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

S. 59--B A. 159--B

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

(PREFILED)

January 7, 2009

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

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 279 of the laws of 1998 amending the transportation law relating to enabling the commissioner of transportation to establish a single audit pilot program, in relation to extending such provisions (Part A); to authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2009-2010; and making an appropriation therefor (Part B); to amend chapter 312 of the laws of 1994, amending the vehicle and traffic law relating to suspensions of licenses pending prosecution of certain alcohol-related charges, and authorizations for probationary and conditional driver's licenses, in relation to the effectiveness thereof (Part C); to amend chapter 533 of the laws of 1993 amending the vehicle and traffic law and the correction law relating to suspension and revocation of driver's licenses upon conviction of certain drug-related offenses, in relation to the effectiveness thereof (Part D); to amend chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part E); to amend the vehicle and traffic law, in relation to license fees (Part F); to amend the vehicle and traffic law, in relation to motor vehicle registration fees (Part G); to amend the vehicle and traffic law, in relation to the fee for number plates (Part H); to amend the vehicle and traffic law, in relation to eliminating the cap on surcharges (Part I); to amend chapter 569 of the laws of 1981, amend-

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

LBD12373-03-9

ing the vehicle and traffic law relating to motor vehicle liability insurance, financial security, criminal acts and penalties for non-compliance, in relation to the effectiveness of certain provisions; to amend chapter 781 of the laws of 1983, amending the vehicle and traffic law and other laws relating to motor vehicle liability insurance, financial security, criminal acts and certain penalties for non-compliance, in relation to the effectiveness of certain provisions (Part J); to amend the vehicle and traffic law and the transportation law, in relation to the disqualifications of commercial driver's license holders (Part K); to amend the vehicle and traffic law, in relation to authorizing the department of motor vehicles to charge certain entities a fee for course completion certificates (Part L); Intentionally omitted (Part M); Intentionally omitted (Part N); to amend the state finance law, in relation to reporting requirements for the dedicated highway and bridge trust fund (Part O); to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, in relation to the effectiveness thereof (Part P); to amend the agriculture and markets law, in relation to increasing the penalty amounts for first, second and subsequent violations (Part Q); to amend the executive law, in relation to the community services block grant program; to amend chapter 728 of the laws of 1982 and chapter 710 of the laws of 1983, amending the executive law relating to community services block grant programs, in relation to the effectiveness thereof; and to repeal subdivision 1 of section 159-e of the executive law relating thereto (Part R); Intentionally omitted (Part S); to amend the tax law and the state finance law, in relation to real estate transfer tax revenue deposits into the environmental protection fund (Part T); 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 U); to amend the racing, pari-mutuel wagering and breeding law, in relation to a fee for the start of a horse in New York state pari-mutuel races (Part V); Intentionally omitted (Part W); to amend 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 X); to authorize the New York State Energy Research and Development Authority to finance a portion of its research, development and demonstration and policy and planning programs from assessments on gas and electric corporations (Part Y); to require appropriations in the executive budget to the New York Power Authority (Part Z); to amend the public authorities law, in relation to authorizing the battery park city authority to make contributions to the state treasury (Part AA); authorizing the New York state urban development corporation to make contributions to the Governors Island Preservation and Education Corporation (Part BB); Intentionally omitted (Part CC); Intentionally omitted (Part DD); Intentionally omitted (Part EE); to amend the public authorities law, in relation to state cost recovery on the issuance of certain bonds (Part FF); to transfer the functions, powers, duties, obligations and assets of the State Northeastern Queens Nature and Historical Preserve Commission to the office of parks, recreation and historic preservation; and to repeal chapter 919 of the laws of 1973, relating to establishing the State Northeastern Queens Nature and Historical Preserve (Part GG); Intentionally omitted (Part HH); to amend the agriculture and markets law, in relation to increasing tonnage fees (Part II); to amend the environmental conser-

vation law, in relation to fees for the state pollution discharge elimination system program (Part JJ); to amend the environmental conservation law, in relation to fees for hunting, fishing and trapping licenses (Part KK); to amend the environmental conservation law, in relation to establishing a recreational marine fishing license and sets fees for such license; to review the allocations and expenditures of the department of environmental conservation related to the marine resources account; and to repeal subdivision 6 of section 11-0707 of the environmental conservation law relating to the exemption from having a fishing license in the marine district and on the Hudson River, south of the Troy barrier dam (Part LL); Intentionally omitted (Part MM); to amend the public service law, in relation to financing the operations of the department of public service, the public service commission, department support and energy management services provided by other state agencies, to increase the utility assessment cap and the minimum threshold for collection thereunder, and to establish a temporary state energy and utility service conservation assessment and provide for the collection thereof; and providing for the repeal of certain provisions upon the expiration thereof (Part NN); to amend the vehicle and traffic law, in relation to increasing the penalties for violations by official inspection stations, motor vehicle repair shops, manufacturers, transporters and dealers (Part OO); to amend the vehicle and traffic law, in relation to suspension, termination and license application fees (Part PP); to amend the state finance law, in relation to dedicating the local share of revenue generated by the gaming facility located in the city of Buffalo; and allocating moneys appropriated to the city of Niagara Falls for road improvement projects (Part QQ); to amend chapter 21 of the laws of 2003 amending the executive law, relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to the effectiveness thereof (Part RR); to amend the environmental conservation law and the economic development law, in relation to including additional beverage containers and providing for the return of unclaimed deposits on beverage containers to the state for deposit into the environmental protection fund; and to repeal certain provisions of the environmental conservation law relating thereto (Part SS); to amend the parks, recreation and historic preservation law, in relation to requiring that a written determination by the commissioner of parks, recreation and historic preservation be made prior to future sales of merchandise, goods, commodities and food service items by the office of parks, recreation and historic preservation (Part TT); to amend the public authorities law, in relation to the assessment and reimbursement of state expenditures (Part UU); to amend the tax law, in relation to bad checks and failed electronic fund withdrawal fees; in relation to the registration of tax return preparers; creates a taskforce to address issues in the regulation of tax return preparers and commercial tax return preparers; to amend the general business law, in relation to refund anticipation loans and refund anticipation checks and the consumer bill of rights regarding taxpayers; and to repeal paragraphs 1 and 2 of subsection (u) of section 685 of the tax law (Part VV); to authorize annual cable television assessments to provide funds from cable television assessment revenues to the department of health (Part WW); to amend the urban development corporation act, in relation to establishing the healthy food / healthy communities initiative (Part XX); to

amend the environmental conservation law, in relation to fees for pesticide applicators, registration and application (Part YY); to amend the environmental conservation law, in relation to fees for mined land reclamation (Part ZZ); to amend the environmental conservation law, in relation to wetland permit application fees (Part AAA); to amend the environmental conservation law, in relation to operating permit program fees (Part BBB); to amend the environmental conservation law, in relation to water withdrawal reporting (Part CCC); to amend the environmental conservation law, in relation to requiring a mandatory surcharge for offenses (Part DDD); and in relation to the New York state urban development corporation submitting a comprehensive financial plan to the director of the budget and the establishment of accounts and subaccounts within the treasury of such corporation; and providing for the repeal of such provisions upon the expiration thereof (Part EEE)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2009-2010 state fiscal year. Each component is wholly contained within a Part identified as Parts A through EEE. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 2 of chapter 279 of the laws of 1998, amending the transportation law relating to enabling the commissioner of transportation to establish a single audit pilot program, as amended by section 1 of part D of chapter 59 of the laws of 2008, is amended to read as follows:

S 2. This act shall take effect on December 31, 1998, except that the commissioner of transportation is immediately authorized to promulgate rules and regulations necessary for the implementation of this act and shall expire December 31, [2009] 2010 when upon such date the provisions of this act shall be deemed repealed.

S 2. This act shall take effect immediately.

PART B

Section 1. The sum of four hundred two million seven hundred ninety-seven thousand dollars ($402,797,000), or so much thereof as shall be necessary, and in addition to amounts previously appropriated by law, is hereby made available, in accordance with subdivision 1 of section 380 of the public authorities law as amended, according to the following schedule. Payments pursuant to subdivision (a) of this section shall be made available as moneys become available for such payments. Payments pursuant to subdivisions (b) and (c) of this section shall be made

available on the fifteenth day of June, September, December and March or as soon thereafter as moneys become available for such payments. No moneys of the state in the state treasury or any of its funds shall be available for payments pursuant to this section:

SCHEDULE

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

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

State Fiscal Year	Amount
2009-10	$39,700,000

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

(c) Fifty-eight million seven hundred ninety-seven thousand dollars ($58,797,000) to municipalities for reimbursement of eligible costs of local highway and bridge projects pursuant to sections 16 and 16-a of chapter 329 of the laws of 1991, as added by section 9 of chapter 330 of the laws of 1991, as amended. For the purposes of computing allocations to municipalities, the amount distributed pursuant to section 16 of chapter 329 of the laws of 1991 shall be deemed to be $23,480,000. The amount distributed pursuant to section 16-a of chapter 329 of the laws of 1991 shall be deemed to be $35,317,000. Notwithstanding the provisions of any general or special law, the amounts deemed distributed in accordance with section 16 of chapter 329 of the laws of 1991 shall be adjusted so that such amounts will not be less than 16.193 percent of the "funding level" as defined in subdivision 5 of section 10-c of the highway law for each such municipality. In order to achieve the objectives of section 16 of chapter 329 of the laws of 1991, to the extent necessary, the amounts in excess of 16.193 percent of the funding level

to be deemed distributed to each municipality under this paragraph shall be reduced in equal proportion. To the extent that the total of remaining payment allocations calculated herein varies from $58,797,000, the payment amounts to each locality shall be adjusted by a uniform percentage so that the total payments equal $58,797,000.

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

State Fiscal Year	Amount
2009-10	$363,097,000

S 2. This act shall take effect immediately.

PART C

Section 1. Section 7 of chapter 312 of the laws of 1994, amending the vehicle and traffic law relating to suspensions of licenses pending prosecution of certain alcohol-related charges, and authorizations for probationary and conditional driver's licenses, as amended by section 1 of part C of chapter 59 of the laws of 2007, is amended to read as follows:

S 7. This act shall take effect immediately; provided however that sections three, four, five and six of this act shall take effect on the first day of November next succeeding the date on which it shall have become a law and shall apply to offenses committed on or after such date; provided further, however, that the amendment to paragraph (c) of subdivision 2 of section 1193 of the vehicle and traffic law made by section two of this act shall take effect on the same date as such paragraph takes effect pursuant to section 9 of chapter 533 of the laws of 1993, as amended, provided, further, that the provisions of section four of this act shall remain in full force and effect until October 1, [2009] 2011 when upon such date the provisions of such section shall be deemed repealed and the provisions of law amended by such section shall revert to and be read as if the provisions of such section had not been enacted.

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, 2009.

PART D

Section 1. Section 9 of chapter 533 of the laws of 1993, amending the vehicle and traffic law and the correction law relating to suspension and revocation of driver's licenses upon conviction of certain drug-related offenses, as amended by section 1 of part N of chapter 59 of the laws of 2007, is amended to read as follows:

S 9. This act shall take effect September 30, 1993 and shall apply to convictions based on offenses which occurred on or after such date and shall remain in full force and effect until October 1, [2009] 2011 when upon such date the provisions of this act shall be deemed repealed and the provisions of law amended by this act shall revert to and be read as if the provisions of this act had not been enacted.

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, 2009.

PART E

Section 1. Section 2 of part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, as amended by section 1-b of part A of chapter 63 of the laws of 2005, is amended to read as follows:

S 2. This act shall take effect April 1, 2002; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2002; provided further, however, that this act shall expire and be deemed repealed on March 31, [2010] 2015.

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, 2009.

PART F

Section 1. Paragraphs (b) and (c) of subdivision 2 of section 503 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, are amended to read as follows:

(b) Learner permit/license fee. (i) Upon passage of the knowledge test required to obtain a learner's permit, the applicant for a commercial driver's license shall be required to pay an additional fee of [seven] NINE dollars and fifty cents for each six months or portion thereof of the period of validity of a learner's permit or license which is or may be issued as well as a fee of forty dollars for a road test which must be passed before a license will be issued.

