM AND
35 HOW TO PARTICIPATE;

36 (E) IDENTIFY, IN DETAIL, THE OPERATIONAL PLANS FOR INTERACTING WITH
37 RETAILERS ON THE PROPER HANDLING AND MANAGEMENT OF POST-CONSUMER PAINT;

38 (F) INCLUDE THE PROPOSED, AUDITED PAINT ASSESSMENT AS IDENTIFIED IN
39 THIS SECTION AND THE CRITERIA UPON WHICH THE ASSESSMENT IS BASED;

40 (G) INCLUDE THE TARGETED ANNUAL COLLECTION RATE;

41 (H) INCLUDE A DESCRIPTION OF THE INTENDED TREATMENT, STORAGE, TRANS-
42 PORTATION AND DISPOSAL OPTIONS AND METHODS FOR THE COLLECTED POST-CON-
43 SUMER PAINT; AND

44 (I) BE ACCOMPANIED BY A FEE IN THE AMOUNT OF FIVE THOUSAND DOLLARS FOR
45 EACH PRODUCER, OR TEN THOUSAND DOLLARS FOR EACH PRODUCT STEWARDSHIP
46 ORGANIZATION TO BE DEPOSITED INTO THE ENVIRONMENTAL REGULATORY ACCOUNT
47 AS ESTABLISHED IN SECTION 72-1009 OF THIS CHAPTER, TO COVER THE REVIEW
48 OF SAID PLAN BY THE DEPARTMENT.

49 4. THE COMMISSIONER SHALL APPROVE OR REJECT A PLAN SUBMITTED UNDER
50 THIS SECTION WITHIN NINETY DAYS OF SUBMISSION AND, IF REJECTED, INFORM
51 THE PRODUCER OR REPRESENTATIVE ORGANIZATION IN WRITING AS TO ANY DEFICIENCIES IN SAID PLAN. A PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL
52 AMEND AND RESUBMIT ANY REJECTED PLANS FOR RECONSIDERATION WITHIN SIXTY
53 DAYS OF NOTIFICATION OF THE REJECTION OF SAID PLAN. THE COMMISSIONER
54 SHALL APPROVE OR REJECT SAID PLAN WITHIN THIRTY DAYS OF RESUBMISSION. A
55

1 PLAN SHALL BE APPROVED BY THE COMMISSIONER IF IT MEETS THE REQUIRED
2 ELEMENTS UNDER SUBDIVISION THREE OF THIS SECTION.

3 5. NOT LATER THAN THREE MONTHS AFTER THE DATE THE PLAN IS APPROVED,
4 THE REPRESENTATIVE ORGANIZATION SHALL IMPLEMENT THE PAINT STEWARDSHIP
5 PROGRAM.

6 6. ON OR BEFORE MARCH FIRST, TWO THOUSAND SEVENTEEN, THE PROPOSED
7 UNIFORM PAINT STEWARDSHIP ASSESSMENT FOR ALL ARCHITECTURAL PAINT SOLD IN
8 THE STATE SHALL BE REVIEWED BY AN INDEPENDENT AUDITOR TO ASSURE THAT THE
9 ASSESSMENT IS CONSISTENT WITH THE BUDGET OF THE PAINT STEWARDSHIP
10 PROGRAM DESCRIBED IN THIS SECTION AND THE INDEPENDENT AUDITOR SHALL
11 RECOMMEND AN AMOUNT FOR THE PAINT STEWARDSHIP ASSESSMENT TO THE DEPART-
12 MENT. THE DEPARTMENT SHALL APPROVE THE PAINT STEWARDSHIP ASSESSMENT
13 BASED UPON THE INDEPENDENT AUDITOR'S RECOMMENDATION. THE DEPARTMENT
14 SHALL BE RESPONSIBLE FOR THE APPROVAL OF SUCH PAINT STEWARDSHIP ASSESS-
15 MENT BASED UPON THE INDEPENDENT AUDITOR'S RECOMMENDATION. IF THE PAINT
16 STEWARDSHIP ASSESSMENT PREVIOUSLY APPROVED BY THE DEPARTMENT PURSUANT TO
17 THIS SECTION IS PROPOSED TO BE CHANGED, THE PRODUCER OR REPRESENTATIVE
18 ORGANIZATION SHALL SUBMIT THE NEW, ADJUSTED UNIFORM PAINT STEWARDSHIP
19 ASSESSMENT TO AN INDEPENDENT AUDITOR FOR REVIEW. AFTER SUCH REVIEW HAS
20 BEEN COMPLETED, THE PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL SUBMIT
21 THE RESULTS OF SAID AUDITOR'S REVIEW AND A PROPOSAL TO AMEND THE PAINT
22 STEWARDSHIP ASSESSMENT TO THE DEPARTMENT FOR REVIEW. THE DEPARTMENT
23 SHALL REVIEW AND APPROVE, IN WRITING, THE ADJUSTED PAINT STEWARDSHIP
24 ASSESSMENT BEFORE THE NEW ASSESSMENT CAN BE IMPLEMENTED. ANY PROPOSED
25 CHANGES TO THE PAINT STEWARDSHIP ASSESSMENT SHALL BE SUBMITTED TO THE
26 DEPARTMENT NO LATER THAN SIXTY DAYS PRIOR TO THE DATE THE PRODUCER OR
27 REPRESENTATIVE ORGANIZATION ANTICIPATES THE ADJUSTED ASSESSMENT TO TAKE
28 EFFECT.

29 7. ON AND AFTER THE DATE OF IMPLEMENTATION OF THE PAINT STEWARDSHIP
30 PROGRAM PURSUANT TO THIS SECTION, THE PAINT STEWARDSHIP ASSESSMENT SHALL
31 BE ADDED TO THE COST OF ALL ARCHITECTURAL PAINT SOLD TO RETAILERS AND
32 DISTRIBUTORS IN THE STATE BY EACH PRODUCER. ON AND AFTER SUCH IMPLEMEN-
33 TATION DATE, EACH RETAILER OR DISTRIBUTOR, AS APPLICABLE, SHALL ADD THE
34 AMOUNT OF SUCH PAINT STEWARDSHIP ASSESSMENT TO THE PURCHASE PRICE OF ALL
35 ARCHITECTURAL PAINT SOLD IN THE STATE.

36 8. ANY RETAILER MAY PARTICIPATE, ON A VOLUNTARY BASIS, AS A PAINT
37 COLLECTION POINT PURSUANT TO SUCH PAINT STEWARDSHIP PROGRAM AND IN
38 ACCORDANCE WITH ANY APPLICABLE PROVISION OF LAW OR REGULATION.

39 9. EACH PRODUCER AND THE REPRESENTATIVE ORGANIZATION SHALL BE IMMUNE
40 FROM LIABILITY FOR ANY CLAIM OF A VIOLATION OF ANTITRUST LAW OR UNFAIR
41 TRADE PRACTICE IF SUCH CONDUCT IS A VIOLATION OF ANTITRUST LAW, TO THE
42 EXTENT SUCH PRODUCER OR REPRESENTATIVE ORGANIZATION IS EXERCISING
43 AUTHORITY PURSUANT TO THE PROVISIONS OF THIS SECTION.

44 10. NOT LATER THAN THE IMPLEMENTATION DATE OF THE PAINT STEWARDSHIP
45 PROGRAM, THE DEPARTMENT SHALL LIST THE NAMES OF PARTICIPATING PRODUCERS
46 AND THE BRANDS OF ARCHITECTURAL PAINT COVERED BY SUCH PAINT STEWARDSHIP
47 PROGRAM ON ITS WEBSITE.

48 11. (A) ON AND AFTER THE IMPLEMENTATION DATE OF THE PAINT STEWARDSHIP
49 PROGRAM, NO PRODUCER, DISTRIBUTOR OR RETAILER SHALL SELL OR OFFER FOR
50 SALE ARCHITECTURAL PAINT TO ANY PERSON IN THE STATE IF THE PRODUCER OF
51 SUCH ARCHITECTURAL PAINT IS NOT A MEMBER OF THE REPRESENTATIVE ORGANIZA-
52 TION.

53 (B) NO RETAILER OR DISTRIBUTOR SHALL BE FOUND TO BE IN VIOLATION OF
54 THE PROVISIONS OF THIS SECTION IF, ON THE DATE THE ARCHITECTURAL PAINT
55 WAS ORDERED FROM THE PRODUCER OR ITS AGENT, THE PRODUCER OR THE SUBJECT

1 BRAND OF ARCHITECTURAL PAINT WAS LISTED ON THE DEPARTMENT'S WEBSITE IN
2 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

3 12. PRODUCERS OR THE REPRESENTATIVE ORGANIZATION SHALL PROVIDE RETAIL-
4 ERS WITH EDUCATIONAL MATERIALS REGARDING THE PAINT STEWARDSHIP ASSESS-
5 MENT AND PAINT STEWARDSHIP PROGRAM TO BE DISTRIBUTED AT THE POINT OF
6 SALE TO THE CONSUMER. SUCH MATERIALS SHALL INCLUDE, BUT NOT BE LIMITED
7 TO, INFORMATION REGARDING AVAILABLE END-OF-LIFE MANAGEMENT OPTIONS FOR
8 ARCHITECTURAL PAINT OFFERED THROUGH THE PAINT STEWARDSHIP PROGRAM AND
9 INFORMATION THAT NOTIFIES CONSUMERS THAT A CHARGE FOR THE OPERATION OF
10 SUCH PAINT STEWARDSHIP PROGRAM IS INCLUDED IN THE PURCHASE PRICE OF ALL
11 ARCHITECTURAL PAINT SOLD IN THE STATE.

12 13. ON OR BEFORE OCTOBER FIFTEENTH, TWO THOUSAND EIGHTEEN, AND ANNUAL-
13 LY THEREAFTER, EACH OPERATOR OF A PROGRAM SHALL SUBMIT A REPORT TO THE
14 COMMISSIONER THAT DETAILS THE PAINT STEWARDSHIP PROGRAM FOR THE PRIOR
15 YEAR'S PROGRAM FROM JULY FIRST TO JUNE THIRTIETH. SAID REPORT SHALL
16 INCLUDE A COPY OF THE INDEPENDENT AUDIT DETAILED IN PARAGRAPH (D) OF
17 THIS SUBDIVISION. SUCH ANNUAL REPORT SHALL INCLUDE:

18 (A) A DETAILED DESCRIPTION OF THE METHODS USED TO COLLECT, TRANSPORT
19 AND PROCESS POST-CONSUMER PAINT IN THE STATE INCLUDING DETAILING
20 COLLECTION METHODS MADE AVAILABLE TO CONSUMERS AND AN EVALUATION OF THE
21 PROGRAM'S COLLECTION CONVENIENCE;

22 (B) THE OVERALL VOLUME OF POST-CONSUMER PAINT COLLECTED IN THE STATE;

23 (C) THE VOLUME AND TYPE OF POST-CONSUMER PAINT COLLECTED IN THE STATE
24 BY METHOD OF DISPOSITION, INCLUDING REUSE, RECYCLING AND OTHER METHODS
25 OF PROCESSING OR DISPOSAL;

26 (D) THE TOTAL COST OF IMPLEMENTING THE PROGRAM, AS DETERMINED BY AN
27 INDEPENDENT FINANCIAL AUDIT, AS PERFORMED BY AN INDEPENDENT AUDITOR;

28 (E) AN EVALUATION OF THE ADEQUACY OF THE PROGRAM'S FUNDING MECHANISM;

29 (F) SAMPLES OF ALL EDUCATIONAL MATERIALS PROVIDED TO CONSUMERS OF
30 ARCHITECTURAL PAINT AND RETAILERS;

31 (G) A DETAILED LIST OF EFFORTS UNDERTAKEN AND AN EVALUATION OF THE
32 METHODS USED TO DISSEMINATE SUCH MATERIALS INCLUDING RECOMMENDATIONS, IF
33 ANY, FOR HOW THE EDUCATIONAL COMPONENT OF THE PROGRAM CAN BE IMPROVED;
34 AND

35 (H) THE ANNUAL REPORT SHALL BE ACCOMPANIED BY A FEE IN THE AMOUNT OF
36 THREE THOUSAND DOLLARS TO BE DEPOSITED INTO THE ENVIRONMENTAL REGULATORY
37 ACCOUNT, ESTABLISHED PURSUANT TO SECTION 72-1009 OF THIS CHAPTER TO
38 COVER THE REVIEW OF SAID PLAN BY THE DEPARTMENT.

39 14. THE REPRESENTATIVE ORGANIZATION SHALL UPDATE THE PLAN, AS NEEDED,
40 WHEN THERE ARE CHANGES PROPOSED TO THE CURRENT PROGRAM. A NEW PLAN OR
41 AMENDMENT WILL BE REQUIRED TO BE SUBMITTED TO THE DEPARTMENT FOR
42 APPROVAL WHEN:

43 (A) THERE IS A CHANGE TO THE AMOUNT OF THE ASSESSMENT; OR

44 (B) THERE IS AN ADDITION TO THE PRODUCTS COVERED UNDER THE PROGRAM; OR

45 (C) THERE IS A REVISION OF THE PRODUCT STEWARDSHIP ORGANIZATION'S
46 GOALS; OR

47 (D) EVERY FOUR YEARS, IF REQUESTED, IN WRITING, BY THE DEPARTMENT.

48 THE OPERATOR OF THE PAINT STEWARDSHIP PROGRAM SHALL NOTIFY THE DEPART-
49 MENT ANNUALLY, IN WRITING, IF THERE ARE NO CHANGES PROPOSED TO THE
50 PROGRAM AND THE PRODUCER OR REPRESENTATIVE ORGANIZATION INTENDS TO
51 CONTINUE IMPLEMENTATION OF THE PROGRAM AS PREVIOUSLY APPROVED BY THE
52 DEPARTMENT.

53 S 27-2005. REGULATIONS.

54 THE DEPARTMENT IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGU-
55 LATIONS AS MAY BE NECESSARY TO IMPLEMENT AND CARRY OUT THE PROVISIONS OF
56 THIS TITLE.

1 S 27-2007. REPORTING.

2 NOT LATER THAN JANUARY FIFTEENTH, TWO THOUSAND NINETEEN, AND BIENNIAL-
3 LY THEREAFTER, THE COMMISSIONER SHALL SUBMIT A REPORT TO THE LEGISLATURE
4 AND THE GOVERNOR THAT DESCRIBES THE RESULTS AND ACTIVITIES OF THE PAINT
5 STEWARDSHIP PROGRAM AS ENACTED PURSUANT TO THIS TITLE INCLUDING ANY
6 RECOMMENDATIONS TO IMPROVE THE FUNCTIONING AND EFFICIENCY OF THE PAINT
7 STEWARDSHIP PROGRAM, AS NECESSARY.

8 S 2. The environmental conservation law is amended by adding a new
9 section 71-2730 to read as follows:

10 S 71-2730. ENFORCEMENT OF TITLE 20 OF ARTICLE 27 OF THIS CHAPTER.

11 1. CIVIL PENALTIES UNDER THIS SECTION SHALL BE ASSESSED BY THE COMMIS-
12 SIONER AFTER A HEARING OR OPPORTUNITY TO BE HEARD PURSUANT TO THE
13 PROVISIONS OF SECTION 71-1709 OF THIS ARTICLE, OR SHALL BE ASSESSED BY
14 THE COURT IN ANY ACTION OR PROCEEDING PURSUANT TO THIS SECTION. IN ADDI-
15 TION TO ANY CIVIL PENALTIES, ANY PERSON, RETAILER OR MANUFACTURER, AS
16 THOSE TERMS ARE DEFINED IN SECTION 27-1803 OF THIS CHAPTER, MAY BY SIMI-
17 LAR PROCESS BE ENJOINED FROM CONTINUING SUCH VIOLATION.

18 2. ALL PENALTIES COLLECTED PURSUANT TO THIS SECTION SHALL BE PAID OVER
19 TO THE COMMISSIONER FOR DEPOSIT TO THE ENVIRONMENTAL PROTECTION FUND
20 ESTABLISHED PURSUANT TO SECTION NINETY-TWO-S OF THE STATE FINANCE LAW.

21 S 3. This act shall take effect immediately.

22 PART CC

23 Section 1. The opening paragraph of subdivision 8 of section 27-2605
24 of the environmental conservation law, is designated paragraph (a) and a
25 new paragraph (b) is added to read as follows:

26 (B) ANY ELECTRONIC WASTE COLLECTION SITE, ELECTRONIC WASTE CONSOL-
27 IDATION FACILITY, ELECTRONIC WASTE RECYCLING FACILITY OR COUNTY WHICH
28 COLLECTS, HANDLES, AND/OR RECYCLES OR REUSES ANY ITEM OF COVERED ELEC-
29 TRONIC EQUIPMENT MAY SUBMIT AN APPLICATION TO THE COMMISSIONER, IN SUCH
30 FORM AND CONTAINING SUCH INFORMATION AS THE COMMISSIONER MAY REQUIRE,
31 FOR STATE ASSISTANCE PAYMENTS TOWARD THE COST OF COLLECTING, HANDLING,
32 AND/OR RECYCLING OR REUSE OF COVERED ELECTRONIC EQUIPMENT INCURRED WITH-
33 IN THE STATE WHEN SUCH COVERED ELECTRONIC EQUIPMENT WAS NOT COLLECTED,
34 HANDLED AND/OR RECYCLED OR REUSED PURSUANT TO SECTION 27-2603 OF THIS
35 TITLE. THE COMMISSIONER SHALL REVIEW SUCH APPLICATION AND SHALL APPROVE
36 SUCH APPLICATION FOR THE ACTUAL COST OF COLLECTING, HANDLING, AND/OR
37 RECYCLING OR REUSE OF COVERED ELECTRONIC EQUIPMENT INCURRED WITHIN THE
38 STATE. COMPENSATION PURSUANT TO THIS PARAGRAPH SHALL BE PAID WITHIN
39 THIRTY DAYS OF RECEIPT OF AN APPLICATION THEREFOR SUBMITTED TO THE
40 DEPARTMENT, IN SUCH FORM AND HAVING SUCH CONTENT AS SHALL BE DETERMINED
41 BY THE COMMISSIONER IN RULES AND REGULATIONS.

42 S 2. Paragraph (b) of subdivision 6 of section 92-s of the state
43 finance law, as amended by chapter 432 of the laws of 1997, is amended
44 to read as follows:

45 (b) Moneys from the solid waste account shall be available, pursuant
46 to appropriation and upon certificate of approval of availability by the
47 director of the budget, for any non-hazardous municipal landfill closure
48 project; municipal waste reduction or recycling project, as defined in
49 article fifty-four of the environmental conservation law; for the
50 purposes of section two hundred sixty-one and section two hundred
51 sixty-four of the economic development law; any project for the develop-
52 ment, updating or revision of local solid waste management plans pursu-
53 ant to sections 27-0107 and 27-0109 of the environmental conservation
54 law; [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; AND FOR THE PAYMENT OF THE COSTS OF THE COLLECTION, HANDLING, AND/OR RECYCLING AND REUSE OF ELECTRONIC WASTE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION EIGHT OF SECTION 27-2605 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 3. Subdivision 8 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:

8. All payments of moneys from the fund shall be made on the audit and warrant of the comptroller; PROVIDED, HOWEVER, THAT THE COMPTROLLER SHALL, DURING EACH QUARTER, ALLOCATE MONEYS FROM THE SOLID WASTE ACCOUNT TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE PAYMENT OF CLAIMS FOR COMPENSATION ANTICIPATED TO BE SUBMITTED, PURSUANT TO PARAGRAPH (B) OF SUBDIVISION EIGHT OF SECTION 27-2605 OF THE ENVIRONMENTAL CONSERVATION LAW, DURING SUCH QUARTER.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall apply to electronic waste collected, handled, and/or recycled and reused on or after January 1, 2016; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

PART DD

Section 1. Notwithstanding any provision of subdivision 2 of section 27-1405 of the environmental conservation law to the contrary, for the purposes of title 14 of article 27 of such law, "brownfield site" or "site" shall include any real property previously owned by the state that has been transitioned or is being transitioned to private use or ownership, the redevelopment or reuse of which may be complicated by the presence of asbestos. Such terms shall not include real property as specified in paragraphs (a) through (e) of subdivision 2 of section 27-1405 of the environmental conservation law.

S 2. This act shall take effect immediately.

PART EE

Section 1. Subdivision (a) of section 1115 of the tax law is amended by adding a new paragraph 44 to read as follows:

(44) ELECTRIC VEHICLES AND ZERO EMISSIONS VEHICLES. (A) AS USED IN THIS PARAGRAPH, "ELECTRIC VEHICLE" MEANS AN ELIGIBLE VEHICLE, AS SUCH TERM IS DEFINED IN PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION EIGHTEEN HUNDRED EIGHTY-FOUR OF THE PUBLIC AUTHORITIES LAW, PURCHASED AND REGISTERED IN NEW YORK STATE.

(B) AS USED IN THIS PARAGRAPH, "ZERO EMISSION VEHICLE" MEANS A VEHICLE, PURCHASED AND REGISTERED IN NEW YORK STATE, MEETING THE STANDARDS PROVIDED IN 40 CFR 88.104-94(G).

S 2. Subdivision (d) of section 306 of the vehicle and traffic law, as amended by chapter 608 of the laws of 1993, is amended to read as follows:

(d) No person shall issue a certificate or certificates of inspection, inspection extension, or rejection notice without having made a complete inspection or inspections in conformity with the rules and regulations established by the commissioner, or shall wilfully issue a certificate or certificates of inspection for a motor vehicle, the mechanisms and

1 other equipment or emissions of which do not comply with the standards
2 prescribed by the rules and regulations established by the commissioner
3 or the commissioner of environmental conservation, or wilfully issue a
4 certificate of inspection extension or rejection notice when the item or
5 items of inspection conform to the standards established by the regu-
6 lations of the commissioner or wilfully issue a certificate of
7 inspection extension or rejection notice for an item or items for which
8 inspection is not required by the regulations of the commissioner;
9 PROVIDED, HOWEVER, THAT ANY ELECTRIC VEHICLE OR ZERO EMISSIONS VEHICLE
10 WITH AN ENVIRONMENTAL PROTECTION AGENCY FUEL EFFICIENCY RATING OF FORTY
11 MILES PER GALLON OR HIGHER, SHALL BE EXEMPT FROM THE PROVISIONS OF THIS
12 SUBDIVISION.

13 S 3. The public authorities law is amended by adding a new section
14 1884 to read as follows:

15 S 1884. ZERO EMISSION VEHICLE REBATE PROGRAM. 1. THERE IS HEREBY
16 ESTABLISHED WITHIN THE AUTHORITY A ZERO EMISSION VEHICLE (ZEV) REBATE
17 PROGRAM. THE PURPOSE OF THE PROGRAM SHALL BE TO PROMOTE CLEAN TECHNOLOGY
18 VEHICLES THAT CREATE ENVIRONMENTAL BENEFITS, CONTRIBUTE TO THE NUMBER OF
19 VEHICLES ON THE ROAD TO FULFILL NEW YORK'S CONTRIBUTION TO THE
20 MULTI-STATE COMPACT TO HAVE THREE MILLION THREE HUNDRED THOUSAND ZERO
21 EMISSION VEHICLES ON THE ROAD BY TWO THOUSAND TWENTY-FIVE, AND CONTRIB-
22 UTE TO THE ECONOMIC GROWTH OF THE STATE.

23 2. FOR PURPOSES OF THIS SECTION:

24 (A) "ELIGIBLE PURCHASE" MEANS AND INCLUDES A TRANSACTION INVOLVING A
25 TRADE IN OF A NON-ELIGIBLE VEHICLE, IN ORDER TO COMPLETE A PURCHASE TO
26 OWN OR A LEASE OF NOT LESS THAN THIRTY-SIX MONTHS OF AN ELIGIBLE VEHI-
27 CLE, PURCHASED AND REGISTERED IN NEW YORK STATE, AND PLACED INTO SERVICE
28 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

29 (B) "ELIGIBLE VEHICLE" MEANS AND INCLUDES A NEW LIGHT-DUTY MOTOR ZERO
30 EMISSIONS VEHICLE AS DEFINED IN 40 CFR 88.104-94(G) THAT:

31 (I) HAS FOUR WHEELS;

32 (II) WAS MANUFACTURED FOR USE PRIMARILY ON PUBLIC STREETS, ROADS AND
33 HIGHWAYS;

34 (III) THE POWERTRAIN OF WHICH HAS NOT BEEN MODIFIED FROM THE ORIGINAL
35 MANUFACTURER'S SPECIFICATIONS;

36 (IV) IS RATED AT NOT MORE THAN EIGHT THOUSAND FIVE HUNDRED POUNDS
37 UNLOADED VEHICLE WEIGHT;

38 (V) HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST FIFTY-FIVE MILES PER
39 HOUR;

40 (VI) HAS A MANUFACTURER'S SUGGESTED RETAIL PRICE OF SIXTY THOUSAND
41 DOLLARS OR LESS; AND

42 (VII) IS PROPELLED TO A SIGNIFICANT EXTENT BY A HYDROGEN FUEL CELL OR
43 OTHER ZERO EMISSIONS RATED MOTOR AS DEFINED IN 40 CFR 88.104-94(G), OR
44 AN ELECTRIC MOTOR THAT DRAWS ELECTRICITY FROM A BATTERY THAT:

45 (A) HAS A CAPACITY OF NOT LESS THAN FOUR KILOWATT HOURS; AND

46 (B) IS CAPABLE OF BEING RECHARGED FROM AN EXTERNAL SOURCE OF ELECTRIC-
47 ITY.

48 3. THE AUTHORITY SHALL AWARD REBATES FOR ELIGIBLE VEHICLES IN AMOUNTS
49 AS DETERMINED BY THIS SECTION. AN APPLICANT IS ELIGIBLE TO RECEIVE A
50 MAXIMUM OF ONE REBATE PER YEAR.

51 4. THE AUTHORITY SHALL DETERMINE THE REBATE ELIGIBILITY OF EACH APPLI-
52 CANT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AND RULES
53 PROMULGATED BY THE AUTHORITY. THE TOTAL AMOUNT OF REBATES ALLOCATED TO
54 CERTIFIED APPLICANTS IN EACH FISCAL YEAR SHALL NOT EXCEED THE AMOUNT OF
55 FUNDS AVAILABLE FOR THE PROGRAM IN THAT FISCAL YEAR. REBATES SHALL BE
56 ALLOCATED TO APPLICANTS ON A FIRST-COME, FIRST-SERVED BASIS, DETERMINED

BY THE DATE THE APPLICATION IS RECEIVED, UNTIL ALL APPROPRIATED FUNDS FOR THE FISCAL YEAR ARE EXPENDED OR THE PROGRAM ENDS, WHICHEVER COMES FIRST. THE AUTHORITY SHALL HAVE AUTHORITY TO REDUCE ELIGIBLE VEHICLE REBATE AMOUNTS FROM THE AMOUNTS SPECIFIED IN SUBDIVISION SEVEN OF THIS SECTION. SUCH REDUCTION SHALL OCCUR ONLY IF THE AUTHORITY FORECASTS FUNDS WOULD BE EXHAUSTED PRIOR TO THE END OF A FISCAL YEAR.

5. THE AUTHORITY SHALL PROMULGATE RULES TO IMPLEMENT AND ADMINISTER THIS SECTION ON OR BEFORE OCTOBER FIFTEENTH, TWO THOUSAND SIXTEEN, INCLUDING RULES RELATING TO THE FORMS REQUIRED TO CLAIM A REBATE UNDER THIS SECTION, THE REQUIRED DOCUMENTATION AND BASIS FOR ESTABLISHING ELIGIBILITY FOR A REBATE, PROCEDURES AND GUIDELINES FOR CLAIMING A REBATE, AND THE COLLECTION OF ECONOMIC IMPACT DATA FROM APPLICANTS.

6. THE AUTHORITY SHALL DETERMINE AND PUBLISH ON ITS WEBSITE ON AN ONGOING BASIS THE AMOUNT OF AVAILABLE FUNDING FOR REBATES REMAINING IN EACH FISCAL YEAR.

7. (A) THE PURCHASER OR LESSEE OF AN ELIGIBLE VEHICLE MAY BE ELIGIBLE FOR ONLY ONE OF THE REBATES SPECIFIED IN THIS PARAGRAPH:

(I) A PERSON WHO PURCHASES OR LEASES A NEW ELIGIBLE VEHICLE MAY RECEIVE UP TO A TWO THOUSAND FIVE HUNDRED DOLLAR REBATE IF THE BATTERY CAPACITY OF THE ELIGIBLE VEHICLE IS TEN KILOWATT HOURS OR GREATER OR IS A HYDROGEN FUEL CELL OR OTHER ZERO EMISSIONS RATED MOTOR AS DEFINED IN 40 CFR 88.104-94(G); OR

(II) A PERSON WHO PURCHASES OR LEASES A NEW ELIGIBLE VEHICLE MAY RECEIVE UP TO A ONE THOUSAND FIVE HUNDRED DOLLAR REBATE IF THE BATTERY CAPACITY IS FOUR KILOWATT HOURS OR GREATER, BUT LESS THAN TEN KILOWATT HOURS.

(B) INCENTIVES SHALL BE APPLIED FOR USING THE FORMS DEVELOPED AND PROVIDED BY THE AUTHORITY AND SHALL INCLUDE THE VERIFICATION OF PURCHASE OR LEASE BY THE DEALER.

(C) ANY REBATES SHALL BE LESS ANY SALES TAX EXEMPTION FOR ELECTRIC VEHICLES AND ZERO EMISSIONS VEHICLES PROVIDED PURSUANT TO PARAGRAPH FORTY-FOUR OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED FIFTEEN OF THE TAX LAW.

S 4. This act shall take effect immediately, except that section one of this act shall take effect July 1, 2016.

PART FF

Section 1. Paragraph (a) of subdivision 4 of section 174 of the navigation law, as amended by section 1 of part X of chapter 58 of the laws of 2015, is amended to read as follows:

(a) The license fee shall be nine and one-half cents per barrel transferred, UNLESS THE MAJOR FACILITY IS LOCATED WITHIN ONE MILE OF A FACILITY IN AN ADJOINING STATE, WHICH IF SUCH FACILITY IN ANOTHER STATE WAS LOCATED IN THIS STATE WOULD BE A MAJOR FACILITY, THEN SUCH FEE SHALL BE ONE CENT PER BARREL TRANSFERRED, provided, however, that the fee on any barrel, including any products derived therefrom, subject to multiple transfer, shall be imposed only once at the point of first transfer. Provided further, the license fee for major facilities that (i) transfer barrels for their own use, and (ii) do not sell or transfer the product subject to such license fee, shall be eight cents. In each fiscal year following any year in which the balance of the account established by paragraph (a) of subdivision two of section one hundred seventy-nine of this article equals or exceeds forty million dollars, no license fee shall be imposed unless (a) the current balance in such account is less than thirty-five million dollars or (b) pending claims against such

1 account exceed fifty percent of the existing balance of such account. In
2 the event of either such occurrence and upon certification thereof by
3 the state comptroller, the administrator shall within ten days of the
4 date of such certification reimpose the license fee, which shall take
5 effect on the first day of the month following such relevy. The rate may
6 be set at less than nine and one-half cents per barrel transferred if
7 the administrator determines that the revenue produced by such lower
8 rate shall be sufficient to pay outstanding claims against such account
9 within one year of such imposition of the license fee. Should such
10 account exceed forty million dollars, as a result of interest, the
11 administrator and the commissioner of environmental conservation shall
12 report to the legislature and the governor concerning the options for
13 the use of such interest. The fee established by this paragraph shall
14 not be imposed upon any barrel which is transferred to a land based
15 facility but thereafter exported from this state for use outside the
16 state and is shipped to facilities outside the state regardless of
17 whether the delivery or sale of such petroleum occurs in this state.

18 S 2. Subdivision 4 of section 174 of the navigation law is amended by
19 adding a new paragraph (e) to read as follows:

20 (E) NOTWITHSTANDING PARAGRAPH (D) OF THIS SUBDIVISION, THE SURCHARGE
21 ESTABLISHED BY PARAGRAPH (B) OF THIS SUBDIVISION SHALL BE ONE AND
22 ONE-HALF CENTS PER BARREL FOR ANY BARREL THAT IS TRANSFERRED INTO A
23 MAJOR FACILITY LOCATED WITHIN ONE MILE OF A FACILITY IN AN ADJOINING
24 STATE, WHICH IF SUCH FACILITY IN ANOTHER STATE WAS LOCATED IN THIS STATE
25 WOULD BE A MAJOR FACILITY, AND THEREAFTER EXPORTED FROM THIS STATE FOR
26 USE OUTSIDE THE STATE AS DESCRIBED BY PARAGRAPH (A) OF THIS SUBDIVISION.

27 S 3. This act shall take effect immediately.

28 PART GG

29 Section 1. Paragraph d of subdivision 3 of section 33-0905 of the
30 environmental conservation law, as amended by section 1 of part U of
31 chapter 59 of the laws of 2004, is amended to read as follows:

32 d. Except as provided in [paragraphs] PARAGRAPH e [and f] of this
33 subdivision, pesticide applicator certifications shall be valid for
34 three years after which every applicator shall recertify according to
35 the requirements then in effect. Certification identification cards
36 shall be valid for three years.

37 S 2. Paragraph f of subdivision 3 of section 33-0905 of the environ-
38 mental conservation law is REPEALED.

39 S 3. Subdivision 2 of section 33-0911 of the environmental conserva-
40 tion law, as amended by section 3 of part YY of chapter 59 of the laws
41 of 2009, is amended to read as follows:

42 2. [a. Except as provided in paragraph b of this subdivision, fees]
43 FEES for pesticide applicator certification shall be four hundred fifty
44 dollars for commercial pesticide applicator certification in one indi-
45 vidual category, one hundred fifty dollars for each additional category
46 and one hundred fifty dollars for each additional sub-category chosen.
47 For private applicators a fee of twenty-five dollars for the initial
48 certified private applicator and five dollars for subsequent applicators
49 on the same farm or business shall be charged at the time of initial
50 certification, renewal of certification or recertification.

51 [b. Fees for pesticide applicator certification for a commercial
52 pesticide applicator with only subcategory 3A-ornamentals, shade trees
53 and turf or only subcategory 3B-turf shall be two hundred dollars.]

1 S 4. This act shall take effect immediately and shall apply to certif-
2 ications issued on or after such date.

3 PART HH

4 Section 1. Subdivision 4 of section 1 of part SS of chapter 58 of the
5 laws of 2015, relating to requiring the New York state energy research
6 and development authority to develop standards and/or criteria that will
7 encourage and increase issuance of loans to low-to-moderate income
8 households for qualified energy efficiency services, is amended to read
9 as follows:

10 4. The authority shall continue to offer financing, pursuant to
11 section 1896 of the public authorities law, through the green jobs -
12 green New York program for qualified energy efficiency services to all
13 classes and types of persons and entities which were eligible to apply
14 for the program prior to January 1, 2015 through March 31, [2016] 2017.

15 S 2. This act shall take effect immediately.

16 PART II

17 Section 1. The public service law is amended by adding a new section
18 65-c to read as follows:

19 S 65-C. EXTENDING NATURAL GAS DELIVERIES TO UNSERVED AND UNDERSERVED
20 AREAS. 1. PETITION. NO LATER THAN JANUARY FIRST, TWO THOUSAND SEVENTEEN,
21 OR SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, WHICHEVER IS
22 LATER, EACH NATURAL GAS DISTRIBUTION COMPANY SHALL FILE A PETITION WITH
23 THE COMMISSIONER PROPOSING A PILOT OR PERMANENT PROGRAM, INCLUDING ANY
24 NECESSARY TARIFFS, TO EXTEND NATURAL GAS DISTRIBUTION SERVICE FOR
25 END-USERS TO UNSERVED OR UNDERSERVED AREAS WITHIN ITS CERTIFICATED
26 SERVICE TERRITORY.