(ii) Upon passage of the knowledge test required to obtain a learner's permit, the applicant for a class C license which does not have an H, P or X endorsement or a class E license shall be required to pay [five] SIX dollars AND TWENTY-FIVE CENTS for each six months or portion thereof of the period of validity of a learner's permit or license which is or may be issued, and an applicant for a class D, DJ, M or MJ license shall be required to pay [two] THREE dollars and [fifty] TWENTY-FIVE cents for each six months or portion thereof of the period of validity of a learner's permit or license which is or may be issued. No additional fee shall be required of any such applicant to take up to two road tests. Such road test must be passed before a license will be issued.

(iii) If an applicant fails to pass the road test required for issuance of a license in the number of times specified in subparagraph (i) or (ii) of this paragraph, an additional fee of forty dollars will be required for each additional test applied for in order to obtain a commercial driver's license and an additional fee of ten dollars will be required for up to two tests applied for in order to obtain any license other than a commercial driver's license.

(IV) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE FEES SET FORTH IN THIS PARAGRAPH IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE FEES SET FORTH IN THIS PARAGRAPH IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

(c) Renewal fee. Fees for renewal of a license issued by the commissioner shall be as follows:

(i) For a commercial driver's license, [seven] NINE dollars and fifty cents for each six months or portion thereof.

(ii) For a class C license which does not have an H, P or X endorsement or a class E license, [five] SIX dollars AND TWENTY-FIVE CENTS for each six months or portion thereof.

(iii) For a class D, DJ, M or MJ license, [two] THREE dollars and [fifty] TWENTY-FIVE cents, for each six months or portion thereof.

(IV) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE FEES SET FORTH IN THIS PARAGRAPH IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE FEES SET FORTH IN THIS PARAGRAPH IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 2. Paragraph (f) of subdivision 2 of section 503 of the vehicle and traffic law, as amended by section 1-b of part A of chapter 63 of the laws of 2005, is amended to read as follows:

(f) Photo image fee. In addition to any other fee prescribed herein, a fee of [ten] TWELVE dollars AND FIFTY CENTS shall be charged for the processing of each learner permit or license document requiring a photo image. Of each such fee collected, five dollars shall be deposited to the credit of the general fund and five dollars shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law and the dedicated mass transportation fund established pursuant to section eighty-nine-c of the state finance law and distributed according to the provisions of subdivision (d) of section three hundred one-j of the tax law.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE FEES SET FORTH IN THIS PARAGRAPH IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE FEES SET FORTH IN THIS PARAGRAPH IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 3. This act shall take effect September 1, 2009 and shall apply to licenses issued and renewed on and after such date.

PART G

Section 1. Paragraph a of subdivision 6 of section 401 of the vehicle and traffic law, as amended by section 74 of part A of chapter 56 of the laws of 1998, is amended to read as follows:

a. The following fees shall be paid to the commissioner, or agent, upon the registration or reregistration of a motor vehicle, including a suburban, in accordance with the provisions of this article:

If such motor vehicle, fully equipped, weighs thirty-five hundred pounds or less, [sixty-four and one-half] EIGHTY-ONE cents for each one hundred pounds or major fraction thereof; if such motor vehicle, fully equipped, weighs more than thirty-five hundred pounds, [sixty-four and one-half] EIGHTY-ONE cents for each one hundred pounds up to thirty-five hundred pounds, and [ninety-seven] ONE DOLLAR AND TWENTY-ONE cents for each hundred pounds, or major fraction thereof, in excess of thirty-five hundred pounds; provided, however, that the total fees for the registration or reregistration of any passenger motor vehicle propelled by electricity shall be [twelve dollars and ninety-four] SIXTEEN DOLLARS AND EIGHTEEN cents, of a six, eight, or twelve cylinder motor vehicle not less than [twelve dollars and ninety-four] SIXTEEN DOLLARS AND EIGHTEEN cents, and of any other motor vehicle not less than [ten dollars and thirty-five] TWELVE DOLLARS AND NINETY-FIVE cents; and provided further that for motor vehicles described in subdivision seven of this section, the fee for such registration shall be as therein prescribed. Provided further, however, that the maximum registration fee under this paragraph shall not exceed [fifty-six dollars and six] SEVENTY DOLLARS AND EIGHT cents per registration year. For the purposes of this section a "suburban" shall be a motor vehicle with a convertible or interchangeable body or with removable seats, usable for both passenger and delivery purposes, and including motor vehicles, commonly known as station or

depot wagons. The manufacturer's weight of motor vehicle shall be accepted as the weight for the purpose of registration under this paragraph.

S 2. Subdivision 2 of section 420 of the vehicle and traffic law, as amended by chapter 190 of the laws of 1990, is amended to read as follows:

2. Such seller or owner may, however, register another vehicle and use said number plates thereon, if appropriate, upon making application for such registration, paying a transfer fee of [seven] TEN dollars [and seventy-five cents], and paying the proportional excess, if any, of the annual fee for registering the second vehicle over the annual fee for registering the first vehicle for each day or fraction thereof constituting the unexpired registration period. If the number plates of the first vehicle are not appropriate for the second vehicle, the commissioner or his or her agent shall, upon the surrender of such number plates, furnish appropriate number plates.

S 3. Subdivision 21 of section 401 of the vehicle and traffic law is amended by adding twelve new undesignated paragraphs to read as follows:

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN PARAGRAPH A OF SUBDIVISION SIX OF THIS SECTION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN SUCH PARAGRAPH IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN SCHEDULE A OF SUBDIVISION SEVEN OF THIS SECTION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN SUCH SCHEDULE IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN SCHEDULE B OF SUBDIVISION SEVEN OF THIS SECTION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN SUCH SCHEDULE IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN SCHEDULE C OF SUBDIVISION SEVEN OF THIS SECTION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN SUCH SCHEDULE IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN SCHEDULE E OF SUBDIVISION SEVEN OF THIS SECTION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN SUCH SCHEDULE IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN SCHEDULE F OF SUBDIVISION SEVEN OF THIS SECTION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN SUCH SCHEDULE IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN SCHEDULE

G OF SUBDIVISION SEVEN OF THIS SECTION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN SUCH SCHEDULE IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN SCHEDULE I OF SUBDIVISION SEVEN OF THIS SECTION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN SUCH SCHEDULE IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN SUBDIVISION EIGHT OF THIS SECTION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN SUCH SUBDIVISION IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE REGISTRATION FEES COLLECTED PURSUANT TO SUBDIVISIONS TWO, SIX AND EIGHT OF SECTION FOUR HUNDRED TWENTY OF THIS TITLE SHALL BE DEPOSITED PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION; PROVIDED, HOWEVER, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN SUCH SUBDIVISIONS TWO, SIX AND EIGHT IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN SUCH SUBDIVISIONS IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE REGISTRATION FEES COLLECTED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION THREE OF SECTION TWENTY-TWO HUNDRED SIXTY-ONE OF THIS CHAPTER SHALL BE DEPOSITED PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION; PROVIDED, HOWEVER, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN PARAGRAPH (B) OF SUBDIVISION THREE OF SECTION TWENTY-TWO HUNDRED SIXTY-ONE OF THIS CHAPTER IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN SUCH PARAGRAPH IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, ELEVEN DOLLARS AND FIFTY CENTS OF THE REGISTRATION FEES COLLECTED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FIVE OF SECTION FOUR HUNDRED TEN OF THIS TITLE SHALL BE DEPOSITED PURSUANT TO THIS SUBDIVISION. THREE DOLLARS AND FIFTY CENTS OF SUCH FEES COLLECTED IN RELATION TO APPLICATIONS FOR NEW REGISTRATIONS AND RENEWALS OF EXISTING REGISTRATIONS EXPIRING ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND. TWO DOLLARS AND FIFTY CENTS OF SUCH REGISTRATION FEES SHALL BE DEPOSITED INTO THE MOTORCYCLE SAFETY FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-G OF THE STATE FINANCE LAW.

S 4. Paragraphs (a) and (b) of subdivision 4 of section 2282 of the vehicle and traffic law, as amended by chapter 402 of the laws of 1986, are amended to read as follows:

(a) An annual fee of [ten] TWELVE dollars AND FIFTY CENTS for each individual resident registration.

(b) An annual fee of [ten] TWELVE dollars AND FIFTY CENTS for each individual nonresident registration.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE FEES SET FORTH IN PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND

NINE AND THE FEES SET FORTH IN SUCH PARAGRAPHS IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 5. Subdivision 3 of section 2251 of the vehicle and traffic law, as amended by section 2 of part K-1 of chapter 62 of the laws of 2003, is amended to read as follows:

3. Fees. The triennial fee for registration of a vessel shall be: [eighteen] TWENTY-TWO dollars AND FIFTY CENTS and a vessel surcharge of three dollars AND SEVENTY-FIVE CENTS, if less than sixteen feet in length; [thirty-six] FORTY-FIVE dollars and a vessel surcharge of [ten] TWELVE dollars AND FIFTY CENTS, if sixteen feet or over but less than twenty-six feet in length; [sixty] SEVENTY-FIVE dollars and a vessel surcharge of [fifteen] EIGHTEEN dollars AND SEVENTY-FIVE CENTS, if twenty-six feet or over. All funds derived from the collection of the vessel access surcharge pursuant to this subdivision are to be deposited in a subaccount of the "I love NY waterways" [boating safety fund] VESSEL ACCESS ACCOUNT established pursuant to section ninety-seven-nn of the state finance law. The vessel access surcharge shall not be considered a registration fee for purposes of section seventy-nine-b of the navigation law.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE FEES SET FORTH IN THIS SUBDIVISION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE FEES SET FORTH IN THIS SUBDIVISION PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE VESSEL SURCHARGE SET FORTH IN THIS SUBDIVISION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE VESSEL SURCHARGE SET FORTH IN THIS SUBDIVISION IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 6. Schedule A of subdivision 7 of section 401 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

A. Schedule for buses.

For each such vehicle having a seating capacity for passengers of five passengers or less, and meeting the requirements of subdivisions twenty and twenty-one, notwithstanding the capacity limitation of subdivision twenty-one, of section three hundred seventy-five of this chapter, the annual fee of [seventeen] TWENTY-ONE dollars and [twenty-five] FIFTY-SIX cents.

For each such vehicle having a seating capacity for passengers of not less than six passengers, nor more than seven passengers, and meeting the requirements of subdivisions twenty and twenty-one, notwithstanding the capacity limitation of subdivision twenty-one, of section three hundred seventy-five of this chapter, the annual fee of [twenty-eight] THIRTY-FIVE dollars and [eighteen] TWENTY-THREE cents.

For each such vehicle having a seating capacity for passengers of not less than eight passengers, nor more than ten passengers, and meeting the requirements of subdivisions twenty and twenty-one, notwithstanding the capacity limitation of subdivision twenty-one, of section three hundred seventy-five of this chapter, the annual fee of [thirty-five] FORTY-THREE dollars and [eight] EIGHTY-FIVE cents.

For each such vehicle having a seating capacity for passengers of not less than eleven passengers, nor more than fourteen passengers, and meeting the requirements of subdivisions twenty and twenty-one, notwithstanding the capacity limitation of subdivision twenty-one, of section

three hundred seventy-five of this chapter, the annual fee of [forty-nine] SIXTY-ONE dollars and [forty-five] EIGHTY-ONE cents.

For each such vehicle having a seating capacity for passengers of not less than fifteen passengers, nor more than twenty passengers, the annual fee of [fifty-nine] SEVENTY-FOUR dollars and [eighty] SEVENTY-FIVE cents.

For each such vehicle having a seating capacity for passengers of not less than twenty-one passengers, nor more than twenty-two passengers, the annual fee of [sixty-three] SEVENTY-NINE dollars and [twenty-five] SIX cents.

For each such vehicle having a seating capacity for passengers of not less than twenty-three passengers, nor more than twenty-six passengers, the annual fee of [seventy] EIGHTY-EIGHT dollars and [seventy-three] FORTY-ONE cents.