27 2. PROGRAM REQUIREMENTS. A PROPOSED PROGRAM SHALL INCLUDE:

28 (A) A PROCESS FOR MANAGING AND PRIORITIZING CUSTOMER REQUESTS FROM
29 END-USERS FOR EXTENSIONS OF THE NATURAL GAS DISTRIBUTION SYSTEM;

30 (B) A COST-BENEFIT ANALYSIS TO DETERMINE IF A CUSTOMER CONTRIBUTION IS
31 REQUIRED;

32 (C) A METHOD FOR DETERMINING THE AMOUNT OF A REQUIRED CUSTOMER
33 CONTRIBUTION IN AID OF CONSTRUCTION;

34 (D) A PROGRAM TO ENHANCE THE AFFORDABILITY OF REQUIRED CONTRIBUTIONS
35 IN AID OF CONSTRUCTION TO CUSTOMERS, INCLUDING THE FOLLOWING PROVISIONS:

36 (I) THE PROGRAM SHALL PROVIDE FOR ON-BILL FINANCING FOR A TERM OF NO
37 LESS THAN FIVE YEARS;

38 (II) A CUSTOMER SHALL BE ABLE TO PAY A REQUIRED CUSTOMER CONTRIBUTION
39 IN FULL AT ANY TIME, WITHOUT INCURRING PENALTIES OR FEES; AND

40 (III) THE FORM OF FINANCING MAY INCLUDE A SURCHARGE, THIRD-PARTY
41 FINANCING OR ANY OTHER METHOD OF RECOVERY APPROVED BY THE COMMISSION;

42 (E) A PROVISION OUTLINING WHETHER AND HOW REFUNDS OR CREDITS WILL BE
43 PROVIDED TO CUSTOMERS AS OTHER CUSTOMERS RECEIVE SERVICE FROM A
44 COMPLETED DISTRIBUTION SYSTEM EXTENSION PROJECT;

45 (F) A PROVISION ADDRESSING THE TREATMENT AND ELIGIBILITY OF CUSTOMERS
46 PARTICIPATING IN A CUSTOMER ASSISTANCE PROGRAM WHO REQUEST AND RECEIVE
47 SERVICE FROM A DISTRIBUTION SYSTEM EXTENSION PROJECT;

48 (G) A PROVISION ADDRESSING SITUATIONS WHERE A CUSTOMER FAILS TO PAY A
49 REQUIRED SURCHARGE OR OTHER ON-BILL FINANCING MECHANISM;

50 (H) A CUSTOMER'S NATURAL GAS DISTRIBUTION SERVICE SHALL NOT BE TERMI-
51 NATED SOLELY FOR NONPAYMENT OF A SURCHARGE OR OTHER ON-BILL FINANCING
52 MECHANISM; AND

(I) ANY OTHER PROVISIONS THAT WILL PROMOTE ECONOMIC DISTRIBUTION SYSTEM EXTENSION TO END-USERS IN UNSERVED AND UNDERSERVED AREAS IN A MANNER THAT IS AFFORDABLE TO CUSTOMERS.

3. COMMISSION REVIEW. THE COMMISSION:

(A) SHALL REVIEW A PETITION FILED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, AFTER PROVIDING NOTICE AND AN OPPORTUNITY TO BE HEARD AND MAY APPROVE, DISAPPROVE OR MODIFY THE FILING PURSUANT TO ITS PROCEDURAL RULES;

(B) MAY ESTABLISH PERIODIC REPORTING REQUIREMENTS TO REVIEW THE PERFORMANCE AND EFFECTIVENESS OF A PROGRAM; AND

(C) SHALL NOT REQUIRE A NATURAL GAS DISTRIBUTION COMPANY TO EXTEND ITS DISTRIBUTION SYSTEM TO ANY AREA OR CUSTOMER THAT DOES NOT PROVIDE THE OPPORTUNITY TO EARN A REASONABLE RETURN ON INVESTMENT.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

PART JJ

Section 1. The state finance law is amended by adding a new section 22-d to read as follows:

S 22-D. STATE TRANSPORTATION PLAN. 1. THE COMMISSIONER OF TRANSPORTATION SHALL DEVELOP BY OCTOBER FIRST, TWO THOUSAND SIXTEEN A COMPREHENSIVE, INTERMODAL, LONG-RANGE TRANSPORTATION PLAN FOR THE STATE. THE PLAN MAY BE DEVELOPED IN MULTIPLE DOCUMENTS THAT ADDRESS LOGICAL COMPONENTS, INCLUDING GEOGRAPHIC AREAS, MODES OF TRANSPORTATION, TRANSPORTATION CORRIDORS, SYSTEMS, AND OTHER DISTINCT SUBJECTS RELEVANT TO TRANSPORTATION PLANNING. THE COMPONENTS OF THE PLAN SHALL BE REVISED AS THE COMMISSIONER OF TRANSPORTATION DETERMINES APPROPRIATE BUT SHALL BE REVISED AT LEAST ONCE ANNUALLY BY OCTOBER FIRST OF EACH ENSUING YEAR. IN DEVELOPING AND REVISING THE STATE PLAN, THE COMMISSIONER OF TRANSPORTATION SHALL CONFORM TO THE REQUIREMENTS FOR THE ELIGIBILITY AND USE OF FEDERAL AND OTHER FUNDS, AS APPLICABLE. UPON APPROVAL OF EACH COMPONENT OR REVISION OF THE PLAN BY THE COMMISSIONER OF TRANSPORTATION, SUCH COMMISSIONER SHALL TRANSMIT NOTICE OF THE APPROVAL OF THAT COMPONENT TO THE GOVERNOR AND TO THE LEGISLATURE AND MAKE SUCH COMPONENT PUBLICLY AVAILABLE.

2. IN DEVELOPING AND REVISING THE PLAN, THE COMMISSIONER OF TRANSPORTATION SHALL SEEK PUBLIC REVIEW AND EVALUATION BY ANY REASONABLE MEANS AND SHALL:

(A) CONSULT AND COOPERATE WITH OFFICIALS AND REPRESENTATIVES OF THE FEDERAL GOVERNMENT, OTHER GOVERNMENTS, INTERSTATE COMMISSIONS AND AUTHORITIES, LOCAL AGENCIES AND AUTHORITIES, INTERESTED CORPORATIONS AND OTHER ORGANIZATIONS CONCERNING PROBLEMS AFFECTING TRANSPORTATION IN THE STATE; AND

(B) REQUEST FROM AN AGENCY OR OTHER UNIT OF THE STATE GOVERNMENT OR OF A POLITICAL SUBDIVISION OF IT, OR FROM A PUBLIC AUTHORITY, THE ASSISTANCE AND DATA THAT MAY BE NECESSARY TO ENABLE THE COMMISSIONER OF TRANSPORTATION TO CARRY OUT RESPONSIBILITIES UNDER THIS SECTION; AND EVERY SUCH ENTITY SHALL PROVIDE THE ASSISTANCE AND DATA REQUESTED.

3. COPIES OF THE PLAN, ORIGINAL AND AS REVISED, IN ADDITION TO BEING MADE AVAILABLE ONLINE SHALL BE KEPT ON FILE AS A PUBLIC DOCUMENT IN THE OFFICE OF THE COMMISSIONER OF TRANSPORTATION AND AT EACH REGIONAL OFFICE OF THE DEPARTMENT.

4. THE COMMISSIONER OF TRANSPORTATION SHALL ANNUALLY DEVELOP AND SUBMIT TO THE GOVERNOR AND LEGISLATURE, BY OCTOBER THIRTIETH OF EACH YEAR, A LIST OF PROJECTS SCHEDULED FOR DESIGN, CONSTRUCTION, OR OTHER

1 NECESSARY ACTIVITIES FOR A PERIOD OF NOT LESS THAN FIVE YEARS THAT IS
2 CONSISTENT WITH THE PLAN DEVELOPED UNDER SUBDIVISION ONE OF THIS
3 SECTION. THE LIST OF PROJECTS IS IN ADDITION TO THE LONG-RANGE PLAN
4 REQUIRED BY SUBDIVISION ONE OF THIS SECTION. THE LIST OF PROJECTS MUST
5 INCLUDE AN ESTIMATE OF FEDERAL, STATE, AND OTHER FUNDS ANTICIPATED TO BE
6 RECEIVED TO FUND EACH PROJECT; A DESCRIPTION, LOCATION, AND ITEMIZATION
7 OF THE ESTIMATED COST FOR EACH PROJECT; AND A DISBURSEMENT SCHEDULE OF
8 COSTS OVER EACH PROJECT'S LIFE. PROJECT LISTING INFORMATION RELATED TO
9 COST AND DISBURSEMENT SCHEDULE SHALL BE PUBLICLY AVAILABLE FOR DOWNLOAD
10 INTO AN EXCEL FILE FORMAT.

11 5. THE LIST OF PROJECTS AND PROJECT INFORMATION ANNUALLY DEVELOPED
12 UNDER SUBDIVISION FOUR OF THIS SECTION SHALL BE UPDATED TO REFLECT THE
13 EXECUTIVE PROPOSED BUDGET AND SUBMITTED CONCURRENTLY WITH THE EXECUTIVE
14 BUDGET, IN ADDITION TO THE INFORMATION REQUIRED BY SECTIONS TWENTY-TWO
15 AND TWENTY-TWO-C OF THIS ARTICLE. SUCH LIST OF PROJECTS AND ANY PROJECT
16 LISTING REVISIONS REFLECTED WITHIN THE ENACTED EXECUTIVE BUDGET SHALL BE
17 SUBJECT TO A MEMORANDUM OF UNDERSTANDING TO BE SIGNED BY THE GOVERNOR
18 AND LEGISLATIVE LEADERS OF THE SENATE AND ASSEMBLY. PRIOR TO DISBURSE-
19 MENT OF ANY FUNDS FOR THE CAPITAL AND FINANCING PLAN FOR THE DEPARTMENT
20 OF TRANSPORTATION REQUIRED BY SUBDIVISION ONE OF THIS SECTION OR FOR THE
21 DEPARTMENT'S CAPITAL EXPENDITURES, THE MEMORANDUM OF UNDERSTANDING MUST
22 BE SIGNED BY THE GOVERNOR AND THE LEGISLATIVE LEADERS OF THE SENATE AND
23 ASSEMBLY.

24 6. IN EVALUATING NEW HIGHWAYS, BRIDGES, AIRPORTS, TERMINALS, FERRIES,
25 AND OTHER MAJOR COMPONENTS FOR INCLUSION IN THE PLAN, THE COMMISSIONER
26 OF TRANSPORTATION SHALL PREPARE A COST-EFFECTIVENESS ANALYSIS USING A
27 CONSISTENT METHODOLOGY. A COST-EFFECTIVENESS ANALYSIS IS NOT REQUIRED
28 FOR A PROJECT THAT INVOLVES THE REHABILITATION AND MAINTENANCE OF AN
29 EXISTING TRANSPORTATION SYSTEM OR THAT PRIMARILY SERVES LOCAL TRANSPOR-
30 TATION NEEDS.

31 S 2. This act shall take effect immediately.

32 PART KK

33 Section 1. The public authorities law is amended by adding a new
34 section 553-j to read as follows:

35 S 553-J. VERRAZANO-NARROWS BRIDGE; TOLL DISCOUNTS. NOTWITHSTANDING ANY
36 INCONSISTENT PROVISIONS OF LAW, THE SAME ELECTRONIC TOLL COLLECTION
37 DISCOUNT PROGRAMS THAT EXIST FOR REGISTERED VEHICLES TO RESIDENTS OF THE
38 COUNTY OF RICHMOND AT THE VERRAZANO-NARROWS BRIDGE, WHERE TOLLS ARE
39 COLLECTED IN THE STATEN ISLAND-BOUND DIRECTION, SHALL BE PROVIDED TO
40 RESIDENTS OF THE COUNTY OF KINGS WHO RESIDE WITHIN ANY ZIP CODE WITHIN
41 SIX MILES OF THE ANCHORAGE ON THE BROOKLYN SIDE OF THE VERRAZANO-NARROWS
42 BRIDGE. TOLL DISCOUNTS WILL BE PROVIDED IN ACCORDANCE WITH PROCEDURES
43 AND UNDER SUCH TERMS AND CONDITIONS AS FROM TIME TO TIME MAY BE
44 PRESCRIBED BY THE AUTHORITY. SUCH PROCEDURES AND TERMS MAY PRESCRIBE AND
45 REQUIRE MINIMUM TRIP USAGE, MINIMUM PURCHASE, MINIMUM DEPOSITS AND/OR
46 ADMINISTRATIVE SERVICE FEES ON ACCOUNTS OR EQUIPMENT. APPLICATION AND
47 REGISTRATION FOR ANY PROGRAM AND PAYMENT DEVICES SHALL BE MADE IN SUCH
48 MANNER AS PRESCRIBED BY THE AUTHORITY AND SHALL CONTAIN SUCH INFORMATION
49 AS THE AUTHORITY MAY REASONABLY REQUIRE. THE METROPOLITAN TRANSPORTATION
50 AUTHORITY SHALL PAY ONE HUNDRED PERCENT OF THE COSTS RELATED TO THE
51 IMPLEMENTATION AND OPERATION OF THIS SECTION.

52 S 2. This act shall take effect immediately.

53 PART LL

1 Section 1. The opening paragraph of section 2231 of the vehicle and
2 traffic law is designated subdivision 1 and a new subdivision 2 is added
3 to read as follows:

4 2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, THE COMMISSIONER
5 SHALL ALSO DEPOSIT FIVE DOLLARS OF THE FEES COLLECTED PURSUANT TO PARA-
6 GRAPHS (A), (B) AND (C) OF SUBDIVISION FOUR OF SECTION TWO THOUSAND TWO
7 HUNDRED TWENTY-TWO OF THIS ARTICLE, TO THE CREDIT OF THE SNOWMOBILE
8 TRAIL DEVELOPMENT AND MAINTENANCE FUND.

9 S 2. This act shall take effect April 1, 2016.

10 PART MM

11 Section 1. Intentionally omitted.

12 S 2. Subparagraphs (a) and (b) of paragraph 1 of subdivision (c) of
13 section 301 of the vehicle and traffic law, subparagraph (a) as amended
14 by section 5 of part VI of chapter 62 of the laws of 2003 and subpara-
15 graph (b) as added by chapter 161 of the laws of 1996, are amended and a
16 new subparagraph (c) is added to read as follows:

17 (a) A safety inspection shall be made with respect to the brakes;
18 steering mechanism; wheel alignment; lights, including but not limited
19 to the lights which are designed and placed on a vehicle for the purpose
20 of illuminating the vehicle's license plates; odometer; tire pressure;
21 seat safety belts; shoulder harness safety belts; ANY WINDOW WHICH IS
22 COMPOSED OF, COVERED BY OR TREATED WITH ANY MATERIAL WHICH HAS A LIGHT
23 TRANSMITTANCE OF LESS THAN SEVENTY PERCENT PURSUANT TO SECTION THREE
24 HUNDRED SEVENTY-FIVE OF THIS TITLE; and such other mechanisms and equip-
25 ment as shall be determined by the commissioner to be necessary for
26 proper and safe operations. Such inspection shall also be made with
27 respect to vehicle identification number. Upon inspection, the mileage
28 appearing on the odometer shall be recorded upon the inspection sticker.

29 (b) In the case of any passenger car manufactured on or after Septem-
30 ber first, nineteen hundred ninety-seven, [during the course of the
31 vehicle safety inspection, the readiness of] A SAFETY INSPECTION SHALL
32 BE MADE WITH RESPECT TO the inflatable restraint system, by means of the
33 readiness indicator, shall be noted on the invoice supplied to the
34 consumer. The system's lack of readiness shall [not] be considered
35 grounds for the vehicle to fail the safety inspection provided for in
36 subparagraph (a) of this paragraph.

37 (C) IN THE CASE OF ANY PASSENGER CAR MANUFACTURED ON OR AFTER SEPTEM-
38 BER FIRST, TWO THOUSAND ELEVEN, A SAFETY INSPECTION SHALL BE MADE WITH
39 RESPECT TO THE ANTILOCK BRAKE SYSTEM (ABS). ANY FAILURE OF THE SYSTEM
40 SHALL BE CONSIDERED GROUNDS FOR THE VEHICLE TO FAIL THE SAFETY
41 INSPECTION PROVIDED FOR IN SUBPARAGRAPH (A) OF THIS PARAGRAPH.

42 S 3. This act shall take effect on the one hundred twentieth day after
43 it shall have become a law; provided, however that effective immediate-
44 ly, the addition, amendment and/or repeal of any rules or regulations
45 necessary for the implementation of the foregoing provisions of this act
46 on its effective date are authorized and directed to be made and
47 completed on or before such effective date.

48 PART NN

49 Section 1. Section 1 of chapter 882 of the laws of 1953, constituting
50 the waterfront commission act is amended by adding a new article VII-A
51 to read as follows:

ARTICLE VII-A
CARGO FACILITY CHARGES

1. AS USED IN THIS ARTICLE:

(A) "BILL OF LADING" MEANS A DOCUMENT EVIDENCING THE RECEIPT OF GOODS FOR SHIPMENT ISSUED BY A PERSON ENGAGED IN THE BUSINESS OF TRANSPORTING OR FORWARDING GOODS.

(B) "CARGO FACILITY CHARGE" MEANS ANY FEE APPLICABLE TO CARGO AND CARGO CONTAINERS DISCHARGED FROM, OR LOADED ONTO, VESSELS AT ANY MARINE FACILITY OWNED OR OPERATED BY THE PORT AUTHORITY.

(C) "CARRIER" MEANS A CARRIER AS THAT TERM IS DEFINED IN 49 U.S.C. S. 13102.

(D) "CONTAINER" MEANS ANY RECEPTACLE, BOX, CARTON, OR CRATE WHICH IS SPECIFICALLY DESIGNED AND CONSTRUCTED SO THAT IT MAY BE REPEATEDLY USED FOR THE CARRIAGE OF FREIGHT BY AN OCEAN COMMON CARRIER.

(E) "MARINE TERMINAL OPERATOR" MEANS ANY PERSON, CORPORATION, PARTNER-SHIP, OR ANY BUSINESS ORGANIZATION WHICH SHALL OPERATE AND MAINTAIN ANY OF THE MARINE TERMINALS ESTABLISHED, ACQUIRED, CONSTRUCTED, REHABILITATED, OR IMPROVED BY THE PORT AUTHORITY BY MEANS OF AND THROUGH LEASING AGREEMENTS ENTERED INTO BY ANY SUCH PERSON, CORPORATION, PARTNERSHIP, OR ANY BUSINESS ORGANIZATION WITH THE PORT AUTHORITY.

(F) "OCEAN COMMON CARRIER" MEANS AN OCEAN COMMON CARRIER AS THAT TERM IS DEFINED IN 46 U.S.C. S. 40102.

(G) "RAIL CARRIER" MEANS A RAIL CARRIER AS THAT TERM IS DEFINED IN 49 U.S.C. S. 10102.

(H) "TARIFF" MEANS A MARINE TERMINAL OPERATOR SCHEDULE AS THAT TERM IS DEFINED IN 46 C.F.R. 525.2.

(I) "USER" MEANS:

(1) ANY PERSON, COMPANY, OR OTHER ENTITY THAT IS NAMED AS THE SHIPPER OR CONSIGNEE ON THE OCEAN COMMON CARRIER BILL OF LADING ISSUED FOR EXPORT OR IMPORT CARGO, OR ANY PERSON OWNING OR ENTITLED TO THE POSSESSION, OR HAVING A PAST OR FUTURE INTEREST IN, THE EXPORT OR IMPORT CARGO;

(2) IN THE CASE OF NEGOTIABLE BILLS OF LADING, ANY OTHER PERSON, COMPANY, OR OTHER ENTITY THAT IS A BONA FIDE HOLDER OF THE BILL OF LADING OR WHO IS ENTITLED TO RECEIVE DELIVERY OF EXPORT CARGO OR IMPORT CARGO; OR

(3) ANY OTHER BAILOR OF EXPORT OR IMPORT CARGO.

2. NOTWITHSTANDING ANY LAW, RULE, REGULATION, OR EXISTING TARIFF TO THE CONTRARY, THE PORT AUTHORITY SHALL NOT ASSESS A USER, OCEAN COMMON CARRIER, MARINE TERMINAL OPERATOR, CARRIER, OR RAIL CARRIER A CARGO FACILITY CHARGE ON IMPORT AND EXPORT CARGO LEAVING ANY MARINE FACILITY OWNED OR OPERATED BY THE PORT AUTHORITY, EXCEPT THAT THE PORT AUTHORITY MAY ASSESS A USER, OCEAN COMMON CARRIER, MARINE TERMINAL OPERATOR, CARRIER, OR RAIL CARRIER A CARGO FACILITY CHARGE UPON WRITTEN MUTUAL AGREEMENT BETWEEN THE USER, OCEAN COMMON CARRIER, MARINE TERMINAL OPERATOR, CARRIER, OR RAIL CARRIER AND THE PORT AUTHORITY.

S. 2. This act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act, but if the state of New Jersey shall have already enacted such legislation, then it shall take effect immediately; and provided that the waterfront commission shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section one of this act in order that the commission may maintain an accurate and timely effective data base of the official text of laws of the state of New York in furtherance of effecting the

1 provisions of section 44 of the legislative law and section 70-b of the
2 public officers law.

3 PART 00

4 Section 1. Legislative intent. The legislature hereby declares that
5 drivers in the state who have reached the point of revocation for traf-
6 fic violations have proven themselves to be problem drivers. In order to
7 provide meaningful safeguards for the general public who are users of
8 the highways, it is determined that additional training is needed for
9 these problem drivers. For this reason, the legislature directs the
10 department of motor vehicles to implement a five-year driver retraining
11 pilot program, requiring those drivers who have reached the point of
12 revocation, in relevant instances, to complete a behavioral-based
13 retraining course to force a change in the attitude and driving habits
14 of problem drivers in order to have their license reinstated.

15 S 2. Subdivision 5 of section 510 of the vehicle and traffic law, as
16 amended by chapter 183 of the laws of 1988, is amended to read as
17 follows:

18 5. Restoration. A [license or] registration may be restored by direc-
19 tion of the commissioner but not otherwise. A LICENSE MAY BE RESTORED BY
20 DIRECTION OF THE COMMISSIONER BUT NOT OTHERWISE; IN ADDITION, THE
21 COMPLETION OF A DRIVER RETRAINING PROGRAM AS DESCRIBED IN ARTICLE
22 TWELVE-D OF THIS CHAPTER IN ACCORDANCE WITH SUBDIVISION FIVE-A OF THIS
23 SECTION SHALL BE REQUIRED FOR THE RESTORATION OF A LICENSE FROM REVOCATION
24 IN ACCORDANCE WITH PARAGRAPHS A AND C OF SUBDIVISION TWO, SUBDIVISION
25 TWO-A, AND SUBDIVISION THREE OF THIS SECTION, WITH THE EXCEPTION OF
26 SUBPARAGRAPHS (II) AND (III) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS
27 SECTION. Reversal on appeal, of any conviction because of which any
28 license or registration has been revoked or suspended, shall entitle the
29 holder to restoration thereof forthwith. The privileges of a non-resi-
30 dent may be restored by direction of the commissioner in his discretion
31 but not otherwise.

32 S 3. Section 510 of the vehicle and traffic law is amended by adding a
33 new subdivision 5-a to read as follows:

34 5-A. DRIVER RETRAINING REQUIRED. A LICENSE REVOKED IN ACCORDANCE WITH
35 PARAGRAPHS A AND C OF SUBDIVISION TWO, SUBDIVISION TWO-A, AND SUBDIVISION
36 THREE OF THIS SECTION, WITH THE EXCEPTION OF SUBPARAGRAPHS (II) AND
37 (III) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, MAY BE REIN-
38 STATED, RESTORED, OR REISSUED ONLY UPON COMPLETION OF A DRIVER RETRAINING
39 COURSE AS DESCRIBED IN ARTICLE TWELVE-D OF THIS CHAPTER IN ADDITION
40 TO THE REQUIREMENTS OF THIS SECTION. UPON COMPLETION OF THE DRIVER
41 RETRAINING COURSE, THE VENDOR OF THE COURSE SHALL NOTIFY THE DEPARTMENT
42 OF SUCH COMPLETION AT WHICH POINT THE LICENSE APPLICANT MAY APPLY FOR
43 REINSTATEMENT, RESTORATION, OR REISSUANCE OF LICENSE.

44 S 4. The vehicle and traffic law is amended by adding a new article
45 12-D to read as follows:

46 ARTICLE 12-D

47 BEHAVIORAL-BASED DRIVER RETRAINING PROGRAM

48 SECTION 399-P. STATEMENT OF PURPOSE.

49 399-Q. DEFINITIONS.

50 399-R. COURSE APPROVAL BY THE COMMISSIONER.

51 399-S. APPLICATION FOR COURSE APPROVAL.

52 399-T. STANDARDS FOR COURSE APPROVAL.

53 399-U. MONITORING RETRAINED DRIVERS AND PROOF OF EFFECTIVENESS.

54 399-V. DEPLOYMENT OF PROGRAM.

399-W. INFORMATION TO THE VENDOR.

399-X. NOTIFICATIONS OF DRIVERS.

399-Y. FEE.

399-Z. REGULATIONS.

399-AA. REPORT.

399-BB. REAPPROVAL OF DRIVER RETRAINING COURSES.

S 399-P. STATEMENT OF PURPOSE. THE PURPOSES OF THIS ARTICLE ARE TO FURTHER HIGHWAY SAFETY BY ESTABLISHING A PROGRAM OF HIGH QUALITY AND EFFECTIVE BEHAVIORAL-BASED DRIVER RETRAINING TO REHABILITATE PROBLEM DRIVERS, AS DEFINED IN THIS ARTICLE, THROUGH THE USE OF EDUCATION AND EXPLANATION. A BEHAVIORAL-BASED DRIVER RETRAINING PROGRAM MUST INFLUENCE AND CHALLENGE PARTICIPANTS TO CHANGE THEIR BEHIND-THE-WHEEL BEHAVIORS AND ATTITUDES SO THEY WILL CHOOSE TO DRIVE SAFELY, RESPONSIBLY, RESPECTFULLY, AND LAWFULLY AND PROVIDE PARTICIPANTS WITH THE KNOWLEDGE, SKILLS, AND TECHNIQUES TO IMPROVE THEIR DRIVING-RELATED CHOICES, AND THEREBY AVOID COLLISIONS AND DECREASE FUTURE VIOLATIONS. THESE PURPOSES WILL BE ACCOMPLISHED BY ESTABLISHING STRICT CRITERIA FOR INITIAL AND CONTINUAL COURSE SPONSORSHIP APPROVAL.

S 399-Q. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING DEFINITIONS:

1. "PROBLEM DRIVER" SHALL MEAN A DRIVER THAT HAS REACHED THE POINT OF REVOCATION OF LICENSE, DUE TO TRAFFIC INFRACTIONS, DEMONSTRATING HE OR SHE IS AN UNUSUAL OR IMMEDIATE RISK UPON THE HIGHWAYS.

2. "VENDOR" SHALL MEAN A NOT-FOR-PROFIT ORGANIZATION WHICH IMPLEMENTS THE PROGRAM AND DESIGNS, PROVIDES, CONDUCTS, AND AUDITS A BEHAVIORAL-BASED DRIVER RETRAINING PROGRAM APPROVED BY THE COMMISSIONER.

3. "INSTRUCTOR" SHALL MEAN AN INDIVIDUAL EMPLOYED BY A VENDOR TO TEACH AN APPROVED DRIVER RETRAINING COURSE.

4. "DRIVER RETRAINING COURSE" OR "COURSE" SHALL MEAN THE CLASSROOM-BASED BEHAVIORAL-BASED DRIVER RETRAINING COURSE CURRICULUM WHICH HAS BEEN APPROVED BY THE COMMISSIONER.

5. "COMPLETION CERTIFICATE" SHALL MEAN A DOCUMENT WHICH CANNOT BE ALTERED AND WHICH IS PROVIDED TO THE STUDENT WHO SUCCESSFULLY COMPLETES THE DRIVER RETRAINING COURSE.

S 399-R. COURSE APPROVAL BY THE COMMISSIONER. THE COMMISSIONER SHALL APPROVE A DRIVER RETRAINING COURSE BEFORE ANY PERSON ATTENDING AND SUCCESSFULLY COMPLETING SUCH COURSE MAY QUALIFY TO RECEIVE MANDATORY REINSTATEMENT, RESTORATION, OR REISSUANCE OF A LICENSE IN ACCORDANCE WITH THIS ARTICLE AND SECTION FIVE HUNDRED TEN OF THIS CHAPTER. THE COMMISSIONER SHALL BASE THE DECISION TO APPROVE A COURSE UPON THE REQUIREMENTS SET FORTH IN THIS ARTICLE AND ANY ADDITIONAL REQUIREMENTS AS THE COMMISSIONER DEEMS NECESSARY.

S 399-S. APPLICATION FOR COURSE APPROVAL. 1. A VENDOR SEEKING APPROVAL AS A BEHAVIORAL-BASED DRIVER RETRAINING COURSE SHALL APPLY TO THE COMMISSIONER FOR APPROVAL. SUCH APPLICATIONS SHALL BE MADE IN WRITING AND ON FORMS PRESCRIBED BY THE COMMISSIONER. THE APPLICATION SHALL INCLUDE AT A MINIMUM:

(A) THE TITLE OR NAME OF THE COURSE;

(B) THE NAME OF THE VENDOR SUBMITTING THE APPLICATION;

(C) A PROFILE OF THE VENDOR'S OPERATIONS, QUALIFICATIONS, AND ORGANIZATIONAL CAPABILITIES INCLUDING:

(I) A DETAILED DESCRIPTION OF ITS RESOURCES AND EXPERIENCE RELEVANT TO THE REQUIREMENTS TO DELIVER THIS PROGRAM.

(II) A NARRATIVE ON HOW AND WHY ITS ORGANIZATION IS CAPABLE OF MEETING THE NEEDS RELEVANT TO THE DELIVERY OF THIS PROGRAM.

(III) AT LEAST THREE CLIENT REFERENCES, INCLUDING NAME, ADDRESS, CONTACT PERSON, TELEPHONE NUMBER, MONTHS AND YEARS OF SERVICE, AND A DESCRIPTION OF THE SERVICES THAT THE VENDOR PROVIDED TO THE CLIENT;

(D) EVIDENCE OF FINANCIAL STABILITY IN THE FORM OF AUDITED FINANCIAL STATEMENTS FOR THE MOST RECENT FINANCIAL YEAR OF THE VENDOR FOR WHICH STATEMENTS ARE AVAILABLE INCLUDING:

(I) STATEMENTS WHICH DEMONSTRATE THAT THE VENDOR'S ORGANIZATION IS IN SOUND FINANCIAL CONDITION, OR THAT APPROPRIATE CORRECTIVE ACTION IS BEING TAKEN TO RESOLVE ALL IDENTIFIED FINANCIAL PROBLEMS.

(II) IF STATEMENTS ARE NOT AVAILABLE FOR THE LAST FISCAL YEAR, THEN THE VENDOR MAY PROVIDE A PRO FORMA STATEMENT OF THEIR MOST RECENT FILINGS. IF THE VENDOR IS A PRIVATELY HELD ENTITY THAT DOES NOT WISH TO SUBMIT ITS BALANCE SHEETS AND REVENUE STATEMENTS, IT SHALL DEMONSTRATE TO THE SATISFACTION OF THE COMMISSIONER THAT IT IS A FINANCIALLY STABLE ORGANIZATION.

(III) ALTERNATIVE INFORMATION WHICH MAY BE SUBMITTED INCLUDES, BUT IS NOT LIMITED TO: NUMBER OF EMPLOYEES, SIZE OF CUSTOMER BASE, NAME OF BANK, NAME OF LAW FIRM, NAME OF ACCOUNTING FIRM, RATE OF GROWTH, APPROXIMATE ASSETS AND LIABILITIES.

(IV) ADDITIONAL INFORMATION AS THE COMMISSIONER DEEMS NECESSARY;

(E) PROOF OF CURRICULUM OWNERSHIP;

(F) A SAMPLE PROGRAM CURRICULUM;

(G) PROOF OF COURSE EFFECTIVENESS AS REQUIRED IN SUBDIVISION TWO OF SECTION THREE HUNDRED NINETY-NINE-U OF THIS ARTICLE;

(H) PROOF OF EXPERIENCE ELECTRONICALLY REGISTERING, SCHEDULING AND MAINTAINING RECORDS FOR ALL PARTICIPANTS IN A MULTI-SITE TRAINING PROGRAM;

(I) THE NAMES AND ADDRESSES OF ALL OWNERS, OFFICERS, AND DIRECTORS OF THE AGENCY OR ORGANIZATION;

(J) STATEMENT CERTIFYING THAT THE VENDOR CAN PROVIDE THE PERSONNEL SUFFICIENT TO DELIVERY OF THE PROGRAM STATEWIDE THROUGH THE TERM OF THE CONTRACT AND HOW THIS COMMITMENT WILL BE MET; AND

(K) SUCH OTHER INFORMATION OR MATERIAL AS THE COMMISSIONER MAY PRESCRIBE. AN APPLICATION SHALL NOT BE CONSIDERED TO BE COMPLETE UNTIL ALL INFORMATION AND MATERIAL REQUIRED BY THIS CHAPTER AND BY REGULATION OF THE COMMISSIONER HAS BEEN SUBMITTED.

2. THE COMMISSIONER SHALL EITHER APPROVE OR DENY AN APPLICATION FOR COURSE APPROVAL NO LATER THAN NINETY DAYS FOLLOWING SUBMISSION OF A COMPLETED APPLICATION.

S 399-T. STANDARDS FOR COURSE APPROVAL. 1. COURSE APPROVAL. TO BE APPROVED, A VENDOR MUST:

(A) PROVIDE A CURRICULUM IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION THAT INCLUDES AT LEAST FOUR HUNDRED THIRTY MINUTES OF INSTRUCTION WITH A CERTIFIED INSTRUCTOR PRESENT PRESENTED IN A SINGLE DAY OR A TWO DAY SESSION. NOTHING IN THIS SECTION SHALL PREVENT THE USE OF AUDIO/VISUAL AIDS AS PART OF THE COURSE PRESENTATION PRESCRIBED BY THE COMMISSIONER.

(B) HAVE PROVIDED THE COURSE FOR AT LEAST TEN YEARS PRIOR TO THE SUBMISSION OF AN APPLICATION.

(C) HAVE ADMINISTERED DRIVER RETRAINING ON A LARGE VOLUME BASIS IN A CLASS ROOM ENVIRONMENT TO A MINIMUM OF AT LEAST FIFTY THOUSAND PERSONS IN A CALENDAR YEAR.

(D) PROVIDE A DESCRIPTION OF THE MINIMUM QUALIFICATIONS OF ALL MANAGERS AND INSTRUCTORS WHO WILL BE HIRED BY THE APPLICANT.

(E) PROVIDE EACH INSTRUCTOR WITH AN INSTRUCTOR'S MANUAL AND PROVIDE STUDENT WORKBOOKS AND/OR MANUALS FOR EACH COURSE PARTICIPANT.

1 (F) PROVIDE PROOF OF EFFECTIVENESS PURSUANT TO SECTION THREE HUNDRED
2 NINETY-NINE-U OF THIS ARTICLE.

3 2. CURRICULUM. TO BE APPROVED, THE CURRICULUM OF THE DRIVER RETRAINING
4 COURSE PROVIDED FOR IN THIS ARTICLE SHALL INCLUDE AT LEAST THE FOLLOW-
5 ING:

6 (A) PROVEN EDUCATIONAL OR PSYCHOLOGICAL PRINCIPALS/METHODOLOGIES SUCH
7 AS DR. WILLIAM GLASSER'S "CHOICE THEORY" AS IT RELATES TO
8 BEHIND-THE-WHEEL DRIVING BEHAVIOR;

9 (B) WHY DRIVERS DO OR DO NOT CHOOSE TO OBEY TRAFFIC LAWS WITH THE
10 PRIMARY FOCUS ON BEHAVIORS RATHER THAN EXCUSES;

11 (C) FOUR COMPONENTS OF HUMAN BEHAVIOR - DOING, THINKING, FEELING AND
12 PHYSIOLOGY AND THE CONNECTION BETWEEN THE CONCEPTS OF NEEDS AND WANTS TO
13 BEHAVIORS AND THE HUMAN ABILITY TO CHOOSE BEHAVIORS.

14 (D) ADDITIONAL PROBLEM DRIVER BEHAVIORS INCLUDING, BUT NOT LIMITED TO:
15 HAZARDS ASSOCIATED WITH PRESCRIPTIVE AND OVER-THE-COUNTER DRUGS, INCLUD-
16 ING SYNERGISM; IMPACTS OF DRIVING WITH EXCESSIVE SPEED; IMPACTS OF
17 RIGHT-OF-WAY VIOLATIONS; DANGERS OF DISTRACTED DRIVING; PROPER PASSING
18 AND FOLLOWING DISTANCES; AGGRESSIVE DRIVING BEHAVIORS; AND HOW FATIGUE
19 CAN AFFECT DRIVING BEHAVIOR.