For each such vehicle having a seating capacity for passengers of not less than twenty-seven passengers, nor more than thirty passengers, the annual fee of [seventy-seven] NINETY-SEVEN dollars and [sixty-three] FOUR cents.

For each such vehicle having a seating capacity for passengers in excess of thirty passengers, the fee of [seventy-seven] NINETY-SEVEN dollars and [sixty-three] FOUR cents, and the additional fee of two dollars and [thirty] EIGHTY-EIGHT cents for each passenger (measured by seating capacity) in excess of thirty passengers.

For the purposes of this schedule, the term "seating capacity for passengers" shall exclude the driver.

The words "seating capacity for passengers", as used in this section, shall mean seating capacity for adults. The commissioner shall have authority to determine, for registration purposes, the manner of computing the seating capacity of any vehicle.

Provided, however, that in the case of a bus operated entirely by electricity not generated by an engine contained therein the fees to be paid upon registration or reregistration thereof shall be fifty per centum in excess of the foregoing rates.

The foregoing schedules shall not apply to omnibuses operated pursuant to a franchise or franchises over streets designated in said franchise or franchises wholly within a city or cities, provided the holder of the franchise or franchises pays for the same a percentage of its gross earnings or gross receipts and for any such omnibus, without regard to the seating capacity; nor shall the foregoing schedules apply to omnibuses operated pursuant to a certificate of public convenience and necessity granted under the transportation law and based upon the consent of the local authorities of any city, town or village, other than in the counties of Nassau, Suffolk and Westchester, as required by the transportation corporations law or, in the county of Nassau, based upon the consent of the board of supervisors of such county or of any city or village therein, or of both such county and any city or village therein or, in the counties of Suffolk and Westchester, based upon the consent of the county board of legislators of such counties, as required by chapter eight hundred seventy-nine of the laws of nineteen hundred thirty-six, provided the holder of such local consent pays for the same an annual fee to any such county, city, town or village, and for any such omnibus, without regard to the seating capacity, the annual fee shall be [ten] TWELVE dollars AND FIFTY CENTS. The foregoing schedules shall not apply to trackless trolleys, but if such omnibus shall not be operated in local transit service pursuant to a certificate of conven-

ience and necessity issued by the commissioner of transportation the foregoing schedule of fees shall apply.

S 7. Paragraphs 1 and 2 of schedule B of subdivision 7 of section 401 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, are amended to read as follows:

1. For each auto truck or light delivery car, the annual fee of [two] THREE dollars and [eighty-eight] SIXTY cents for each five hundred pounds maximum gross weight or fraction thereof, except that the annual fee for such motor vehicle operated entirely by electricity not generated by an engine contained therein shall be [four] FIVE dollars and [thirty-one] THIRTY-NINE cents for each five hundred pounds maximum gross weight or fraction thereof, but in computing the weight of such an electric vehicle the weight of electric batteries shall be excluded and except also that the annual fee for each auto truck having a maximum gross weight in excess of eighteen thousand pounds used exclusively in the transportation of household goods (as defined by the commissioner of transportation of this state or the interstate commerce commission) by a carrier under authority of the commissioner of transportation of this state or of the interstate commerce commission shall be [seven] NINE dollars and [seventy-six] SEVENTY cents for each five hundred pounds maximum gross weight or fraction thereof. Provided however, that no motor vehicle registered pursuant to this paragraph may be charged a registration fee in excess of that charged for a motor vehicle registered with a maximum gross weight of eighty thousand pounds.

2. For each tractor of any weight the annual fee of one dollar and [twenty-one] FIFTY-ONE cents for each one hundred pounds, or major fraction thereof, of maximum gross weight, except that the annual fee for each tractor of any weight used exclusively in the transportation of household goods (as defined by the commissioner of transportation of this state or the interstate commerce commission) by a carrier under authority of the commissioner of transportation of this state or of the interstate commerce commission shall be [one dollar] TWO DOLLARS and [seventy-three] SIXTEEN cents for each one hundred pounds, or major fraction thereof, of maximum gross weight. Provided however, that no motor vehicle registered pursuant to this paragraph may be charged a registration fee in excess of that charged for a motor vehicle registered with a maximum gross weight of eighty thousand pounds.

S 8. Schedule C of subdivision 7 of section 401 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

C. Schedule for taxicabs and livery. For each taxicab or livery having a seating capacity for passengers, excluding the driver, of five persons or less, the annual fee of [twenty-five] THIRTY-ONE dollars and [thirty] SIXTY-THREE cents. For each such vehicle having a seating capacity for passengers, excluding the driver, of not less than six persons, nor more than seven persons, the annual fee of [forty-one] FIFTY-ONE dollars and [forty] SEVENTY-FIVE cents. For each such vehicle having a seating capacity for passengers, excluding the driver, of at least eight persons, but not more than ten persons, the annual fee of [fifty-one] SIXTY-FOUR dollars and [seventy-five] SIXTY-NINE cents. For each such vehicle having a seating capacity for passengers, excluding the driver, of at least eleven persons, but not more than fourteen persons, the annual fee of [seventy-three] NINETY-TWO dollars [and sixty cents]. Any registration issued pursuant to this schedule shall be revoked upon receipt by the commissioner of a notice of revocation of any license or permit necessary for the issuance of such registration from the local

authority which issued such license or permit, or upon receipt of evidence by the commissioner that the registrant has been convicted of a violation of any local law requiring the issuance of a license or permit in order to engage in for-hire operation. Provided, however, that upon surrender to the commissioner of any such revoked registration and number plates and upon payment of the proper registration fee, a registration may be issued for the vehicle for which such registration has been revoked pursuant to the provisions of subdivision six of this section.

S 9. Paragraph 1 of schedule E of subdivision 7 of section 401 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

1. For each agricultural truck, the annual fee of two dollars and [one cent] FIFTY-ONE CENTS for each five hundred pounds maximum gross weight, or fraction thereof.

S 10. Paragraph (a) of schedule F of subdivision 7 of section 401 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

(a) For each road roller, tractor crane, truck crane, power shovel, road building machine, snow plow, road sweeper, sand spreader, well driller, well servicing rig, feed processing machine, mobile car crusher (whether self-propelled or a combination used exclusively as one unit), earth mover, which shall mean a motor-driven vehicle in excess of eight feet in width equipped with pneumatic tires designed and constructed for moving or transporting earth and rock in connection with excavation and grading work, and truck with small wheels used in a factory, warehouse or railroad station, for each spreader or sprayer (generally meaning an agricultural vehicle used to spread or spray agricultural chemicals, agricultural lime and/or agricultural fertilizers) and fire vehicles, an annual fee of [eleven] FOURTEEN dollars and [fifty] THIRTY-EIGHT cents; provided, however, that the provisions of paragraph b of subdivision six of this section relating to the exemption of certain motor vehicles from the payment of registration fees thereon shall apply to the motor vehicles specified in this schedule. A tractor-trailer combination designed and used as a unit exclusively for the same purpose as a vehicle specifically included in this schedule shall be considered as a single vehicle and registered as a motor vehicle under this schedule rather than as a tractor and trailer separately.

S 11. Paragraph 2 of schedule I of subdivision 7 of section 401 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

2. For each rental vehicle of the passenger or suburban type having a seating capacity for passengers, including the driver, of five persons or less, the annual fee of [forty-two] FIFTY-THREE dollars and [fifty-five] NINETEEN cents. For each such vehicle having a seating capacity for passengers, including the driver, of not less than six persons, nor more than seven persons, the annual fee of [fifty-nine] SEVENTY-FOUR dollars and [eighty] SEVENTY-FIVE cents. For each such vehicle having a seating capacity for passengers, including the driver, of at least eight persons, but not more than ten persons, the annual fee of [sixty-nine] EIGHTY-SIX dollars AND TWENTY-FIVE CENTS. For each such vehicle having a seating capacity for passengers, including the driver, of at least eleven persons, but not more than fifteen persons, the annual fee of [ninety] ONE HUNDRED THIRTEEN dollars and [eighty-five] FIFTY-SIX cents.

S 12. Schedule K of subdivision 7 of section 401 of the vehicle and traffic law, as added by chapter 621 of the laws of 1998, is amended to read as follows:

K. Schedule for heavy duty vehicles: Notwithstanding any inconsistent provision of this section, the registration fee for any vehicle described in this paragraph shall be increased by up to [two] THREE and [six-tenths] TWENTY-FIVE ONE HUNDREDTHS percent of such registration fee in effect on [June] SEPTEMBER first, [nineteen hundred ninety-eight] TWO THOUSAND NINE, to fund the direct and indirect costs of the development and implementation of a heavy duty emissions inspection program pursuant to section 19-0320 of the environmental conservation law, including planning, development of regulations and guidance, state implementation plan development, personnel costs attributable to the program, and enforcement costs. Such fee is authorized to be collected, commencing June first, nineteen hundred ninety-nine, at the time of registration of any vehicle required to be registered in New York having a gross vehicle weight of greater than eight thousand five hundred pounds and powered by diesel fuels except for those vehicles defined in section one hundred one OF THIS CHAPTER, subparagraph two of paragraph E and subparagraph (a) of paragraph F of this subdivision, and vehicles specified in subdivision thirteen of this section, and farm type tractors and all terrain type vehicles used exclusively for agricultural or mowing purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site, and timber harvesting equipment such as harvesters, wood chippers, forwarders, log skidders, and other processing equipment used exclusively off highway for timber harvesting and logging purposes. Notwithstanding any provision of law to the contrary, any fee amount collected pursuant to this paragraph shall be deposited in the clean air fund, to the credit of the mobile source account, in accordance with the provisions of section ninety-seven-oo of the state finance law. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE INCREASE OF THE PERCENTAGE OF THE REGISTRATION FEES SET FORTH IN THIS SCHEDULE IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE PERCENTAGE OF THE REGISTRATION FEES SET FORTH IN THIS SCHEDULE IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 13. Paragraph a of subdivision 8 of section 401 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

a. The provisions of this chapter in relation to registration books and registration, certificates of registration, number plates, duplicates of certificates and number plates, times of registration and reregistration and the duration thereof, for motor vehicles, shall apply also to trailers. The following fees shall be paid upon the registration or reregistration of a trailer, other than a coach or house trailer or a semitrailer, in accordance with the provisions of this article: The annual fee of [four] FIVE dollars and [thirty-one] THIRTY-NINE cents for each five hundred pounds or fraction thereof of maximum gross weight but in no case shall the annual fee be less than [eleven] FOURTEEN dollars and [fifty] THIRTY-EIGHT cents. The following fees shall be paid upon the registration or reregistration of a coach or house trailer in accordance with the provisions of this article: The annual fee of one dollar and [thirty-eight] SEVENTY-THREE cents for each one hundred

pounds or major fraction thereof of unladen weight but in no case shall the annual fee be less than [seventeen] TWENTY-ONE dollars and [twenty-five] FIFTY-SEVEN cents. The following fees shall be paid upon the registration or reregistration of a semitrailer in accordance with provisions of this article: The annual fee of [twenty-three] TWENTY-EIGHT dollars AND SEVENTY-FIVE CENTS. However, upon the request of the applicant upon the registration or renewal of a registration of a nineteen hundred eighty-nine or later model year semitrailer, such semi-trailer may be registered for a period of not less than five and one-half nor more than six and one-half years for a fee of [sixty-nine] EIGHTY-SIX dollars AND TWENTY-FIVE CENTS. A semitrailer, used with any device for converting it to a trailer, other than one being drawn by a tractor semitrailer combination as part of a double tandem combination, shall be registered as a trailer.

For the purposes of this paragraph, the unladen weight of a coach or house trailer shall include the weight of any equipment permanently attached to or installed in such trailer. Notwithstanding the foregoing provisions and pursuant to regulations and limitations to be established by the commissioner and upon payment of a fee of two dollars and thirty cents therefor a temporary permit to move a coach or house trailer on the public highways from one site to another shall be issued to the owner thereof upon application therefor. Such application shall be made in the manner prescribed by the commissioner.