20 3. SCHEDULES AND FACILITIES. (A) VENDOR SHALL SET AND ADHERE TO
21 PUBLISHED SCHEDULES OF TRAINING CLASSES AT DESIGNATED PLACES, DATES AND
22 TIMES. VENDOR SHALL SUBMIT TRAINING CLASS SCHEDULE AND LOCATIONS TO THE
23 COMMISSIONER QUARTERLY.

24 (B) VENDOR SHALL OFFER CLASSES AT LOCATIONS THROUGHOUT THE STATE.

25 (C) VENDOR SHALL OFFER A VARIETY OF NIGHT AND WEEKEND COURSES.

26 (D) VENDOR SHALL BE RESPONSIBLE FOR SECURING, AND/OR OBTAINING PERMIS-
27 SION FOR THE USE OF APPROPRIATE CLASSROOM TEACHING FACILITIES USED FOR
28 RE-TRAINING PROGRAMS.

29 (E) VENDOR SHALL BE RESPONSIBLE FOR ANY COSTS ASSOCIATED WITH THE USE
30 OF SUCH FACILITIES, INCLUDING, BUT NOT LIMITED TO, RENT, LIGHTS, HEAT
31 AND INSURANCE, AND NO REIMBURSEMENT OR INDEMNIFICATION FOR SUCH COSTS
32 WILL BE PROVIDED BY THE COMMISSIONER.

33 (F) VENDOR SHALL ASSURE THAT THE FACILITIES AND PROGRAM ELEMENTS FOR
34 RETRAINING PROBLEM DRIVERS ARE ACCESSIBLE TO DRIVERS WITH PHYSICAL DISA-
35 BILITIES AND IN COMPLIANCE WITH THE REQUIREMENTS OF THE AMERICANS WITH
36 DISABILITIES ACT OF 1990.

37 (G) VENDOR SHALL AGREE THAT THE COMMISSIONER RESERVES THE RIGHT TO
38 REJECT, AT ANY TIME, THE USE OF ANY FACILITY HE OR SHE DEEMS UNFIT FOR
39 CLASSROOM INSTRUCTION OR GEOGRAPHICALLY INCONVENIENT FOR THE REGIS-
40 TRANTS.

41 4. BUSINESS OFFICE AND TELEPHONE. (A) VENDOR SHALL MAINTAIN A BUSINESS
42 OFFICE IN THE STATE WHICH SHALL BE STAFFED MONDAY THROUGH FRIDAY,
43 BETWEEN THE HOURS OF 9:00 AM AND 5:00 PM, TO PROVIDE THE ADMINISTRATIVE
44 SUPPORT NECESSARY FOR SUCCESSFULLY MAINTAINING THE PROGRAM.

45 (B) VENDOR SHALL AGREE TO PROVIDE A TOLL-FREE TELEPHONE EXCHANGE
46 SERVICE NUMBER FOR PROGRAM REGISTRATION USE.

47 (C) VENDOR SHALL AGREE TO PROVIDE A WEBSITE FOR PROGRAM INFORMATION
48 AND REGISTRATION USE.

49 5. METHOD OF INSTRUCTION. (A) VENDOR SHALL AGREE TO DESIGN A CURRIC-
50 ULUM BASED UPON THE THEORY THAT INDUCING POSITIVE CHANGES IN ATTITUDE
51 AND DRIVING BEHAVIOR OF A PERSON WHO HAS BEEN IDENTIFIED AS A PROBLEM
52 DRIVER, AS DEFINED IN THIS ARTICLE, IS A PROVEN METHOD OF SUCCESSFUL
53 DRIVER RETRAINING.

54 (B) VENDOR SHALL HAVE EXPERIENCE IN DESIGNING AND IMPLEMENTING A
55 CURRICULUM BASED UPON PROVEN EDUCATIONAL OR PSYCHOLOGICAL PRINCIPLES,
56 WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, METHODOLOGIES SUCH AS DR.

1 WILLIAM GLASSER'S "CHOICE THEORY." WHILE THE COMMISSIONER MAY CONSIDER
2 DIFFERENT EDUCATIONAL APPROACHES BASED UPON THE OBJECTIVE MERITS OF
3 EACH, IT IS ESSENTIAL THAT ANY PROPOSED CURRICULUM BE GUIDED BY A CLEAR
4 AND CONSISTENT EDUCATIONAL PHILOSOPHY. THE EFFECTIVENESS OF THAT PHILOS-
5 OPHY IN MODIFYING THE TYPES OF BEHAVIOR THAT MAY LEAD TO THE NEED FOR
6 DRIVER RETRAINING SHALL BE CLEARLY DEMONSTRATED.

7 (C) THE CURRICULUM SHALL INCLUDE DIFFERENT FORMS OF MEDIA TO ADDRESS A
8 DIVERSE COMMUNITY. THE TRAINING SHALL INCLUDE VIDEOS OF DIFFERENT STYLES
9 OF DRIVING AGGRESSIONS AND WAYS TO DEFUSE THESE AGGRESSIONS.

10 (D) THE PROPOSED CURRICULUM SHALL ENCOURAGE THE PROBLEM DRIVER TO
11 EXPLORE AND UNDERSTAND HIS OR HER OWN ATTITUDES IN VARIOUS DRIVING SITU-
12 ATIONS AND TO ALSO UNDERSTAND THE BEHAVIORAL DRIVING CHARACTERISTICS
13 THAT HAVE RESULTED IN THE DRIVER'S POOR DRIVING RECORD. THE PROPOSED
14 PROGRAM SHALL TEACH THE PROBLEM DRIVER THAT POOR BEHAVIORAL CHOICES MADE
15 BEHIND THE WHEEL OFTEN RESULT IN UNINTENDED CONSEQUENCES, INCLUDING
16 MOTOR VEHICLE VIOLATIONS, OR ACCIDENTS, AND THAT THE DRIVER SHALL APPRE-
17 CIATE THE RESPONSIBILITY PLACED UPON EACH DRIVER TO CONFORM HIS OR HER
18 DRIVING CONDUCT FOR THE BENEFIT OF OTHER MOTORISTS, PEDESTRIANS, AND
19 THEMSELVES. TRAINING SHALL BE HIGHLY INTERACTIVE, ENGAGING AND TAKE
20 ADVANTAGE OF VARIOUS FORMS OF MEDIA. CLASSES SHALL MAINTAIN AN APPROPRI-
21 ATE STUDENT TO INSTRUCTOR RATIO.

22 6. OUT-OF-STATE DRIVERS AND OUT-OF-STATE PROGRAMS. (A) WHEN THE
23 COMMISSIONER IDENTIFIES AN OUT-OF-STATE DRIVER AS A PROBLEM DRIVER, AS
24 DEFINED IN THIS ARTICLE, THE VENDOR SHALL NOTIFY THE DRIVER OF THE
25 AVAILABILITY OF THE COURSE IN NEW YORK STATE USING THE SAME MEANS OF
26 NOTIFICATION FOR IN-STATE PROBLEM DRIVERS. VENDOR SHALL ALSO NOTIFY THE
27 OUT-OF-STATE DRIVER OF THE NAME AND LOCATION OF SIMILAR PROGRAMS IN THE
28 DRIVER'S HOME STATE, WHICH MAY QUALIFY FOR RECOGNITION BY THE COMMIS-
29 SIONER.

30 (B) VENDOR SHALL ASSIST THE COMMISSIONER IN DETERMINING WHICH OUT-OF-
31 STATE PROGRAMS MEET THE CRITERIA ESTABLISHED IN THE STATE FOR A DRIVER
32 RETRAINING PROGRAM.

33 (C) VENDOR SHALL COORDINATE WITH QUALIFIED PROGRAMS TO RECEIVE AND
34 DISSEMINATE INFORMATION AND REFERRALS ABOUT PROBLEM DRIVERS AND ABOUT
35 THE RETRAINING PROGRAMS.

36 (D) IF A QUALIFIED OUT-OF-STATE PROGRAM NOTIFIES THE VENDOR OF THE
37 SUCCESSFUL COMPLETION OF THE PROGRAM BY AN INDIVIDUAL PROBLEM DRIVER
38 REFERRED FROM THE COMMISSIONER, THE VENDOR SHALL ELECTRONICALLY NOTIFY
39 THE COMMISSIONER OF SUCH COMPLETION.

40 7. ELECTRONIC COMMUNICATION. (A) VENDOR SHALL AGREE THAT IT POSSESSES
41 OR WILL OBTAIN COMPUTER HARDWARE/SOFTWARE THAT IS COMPATIBLE WITH THE
42 HARDWARE/SOFTWARE OF THE DEPARTMENT TO ALLOW THE VENDOR AND THE DEPART-
43 MENT TO EXCHANGE INFORMATION DIRECTLY INTO EACH OTHER'S COMPUTER SYSTEMS
44 AS REQUIRED.

45 (B) VENDOR SHALL AGREE THAT THE DEPARTMENT WILL ELECTRONICALLY NOTIFY
46 THE VENDOR OF THE NAMES AND ADDRESSES OF THE PROBLEM DRIVERS REQUIRING
47 RETRAINING.

48 (C) VENDOR SHALL AGREE THAT IT SHALL THEN NOTIFY, BY LETTER APPROVED
49 BY THE COMMISSIONER, EACH IDENTIFIED PROBLEM DRIVER OF THE AVAILABILITY
50 OF THE COURSE AND THE REQUIRED FEE.

51 (D) VENDOR SHALL AGREE THAT, WITHIN ONE BUSINESS DAY OF THE SUCCESSFUL
52 COMPLETION OF THE COURSE BY A DRIVER, IT WILL ELECTRONICALLY NOTIFY THE
53 DEPARTMENT THROUGH AN ESTABLISHED COMPUTER LINK.

54 8. COSTS, FEES AND TRANSFERS. (A) VENDOR SHALL ASSUME ALL COSTS OF THE
55 DRIVER RETRAINING PROGRAM.

(B) VENDOR SHALL AGREE THAT EACH DRIVER REQUIRED TO ENROLL IN THE DRIVER RETRAINING PROGRAM WILL BE ASSESSED A REASONABLE AND UNIFORM FEE FOR THE COURSE. SUCH FEE SHALL NOT BE IN EXCESS OF THE QUOTE OF THE VENDOR.

(C) VENDOR SHALL ARRANGE FOR AND COLLECT PAYMENT OF THE FEE FROM THE REGISTRANT.

(D) VENDOR SHALL DEPOSIT TO A DESIGNATED ACCOUNT OF THE DEPARTMENT BY WAY OF ELECTRONIC FUNDS TRANSFER AS INSTRUCTED BY THE COMMISSIONER, THE AGREED UPON FEE COLLECTED FROM THE REGISTRANT AS REIMBURSEMENT OF DEPARTMENT PROGRAM COSTS.

(E) VENDOR SHALL BE RESPONSIBLE FOR ANY COSTS ASSOCIATED WITH THE COLLECTION OF CHECKS DRAWN ON INSUFFICIENT FUNDS, OR ON UNPAID REGISTRATION FEES. THE DEPARTMENT WILL NOT REFUND ITS FEE IF THE VENDOR FAILS TO RECOVER FROM THE STUDENT.

9. PERSONNEL. THE VENDOR SHALL PROVIDE A TEAM OF PERSONNEL CONSISTING OF ONE ACCOUNT MANAGER AND PERSONNEL SUFFICIENT FOR THE DELIVERY OF THE PROGRAM STATEWIDE.

(A) VENDOR SHALL AGREE THAT ALL PROPOSED PERSONNEL SHALL BE SUBJECT TO THE SAME BACKGROUND INVESTIGATION TO WHICH EMPLOYEES OF THE DEPARTMENT ARE SUBJECT AND THAT NO APPROVAL OF ANY PROPOSED PERSONNEL SHALL BE PROVIDED BEFORE THAT BACKGROUND INVESTIGATION IS COMPLETE AND THE COMMISSIONER DETERMINES THAT IT IS APPROPRIATE FOR VENDOR'S PERSONNEL TO PROVIDE SERVICES TO THE DEPARTMENT.

(B) VENDOR SHALL AGREE TO IMMEDIATELY REMOVE ANY PERSON PERFORMING SERVICES UNDER A RESULTING CONTRACT WHO IS, IN THE JUDGMENT OF THE DEPARTMENT, DISQUALIFIED BY REASON OF ETHICS, COMPETENCE, CRIMINAL BEHAVIOR, OR MOTOR VEHICLE VIOLATIONS, OR ANY CAUSE WHATSOEVER, FROM DOING COMMERCE WITH, OR PROVIDING SERVICES FOR THE STATE. SUCH PERSON MAY BE REINSTATED BY THE VENDOR ONLY UPON CLEAR WRITTEN NOTICE OF THE APPROVAL OF THE COMMISSIONER.

(C) VENDOR SHALL AGREE THAT IT ACCEPTS FULL RESPONSIBILITY FOR THE PERFORMANCE OF ANY SUB-CONTRACTORS, IF USED. THE VENDOR MAY SUB-CONTRACT THE SERVICES REQUIRED TO DELIVER THIS PROGRAM, BUT THE DEPARTMENT SHALL REQUIRE A SINGLE POINT OF RESPONSIBILITY FOR THIS CONTRACT. AS PRIME CONTRACTOR, THE VENDOR SHALL IDENTIFY ANY AND ALL SUB-CONTRACTORS AND SHALL DESCRIBE THE TYPE OF CONTRACTUAL ARRANGEMENT THAT WILL EXIST BETWEEN THE VENDOR AND THE SUB-CONTRACTORS. VENDOR SHALL AGREE THAT IT SHALL BE RESPONSIBLE FOR MEETING ALL OF THE TERMS AND CONDITIONS OF ANY CONTRACT RESULTING, INCLUDING THE PERFORMANCE OF ANY SUB-CONTRACTORS. THE DEPARTMENT SHALL NOT BE RESPONSIBLE FOR PAYMENTS DUE A SUB-CONTRACTOR FROM THE PRIMARY CONTRACTOR.

(D) VENDOR SHALL AGREE IN ITS RESPONSE THAT EACH PERSON PERFORMING SERVICES UNDER THIS CONTRACT SHALL MEET THE FOLLOWING REQUIREMENTS:

(I) VENDOR SHALL AGREE TO EMPLOY ONLY THOSE INDIVIDUALS AS INSTRUCTORS WHO WOULD BE REASONABLY CONSIDERED QUALIFIED INSTRUCTORS FOR SUCH COURSE BY REASON OF THEIR EDUCATIONAL ATTAINMENTS, TEACHING EXPERIENCE AND FAMILIARITY WITH THE SUBJECT MATTER AND METHODS USED TO SUCCESSFULLY RETRAIN PROBLEM DRIVERS AS DEFINED IN THIS ARTICLE.

(II) AN OTHERWISE QUALIFIED INSTRUCTOR SHALL NOT BE USED IN ANY OF THE DRIVER RE-TRAINING PROGRAM IF THE PERSON IS INELIGIBLE TO OBTAIN OR RETAIN DRIVING PRIVILEGES IN ANY JURISDICTION. THE DEPARTMENT MAY ALSO REJECT THE USE OF ANY PARTICULAR INSTRUCTOR IF THE DEPARTMENT HAS REASON TO BELIEVE THAT THE INSTRUCTOR IS NOT PROPERLY QUALIFIED AS A RETRAINING INSTRUCTOR. EACH INSTRUCTOR SHALL ALSO PASS A BACKGROUND CHECK TO THE SATISFACTION OF THE DEPARTMENT.

10. THE COMMISSIONER IS AUTHORIZED TO SUSPEND OR REVOKE APPROVAL OF A
VENDOR SHOULD THE COMMISSIONER FIND THAT THE VENDOR OR ITS INSTRUCTORS
HAVE BEEN FOUND TO BE IN VIOLATION OF ANY APPLICABLE LAWS OR REGU-
LATIONS.

S 399-U. MONITORING RETRAINED DRIVERS AND PROOF OF EFFECTIVENESS. 1.
MONITORING RETRAINED DRIVERS. (A) VENDOR SHALL AGREE THAT THE DEPARTMENT
MAY MONITOR DRIVING RECORDS OF PERSONS WHO HAVE TAKEN AND PASSED THE
VENDOR'S DRIVER RETRAINING PROGRAM.

(B) VENDOR SHALL AGREE THAT THE DEPARTMENT MAY REQUIRE THE VENDOR TO
PERIODICALLY PROVIDE THE DEPARTMENT WITH INFORMATION IT REASONABLY
BELIEVES NECESSARY TO MONITOR THE PERFORMANCE OF THE VENDOR, INCLUDING
BUT NOT LIMITED TO, INFORMATION ON NUMBERS OF STUDENTS, NUMBER OF CLASS-
ES HELD, CLASS SIZE, LOCATION AND FREQUENCY OF CLASSES, AND PASS/FAIL
RATE.

(C) VENDOR SHALL AGREE TO SUBMIT ON A MONTHLY BASIS A RECONCILIATION
REPORT DETAILING THE NUMBER OF DRIVERS THAT HAVE BEEN RETRAINED AND THE
AMOUNT OF FUNDS TRANSFERRED TO THE DEPARTMENT.

(D) VENDOR SHALL AGREE TO COLLABORATE WITH THE DEPARTMENT TO CREATE A
SURVEY AT THE END OF THE CLASS TO CAPTURE STUDENT FEEDBACK ON THEIR
EXPERIENCE.

2. PROOF OF EFFECTIVENESS. (A) PROOF OF EFFECTIVENESS SUBMITTED BY THE
VENDOR FOR SPONSORSHIP SHALL BE VERIFIABLE RESEARCH DOCUMENTATION SHOW-
ING EVIDENCE OF EFFECTIVENESS AS DETERMINED BY THE COMMISSIONER IN TERMS
OF REDUCED CONVICTIONS OR ACCIDENTS OR BOTH. THIS RESEARCH DOCUMENTATION
SHALL EMPLOY ACCEPTED RESEARCH PRINCIPLES. IN ORDER TO ESTABLISH VERI-
FIABLE EFFECTIVENESS, THE SAMPLE GROUP SHALL BE COMPRISED OF A MINIMUM
OF THREE THOUSAND DRIVERS. THE DOCUMENTATION SHALL INCLUDE CONVICTION
OR ACCIDENT DATA FOR EACH MOTORIST FOR A PERIOD OF AT LEAST EIGHTEEN
MONTHS PRIOR TO THE REVOCATION DATE AND AT LEAST EIGHTEEN MONTHS SUBSE-
QUENT TO REISSUANCE OF LICENSE. THE DOCUMENTATION SHALL ALSO INCLUDE A
DESCRIPTION OF THE SAMPLING AND ANALYTIC PROCEDURES USED, AND THE MOTOR-
IST IDENTIFICATION NUMBER AND COURSE COMPLETION DATE FOR ALL COURSE
ATTENDEES. THE VENDOR FOR SPONSORSHIP SHALL PROVIDE, AT THE REQUEST OF
THE COMMISSIONER AND AT THE APPLICANT'S EXPENSE, ALL DRIVING RECORD DATA
AND ANALYSIS USED IN THE DEVELOPMENT OF THE SUBMITTED RESEARCH DOCUMEN-
TATION. SUBMISSION OF ANY FRAUDULENT OR INTENTIONALLY MISLEADING DATA
WILL DISQUALIFY THAT ORGANIZATION AND ALL OWNERS AND PRINCIPALS FROM
PARTICIPATING OR APPROVAL IN THE DRIVER RETRAINING COURSE FOR A PERIOD
OF TEN YEARS FROM SUBMISSION DATE. THE COMMISSIONER MAY, BY REGULATION,
PROVIDE FOR A SMALLER SAMPLE GROUP FOR SPECIALIZED COURSES.

(B) PRIOR TO THE END OF THE PILOT PROGRAM, THE VENDOR SHALL CONDUCT A
STUDY OF THE EFFECTIVENESS OF THE DRIVER RETRAINING PROGRAM CONDUCTED IN
THE STATE. THIS PROOF OF EFFECTIVENESS SHALL BE VERIFIABLE RESEARCH
DOCUMENTATION SHOWING EVIDENCE OF EFFECTIVENESS AS DETERMINED BY THE
COMMISSIONER IN TERMS OF REDUCED CONVICTIONS OR ACCIDENTS OR BOTH. THIS
RESEARCH DOCUMENTATION SHALL EMPLOY ACCEPTED RESEARCH PRINCIPLES AND
INCLUDE TREATMENT AND NON-TREATMENT CONTROL GROUPS COMPRISED OF SAMPLES
OF THE REPRESENTATIVE DRIVER BASE. IN ORDER TO ESTABLISH VERIFIABLE
EFFECTIVENESS, EACH SAMPLE GROUP SHALL BE COMPRISED OF A MINIMUM OF
THREE THOUSAND DRIVERS SELECTED RANDOMLY. THE DOCUMENTATION SHALL
INCLUDE CONVICTION OR ACCIDENT DATA FOR EACH MOTORIST FOR A PERIOD OF AT
LEAST EIGHTEEN MONTHS PRIOR TO THE REVOCATION DATE AND AT LEAST EIGHTEEN
MONTHS SUBSEQUENT TO REISSUANCE OF LICENSE. THE DOCUMENTATION SHALL ALSO
INCLUDE A DESCRIPTION OF THE SAMPLING AND ANALYTIC PROCEDURES USED, AND
THE MOTORIST IDENTIFICATION NUMBER AND COURSE COMPLETION DATE FOR ALL
COURSE ATTENDEES. THE VENDOR SHALL PROVIDE, AT THE REQUEST OF THE

1 COMMISSIONER AND AT THE APPLICANT'S EXPENSE, ALL DRIVING RECORD DATA AND
2 ANALYSIS USED IN THE DEVELOPMENT OF THE SUBMITTED RESEARCH DOCUMENTA-
3 TION.

4 S 399-V. DEPLOYMENT OF PROGRAM. VENDOR SHALL PROPOSE AND PROVIDE A
5 START-UP DEPLOYMENT PLAN. THE PROPOSED START-UP DEPLOYMENT PLAN TIMETA-
6 BLE SHALL INCLUDE REALISTIC MILESTONE DATES TO INDICATE WHEN THE VENDOR
7 WILL MEET CERTAIN TARGETS. THE VENDOR'S START-UP DEPLOYMENT PLAN SHALL
8 INCLUDE:

9 1. THE NUMBER OF CLASS LOCATIONS THE VENDOR INTENDS TO HAVE OPERA-
10 TIONAL BY SPECIFIC DATES;

11 2. THE NUMBER OF INSTRUCTORS THE VENDOR PLANS TO HIRE BY SPECIFIC
12 DATES;

13 3. PLANS TO TEST ITS COMPUTER COMPATIBILITY WITH THE DEPARTMENT DATA
14 CENTER; AND

15 4. A REALISTIC START-UP DATE FOR FULL OPERATIONS OF THE PROPOSED DRIV-
16 ER RETRAINING PROGRAM.

17 S 399-W. INFORMATION TO THE VENDOR. 1. THE DEPARTMENT WILL PROVIDE THE
18 VENDOR WITH THE NAMES, ADDRESSES, AND LICENSE NUMBERS OF THOSE INDIVID-
19 UALS WHO ARE REQUIRED TO SUCCESSFULLY COMPLETE A COURSE OF DRIVER
20 RETRAINING BY ELECTRONIC MEDIA.

21 2. ALL DATA PROVIDED TO THE VENDOR SHALL BE KEPT IN ACCORDANCE WITH
22 THE REQUIREMENTS OF THE DRIVER PRIVACY PROTECTION ACT AND ANY RELATED
23 STATE REQUIREMENTS.

24 3. THE SELECTED VENDOR WILL BE REQUIRED TO ENTER INTO A DATA PRIVACY
25 AGREEMENT WITH THE DEPARTMENT ONCE A CONTRACT HAS BEEN AWARDED.

26 4. THE DEPARTMENT WILL UPDATE THE DRIVER'S RECORD UPON NOTIFICATION BY
27 THE VENDOR OF THE DRIVER'S SUCCESSFUL COMPLETION OF THE RE-TRAINING
28 PROGRAM.

29 5. THE DEPARTMENT SHALL PROVIDE THE VENDOR WITH RELEVANT DATA NECES-
30 SARY FOR THE COMPLETION OF THE REQUIRED EFFECTIVENESS STUDY.

31 S 399-X. NOTIFICATIONS OF DRIVERS. THE DEPARTMENT SHALL NOTIFY THOSE
32 INDIVIDUAL DRIVERS THAT ARE REQUIRED TO SUCCESSFULLY COMPLETE THE DRIVER
33 RETRAINING PROGRAM OF THIS REQUIREMENT.

34 S 399-Y. FEE. THE VENDOR IS AUTHORIZED TO IMPOSE A FEE FOR PARTIC-
35 IPATION IN THE BEHAVIORAL-BASED DRIVER RETRAINING PROGRAM NOT TO EXCEED
36 ONE HUNDRED FIFTY DOLLARS. THE VENDOR OF THE BEHAVIORAL-BASED DRIVER
37 RETRAINING PROGRAM IS ENTITLED TO RETAIN THREE-FIFTHS OF THE FEE IMPOSED
38 FOR PARTICIPATION IN THE DRIVER RETRAINING PROGRAM.

39 S 399-Z. REGULATIONS. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND
40 REGULATIONS AS ARE NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS ARTI-
41 CLE. IN ADDITION TO ANY REQUIREMENTS EXPRESSLY AUTHORIZED BY THIS ARTI-
42 CLE, SUCH REGULATIONS MAY INCLUDE, BUT NOT BE LIMITED TO, REQUIREMENTS
43 AND STANDARDS WITH RESPECT TO: VENDORS AND INSTRUCTORS; CLASSROOM FACIL-
44 ITIES; SUSPENSION OR REVOCATION OF APPROVAL; APPEAL OF REVOCATION;
45 COURSE ADMINISTRATION AND ADVERTISING; MONITORING OF COURSES AND
46 INSTRUCTORS; AND REEVALUATION OF COURSE EFFECTIVENESS PURSUANT TO
47 SECTION THREE HUNDRED NINETY-NINE-U OF THIS ARTICLE.

48 S 399-AA. REPORT. WITHIN FIVE YEARS OF THE ESTABLISHMENT AND IMPLEMEN-
49 TATION OF THIS ARTICLE, THE COMMISSIONER SHALL REPORT TO THE GOVERNOR,
50 THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON
51 THE DRIVER RETRAINING PROGRAM AND ITS RESULTS. SUCH REPORT SHALL INCLUDE
52 RECOMMENDATIONS AS TO THE FUTURE OF THE PROGRAM.

53 S 399-BB. REAPPROVAL OF DRIVER RETRAINING COURSES. NOTHING IN THIS
54 ARTICLE SHALL BE DEEMED TO REQUIRE THE COMMISSIONER TO REAPPROVE MOTOR
55 VEHICLE DRIVER RETRAINING COURSES APPROVED BY THE COMMISSIONER PURSUANT
56 TO RULES AND REGULATIONS PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE.

1 S 5. The state finance law is amended by adding a new section 99-y to
2 read as follows:

3 S 99-Y. BEHAVIORAL-BASED DRIVER RETRAINING PILOT PROGRAM FUND. 1.
4 THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMP-
5 TROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO
6 BE KNOWN AS THE "DRIVER RETRAINING PILOT PROGRAM FUND".

7 2. SUCH FUND SHALL CONSIST OF ALL FEES RECEIVED BY THE DEPARTMENT OF
8 MOTOR VEHICLES PURSUANT TO THE PROVISIONS OF ARTICLE TWELVE-D OF THE
9 VEHICLE AND TRAFFIC LAW, AND ALL OTHER MONEYS APPROPRIATED, CREDITED OR
10 TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

11 3. THE MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY FOR THE PURPOSES OF
12 ADMINISTERING AND IMPLEMENTING THE PROVISIONS OF ARTICLE TWELVE-D OF THE
13 VEHICLE AND TRAFFIC LAW BY THE DEPARTMENT OF MOTOR VEHICLES.

14 S 6. This act shall take effect on the one hundred eightieth day after
15 it shall have become a law and shall expire and be deemed repealed 5
16 years after the date the behavioral-based driver retraining pilot
17 program is established and implemented by the commissioner of motor
18 vehicles pursuant to article 12-D of the vehicle and traffic law as
19 added by section four of this act; provided however, that effective
20 immediately, the addition, amendment, or repeal of any rule or regu-
21 lation necessary for the implementation of this act shall be made and
22 completed on or before such effective date; and provided further, howev-
23 er, that the commissioner of motor vehicles shall notify the legislative
24 bill drafting commission upon the date the behavioral-based driver
25 retraining pilot program is established and implemented in order that
26 the commission may maintain an accurate and timely effective data base
27 of the official text of the laws of the state of New York in furtherance
28 of effectuating the provisions of section 44 of the legislative law and
29 section 70-b of the public officers law.

30 PART PP

31 Section 1. Paragraph (c) of subdivision 2 of section 503 of the vehi-
32 cle and traffic law is amended by adding a new subparagraph (v) to read
33 as follows:

34 (V) PROVIDED THAT FOR A SENIOR CITIZEN, THE RENEWAL FEE SHALL BE TEN
35 PERCENT LESS THAN THE FEES OTHERWISE REQUIRED BY THIS PARAGRAPH. FOR THE
36 PURPOSES OF THIS SUBPARAGRAPH, THE TERM "SENIOR CITIZEN" MEANS A PERSON
37 AT LEAST SIXTY-FIVE YEARS OF AGE.

38 S 2. This act shall take effect on the ninetieth day after it shall
39 have become a law.

40 PART QQ

41 Section 1. The parks, recreation and historic preservation law is
42 amended by adding a new article 26 to read as follows:

43 ARTICLE 26

44 ALL-TERRAIN VEHICLE TRAIL FUND

45 SECTION 26.01 TRAIL PLAN.

46 26.03 RULES AND REGULATIONS.

47 S 26.01 TRAIL PLAN. THE DEPARTMENT SHALL PREPARE A STATEWIDE ALL-TER-
48 RAIN VEHICLE TRAIL PLAN PROVIDING FOR RECREATIONAL USE OF "ALL TERRAIN
49 VEHICLES" OR "ATVS" ON PERMITTED STATE AND MUNICIPAL LANDS AND ATV
50 DESIGNATED TRAILS ON PRIVATE LANDS TO ESTABLISH A STATEWIDE NETWORK OF
51 ATV TRAILS. FOR PURPOSES OF THIS ARTICLE, "ATV" MEANS AN ALL TERRAIN

1 VEHICLE AS DEFINED IN SECTION TWENTY-TWO HUNDRED EIGHTY-ONE OF THE VEHI-
2 CLE AND TRAFFIC LAW.

3 S 26.03 RULES AND REGULATIONS. 1. THE DEPARTMENT SHALL PROMULGATE
4 REGULATIONS FOR THE USE OF ATVS WITH A VIEW TOWARDS ACHIEVING MAXIMUM
5 USE OF ATVS AND MINIMIZING THE DETRIMENTAL EFFECT THEREOF UPON THE ENVI-
6 RONMENT. NOTHING IN THIS SECTION SHALL PROHIBIT THE DEPARTMENT OR THE
7 DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO SECTION 9-0303 OF
8 THE ENVIRONMENTAL CONSERVATION LAW FROM AUTHORIZING OTHER ATV USE ON
9 STATE OWNED LANDS. THE COMMISSIONER SHALL ADOPT RULES AND REGULATIONS
10 RELATING TO AND INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

11 A. USE OF ATVS INsofar AS FISH AND WILDLIFE RESOURCES AND NATURAL
12 RESOURCES OF THE STATE.

13 B. USE OF ATVS ON PUBLIC LANDS UNDER THE JURISDICTION OF THE DEPART-
14 MENT, PROVIDING FOR INCORPORATING RECREATIONAL AND SPORTSMAN USE INTO
15 UMPS DEVELOPED FOR SUCH LANDS.

16 C. UNIFORM SIGNS OR MARKERS.

17 D. REQUIREMENTS FOR PROTECTION OF PRIVATE PROPERTY OR THEREIN OCCA-
18 SIONED BY THE USE OF ATVS.

19 E. ESTABLISHMENT OF A COMPREHENSIVE ATV INFORMATION AND SAFETY EDUCA-
20 TION AND TRAINING PROGRAM, INCLUDING PROVISION FOR THE ISSUANCE OF ATV
21 OPERATION AND SAFETY CERTIFICATES FOR OPERATION OF ATVS BY YOUTHFUL
22 OPERATORS AND ADULT OPERATORS WITHOUT A VALID DRIVER'S LICENSE.

23 F. REQUIREMENTS THAT NEW CONNECTOR TRAILS MUST COMPLY WITH STATE LAWS
24 AND REGULATIONS AND, WHERE APPLICABLE FOR STATE-OWNED LANDS, COMPLY WITH
25 A UNIT MANAGEMENT PLAN AND BE SUBJECT TO FULL PUBLIC REVIEW AND HEAR-
26 INGS.

27 G. REQUIREMENTS FOR MUNICIPALITIES FOR THE DESIGNATION OF ATV USE ON
28 OTHER PUBLIC LANDS MUST BE CONSISTENT WITH ENVIRONMENTAL IMPACT ASSESS-
29 MENTS AS PRESCRIBED BY 6 NYCRR PART 617, AND PARAGRAPH B OF SUBDIVISION
30 ONE AND PARAGRAPH M OF SUBDIVISION TWO OF SECTION 3-0301 AND SECTION
31 8-0113 OF THE ENVIRONMENTAL CONSERVATION LAW.

32 H. PROVISIONS FOR CURRENT TRAILS AND TRAILS PENDING APPROVAL ON OR
33 BEFORE THE EFFECTIVE DATE OF THIS ARTICLE ARE PRESERVED IN PERPETUITY
34 AND NOTHING SHALL RESTRICT THE USE OF COMMISSIONER POLICY THREE (CP3)
35 PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON THESE
36 TRAILS.

37 I. PROVISIONS PROHIBITING THE USE OF ATVS ON STATE OWNED LANDS CLASSI-
38 FIED AS THE FOLLOWING: ALBANY PINE BUSH, LONG ISLAND PINE BARRENS, OR
39 LAND OR WATER CLASSIFIED AS PRIMITIVE OR CANOE PURSUANT TO THE MASTER
40 PLAN FOR MANAGEMENT OF STATE LAND.

41 2. OPERATION BY YOUTHFUL OPERATORS SHALL BE AS FOLLOWS:

42 A. PERSONS BETWEEN TEN AND FOURTEEN YEARS OLD MUST HOLD A VALID SAFETY
43 CERTIFICATE AND BE ACCOMPANIED BY AN ADULT.

44 B. PERSONS BETWEEN FIFTEEN AND EIGHTEEN YEARS OLD MUST HOLD A VALID
45 SAFETY CERTIFICATE OR DRIVER'S LICENSE.

46 S 2. Subdivision 1 of section 2282 of the vehicle and traffic law, as
47 amended by chapter 402 of the laws of 1986, is amended to read as
48 follows:

49 1. Except as hereinafter provided, no person shall operate any ATV
50 within the state ON LANDS OTHER THAN THOSE PRIVATELY OWNED BY THE ATV
51 OWNER unless such ATV has been registered and numbered in accordance
52 with the provisions of this article, and the registration number for
53 such ATV is in full force and effect and displayed as provided under
54 this article and regulations promulgated thereunder.

1 S 3. Paragraph (g) of subdivision 4 of section 2282 of the vehicle and
2 traffic law, as amended by chapter 402 of the laws of 1986, is amended
3 and a new paragraph (h) is added to read as follows:

4 (g) Annual fees shall not be prorated and such fees shall be applica-
5 ble to a year or any portion of a year. [Notwithstanding any inconsist-
6 ent provision of this section, the difference collected between the fees
7 set forth in paragraphs (a) and (b) of this subdivision in effect on and
8 after September first, two thousand nine and the fees set forth in such
9 paragraphs in effect prior to such date shall be deposited to the credit
10 of the dedicated highway and bridge trust fund.]

11 (H) FEES COLLECTED FOR THE REGISTRATION OF ATVS WITH A DRY WEIGHT OVER
12 ONE THOUSAND ONE POUNDS PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO
13 THE ATV TRAIL FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-Y OF THE
14 STATE FINANCE LAW, AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SUCH
15 SECTION.

16 S 4. Subdivision 12 of section 2282 of the vehicle and traffic law, as
17 added by chapter 671 of the laws of 1985, is amended to read as follows:

18 12. Out of state ATV registration. (A) The registration provisions of
19 this article shall not apply to non-resident owners who have registered
20 their ATVs in compliance with the registration and licensing laws of the
21 state, province, district or country of residence, provided that the ATV
22 is appropriately identified in accordance with the laws of the state of
23 residence. The provisions of this subdivision shall not apply to a resi-
24 dent of another state, province, district or country which does not have
25 an ATV registration and identification law. Nothing in this subdivision
26 shall be construed to authorize the operation of any ATV contrary to the
27 provisions of this article.