S 14. Subdivisions 2 and 3 of section 405-c of the vehicle and traffic law, as added by chapter 755 of the laws of 1987, are amended and a new subdivision 4 is added to read as follows:

2. In addition to the registration fees provided in subdivision one of this section, each applicant for such registration shall pay a fee of two dollars AND FIFTY CENTS for each cab card, including a duplicate, issued by the commissioner in accordance with such agreement. If a number plate or plates is or are to be issued as a result of such application, the applicant shall also pay any fee which would be required of any applicant for registration of a similar type vehicle under section four hundred one of this [chapter] TITLE for the issuance of a number plate or plates.

3. The fee for a trip permit which allows operation of a vehicle within this state shall be [fifteen] EIGHTEEN dollars AND SEVENTY-FIVE CENTS.

4. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE FEES SET FORTH IN SUBDIVISIONS TWO AND THREE OF THIS SECTION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE FEES SET FORTH IN SUCH SUBDIVISIONS IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 15. The opening paragraph of section 401-a of the vehicle and traffic law, as amended by chapter 289 of the laws of 1992, is amended to read as follows:

The owner of a vehicle intended to be operated upon a public highway or street only for the purpose of transporting the same to a jurisdiction, within this state or to any other state, where the same is to be registered, may file with the commissioner or any agent of the commissioner an application for issuance of an in-transit permit for such vehicle. The application shall be made on a form furnished by the commissioner for such purpose and shall contain such information as the commissioner shall require. If satisfied that the vehicle is to be operated as provided in this section, the commissioner shall upon payment of

a fee of [ten] TWELVE dollars AND FIFTY CENTS assign to such vehicle a distinctive number and issue and deliver to the applicant an in-transit permit, valid for a period of thirty days from the date of issuance, in such form as the commissioner shall prescribe, indicating the extent to which the vehicle covered by such permit may be operated on the public highways and such vehicle may be operated only as so indicated. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE FEES SET FORTH IN THIS PARAGRAPH IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE FEES SET FORTH IN THIS PARAGRAPH IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 16. Paragraph a of subdivision 5 of section 410 of the vehicle and traffic law, as amended by chapter 435 of the laws of 1997, 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 [fourteen] SEVENTEEN dollars AND FIFTY CENTS, of which two dollars and fifty cents shall be deposited into the motorcycle safety fund established pursuant to section ninety-two-g of the state finance law.

S 17. Subdivision 1 of section 411-a of the vehicle and traffic law, as added by chapter 962 of the laws of 1981, is amended to read as follows:

1. The commissioner may issue special number plates to applicants therefor in the same manner as other number plates are issued pursuant to this article. Such special number plates shall be issued only upon payment of an annual service charge of [fifteen] EIGHTEEN dollars AND SEVENTY-FIVE CENTS in addition to the regular fee prescribed by section four hundred ten of this [chapter] ARTICLE. Application for special number plates shall be made in accordance with regulations promulgated by the commissioner with respect to issuance of such number plates. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE SERVICE CHARGE SET FORTH IN THIS SUBDIVISION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE SERVICE CHARGE SET FORTH IN THIS SUBDIVISION IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 18. Section 411-b of the vehicle and traffic law, as added by chapter 30 of the laws of 1989, is amended to read as follows:

S 411-b. Registration fee schedule for historical motorcycles. For each motorcycle which is owned and operated as an exhibition piece or collectors item, and is used for participation in club activities, exhibit, tours, parades, occasional transportation and similar uses, but not used for general daily transportation, an annual fee of [twenty] TWENTY-FIVE dollars. For purposes of this section, a historical motorcycle shall mean any motorcycle manufactured more than twenty-five years prior to the current calendar year, and any other model, year and type motorcycle which has unique characteristics and which is determined by the commissioner to be of historical, classic or exhibition value. Registration plates for such motorcycles shall be of a type and design approved by the commissioner, but shall be of a distinctive nature, except that, with the approval of the commissioner, an owner of any such motorcycle may utilize registration plates of this state with the date of year corresponding to the model year date when the vehicle was manufactured, if the model year date registration plate is legible and serv-

iceable, as determined by the department, in lieu of the registration plates otherwise required by this chapter. Such plates shall be used only for the operation of the motorcycle listed on the registration application and on other motorcycles which would qualify for registration under this schedule owned by persons other than the registrant for the purpose of test driving by the registrant or his agent in anticipation of possible purchase. No such registration will be issued unless evidence of financial security, in a form prescribed by the commissioner, is submitted which provides coverage for the motorcycle listed on the registration application and for non-owned motorcycles being operated with such plates. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE FEES SET FORTH IN THIS SECTION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE FEES SET FORTH IN THIS SECTION IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 19. Paragraph (b) of subdivision 3 of section 2261 of the vehicle and traffic law, as added by chapter 869 of the laws of 1976, is amended to read as follows:

(b) The annual fee for the registration, renewal, reregistration or amendment or duplicate of a registration of a limited use motorcycle shall be [five] SIX dollars AND TWENTY-FIVE CENTS. Any such registration will commence and expire on dates to be determined by the commissioner. A fee for a registration for periods of more or less than one year shall not be prorated.

S 20. Subparagraph A of paragraph e of subdivision 6 of section 401 of the vehicle and traffic law, as added by chapter 793 of the laws of 1977, is amended to read as follows:

A. In addition to any other fee for registration required to be paid pursuant to this article, the commissioner may require the payment of an annual service charge of [five] SIX dollars AND TWENTY-FIVE CENTS upon the issuance of a radio operator number plate which he, in his discretion, is hereby authorized to do as provided by this paragraph. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE REGISTRATION FEES SET FORTH IN THIS PARAGRAPH IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES SET FORTH IN THIS PARAGRAPH IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 21. Subdivision 1 of section 404 of the vehicle and traffic law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

1. The commissioner may issue special number plates to applicants therefor in the same manner as other number plates are issued pursuant to this article. Such special number plates shall be issued only upon payment of an annual service charge of [twenty-five] THIRTY-ONE dollars AND TWENTY-FIVE CENTS in addition to the regular fee prescribed by section four hundred one of this [chapter] ARTICLE. Application for special number plates shall be made in accordance with regulations promulgated by the commissioner with respect to issuance of such number plates. Provided, however, in lieu of the annual fee specified herein, the commissioner may establish specific categories of plates for which an annual fee of not less than [fifteen] EIGHTEEN dollars AND SEVENTY-FIVE CENTS nor more than [twenty-five] THIRTY-ONE dollars AND TWENTY-FIVE CENTS may be charged subject to the approval of the director of the division of the budget. NOTWITHSTANDING ANY INCONSISTENT

PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE SPECIAL PLATES FEE OR SERVICE CHARGE SET FORTH IN THIS SUBDIVISION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE SPECIAL PLATES FEE OR SERVICE CHARGE SET FORTH IN THIS SUBDIVISION IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 22. Subdivision 2 of section 404 of the vehicle and traffic law, as separately amended by chapters 158 and 190 of the laws of 1990, is amended to read as follows:

2. For purposes of this section, a special number plate shall be a plate which contains not more than eight letters, numerals or any combination thereof and which is reserved by the commissioner for issuance in accordance with the provisions of this section, or a plate reserved for issuance in a series for vehicles owned by public officers, physicians, visiting nurses, accredited representatives of the press or other groups. In issuing special number plates the commissioner shall give those applicants who held a special number plate at the time of the enactment of this section the right to retain such special number plate upon the payment of the annual service charge of [twenty-five] THIRTY-ONE dollars AND TWENTY-FIVE CENTS. Provided, however, that such right of retention shall apply only to the first renewal of the registration of such special number plate following the enactment of this section. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE ANNUAL SERVICE CHARGE SET FORTH IN THIS SUBDIVISION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE ANNUAL SERVICE CHARGE SET FORTH IN THIS SUBDIVISION IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 23. Subdivision 2 of section 404-l of the vehicle and traffic law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

2. A distinctive plate issued pursuant to this section shall be issued in the same manner as other number plates upon payment of the regular registration fee prescribed by section four hundred one of this article provided, however, that an additional annual service charge of [twenty-five] THIRTY-ONE dollars AND TWENTY-FIVE CENTS shall be charged for such plates, and provided that a further additional annual service charge of [twenty-five] THIRTY-ONE dollars AND TWENTY-FIVE CENTS shall be charged for any such plate containing specially requested numerals and/or letters. Provided, however, in lieu of the annual fee specified herein, the commissioner may establish specific categories of plates for which an annual fee of not less than [fifteen] EIGHTEEN dollars AND SEVENTY-FIVE CENTS nor more than [twenty-five] THIRTY-ONE dollars AND TWENTY-FIVE CENTS may be charged subject to the approval of the director of the division of the budget. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE ANNUAL SERVICE CHARGE OR FEE SET FORTH IN THIS SUBDIVISION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE ANNUAL SERVICE CHARGE OR FEE SET FORTH IN THIS SUBDIVISION IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 24. Paragraph b of subdivision 3 of section 401 of the vehicle and traffic law, as amended by chapter 548 of the laws of 1986, is amended to read as follows:

b. During a registration period the commissioner may, upon application by the owner of a registered motor vehicle and upon payment of a fee of

three dollars AND SEVENTY-FIVE CENTS, change the distinctive number assigned to such motor vehicle and issue a new set of number plates provided the original registration and number plates are surrendered. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE COLLECTED BETWEEN THE FEES SET FORTH IN THIS SUBDIVISION IN EFFECT ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE AND THE FEES SET FORTH IN THIS SUBDIVISION IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 25. Schedule G of subdivision 7 of section 401 of the vehicle and traffic law, as amended by chapter 710 of the laws of 2004, is amended to read as follows:

G. Schedule for historical motor vehicles. For each motor vehicle which is owned and operated as an exhibition piece or collectors item, and is used for participation in club activities, exhibit, tours, parades, occasional transportation and similar uses, but not used for general daily transportation, an annual fee of [twenty-three] TWENTY-EIGHT dollars AND SEVENTY-FIVE CENTS. For purposes of this paragraph, a historical motor vehicle shall mean any vehicle manufactured more than twenty-five years prior to the current calendar year, and any other model, year and type vehicle which has unique characteristics and which is determined by the commissioner to be of historical, classic or exhibition value. Registration plates for such vehicles shall be of a type and design approved by the commissioner, but shall be of a distinctive nature. Except that, with the approval of the commissioner, an owner of any such vehicle may utilize registration plates issued in the year corresponding to the model year date in which the vehicle was manufactured, if the registration plate is legible, durable, and serviceable, of this state, and accurate in color, as determined by the department. Nothing in this paragraph shall be construed to prohibit the use of previously issued registration plates that have been restored, without deviation from their original alphanumeric or pictorial content, to such condition as otherwise satisfies all applicable requirements. Such plates shall be used only for the operation of the motor vehicle listed on the registration application and on other motor vehicles which would qualify for registration under this schedule owned by persons other than the registrant for the purpose of test driving by the registrant or his or her agent in anticipation of possible purchase. No such registration will be issued unless evidence of financial security, in a form prescribed by the commissioner, is submitted which provides coverage for the motor vehicle listed on the registration application and for non-owned motor vehicles being operated with such plates.

S 26. Subdivisions 6 and 8 of section 420 of the vehicle and traffic law, as amended by chapter 190 of the laws of 1990, are amended to read as follows:

6. Provided, further, that the registration of a vehicle registered in the names of two or more persons, as partners or otherwise, shall not expire upon a change in ownership of the vehicle so long as any of the persons named in such registration as owners of the vehicle is the owner or part owner of the vehicle. However, when any change in the ownership of such a vehicle occurs and the registration does not expire, the owner or owners after such change shall forthwith file with the commissioner a statement of the ownership of such vehicle in such form as the commissioner shall require, together with a fee of [seven] TEN dollars [and seventy-five cents], and the commissioner shall issue a new certificate of registration.