28 (B) NON-RESIDENT OWNERS WHO HAVE REGISTERED THEIR ATVS IN COMPLIANCE
29 WITH THE REGISTRATION AND LICENSING LAWS OF A JURISDICTION OUT OF THE
30 STATE, OR WHO RESIDE IN A JURISDICTION WHICH DOES NOT HAVE AN ATV REGIS-
31 TRATION AND IDENTIFICATION LAW, SHALL PAY AN ANNUAL FEE, EQUAL TO THAT
32 PROVIDED FOR PURSUANT TO PARAGRAPH (B) OF SUBDIVISION FOUR OF THIS
33 SECTION TO LAWFULLY OPERATE SUCH ATV IN THE STATE ON LANDS OTHER THAN
34 THOSE PRIVATELY OWNED BY THE ATV OWNER.

35 S 5. Section 2404 of the vehicle and traffic law, as added by chapter
36 402 of the laws of 1986, paragraph (e) of subdivision 1 and subdivision
37 3 as amended by chapter 554 of the laws of 2005, is amended to read as
38 follows:

39 S 2404. Operating rules. 1. No person shall operate an ATV:

40 (a) at a rate of speed greater than is reasonable and prudent under
41 the conditions and having regard to the actual and potential hazards
42 then existing OR FASTER THAN FIFTY-FIVE MILES PER HOUR;

43 (b) in a careless, reckless or negligent manner so as to unreasonably
44 endanger the person or property of another or cause injury or damage
45 thereto;

46 (c) on the tracks or right-of-way of an operating railroad;

47 (d) in any tree nursery or planting in a manner that damages or
48 destroys growing stock, or creates a substantial risk thereto;

49 (e) while pulling a person on skis or drawing or towing a sleigh,
50 sled, toboggan, inflatable device or trailer which carries or transports
51 any person unless attached by a rigid support, connection or towbar;

52 (f) on the frozen surface of public waters: within one hundred feet of
53 any person other than a person riding on an ATV except at the minimum
54 speed required to maintain forward movement of the ATV, nor within one
55 hundred feet of a fishing shanty or shelter except at the minimum speed
56 required to maintain forward movement of the ATV nor on an area which

1 has been cleared of snow for skating purposes unless the area is neces-
2 sary for access to the public water;

3 (g) within one hundred feet of a dwelling between midnight and six
4 a.m., at a speed greater than minimum required to maintain forward move-
5 ment of the ATV;

6 (h) on public lands, other than highways, or on private property of
7 another while in an intoxicated condition or under the influence of
8 narcotics or drugs;

9 (I) ON STATE LANDS UNDER THE JURISDICTION OF THE DEPARTMENT OF ENVI-
10 RONMENTAL CONSERVATION AND ON CONSERVATION EASEMENTS UNDER SUCH DEPART-
11 MENT'S JURISDICTION OR ON STATE LANDS UNDER THE JURISDICTION OF THE
12 OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, EXCEPT AS SPECIF-
13 ICALLY AUTHORIZED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSU-
14 ANT TO SECTION 9-0303 OF THE ENVIRONMENTAL CONSERVATION LAW AND AS
15 AUTHORIZED BY THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION
16 PURSUANT TO ARTICLE TWENTY-SIX OF THE PARKS, RECREATION AND HISTORIC
17 PRESERVATION LAW;

18 (J) ON PRIVATE LANDS UNLESS EXPRESSLY PERMITTED; OR

19 (K) WHILE FAILING OR REFUSING TO COMPLY WITH LAW ENFORCEMENT.

20 2. The operator of an ATV shall:

21 (a) stop and yield to an authorized ambulance, civil defense, or
22 police ATV or police vehicle being operated as an emergency vehicle and
23 approaching from any direction;

24 (b) comply with any lawful order or direction of any police officer or
25 other person duly empowered to enforce the laws relating to ATVs;

26 (C) KEEP THE ATV LIGHTS ON BETWEEN SUNSET AND SUNRISE;

27 (D) WEAR A HELMET;

28 (E) COMPLY WITH THE RULES OF THE ROAD INCLUDING BUT NOT LIMITED TO
29 ADHERENCE TO SIGNAGE, POSTED SPEED LIMITS, TRAVELING ON THE RIGHT EDGE
30 OF THE PAVED/ROAD SURFACE AND RIDING SINGLE FILE.

31 3. [No person shall ride on or in a sleigh, sled, toboggan, inflatable
32 device or trailer which is being towed or traileed by an ATV unless
33 attached by a rigid support, connection or towbar.

34 4. A person operating an ATV shall ride only upon the permanent and
35 regular seat attached thereto, and such operator shall not carry any
36 other person nor shall any other person ride on an ATV unless such ATV
37 is designed to carry more than one person, in which event a passenger
38 may ride upon the permanent and regular seat if designed for two
39 persons, or upon another seat firmly attached to the ATV at the rear or
40 side of the operator.

41 5.] For the purposes of title seven of this chapter, an ATV shall be a
42 motor vehicle and the provisions of such title shall be applicable to
43 ATVs.

44 [6.] 4. Local laws and ordinances. Nothing contained in this article
45 shall be deemed to limit the authority of a county, city, town or
46 village from adopting or amending a local law or ordinance which imposes
47 stricter restrictions and conditions on the operation of ATVs than are
48 provided or authorized by this section so long as such local law or
49 ordinance is consistent with its authority to protect the order,
50 conduct, health, safety and general welfare of persons or property.

51 S 6. Section 2411 of the vehicle and traffic law, as added by chapter
52 402 of the laws of 1986, is amended to read as follows:

53 S 2411. 1. Liability for negligence. Negligence in the use [of] OR
54 operation of an ATV shall be attributable to the owner. Every owner of
55 an ATV USED OR OPERATED IN THIS STATE ON LANDS OTHER THAN THOSE PRIVATE-
56 LY OWNED BY THE ATV OWNER MUST BE INSURED. OWNERS OF ATVS used or oper-

ated in this state shall be liable and responsible for death or injury to [person] PERSONS or damage to property resulting from negligence in the use or operation of such ATV [by any person using or operating the same with the permission, express or implied, of such owner, provided, however, that such operator's negligence shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death].

2. DUTIES OF ATV OWNERS AND OPERATORS. IT IS RECOGNIZED THAT DRIVING AN ATV IS A VOLUNTARY ACTIVITY THAT MAY BE HAZARDOUS. IT SHALL BE THE DUTY OF ATV OWNERS AND OPERATORS:

(A) TO KEEP THEIR ATVS IN PROPER WORKING ORDER.

(B) TO FOLLOW ANY AND ALL OTHER RULES OF CONDUCT AS ARE PRESCRIBED PURSUANT TO SECTION 26.03 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW.

(C) NOT TO OPERATE AN ATV IN ANY AREA NOT DESIGNATED FOR DRIVING ATVS.

(D) NOT TO OPERATE AN ATV BEYOND THE CONDITIONS THAT LIMIT SPEED.

(E) TO FAMILIARIZE THEMSELVES WITH RULES OF THE TRAIL.

(F) NOT TO LEAVE THE SCENE OF ANY ACCIDENT RESULTING IN PERSONAL INJURY OR DAMAGE TO THE PROPERTY BEYOND THE TRAIL.

S 7. The state finance law is amended by adding a new section 99-y to read as follows:

S 99-Y. ATV TRAIL FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRESERVATION AND THE COMPTROLLER A FUND TO BE KNOWN AS THE "ATV TRAIL FUND".

2. THE ATV TRAIL FUND SHALL CONSIST OF MONEYS APPROPRIATED THERETO, AND FUNDS TRANSFERRED FROM ANY OTHER FUND OR SOURCE INCLUDING THE PAYMENT OF FEES PURSUANT TO PARAGRAPH (H) OF SUBDIVISION FOUR OF SECTION TWENTY-TWO HUNDRED EIGHTY-TWO OF THE VEHICLE AND TRAFFIC LAW.

3. TEN PERCENT OF ALL MONEYS IN THE ATV TRAIL FUND SHALL BE AVAILABLE FOR THE ADMINISTRATIVE COSTS OF ADMINISTERING SUCH FUND. FORTY-FIVE PERCENT OF ALL MONEYS IN THE ATV TRAIL FUND SHALL BE MADE AVAILABLE FOR THE MAINTENANCE, CONSTRUCTION AND DEVELOPMENT OF THE STATEWIDE TRAIL SYSTEM. FORTY-FIVE PERCENT OF ALL MONEYS IN THE ATV TRAIL FUND SHALL BE MADE AVAILABLE FOR ENFORCING AND EDUCATING THE PUBLIC ABOUT THE PROVISIONS OF ARTICLE TWENTY-SIX OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW.

4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRESERVATION.

S 8. Paragraph (a) of subdivision 1 of section 2281 of the vehicle and traffic law, as amended by chapter 319 of the laws of 1997, is amended to read as follows:

(a) "All terrain vehicle" or "ATV" means any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways providing that such vehicle does not exceed seventy inches in width, or one thousand FIVE HUNDRED pounds dry weight. Provided, however, this definition shall not include a "snowmobile" or other self-propelled vehicles manufactured for off-highway use exclusively designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats which utilize an endless belt tread.

S 9. The vehicle and traffic law is amended by adding a new section 2414 to read as follows:

S 2414. TRESPASS VIOLATION FINE. OPERATORS OF ATVS WHICH HAVE BEEN CITED FOR TRESPASS SHALL BE FINED ONE HUNDRED DOLLARS FOR A FIRST

VIOLATION; TWO HUNDRED DOLLARS FOR A SECOND VIOLATION WITHIN THREE HUNDRED SIXTY-FIVE DAYS OF THE INITIAL VIOLATION; AND FIVE HUNDRED DOLLARS FOR SUBSEQUENT VIOLATIONS WITHIN THREE HUNDRED SIXTY-FIVE DAYS OF THE INITIAL VIOLATION. THE MONEY COLLECTED FROM THE FINES SHALL BE PUT INTO THE ATV TRAIL FUND ESTABLISHED BY SECTION NINETY-NINE-Y OF THE STATE FINANCE LAW AND SHALL BE SPLIT FIFTY PERCENT FOR ENFORCEMENT, EDUCATION AND REMEDIATION AND THE OTHER FIFTY PERCENT FOR TRAIL MAINTENANCE AND TRAIL CONSTRUCTION AND DEVELOPMENT.

S 10. Section 1-0303 of the environmental conservation law is amended by adding four new subdivisions 26, 27, 28, and 29 to read as follows:

26. "ALL TERRAIN VEHICLE" OR "ATV" SHALL HAVE THE MEANING SET FORTH IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWENTY-TWO HUNDRED EIGHTY-ONE OF THE VEHICLE AND TRAFFIC LAW.

27. "CONNECTOR TRAIL" SHALL MEAN A PUBLIC HIGHWAY OR PORTION THEREOF OPEN FOR TRAVEL BY ATVS, ANY TRAILS OR PORTIONS THEREOF; AND ANY EXISTING RAILROAD BEDS AND PRIVATE ROADS OR PORTIONS THEREOF.

28. "PRIVATE ROAD" SHALL HAVE THE MEANING SET FORTH IN SECTION ONE HUNDRED THIRTY-THREE OF THE VEHICLE AND TRAFFIC LAW.

29. "PUBLIC HIGHWAY" SHALL HAVE THE MEANING SET FORTH IN SECTION ONE HUNDRED THIRTY-FOUR OF THE VEHICLE AND TRAFFIC LAW.

S 11. Section 9-0303 of the environmental conservation law is amended by adding a new subdivision 8 to read as follows:

8. ALL TERRAIN VEHICLES. A. THE PUBLIC USE OF ATVS, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWENTY-TWO HUNDRED EIGHTY-ONE OF THE VEHICLE AND TRAFFIC LAW, ON STATE LANDS UNDER THE DEPARTMENT'S JURISDICTION AND ON CONSERVATION EASEMENTS UNDER THE DEPARTMENT'S JURISDICTION IS PROHIBITED EXCEPT AS SPECIFICALLY AUTHORIZED BY THE DEPARTMENT IN CONSULTATION WITH THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION PURSUANT TO THIS SUBDIVISION.

B. AFTER APRIL FIRST, TWO THOUSAND SIXTEEN, THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION MAY AUTHORIZE THE PUBLIC USE OF ATVS ON FOREST PRESERVE LANDS BY THE GENERAL PUBLIC BOTH INSIDE AND OUTSIDE THE BOUNDARIES OF THE ADIRONDACK PARK OR CATSKILL PARK AND ON OTHER STATE-OWNED LANDS UNDER THE DEPARTMENT'S JURISDICTION WHICH ARE LOCATED WITHIN THE BOUNDARIES OF THE ADIRONDACK PARK OR THE CATSKILL PARK FOR CONNECTOR TRAILS ONLY.

C. CONNECTOR TRAILS ON FOREST PRESERVE LANDS INSIDE THE ADIRONDACK PARK BOUNDARY:

I. SHALL FOLLOW THE SHORTEST REASONABLE ROUTE THAT IS REASONABLY PROTECTIVE OF THE ENVIRONMENT AND WILDLIFE;

II. SHALL NOT INDIVIDUALLY EXCEED ONE AND ONE-HALF MILE IN LENGTH; AND

III. SHALL NOT EXCEED A TOTAL MILEAGE OF FORTY-FIVE AND SUCH MILEAGE SHALL BE ADMINISTERED BY THE DEPARTMENT; PROVIDED, HOWEVER, THAT IN THE EVENT THAT THE TOTAL AREA OF THE ADIRONDACK PARK IS EXPANDED AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, SUCH FORTY-FIVE TOTAL MILEAGE LIMITATION SHALL BE EXPANDED TO REFLECT THE RATIO THAT FORTY-FIVE MILES IS TO THE TOTAL ACREAGE OF SUCH PARK ON APRIL FIRST, TWO THOUSAND SIXTEEN.

PROVIDED, HOWEVER, CONNECTOR TRAILS IN USE PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION MAY REMAIN IN USE. CONNECTOR TRAILS NOT EXCEEDING THE MILEAGE LIMITS ESTABLISHED BY THIS SUBDIVISION MAY BE EXTENDED.

D. THE DEPARTMENT MAY, IN CONSULTATION WITH THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, AUTHORIZE THE PUBLIC USE OF ATVS ON PUBLIC HIGHWAYS ON CONSERVATION EASEMENTS HELD BY THE DEPARTMENT WHERE SUCH EASEMENTS INCLUDE THE RIGHT TO ALLOW SUCH USE AND SUCH AUTHORIZATION IS IN COMPLIANCE WITH THE REQUIREMENTS OF SUBDIVISION ONE OF SECTION TWENTY-FOUR HUNDRED FIVE OF THE VEHICLE AND TRAFFIC LAW AND

1 OTHER APPLICABLE LAW, AND MAY, IN CONSULTATION WITH THE OFFICE OF PARKS,
2 RECREATION AND HISTORIC PRESERVATION, AUTHORIZE THE PUBLIC USE OF ATVS
3 ON ATV TRAILS AND PRIVATE ROADS ON CONSERVATION EASEMENTS HELD BY THE
4 DEPARTMENT WHERE SUCH EASEMENTS INCLUDE THE RIGHT TO ALLOW SUCH USE AND
5 SUCH AUTHORIZATION IS IN COMPLIANCE WITH THE REQUIREMENTS OF SUBDIVISION
6 TWO OF SECTION TWENTY-FOUR HUNDRED FIVE OF THE VEHICLE AND TRAFFIC LAW
7 AND OTHER APPLICABLE LAW.

8 E. ON STATE LANDS UNDER THE JURISDICTION OF THE DEPARTMENT OTHER THAN
9 THOSE DESCRIBED IN PARAGRAPHS A AND B OF THIS SUBDIVISION, THE DEPART-
10 MENT MAY, IN CONSULTATION WITH THE OFFICE OF PARKS, RECREATION AND
11 HISTORIC PRESERVATION, AUTHORIZE THE PUBLIC USE OF ATVS IN COMPLIANCE
12 WITH THE REQUIREMENTS OF SECTION TWENTY-FOUR HUNDRED FIVE OF THE VEHICLE
13 AND TRAFFIC LAW AND OTHER APPLICABLE LAW.

14 F. PERSONS WITH QUALIFYING DISABILITIES TO WHOM THE DEPARTMENT HAS
15 ISSUED A PERMIT AND A COMPANION MAY USE ATVS AT THE LOCATIONS AUTHORIZED
16 BY SUCH PERMIT AND PURSUANT TO THE TERMS AND CONDITIONS OF SUCH PERMIT.
17 SUCH AUTHORIZATION SHALL COMPLY WITH THE REQUIREMENTS OF SECTION TWEN-
18 TY-FOUR HUNDRED FIVE OF THE VEHICLE AND TRAFFIC LAW AND OTHER APPLICABLE
19 LAW.

20 G. ATVS MAY BE USED ON STATE LAND UNDER THE DEPARTMENT'S JURISDICTION
21 FOR APPROPRIATE ADMINISTRATIVE, LAW ENFORCEMENT, AND EMERGENCY PURPOSES.

22 H. THE PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO LANDS WITHIN
23 THE BOUNDARIES OF THE ADIRONDACK PARK AND THE CATSKILL PARK OR UNDER THE
24 JURISDICTION OF THE DEPARTMENT ON OR BEFORE JANUARY FIRST, TWO THOUSAND
25 SIXTEEN.

26 S 12. This act shall take effect immediately.

27 PART RR

28 Section 1. The vehicle and traffic law is amended by adding a new
29 section 102-c to read as follows:

30 S 102-C. ELECTRIC ASSISTED BICYCLE. AN "ELECTRIC ASSISTED BICYCLE"
31 SHALL MEAN A BICYCLE EQUIPPED WITH FULLY OPERABLE PEDALS AND AN ELECTRIC
32 MOTOR OF LESS THAN SEVEN HUNDRED FIFTY WATTS. AN ELECTRIC ASSISTED BICY-
33 CLE WITH A MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDAL-
34 ING, AND THAT CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES THE
35 SPEED OF TWENTY MILES PER HOUR, IS A CLASS ONE ELECTRIC ASSISTED BICYCLE
36 OR A LOW-SPEED PEDAL-ASSISTED ELECTRIC BICYCLE.