8. The owner of a registered motor vehicle, motorcycle or trailer may transfer the registration and, if appropriate, the number plates thereof to another vehicle owned by him or her upon making application for such transfer, paying a transfer fee of [seven] TEN dollars [and seventy-five cents], and paying the proportionate excess, if any, of the annual fee for registering the second vehicle over the annual fee for registering the first vehicle for each day or fraction thereof constituting the unexpired registration period, provided, however, that the registration and number plates for the second vehicle, if such vehicle is registered in this state, are either surrendered to the commissioner or transferred to another vehicle as provided herein. If the number plates of the first vehicle are not appropriate for the second vehicle, the commissioner or his or her agent shall, upon the surrender of such number plates, furnish appropriate number plates. Whenever a total fee for reregistration prescribed in this section shall amount to a fee other than a whole dollar amount, the fee required to be paid shall be rounded to the nearest twenty-five cents.

S 27. This act shall take effect September 1, 2009; provided, however, that sections one, four through thirteen, sixteen, eighteen, nineteen and twenty-five of this act shall apply to registrations issued or renewed on and after such date; provided, further, that section two of this act shall apply to registrations transferred on and after such date; provided, further, that section fourteen of this act shall apply to cab cards and trip permits issued on and after such date; provided, further, that section fifteen of this act shall apply to in-transit permits issued on and after such date; provided, further, that sections seventeen and twenty-one through twenty-four of this act shall apply to license plates issued or renewed on and after such date; and provided, further, that section twenty-six of this act shall apply to registrations transferred and changes in ownership occurring on and after such date.

PART H

Section 1. Paragraph a of subdivision 3 of section 401 of the vehicle and traffic law, as amended by section 1 of part B of chapter 62 of the laws of 2003, is amended to read as follows:

a. Upon filing of such application and the payment of the fee hereinafter provided, the commissioner shall assign to such motor vehicle a distinctive number and, without expense to the applicant, issue and deliver in such manner as the commissioner may select to the owner a certificate of registration, in such form as the commissioner shall prescribe, and two number plates at a place within the state of New York named by the applicant in his OR HER application. A number plate, within the meaning of this chapter, may, in the discretion of the commissioner, be a plate of a permanent nature, treated with reflectorized material according to specifications prescribed by the commissioner, and with a date tag attached to such plate or to the vehicle as prescribed by regulations of the commissioner indicating the validity of the plate during a certain period and the issuance of such a number plate with such date tag to a person possessing such a number plate shall be deemed the issuance of a number plate. An additional fee, not to exceed [fifteen] TWENTY-FIVE dollars, shall be paid to the commissioner whenever a set of reflectorized number plates is issued for any vehicle for which a registration fee is normally charged except that, with respect to any number plate which is specifically requested by the applicant,

such fee shall be paid to the commissioner upon approval of such request. In the event of the loss, mutilation or destruction of any certificate of registration, any number plate or set of number plates whether with or without a date tag or tags, or any date tag or set of date tags provided for in this article, the owner of a registered motor vehicle may file such statement and proof of the facts as the commissioner shall require, with a fee of three dollars, in the office of the commissioner, or, unless and until the commissioner shall otherwise direct, in the office of the agent who issued the certificate, plate, plates, tag or tags and the commissioner or his OR HER agent, as the case may be, shall issue a duplicate or substitute. It shall be the duty of every owner holding a certificate of registration to notify the commissioner in writing of any change of residence of such person within ten days after such change occurs, and to inscribe on such certificate, in the place provided by the commissioner, a record of such change of residence.

S 2. This act shall take effect on April 1, 2010 and shall apply to applications for new registrations and renewals of existing registrations of any vehicle required to be registered on or after such date.

PART I

Section 1. Subdivision 2 of section 1809 of the vehicle and traffic law, as amended by section 3 of part M of chapter 62 of the laws of 2003, is amended to read as follows:

2. Where a person is convicted of two or more such crimes or traffic infractions committed through a single act or omission, or through an act or omission which in itself constituted one of the crimes or traffic infractions and also was a material element of the other, the court or administrative tribunal shall impose a crime victim assistance fee and a mandatory surcharge mandated by subdivision one of this section for each such conviction; provided however, that in no event shall the total amount of such crime victim assistance fees and mandatory surcharges imposed pursuant to paragraph (a) or (c) of subdivision one of this section exceed one hundred EIGHTY dollars.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to subdivision 2 of section 1809 of the vehicle and traffic law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

PART J

Section 1. Section 12 of chapter 569 of the laws of 1981, amending the vehicle and traffic law relating to motor vehicle liability insurance, financial security, criminal acts and penalties for non-compliance, as amended by section 1 of part I of chapter 59 of the laws of 2007, is amended to read as follows:

S 12. This act shall take effect on the first day of September, 1982 and the amendments made to the provisions of the vehicle and traffic law by sections one through nine of this act shall expire on June 30, [2009] 2011 and shall apply to the use and operation of motor vehicles during such period. Upon such expiration date the provisions of such sections of such law shall revert to and be read as set out in law on the date immediately preceding the effective date of this act. The commissioner

shall widely publicize the provisions of this act and take all actions necessary to prepare for its implementation prior to the effective date.

S 2. Section 15 of chapter 781 of the laws of 1983, amending the vehicle and traffic law and other laws relating to motor vehicle liability insurance, financial security, criminal acts and certain penalties for non-compliance, as amended by section 2 of part I of chapter 59 of the laws of 2007, is amended to read as follows:

S 15. This act shall take effect immediately except that sections ten and eleven hereof shall take effect on June 30, [2009] 2011; the amendments made to the provisions of the vehicle and traffic law and the insurance law by sections one through seven of this act shall expire June 30, [2009] 2011; upon such date the provisions of such sections of such laws shall revert to and be read as set out in law on the date immediately preceding the effective date of this act.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.

PART K

Section 1. Item 2 of clause (A) of subparagraph (ii) of paragraph (i) of subdivision 1 of section 201 of the vehicle and traffic law, as amended by chapter 251 of the laws of 2007, is amended to read as follows:

(2) fifteen years for violating an out of service order as provided for in the rules and regulations of the department of [motor vehicles] TRANSPORTATION while operating a commercial motor vehicle.

S 2. Subdivision 5 of section 502 of the vehicle and traffic law is amended by adding a new paragraph (b) to read as follows:

(B) THE COMMISSIONER SHALL, WITH RESPECT TO THE ISSUANCE OF A HAZARDOUS MATERIALS ENDORSEMENT, COMPLY WITH THE REQUIREMENTS IMPOSED UPON STATES PURSUANT TO SECTIONS 383.141 AND 1572.13 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS.

S 3. Paragraph (a) of subdivision 6 of section 502 of the vehicle and traffic law, as amended by chapter 81 of the laws of 1995, is amended to read as follows:

(a) A license issued pursuant to subdivision five of this section shall be valid until the expiration date contained thereon, unless such license is suspended, revoked or cancelled. Such license may be renewed by submission of an application for renewal, the fee prescribed by law, proofs of prior licensing, fitness and acceptable vision prescribed by the commissioner, the applicant's social security number, and if required by the commissioner a photo image of the applicant in such numbers and form as the commissioner shall prescribe. In addition, an applicant for renewal of a license containing a hazardous material endorsement shall pass an examination to retain such endorsement. THE COMMISSIONER SHALL, WITH RESPECT TO THE RENEWAL OF A HAZARDOUS MATERIALS ENDORSEMENT, COMPLY WITH THE REQUIREMENTS IMPOSED UPON STATES BY SECTIONS 383.141 AND 1572.13 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS. A renewal of such license shall be issued by the commissioner upon approval of such application, except that no such license shall be issued if its issuance would be inconsistent with the provisions of section five hundred sixteen of this [chapter] TITLE, and except that the commissioner may refuse to renew such license if the applicant is the holder of a currently valid or renewable license to drive issued by another state or foreign country unless the applicant surrenders such license.

S 4. Subparagraph (i) of paragraph (d) of subdivision 2 of section 501 of the vehicle and traffic law, as amended by section 6 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(i) Notwithstanding the foregoing provisions of this subdivision, a motor vehicle or combination of vehicles, other than a motorcycle, that is a military vehicle operated by a member of the armed forces, or a police or fire vehicle during its use in an emergency operation, as defined in section one hundred fourteen-b of this chapter, or a vehicle owned and identified as being owned by the state, a political subdivision thereof, an ambulance service as defined in subdivision two of section three thousand one of the public health law or a voluntary ambulance service as defined in subdivision three of such section and used to provide emergency medical service as defined in section three thousand one of the public health law may be operated with any class license other than a class DJ, M or MJ license. For the purposes of this paragraph the term "member of the armed forces" shall include active duty military personnel; members of the reserve components of the armed forces; members of the national guard on active duty, including personnel on full time active guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty United States coast guard personnel. The term shall not include United States reserve technicians. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED FOURTEEN-B OF THIS CHAPTER, FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM "EMERGENCY OPERATION" SHALL INCLUDE RETURNING FROM EMERGENCY SERVICE.

S 5. Paragraph (b) of subdivision 4 of section 501-a of the vehicle and traffic law, as amended by chapter 251 of the laws of 2007, is amended to read as follows:

(b) However, a commercial motor vehicle shall not include: (i) a personal use vehicle or a farm vehicle or a combination of such vehicles; (ii) any motor vehicle or combination of motor vehicles operated by a member of the armed forces for military purposes; (iii) a police or fire vehicle or a vehicle during its use in an emergency operation, as defined in section one hundred fourteen-b of this chapter, owned and identified as being owned by the state, a political subdivision thereof, an ambulance service as defined in subdivision two of section three thousand one of the public health law or a voluntary ambulance service as defined in subdivision three of such section and used to provide emergency medical service as defined in section three thousand one of the public health law or combination of such vehicles; or (iv) a vehicle or combination of vehicles which is designed and primarily used for purposes other than the transportation of persons or property and which is operated on a public highway only occasionally for the purpose of being transported to a construction or off-highway site at which its primary purpose is to be performed except as may otherwise be specifically provided by regulation of the commissioner. For the purposes of this paragraph, the term "member of the armed forces" shall include active duty military personnel; members of the reserve components of the armed forces; members of the national guard on active duty, including personnel on full time active guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty United States coast guard personnel. The term shall not include United States reserve technicians. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED FOURTEEN-B OF THIS CHAPTER, FOR THE PURPOSES OF THIS PARAGRAPH,

THE TERM "EMERGENCY OPERATION" SHALL INCLUDE RETURNING FROM EMERGENCY SERVICE.

S 6. Paragraphs (a) and (b) of subdivision 2 of section 510-a of the vehicle and traffic law, as amended by section 2 of part J of chapter 59 of the laws of 2006, are amended to read as follows:

(a) Except as otherwise provided in paragraph (b) of this subdivision, where revocation of a commercial driver's license is mandatory pursuant to paragraph (a), (C), (d) or (e) of subdivision one of this section no new commercial driver's license shall be issued for at least one year nor thereafter except in the discretion of the commissioner, except that if such person has previously been found to have refused a chemical test pursuant to section eleven hundred ninety-four of this chapter or has a prior conviction of any of the following offenses: any violation of section eleven hundred ninety-two of this chapter, any violation of subdivision one or two of section six hundred of this chapter, or any felony involving the use of a motor vehicle pursuant to paragraph (a) of subdivision one of this section, or has been convicted of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle, or has been convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide, then such commercial driver's license revocation shall be permanent.

(b) Where revocation is mandatory pursuant to paragraph (a), (C), (d) or (e) of subdivision one of this section and the commercial motor vehicle was transporting hazardous materials, no new commercial driver's license shall be issued for at least three years nor thereafter except in the discretion of the commissioner, except that if such person has previously been found to have refused a chemical test pursuant to section eleven hundred ninety-four of this chapter or has a prior conviction of any of the following offenses: any violation of section eleven hundred ninety-two of this chapter, any violation of subdivision one or two of section six hundred of this chapter, or any felony involving the use of a motor vehicle pursuant to paragraph (a) of subdivision one of this section, or been convicted of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle, or has been convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide, then such commercial driver's license revocation shall be permanent.