37 S 2. Section 121-b of the vehicle and traffic law, as amended by chap-
38 ter 160 of the laws of 1981, is amended to read as follows:

39 S 121-b. Limited use motorcycle. A limited use vehicle having only two
40 or three wheels, with a seat or saddle for the operator, EXCEPT ELECTRIC
41 ASSISTED BICYCLES AS DEFINED IN SECTION ONE HUNDRED TWO-C OF THIS ARTI-
42 CLE. A limited use motorcycle having a maximum performance speed, of
43 more than thirty miles per hour but not more than forty miles per hour
44 shall be a class A limited use motorcycle. A limited use motorcycle
45 having a maximum performance speed of more than twenty miles per hour
46 but not more than thirty miles per hour, shall be a class B limited use
47 motorcycle. A limited use motorcycle having a maximum performance speed
48 of not more than twenty miles per hour shall be a class C limited use
49 motorcycle.

50 S 3. Section 125 of the vehicle and traffic law, as amended by chapter
51 365 of the laws of 2008, is amended to read as follows:

52 S 125. Motor vehicles. Every vehicle operated or driven upon a public
53 highway which is propelled by any power other than muscular power,
54 except (a) electrically-driven mobility assistance devices operated or

1 driven by a person with a disability, (a-1) electric personal assistive
2 mobility devices operated outside a city with a population of one
3 million or more, (b) vehicles which run only upon rails or tracks, (c)
4 snowmobiles as defined in article forty-seven of this chapter, [and] (d)
5 all terrain vehicles as defined in article forty-eight-B of this
6 chapter, AND (E) ELECTRIC ASSISTED BICYCLES AS DEFINED IN SECTION ONE
7 HUNDRED TWO-C OF THIS ARTICLE. For the purposes of title four of this
8 chapter, the term motor vehicle shall exclude fire and police vehicles
9 other than ambulances. For the purposes of titles four and five of this
10 chapter the term motor vehicles shall exclude farm type tractors and all
11 terrain type vehicles used exclusively for agricultural purposes, or for
12 snow plowing, other than for hire, farm equipment, including self-pro-
13 pelled machines used exclusively in growing, harvesting or handling farm
14 produce, and self-propelled caterpillar or crawler-type equipment while
15 being operated on the contract site.

16 S 4. Section 159 of the vehicle and traffic law is amended to read as
17 follows:

18 S 159. Vehicle. Every device in, upon, or by which any person or
19 property is or may be transported or drawn upon a highway, except
20 devices moved by human power or used exclusively upon stationary rails
21 or tracks, AND ELECTRIC ASSISTED BICYCLES AS DEFINED IN SECTION ONE
22 HUNDRED TWO-C OF THIS ARTICLE.

23 S 5. The vehicle and traffic law is amended by adding a new section
24 1238-a to read as follows:

25 S 1238-A. ADDITIONAL PROVISIONS APPLICABLE TO ELECTRIC ASSISTED BICY-
26 CLES, OPERATORS AND PASSENGERS. 1. AN ELECTRIC ASSISTED BICYCLE, AS
27 DEFINED IN SECTION ONE HUNDRED TWO-C OF THIS CHAPTER, OR THE OPERATOR OF
28 AN ELECTRIC ASSISTED BICYCLE, SHALL COMPLY WITH ALL OF THE RULES, REGU-
29 LATIONS AND PROVISIONS APPLICABLE TO A BICYCLE OR THE OPERATOR OF A
30 BICYCLE CONTAINED IN THIS CHAPTER. IN ADDITION, AN ELECTRIC ASSISTED
31 BICYCLE IS SUBJECT TO THE FOLLOWING REQUIREMENTS:

32 (A) EVERY MANUFACTURER OF AN ELECTRIC ASSISTED BICYCLE SHALL CERTIFY
33 THAT IT COMPLIES WITH THE EQUIPMENT AND MANUFACTURING REQUIREMENTS FOR
34 BICYCLES ADOPTED BY THE UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION
35 (16 C.F.R. 1512.1, ET SEQ.).

36 (B) AN ELECTRIC ASSISTED BICYCLE SHALL OPERATE IN A MANNER SO THAT THE
37 ELECTRIC MOTOR IS DISENGAGED OR CEASES TO FUNCTION WHEN THE BRAKES ARE
38 APPLIED, OR OPERATE IN A MANNER SUCH THAT THE MOTOR IS ENGAGED THROUGH A
39 SWITCH OR MECHANISM THAT, WHEN RELEASED, WILL CAUSE THE ELECTRIC MOTOR
40 TO DISENGAGE OR CEASE TO FUNCTION.

41 (C) ON AND AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, MANUFACTURERS
42 AND DISTRIBUTORS OF ELECTRIC ASSISTED BICYCLES SHALL APPLY A LABEL THAT
43 IS PERMANENTLY AFFIXED, IN A PROMINENT LOCATION, TO EACH ELECTRIC
44 ASSISTED BICYCLE. THE LABEL SHALL CONTAIN THE CLASSIFICATION NUMBER, TOP
45 ASSISTED SPEED, AND MOTOR WATTAGE OF THE ELECTRIC ASSISTED BICYCLE, AND
46 SHALL BE PRINTED IN ARIAL FONT IN AT LEAST NINE-POINT TYPE.

47 (D) A PERSON SHALL NOT TAMPER WITH OR MODIFY AN ELECTRIC ASSISTED
48 BICYCLE SO AS TO CHANGE THE SPEED CAPABILITY OF THE ELECTRIC ASSISTED
49 BICYCLE, UNLESS HE OR SHE APPROPRIATELY REPLACES THE LABEL INDICATING
50 THE CLASSIFICATION REQUIRED IN PARAGRAPH (C) OF SUBDIVISION ONE OF THIS
51 SECTION.

52 2. THE FAILURE OF ANY PERSON TO COMPLY WITH THE PROVISIONS OF THIS
53 SECTION SHALL NOT CONSTITUTE CONTRIBUTORY NEGLIGENCE OR ASSUMPTION OF
54 RISK, AND SHALL NOT IN ANY WAY BAR, PRECLUDE OR FORECLOSE AN ACTION FOR
55 PERSONAL INJURY OR WRONGFUL DEATH BY OR ON BEHALF OF SUCH PERSON, NOR IN
56 ANY WAY DIMINISH OR REDUCE THE DAMAGES RECOVERABLE IN ANY SUCH ACTION.

1 S 6. Section 316 of the highway law, as amended by chapter 655 of the
2 laws of 1978, is amended to read as follows:

3 S 316. Entitled to free use of highways. The authorities having charge
4 or control of any highway, public street, park, parkway, driveway, or
5 place, shall have no power or authority to pass, enforce or maintain any
6 ordinance, rule or regulation by which any person using a bicycle, ELEC-
7 TRIC ASSISTED BICYCLE or tricycle shall be excluded or prohibited from
8 the free use of any highway, public street, avenue, roadway, driveway,
9 parkway, park, or place, at any time when the same is open to the free
10 use of persons having and using other pleasure carriages, except upon
11 such driveway, speedway or road as has been or may be expressly set
12 apart by law for the exclusive use of horses and light carriages. But
13 nothing herein shall prevent the passage, enforcement or maintenance of
14 any regulation, ordinance or rule, regulating the use of bicycles, ELEC-
15 TRIC ASSISTED BICYCLES or tricycles in highways, public streets, drive-
16 ways, parks, parkways, and places, or the regulation of the speed of
17 carriages, vehicles or engines, in public parks and upon parkways and
18 driveways in the city of New York, under the exclusive jurisdiction and
19 control of the department of parks and recreation of said city, nor
20 prevent any such authorities in any other city from regulating the speed
21 of any vehicles herein described in such manner as to limit and deter-
22 mine the proper rate of speed with which such vehicle may be propelled
23 nor in such manner as to require, direct or prohibit the use of bells,
24 lamps and other appurtenances nor to prohibit the use of any vehicle
25 upon that part of the highway, street, park, or parkway, commonly known
26 as the footpath or sidewalk.

27 S 7. Section 180 of the general municipal law, as amended by chapter
28 668 of the laws of 2004, is amended to read as follows:

29 S 180. Ordinances to regulate use of bicycles. The governing boards of
30 municipal corporations as defined in section two of this chapter, may
31 adopt local laws to regulate the use of bicycles on the public highways,
32 streets, avenues, walks, parks and public places within their limits.
33 Such local laws shall be supplemental and in addition to the provisions
34 of the vehicle and traffic law relating to vehicles and not in conflict
35 therewith. Provided further that such local laws shall not impose any
36 charge, tax or otherwise not provide for the free use of bicycles, ELEC-
37 TRIC ASSISTED BICYCLES and tricycles.

38 S 8. This act shall take effect immediately.

39 PART SS

40 Section 1. Notwithstanding any contrary provision of law, the New York
41 State thruway authority shall discontinue the collection of tolls for
42 travel commencing at exit 49 (Depew - Lockport - NY78) and concluding at
43 exit 50 (Niagara Falls - I-290) of the Governor Thomas E. Dewey Thruway
44 and for travel commencing at exit 50 (Niagara Falls - I-290) and
45 concluding at exit 49 (Depew - Lockport - NY78) of the Governor Thomas
46 E. Dewey Thruway.

47 S 2. This act shall take effect on the ninetieth day after it shall
48 have become a law.

49 PART TT

50 Section 1. The public service law is amended by adding a new section
51 5-a to read as follows:

1 S 5-A. OVERSIGHT BY THE NEW YORK STATE PUBLIC AUTHORITIES CONTROL
2 BOARD. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
3 THE COMMISSION SHALL APPLY TO, AND OBTAIN THE APPROVAL OF, THE NEW YORK
4 STATE PUBLIC AUTHORITIES CONTROL BOARD CREATED PURSUANT TO ARTICLE ONE-A
5 OF THE PUBLIC AUTHORITIES LAW PRIOR TO TAKING ANY OF THE FOLLOWING
6 ACTIONS:

7 (A) AN INCREASE IN RATES, CHARGES, SURCHARGES, ASSESSMENTS, FEES,
8 LEVIES, OR ANY OTHER COLLECTIONS, WHICH WOULD INCREASE REVENUES OBTAINED
9 FROM RATEPAYERS BY MORE THAN SEVEN HUNDRED THOUSAND DOLLARS AND WHICH
10 REVENUES ARE COLLECTED SOLELY FOR AND DIRECTED TO THE NEW YORK STATE
11 ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AND WOULD BE EFFECTUATED
12 THROUGH A SINGLE ORDER, DECISION, OR ADMINISTRATIVE ACTION OR THROUGH A
13 SERIES OF SUCH ACTIVITIES; OR

14 (B) A TRANSFER, REPURPOSING, REPROGRAMMING, OR ANY OTHER ACTION THAT
15 WOULD CHANGE THE USE OF MONEY DIRECTED TO THE NEW YORK STATE ENERGY
16 RESEARCH AND DEVELOPMENT AUTHORITY PREVIOUSLY DESIGNATED OR INTENDED FOR
17 A DIFFERENT PURPOSE.

18 2. EACH SUCH APPLICATION BY THE COMMISSION TO THE NEW YORK STATE
19 PUBLIC AUTHORITIES CONTROL BOARD SHALL CONTAIN A DESCRIPTION OF ANY SUCH
20 ACTION SET FORTH IN SUBDIVISION ONE OF THIS SECTION AND AN EXPLANATION
21 OF WHY THE ACTION IS JUST AND REASONABLE AND IN THE PUBLIC INTEREST.

22 3. THE COMMISSION SHALL CONDUCT A FULL COST-BENEFIT ANALYSIS, INCLUD-
23 ING PUBLIC COMMENT AND HEARINGS, AS TO THE IMPACT OF ANY SUCH ACTION AND
24 PROVIDE A COPY OF THE ANALYSIS WITH ITS APPLICATION TO THE NEW YORK
25 STATE PUBLIC AUTHORITIES CONTROL BOARD.

26 S 2. Section 1854 of the public authorities law is amended by adding a
27 new subdivision 22 to read as follows:

28 22. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
29 AUTHORITY SHALL APPLY TO, AND OBTAIN THE APPROVAL OF, THE NEW YORK STATE
30 PUBLIC AUTHORITIES CONTROL BOARD CREATED PURSUANT TO ARTICLE ONE-A OF
31 THIS CHAPTER PRIOR TO UNDERTAKING ANY TRANSFER, REPURPOSING, REPROGRAM-
32 MING, OR ANY OTHER ACTION THAT WOULD CHANGE THE USE OF MONEY PREVIOUSLY
33 DESIGNATED OR INTENDED FOR A DIFFERENT PURPOSE. EACH SUCH APPLICATION BY
34 THE AUTHORITY SHALL CONTAIN A DESCRIPTION OF ANY SUCH ACTION SET FORTH
35 IN THIS SUBDIVISION AND AN EXPLANATION OF WHY THE ACTION IS JUST AND
36 REASONABLE AND IN THE PUBLIC INTEREST. THE AUTHORITY SHALL CONDUCT A
37 FULL COST-BENEFIT ANALYSIS, INCLUDING PUBLIC COMMENT AND HEARINGS, AS TO
38 THE IMPACT OF ANY SUCH ACTION AND PROVIDE A COPY OF THE ANALYSIS WITH
39 ITS APPLICATION TO THE NEW YORK STATE PUBLIC AUTHORITIES CONTROL BOARD.

40 S 3. Subdivision 1 of section 51 of the public authorities law, as
41 added by chapter 838 of the laws of 1983, paragraph k as added by chap-
42 ter 506 of the laws of 1995, paragraph 1 as added by chapter 468 of the
43 laws of 2004, paragraph m as added by section 10 of part E of chapter
44 494 of the laws of 2009, and paragraph n as added by chapter 533 of the
45 laws of 2010, is amended to read as follows:

46 1. The New York state public authorities control board shall have the
47 power and it shall be its duty to receive applications for approval of:

48 A. the financing and construction of any project; OR

49 B. AN INCREASE IN RATES, CHARGES, SURCHARGES, ASSESSMENTS, FEES,
50 LEVIES, OR ANY OTHER COLLECTIONS, WHICH WOULD INCREASE REVENUES OBTAINED
51 FROM RATEPAYERS OR TAXPAYERS BY MORE THAN SEVEN HUNDRED THOUSAND DOLLARS
52 AND WHICH REVENUES ARE COLLECTED SOLELY FOR AND DIRECTED TO THE NEW YORK
53 STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AND WOULD BE EFFECTUATED
54 THROUGH A SINGLE ORDER, DECISION, OR ADMINISTRATIVE ACTION OR THROUGH A
55 SERIES OF SUCH ACTIVITIES; OR

1 C. A TRANSFER, REPURPOSING, REPROGRAMMING, OR ANY OTHER ACTION THAT
2 WOULD CHANGE THE USE OF MONEY DIRECTED TO THE NEW YORK STATE ENERGY
3 RESEARCH AND DEVELOPMENT AUTHORITY PREVIOUSLY DESIGNATED OR INTENDED FOR
4 A DIFFERENT PURPOSE.

5 1-A. SUCH APPLICATIONS WOULD BE THOSE THAT MAY BE proposed by any of
6 the following state public benefit corporations OR ENTITIES:

- 7 a. New York state environmental facilities corporation
- 8 b. New York state housing finance agency
- 9 c. New York state medical care facilities finance agency
- 10 d. Dormitory authority
- 11 e. New York state urban development corporation
- 12 f. Job development authority
- 13 g. Battery park city authority
- 14 h. New York state project finance agency
- 15 i. State of New York mortgage agency
- 16 j. New York state energy research and development authority
- 17 k. Long Island Power Authority
- 18 l. Albany Convention Center Authority
- 19 m. State of New York Municipal Bond Bank Agency for bonds issued
20 pursuant to section two thousand four hundred thirty-six-b of this chap-
21 ter
- 22 n. North Country Power Authority
- 23 O. PUBLIC SERVICE COMMISSION

24 Any application made concerning a project shall include the terms,
25 conditions and dates of the repayment of state appropriations authorized
26 by law pursuant to a repayment agreement. Any subsidiary of, or corpo-
27 ration with the same members or directors as, a public benefit corpo-
28 ration subject to the provisions of this section shall also be subject
29 to the provisions of this section. All applications and submissions to
30 the board required to be made by a subsidiary shall be made on behalf of
31 such subsidiary by the public benefit corporation which created the
32 subsidiary.

33 1-B. No public benefit corporation subject to the provisions of this
34 section shall make any commitment, enter into any agreement or incur any
35 indebtedness for the purpose of acquiring, constructing, or financing
36 any project unless prior approval has been received from the board by
37 such public benefit corporation as provided herein.

38 S 4. Subdivision 3 of section 51 of the public authorities law, as
39 added by chapter 838 of the laws of 1983, is amended to read as follows:

40 3. The board may approve applications only upon its determination
41 that[,]:

42 A. with relation to any proposed project, there are commitments of
43 funds sufficient to finance the acquisition and construction of such
44 project; OR

45 B. A FULL COST-BENEFIT ANALYSIS, INCLUDING PUBLIC COMMENT AND HEAR-
46 INGS, HAS BEEN CONDUCTED AS TO THE IMPACT OF ANY OF THE FOLLOWING ACTIV-
47 ITIES THAT ARE SUBJECT TO ITS JURISDICTION PURSUANT TO THIS SECTION:

48 (1) AN INCREASE IN RATES, CHARGES, SURCHARGES, ASSESSMENTS, FEES,
49 LEVIES, OR ANY OTHER COLLECTIONS; OR

50 (2) A TRANSFER, REPURPOSING, REPROGRAMMING, OR ANY OTHER ACTION THAT
51 WOULD CHANGE THE USE OF MONEY PREVIOUSLY DESIGNATED OR INTENDED FOR A
52 DIFFERENT PURPOSE; AND

53 C. THAT SUCH COST-BENEFIT ANALYSIS SHOWS THAT THE ACTIONS DESCRIBED IN
54 PARAGRAPH B OF THIS SUBDIVISION ARE JUST, REASONABLE, AND IN THE PUBLIC
55 INTEREST. In determining the sufficiency of commitments of funds, the
56 board may consider commitments of funds, projections of fees or other

1 revenues and security, which may, in the discretion of the board,
2 include collateral security sufficient to retire a proposed indebtedness
3 or protect or indemnify against potential liabilities proposed to be
4 undertaken. A copy of such determination shall be submitted to the chief
5 executive officer of the appropriate public benefit corporation OR OTHER
6 ENTITY SUBJECT TO THE BOARD'S JURISDICTION and SUBMITTED TO the state
7 comptroller.

8 S 5. This act shall take effect immediately.

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

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