S 7. Paragraphs (a) and (b) of subdivision 3 of section 510-a of the vehicle and traffic law, paragraph (a) as added by chapter 173 of the laws of 1990 and paragraph (b) as amended by chapter 251 of the laws of 2007, are amended to read as follows:

(a) A commercial driver's license shall be suspended by the commissioner for a period of sixty days where the holder is convicted[, during any three year period,] of two serious traffic violations as defined in subdivision four of this section COMMITTED WITHIN A THREE YEAR PERIOD, in separate incidents whether such convictions occurred within or outside of this state.

(b) A commercial driver's license shall be suspended by the commissioner for a period of one hundred twenty days where the holder is convicted[, during any three year period,] of three serious traffic violations as defined in subdivision four of this section COMMITTED WITHIN A THREE YEAR PERIOD, in separate incidents whether such convictions occurred within or outside of this state. Such suspension shall take effect upon the termination of any other suspension already in effect pursuant to paragraph (a) of this subdivision or this paragraph.

S 8. Subparagraphs (i) and (ii) of paragraph (d) of subdivision 3 of section 510-a of the vehicle and traffic law, as amended by chapter 569 of the laws of 2002, are amended to read as follows:

(i) for a period of [ninety] ONE HUNDRED EIGHTY days where the holder was found to have operated a commercial motor vehicle designed or used to transport property as defined in subparagraphs (i) and (ii) of paragraph (a) of subdivision four of section five hundred one-a of this title, in violation of an out-of-service order as provided for in the rules and regulations of the department of transportation whether such violation was committed within this state or was the same or a similar violation involving an out-of-service order committed outside of this state;

(ii) for a period of [one year] TWO YEARS if, during any ten-year period, the holder is found to have committed two such violations not arising from the same incident whether such violations were committed within or outside of the state;

S 9. Subdivision 6 of section 510-a of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, is amended to read as follows:

6. Application of section to persons not holding a commercial driver's license. Whenever a person who is not the holder of a commercial driver's license issued by the commissioner is convicted of a violation ARISING OUT OF THE OPERATION OF A COMMERCIAL MOTOR VEHICLE which would require the mandatory revocation or suspension of a commercial driver's license pursuant to this section OR CLAUSE (I) OR (II) OF SUBPARAGRAPH FIVE OF PARAGRAPH (B) OR CLAUSE B OF SUBPARAGRAPH THREE OF PARAGRAPH (E) OF SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-THREE, OR CLAUSE C OF SUBPARAGRAPH ONE OF PARAGRAPH (D) OF SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-FOUR OF THIS CHAPTER, the privilege of such person to operate a commercial motor vehicle and/or to obtain a commercial driver's license issued by the commissioner will be suspended or revoked for the same periods of time and subject to the same conditions provided in this section, OR CLAUSE (I) OR (II) OF SUBPARAGRAPH FIVE OF PARAGRAPH (B) OR CLAUSE B OF SUBPARAGRAPH THREE OF PARAGRAPH (E) OF SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-THREE, OR CLAUSE C OF SUBPARAGRAPH ONE OF PARAGRAPH (D) OF SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-FOUR OF THIS CHAPTER, which would be applicable to the holder of a commercial driver's license [and in addition, the driver's license or privilege of operating a motor vehicle by such person shall be suspended or revoked for the same periods of time for which the privilege of operating a commercial motor vehicle or the privilege to obtain a commercial driver's license are suspended or revoked].

S 10. Subparagraphs (v) and (vi) of paragraph d of subdivision 2 of section 140 of the transportation law, subparagraph (v) as amended by section 2 of part K of chapter 412 of the laws of 1999 and subparagraph (vi) as added by chapter 173 of the laws of 1990, are amended to read as follows:

(v) (a) [Operation of any motor vehicle after it has been placed out-of-service] A DRIVER WHO IS CONVICTED OF VIOLATING AN OUT-OF-SERVICE ORDER as provided for in the department's safety rules and regulations shall [constitute] BE GUILTY OF a [misdemeanor and] TRAFFIC INFRACTION WHICH shall be punishable by a fine of not less than [one] TWO thousand FIVE HUNDRED dollars nor more than [two] FOUR thousand [five hundred] dollars[, or by imprisonment for not more than ninety days, or by both such fine and imprisonment] upon the first offense, and upon being found guilty of a second or subsequent offense within eighteen months by a fine of not less than [two] FIVE thousand [five hundred] dollars nor more than [five] SIX thousand dollars [or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment].

(b) No person, corporation, limited liability company or business entity, joint stock association, partnership, or any officer or agent thereof, shall knowingly allow, require, permit or authorize any person to operate a commercial motor vehicle as defined by section five hundred one-a of the vehicle and traffic law during any period in which such person [or], such commercial motor vehicle, OR SUCH MOTOR CARRIER OPERATION has been placed out of service as provided for in the department's safety rules and regulations and shall be subject to a fine of not less than two thousand [five] SEVEN hundred FIFTY dollars and not more than [ten] TWENTY-FIVE thousand dollars for any violation thereof.

(C) NO PERSON, CORPORATION, LIMITED LIABILITY COMPANY OR BUSINESS ENTITY, JOINT STOCK ASSOCIATION, PARTNERSHIP, OR ANY OFFICER OR AGENT THEREOF, SHALL KNOWINGLY ALLOW, REQUIRE, PERMIT OR AUTHORIZE ANY PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE AS DEFINED IN SECTION FIVE HUNDRED ONE-A OF THE VEHICLE AND TRAFFIC LAW IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-ONE OR ELEVEN HUNDRED SEVENTY-SIX OF THE VEHICLE AND TRAFFIC LAW AND, UPON CONVICTION THEREOF, SHALL BE SUBJECT TO A FINE OF NOT MORE THAN TEN THOUSAND DOLLARS FOR ANY VIOLATION THEREOF.

(vi) If any person, corporation, company, association, joint stock association, partnership, person or any officer or agent thereof, does not appear in response to an appearance ticket or the court's direction, or pay any fine imposed BY THE COURT OR A CIVIL PENALTY IMPOSED PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED FORTY-FIVE OF THIS ARTICLE, the commissioner of motor vehicles shall have the power to suspend the registration or privilege of operation of any vehicle operated or alleged to have been operated in violation of the department's safety rules and regulations.

S 11. This act shall take effect immediately; provided, however, that sections six, seven, and nine of this act shall apply only to violations occurring on or after such effective date; and provided, further, that sections eight and ten of this act shall take effect on the sixtieth day after it shall have become a law and shall apply only to violations occurring on or after such effective date.

PART L

Section 1. Subdivision 4 of section 502 of the vehicle and traffic law is amended by adding a new paragraph (h) to read as follows:

(H) COURSE COMPLETION CERTIFICATE FEE. THE FEE FOR A COURSE COMPLETION CERTIFICATE PROVIDED BY THE DEPARTMENT TO AN ENTITY THAT IS APPROVED BY THE COMMISSIONER TO OFFER THE PRE-LICENSING COURSE, REQUIRED BY THIS SUBDIVISION, FOR ISSUANCE BY SUCH ENTITY TO STUDENTS UPON THEIR COMPLETION OF SUCH PRE-LICENSING COURSE SHALL BE ONE DOLLAR. SUCH FEE

SHALL BE PAID BY SUCH ENTITY AND SHALL NOT BE CHARGED TO A PERSON WHO TAKES THE COURSE IN ANY MANNER.

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

PART M

Intentionally omitted.

PART N

Intentionally omitted.

PART O

Section 1. Paragraph (e) of subdivision 3 of section 22-c of the state finance law, as added by section 1 of part Z of chapter 62 of the laws of 2006, subparagraph (vi) as amended by section 1 of part Q of chapter 61 of the laws of 2006, is amended to read as follows:

(e) A comprehensive financial report and plan for the dedicated highway and bridge trust fund established by section eighty-nine-b of this chapter, which shall be submitted to the comptroller at the same time as the plan is submitted to the legislature, and which shall include the following information pertaining to the dedicated highway and bridge trust fund separately stated for the last completed fiscal year, [the completed quarters of] the current fiscal year and the next five fiscal years:

(i) a detailed description of all actual and projected revenues of the dedicated highway and bridge trust fund, separately stating the amount received or expected to be received from bond proceeds, and the amounts, separately identified, received or expected to be received from taxes, fees, transfers, or other sources;

(ii) a detailed description of [actual or proposed appropriations and reappropriations from the dedicated highway and bridge trust fund, and the] actual or planned disbursements [pursuant to such appropriations and reappropriations] AND TRANSFERS FROM THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND, separately stating in the aggregate the amounts [appropriated, reappropriated, and] disbursed OR TRANSFERRED OR PLANNED TO BE DISBURSED OR TRANSFERRED for (A) debt service costs, (B) capital project costs, (C) state operations costs, (D) costs of contracts for engineering and similar or related services related to capital project costs and state operations, and (E) the costs of state employees to provide similar services on projects for which service contracts are not expected to be used, and further separately stating the amounts of such [debt service,] capital project and state operations costs [appropriated, reappropriated, and] disbursed OR PLANNED TO BE DISBURSED for personal service and non-personal service costs[;

(iii) a detailed description of each capital project supported by the dedicated highway and bridge trust fund for the completed prior year, and the capital projects anticipated or available to be performed in whole or in part in the next year including the information required by paragraph (d) of this subdivision together with the probable life of the work as determined in accordance with section sixty-one of this chapter;

(iv) for prior periods,] (F) FOR THE PRECEDING FOUR FISCAL YEARS AND THE CURRENT FISCAL YEAR, the bond coverage ratio on [a biennial] AN

ANNUAL basis, including the formula used to compute such ratio and the source of that formula[;].

[(v) an] (G) AN explanation of any deficit projected for the end of any fiscal year covered by the plan stating whether the projected deficit is expected to be caused by an imbalance between projected revenues and projected expenditures, or by the timing of payments within a fiscal year, or by other causes[;].

[(vi) an] (H) A DETAILED DESCRIPTION OF ACTUAL OR PROPOSED APPROPRIATIONS AND REAPPROPRIATIONS FROM THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND, AND THE ACTUAL OR PLANNED DISBURSEMENTS PURSUANT TO SUCH APPROPRIATIONS AND REAPPROPRIATIONS.

(I) AN explanation of any actions proposed to be taken to achieve increased opportunity for meaningful participation in the performance of state contracts by minority and women-owned business enterprises in accordance with article fifteen-A of the executive law, including a compliance report to be submitted by July first of each year commencing with the two thousand five--two thousand six fiscal year and for each subsequent year thereafter that includes: all the items of information required in accordance with regulations promulgated by the director of the division of minority and women's business development in the department of economic development under article fifteen-A of the executive law; goals for participation by certified minority or women-owned business enterprises for such fiscal year; and a description of the types of expenditures, projects or contracts[; and].

[(vii) such] (J) SUCH other information as shall be necessary to present a full and accurate description of the financial position of the dedicated highway and bridge trust fund.

S 2. Subdivision 2 of section 24 of the state finance law, as amended by section 3 of part Z of chapter 62 of the laws of 2006, is amended to read as follows:

2. (a) On or after January first, nineteen hundred eighty-four, no budget bill submitted by the governor may include any proposed appropriation or reappropriation for any capital project which is not included in the capital plan presented as part of the budget submitted pursuant to section twenty-two of this article. Each proposed appropriation or reappropriation for a capital project shall bear the capital plan project reference number or numbers to which it shall pertain, and shall be classified into the same category as the associated capital project or projects have been classified in such capital plan. Reappropriations of appropriations effective for fiscal years beginning prior to April first, nineteen hundred eighty-four may be presented by the categories of appropriation contained in the bill originally enacting such appropriation.

(b) On or after January first, two thousand [seven] TEN, any budget bill submitted by the governor containing a proposed appropriation [or reappropriation] from the dedicated highway and bridge trust fund shall be itemized to show the following information for each such appropriation [or reappropriation]:

(i) each amount appropriated [or reappropriated] from the dedicated highway and bridge trust fund for capital purposes;

(ii) [the amount of each such appropriation or reappropriation to be financed by pay-as-you-go moneys, as defined in paragraph (c) of subdivision one of section twenty-two-c of this article;

(iii)] the amount of each such appropriation [or reappropriation] to be used for personal service expenses; AND

[(iv)] (III) the amount of each such appropriation [or reappropriation] to be used for non-personal service expenses[; and

(v) the citation of the statutory provision authorizing the use of the dedicated highway and bridge trust fund for such capital project or other purpose].

S 3. Subdivision 6 of section 89-b of the state finance law, as amended by section 4 of part Z of chapter 62 of the laws of 2006, is amended to read as follows:

6. All payments of moneys from the dedicated highway and bridge trust fund shall be made on audit and warrant of the comptroller. Not later than [ten] TWENTY days after the end of each calendar quarter, the comptroller shall submit to the director of the budget and the chairpersons of the fiscal committees of the legislature a report showing the amount of receipts identified as bond proceeds and the amounts, separately identified, received from taxes, fees, transfers, or other sources, and the amounts disbursed from the dedicated highway and bridge trust fund for state operations, capital projects and transfers to other funds. [Not later than thirty days after receiving such report, the director of the budget shall submit to the comptroller and the chairpersons of the fiscal committees of the legislature a detailed report identifying the amount of the previous quarter's disbursements that will be financed with state or public authority bond proceeds, taxes, fees, transfers, or other available sources.]

S 4. Section 89-b of the state finance law is amended by adding four new subdivisions 8, 9, 10 and 11 to read as follows:

8. THE STATE COMPTROLLER SHALL AT THE COMMENCEMENT OF EACH MONTH CERTIFY TO THE DIRECTOR OF THE BUDGET, THE CHAIRPERSONS OF THE SENATE FINANCE AND ASSEMBLY WAYS AND MEANS COMMITTEES, THE COMMISSIONER OF TRANSPORTATION, AND THE CHAIRMAN OF THE THRUWAY AUTHORITY THE AMOUNT DISBURSED FROM THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND IN THE PRECEDING MONTH, THE AMOUNTS REIMBURSED BY THE THRUWAY AUTHORITY, THE REVENUES RECEIVED IN THE FUND, AND THE UNREIMBURSED DISBURSEMENTS, IN ACCORDANCE WITH SECTION TEN-E OF THE HIGHWAY LAW.

9. NOT LATER THAN SIXTY DAYS AFTER THE END OF THE STATE FISCAL YEAR, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE TO THE STATE COMPTROLLER, THE CHAIRPERSONS OF THE SENATE FINANCE AND ASSEMBLY WAYS AND MEANS COMMITTEES AND THE DIVISION OF THE BUDGET, A DETAILED DESCRIPTION OF EACH CAPITAL PROJECT LET DURING THE COMPLETED PRIOR YEAR THAT IS FUNDED FULLY OR PARTIALLY FROM THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND. SUCH DESCRIPTION SHALL INCLUDE A PROJECT IDENTIFICATION NUMBER, A DESCRIPTION OF THE PROJECT IN LESS THAN THIRTY WORDS, THE WORK TYPE, THE ESTIMATED TOTAL COST OF THE PROJECT AND THE PROBABLE LIFE OF EACH SUCH PROJECT.

10. NOT LATER THAN MARCH FIRST OF EACH STATE FISCAL YEAR, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE TO THE STATE COMPTROLLER, THE CHAIRPERSONS OF THE SENATE FINANCE AND ASSEMBLY WAYS AND MEANS COMMITTEES AND THE DIVISION OF THE BUDGET, A DETAILED DESCRIPTION OF EACH CAPITAL PROJECT ANTICIPATED OR AVAILABLE TO BE LET IN THE NEXT FISCAL YEAR THAT IS PLANNED TO BE FUNDED FULLY OR PARTIALLY FROM THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND. SUCH DESCRIPTION SHALL INCLUDE A PROJECT IDENTIFICATION NUMBER, A DESCRIPTION OF THE PROJECT IN LESS THAN THIRTY WORDS, THE WORK TYPE, THE ESTIMATED TOTAL COST OF THE PROJECT AND THE PROBABLE LIFE OF EACH SUCH PROJECT.

11. THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE TO THE STATE COMPTROLLER AND THE CHAIRPERSONS OF THE SENATE FINANCE AND ASSEMBLY WAYS AND MEANS COMMITTEES, NOT LATER THAN FOURTEEN DAYS SUBSEQUENT TO REIMBURSE-

MENT FROM BOND PROCEEDS TO THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND, A COOPERATIVE AGREEMENT SCHEDULE OF ALL PROJECTS SO REIMBURSED. SUCH SCHEDULE SHALL INCLUDE, BUT NOT BE LIMITED TO, AN IDENTIFYING PROJECT NUMBER, THE WORK TYPE, PROJECT DESCRIPTION, COUNTY, TOTAL COST, PERCENTAGE OF FEDERAL FUNDING, LETTING DATE, SCHEDULED COMPLETION DATE, LIFE TO DATE DEDICATED HIGHWAY AND BRIDGE TRUST FUND DISBURSEMENTS, PRIOR AMOUNT OF THRUWAY AUTHORITY BOND PROCEEDS REIMBURSEMENT, THE AMOUNT OF THE CURRENT REIMBURSEMENT, AND THE PROBABLE LIFE OF EACH SUCH PROJECT.

S 5. This act shall take effect immediately.

PART P

Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as amended by section 1-b of part A of chapter 63 of the laws of 2005, is amended to read as follows:

S 13. This act shall take effect immediately; provided however that sections one through nine of this act shall expire and be deemed repealed on March 31, [2010] 2015; provided further, however, that the provisions of section eleven of this act shall take effect April 1, 2004 and shall expire and be deemed repealed on March 31, [2010] 2015.

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, 2009.

PART Q

Section 1. Section 39 of the agriculture and markets law, as amended by chapter 189 of the laws of 2008, is amended to read as follows:

S 39. Penalties for violation of chapter or other laws. Every person violating any of the provisions of this chapter, or of any other law the enforcement of which is within the jurisdiction of the department shall, except where other penalties are hereinafter prescribed, be subject to a penalty in the sum of not more than [three hundred] SIX HUNDRED dollars for the first violation, nor more than [six hundred] ONE THOUSAND TWO HUNDRED dollars for the second and each subsequent violation and provided further, however, that for a violation of subdivision thirteen or fifteen of section two hundred of this chapter, the minimum penalty shall be five hundred dollars and the maximum penalty shall be one thousand dollars and that for the second and subsequent offenses such person may also be subject to an administrative order suspending the manufacture and/or sale of such confectionery for a period of time up to three months for each such violation. When such violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued, shall be deemed a separate violation. When the violation consists of the sale, or the offering or exposing for sale or exchange of any prohibited article or substance, the sale of each one of several packages shall constitute a separate violation, and each day on which any such article or substance is offered or exposed for sale or exchange shall constitute a separate violation. If the sale be of milk and it be in cans, bottles or containers of any kind and if the milk in any one of such containers be adulterated, it shall be deemed a violation whether such vendor be selling all the milk in all of his containers to one person or not. When the use of any such article or substance is prohibited, each day during which or any part of which such article or

substance is so used or furnished for use, shall constitute a separate violation, and the furnishing of the same for use to each person to whom the same may be furnished shall constitute a separate violation. When the storage of any article is prohibited beyond a certain period, each day during which or any part of which any article is so stored beyond the period provided for by this chapter, shall constitute a separate violation. A right of action for the recovery of, or a liability for, penalties incurred as provided in this chapter, or in any other law the enforcement of which is within the jurisdiction of the department, may be released, settled or compromised before the matter is referred to the attorney general as provided in section forty-four of this article, and thereafter may be released, settled or compromised by the attorney general, either before or after an action is brought to recover such penalties.

S 2. Section 40 of the agriculture and markets law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

S 40. Penalty for violation of rule or order. [1.] Every person, association or corporation and all agents, officers and employees thereof, shall obey every order made as provided in this chapter, so long as such order shall be in force. A person, association or corporation who shall fail by himself, itself or through his or its agents, officers and employees, to obey any order of the commissioner, or who shall violate any rule of the department shall be subject to a penalty not exceeding the sum of [two hundred] FOUR HUNDRED dollars for each and every first offense, and a penalty not exceeding the sum of [four hundred] EIGHT HUNDRED dollars for a second and each subsequent offense. Every violation of such order, or of the rules of the department, shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance thereof shall be a separate and distinct offense.

S 3. This act shall take effect immediately.

PART R

Section 1. Subdivision 1 of section 159-e of the executive law is REPEALED.

S 2. Subdivision 2 of section 159-e of the executive law, as amended by chapter 710 of the laws of 1983, is renumbered subdivision 1 and amended to read as follows:

1. "Eligible entity" shall mean any organization [which was]

(A) officially designated as a community action agency or a community action program under the provisions of section two hundred ten of the economic opportunity act of 1964 for fiscal year 1981, unless such community action agency or a community action program lost its designation under section two hundred ten of such act as a result of a failure to comply with the provisions of such act; OR

(B) DESIGNATED BY THE PROCESS DESCRIBED IN SECTION ONE HUNDRED FIFTY-NINE-M OF THIS ARTICLE (INCLUDING AN ORGANIZATION SERVING MIGRANT OR SEASONAL FARMWORKERS THAT IS SO DESCRIBED OR DESIGNATED).

Such eligible entity shall have a TRIPARTITE BOARD AS ITS governing board [which is constituted so as to assure that one-third of the members of the board are elected public officials, currently holding office, or their representatives, to be selected by the chief elected officials of the state or local government or combination thereof, who possess the authority to designate an eligible entity pursuant to this article, except that if the number of elected officials reasonably

available and willing to serve is less than one-third of the membership of the board, membership on the board of appointive public officials may be counted in meeting such one-third requirements. At least one-third of the members are persons chosen in accordance with any democratic selection procedure which assures maximum feasible participation of poor persons residing in the area to be served by the eligible entity; and the remainder of the members are representatives of interest groups and private organizations within the community to be served, including but not limited to social service agencies, educational institutions, business, industrial, labor and religious organizations] WHICH FULLY PARTICIPATES IN THE DEVELOPMENT, PLANNING, IMPLEMENTATION, AND EVALUATION OF THE PROGRAM TO SERVE LOW-INCOME COMMUNITIES AND THROUGH WHICH THE ENTITY SHALL ADMINISTER THE COMMUNITY SERVICES BLOCK GRANT PROGRAM. HOWEVER, SUCH ELIGIBLE ENTITIES WHICH ARE PUBLIC ORGANIZATIONS SHALL HAVE EITHER A TRIPARTITE BOARD OR ANOTHER MECHANISM SPECIFIED BY THE STATE TO ASSURE DECISION MAKING AND PARTICIPATION BY LOW-INCOME INDIVIDUALS IN THE DEVELOPMENT, PLANNING, IMPLEMENTATION, AND EVALUATION OF PROGRAMS FUNDED UNDER THIS ARTICLE.

S 3. Section 159-e of the executive law is amended by adding a new subdivision 2 to read as follows:

2. "TRIPARTITE BOARD" SHALL MEAN

(A) THE GOVERNING BOARD OF A PRIVATE NONPROFIT ENTITY SELECTED BY THE ENTITY AND COMPOSED SO AS TO ASSURE THAT

(1) ONE-THIRD OF THE MEMBERS OF THE BOARD ARE ELECTED PUBLIC OFFICIALS, HOLDING OFFICE ON THE DATE OF SELECTION, OR THEIR REPRESENTATIVES, EXCEPT THAT IF THE NUMBER OF SUCH ELECTED OFFICIALS REASONABLY AVAILABLE AND WILLING TO SERVE ON THE BOARD IS LESS THAN ONE-THIRD OF THE MEMBERSHIP OF THE BOARD, MEMBERSHIP ON THE BOARD OF APPOINTIVE PUBLIC OFFICIALS OR THEIR REPRESENTATIVES MAY BE COUNTED IN MEETING SUCH ONE-THIRD REQUIREMENT;

(2) (A) NOT FEWER THAN ONE-THIRD OF THE MEMBERS ARE PERSONS CHOSEN IN ACCORDANCE WITH DEMOCRATIC SELECTION PROCEDURES ADEQUATE TO ASSURE THAT THESE MEMBERS ARE REPRESENTATIVE OF LOW-INCOME INDIVIDUALS AND FAMILIES IN THE NEIGHBORHOOD SERVED; AND

(B) EACH REPRESENTATIVE OF LOW-INCOME INDIVIDUALS AND FAMILIES SELECTED TO REPRESENT A SPECIFIC NEIGHBORHOOD WITHIN A COMMUNITY UNDER CLAUSE (A) OF THIS SUBPARAGRAPH RESIDES IN THE NEIGHBORHOOD REPRESENTED BY THE MEMBER; AND

(3) THE REMAINDER OF THE MEMBERS ARE OFFICIALS OR MEMBERS OF BUSINESS, INDUSTRY, LABOR, RELIGIOUS, LAW ENFORCEMENT, EDUCATION, OR OTHER MAJOR GROUPS AND INTERESTS IN THE COMMUNITY SERVED; OR

(B) THE GOVERNING BOARD OF A PUBLIC ORGANIZATION, WHICH SHALL HAVE MEMBERS SELECTED BY THE ORGANIZATION AND SHALL BE COMPOSED SO AS TO ASSURE THAT NOT FEWER THAN ONE-THIRD OF THE MEMBERS ARE PERSONS CHOSEN IN ACCORDANCE WITH DEMOCRATIC SELECTION PROCEDURES ADEQUATE TO ASSURE THAT THESE MEMBERS

(1) ARE REPRESENTATIVE OF LOW-INCOME INDIVIDUALS AND FAMILIES IN THE NEIGHBORHOOD SERVED;

(2) RESIDE IN THE NEIGHBORHOOD SERVED; AND

(3) ARE ABLE TO PARTICIPATE ACTIVELY IN THE DEVELOPMENT, PLANNING, IMPLEMENTATION, AND EVALUATION OF PROGRAMS FUNDED UNDER THIS ARTICLE.

S 4. Section 159-i of the executive law, as amended by section 1 of part R of chapter 59 of the laws of 2008, is amended to read as follows:

S 159-i. Distribution of funds. For federal fiscal year two thousand [nine] TEN at least ninety percent of the community services block grant funds received by the state shall be distributed pursuant to a contract

by the secretary to [grantees] ELIGIBLE ENTITIES as defined in subdivision one of section one hundred fifty-nine-e of this article. Each such [grantee] ELIGIBLE ENTITY shall receive the same proportion of community services block grant funds as was the proportion of funds received in THE IMMEDIATELY PRECEDING federal fiscal year [nineteen hundred eighty-one by such grantee] under the federal community services [administration] BLOCK GRANT program [account numbers 01 and 05 pursuant to section two hundred twenty-one of title II and for migrant and seasonal farm worker organizations pursuant to section two hundred twenty-two of title II of the economic opportunity act of 1964, as amended,] as compared to the total amount received by all [grantees] ELIGIBLE ENTITIES in the state, under the federal community services [administration] BLOCK GRANT program [account numbers 01 and 05 pursuant to section two hundred twenty-one of title II and for migrant and seasonal farm worker organizations pursuant to section two hundred twenty-two of title II of such act in federal fiscal year nineteen hundred eighty-one].

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

For federal fiscal year two thousand [nine] TEN the remainder of the community services block grant funds received by the state shall be distributed pursuant to a contract by the secretary in the following order of preference: a sum of up to one-half of one percent of the community services block grant funds received by the state to Indian tribes and tribal organizations as defined in this article, on the basis of need; [community action agencies established in federal fiscal year nineteen hundred eighty-three; counties which do not have a community action agency in existence and seek to establish an organization which is consistent with the objectives of an eligible entity; limited purpose agencies which had received funding during federal fiscal year nineteen hundred eighty-one under section two hundred twenty-one, section two hundred twenty-two(a)(4) or section two hundred thirty-two of title II of the economic opportunity act of 1964, as amended;] and TO community based organizations. SUCH REMAINDER FUNDS RECEIVED BY ELIGIBLE ENTITIES WILL NOT BE INCLUDED IN DETERMINING THE PROPORTION OF FUNDS RECEIVED BY ANY SUCH ENTITY IN THE IMMEDIATELY PRECEDING FEDERAL FISCAL YEAR UNDER THE FEDERAL COMMUNITY SERVICES BLOCK GRANT PROGRAM.

S 5. Section 159-l of the executive law, as added by chapter 710 of the laws of 1983, is renumbered section 159-n and amended and two new sections 159-l and 159-m are added to read as follows:

S 159-L. DECERTIFICATION AND REDUCTION OF ENTITY SHARES. 1. ANY ELIGIBLE ENTITY THAT RECEIVED FUNDING IN THE PREVIOUS FEDERAL FISCAL YEAR THROUGH A COMMUNITY SERVICES BLOCK GRANT MADE UNDER THIS ARTICLE SHALL NOT HAVE ITS FUNDING TERMINATED UNDER THIS ARTICLE OR REDUCED BELOW THE PROPORTIONAL SHARE OF FUNDING THE ENTITY RECEIVED IN THE IMMEDIATELY PRECEDING FEDERAL FISCAL YEAR, AS DETERMINED PURSUANT TO SECTION ONE HUNDRED FIFTY-NINE-I OF THIS ARTICLE, UNLESS, AFTER PROVIDING NOTICE AND AN OPPORTUNITY FOR A HEARING ON THE RECORD, THE STATE DETERMINES THAT CAUSE EXISTS FOR SUCH TERMINATION OR SUCH REDUCTION, SUBJECT TO REVIEW BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. FOR PURPOSES OF MAKING A DETERMINATION THAT CAUSE EXISTS FOR:

(A) A FUNDING REDUCTION, THE TERM "CAUSE" SHALL INCLUDE

(1) A STATEWIDE REDISTRIBUTION OF FUNDS PROVIDED THROUGH A COMMUNITY SERVICES BLOCK GRANT UNDER THIS ARTICLE TO RESPOND TO

(A) THE RESULTS OF THE MOST RECENTLY AVAILABLE CENSUS OR OTHER APPROPRIATE DATA;
(B) THE DESIGNATION OF A NEW ELIGIBLE ENTITY; OR
(C) SEVERE ECONOMIC DISLOCATION; AND
(2) THE FAILURE OF AN ELIGIBLE ENTITY TO COMPLY WITH THE TERMS OF AN AGREEMENT OR A STATE PLAN, OR TO MEET A STATE REQUIREMENT, AS DESCRIBED IN THIS SECTION; OR
(B) A TERMINATION, THE TERM "CAUSE" INCLUDES THE FAILURE OF AN ELIGIBLE ENTITY TO COMPLY WITH THE TERMS OF AN AGREEMENT OR A STATE PLAN, OR TO MEET A STATE REQUIREMENT, AS DESCRIBED IN THIS SECTION.
2. IF THE STATE DETERMINES, ON THE BASIS OF A FINAL DECISION IN A REVIEW PURSUANT TO THIS ARTICLE, THAT AN ELIGIBLE ENTITY FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT OR THE STATE PLAN TO PROVIDE SERVICES UNDER THIS ARTICLE OR TO MEET APPROPRIATE STANDARDS, GOALS, AND OTHER REQUIREMENTS ESTABLISHED BY THE STATE (INCLUDING PERFORMANCE OBJECTIVES), THE STATE SHALL:
(A) INFORM THE ENTITY OF THE DEFICIENCY TO BE CORRECTED;
(B) REQUIRE THE ENTITY TO CORRECT THE DEFICIENCY;
(C) (1) OFFER TRAINING AND TECHNICAL ASSISTANCE, IF APPROPRIATE, TO HELP CORRECT THE DEFICIENCY, AND PREPARE AND SUBMIT TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES A REPORT STATING THE REASONS FOR THE DETERMINATION; OR
(2) IF THE STATE DETERMINES THAT SUCH TRAINING AND TECHNICAL ASSISTANCE ARE NOT APPROPRIATE, IT SHALL PREPARE AND SUBMIT TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES A REPORT STATING THE REASONS FOR THE DETERMINATION;
(D) (1) AT THE DISCRETION OF THE STATE (TAKING INTO ACCOUNT THE SERIOUSNESS OF THE DEFICIENCY AND THE TIME REASONABLY REQUIRED TO CORRECT THE DEFICIENCY), ALLOW THE ENTITY TO DEVELOP AND IMPLEMENT AND SUBMIT TO THE STATE, WITHIN SIXTY DAYS AFTER BEING INFORMED OF THE DEFICIENCY, A QUALITY IMPROVEMENT PLAN TO CORRECT SUCH DEFICIENCY WITHIN A REASONABLE PERIOD OF TIME, AS DETERMINED BY THE STATE; AND
(2) NOT LATER THAN THIRTY DAYS AFTER RECEIVING FROM AN ELIGIBLE ENTITY A PROPOSED QUALITY IMPROVEMENT PLAN PURSUANT TO SUBPARAGRAPH ONE OF THIS PARAGRAPH, EITHER APPROVE SUCH PROPOSED PLAN OR SPECIFY THE REASONS WHY THE PROPOSED PLAN CANNOT BE APPROVED; AND
(E) AFTER PROVIDING ADEQUATE NOTICE AND AN OPPORTUNITY FOR A HEARING, INITIATE PROCEEDINGS TO TERMINATE THE DESIGNATION OF OR REDUCE THE FUNDING UNDER THIS ARTICLE OF THE ELIGIBLE ENTITY UNLESS THE ENTITY CORRECTS THE DEFICIENCY.
3. A DETERMINATION TO TERMINATE THE DESIGNATION OR REDUCE THE FUNDING OF AN ELIGIBLE ENTITY PURSUANT TO SUBDIVISION TWO OF THIS SECTION IS REVIEWABLE BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, PURSUANT TO THE PROCESSES SET FORTH IN THE FEDERAL COMMUNITY SERVICES BLOCK GRANT ACT OF 1981, AS AMENDED.
S 159-M. DESIGNATION AND REDESIGNATION OF ELIGIBLE ENTITIES IN UNSERVED AREAS. 1. QUALIFIED ORGANIZATION IN OR NEAR AREA. (A) IN GENERAL. IF ANY GEOGRAPHIC AREA OF THE STATE IS NOT, OR CEASES TO BE, SERVED BY AN ELIGIBLE ENTITY UNDER THIS ARTICLE, AND IF THE GOVERNOR DECIDES TO SERVE SUCH AREA, THE GOVERNOR MAY SOLICIT APPLICATIONS FROM, AND DESIGNATE AS AN ELIGIBLE ENTITY
(1) A PRIVATE NONPROFIT ORGANIZATION (WHICH MAY INCLUDE AN ELIGIBLE ENTITY) THAT IS GEOGRAPHICALLY LOCATED IN THE UNSERVED AREA, THAT IS CAPABLE OF PROVIDING A BROAD RANGE OF SERVICES DESIGNED TO ELIMINATE POVERTY AND FOSTER SELF-SUFFICIENCY, AND THAT MEETS THE REQUIREMENTS OF THIS ARTICLE; AND

(2) A PRIVATE NONPROFIT ELIGIBLE ENTITY THAT IS GEOGRAPHICALLY LOCATED IN AN AREA CONTIGUOUS TO OR WITHIN REASONABLE PROXIMITY OF THE UNSERVED AREA AND THAT IS ALREADY PROVIDING RELATED SERVICES IN THE UNSERVED AREA.

(B) REQUIREMENT. IN ORDER TO SERVE AS THE ELIGIBLE ENTITY FOR THE AREA, AN ENTITY DESCRIBED IN SUBPARAGRAPH TWO OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL AGREE TO ADD ADDITIONAL MEMBERS TO THE BOARD OF THE ENTITY TO ENSURE ADEQUATE REPRESENTATION

(1) IN EACH OF THE THREE REQUIRED CATEGORIES DESCRIBED IN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-NINE-E OF THIS ARTICLE, BY MEMBERS THAT RESIDE IN THE COMMUNITY COMPRISED BY THE UNSERVED AREA; AND

(2) IN THE CATEGORY DESCRIBED IN SUBPARAGRAPH TWO OF PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-NINE-E OF THIS ARTICLE, BY MEMBERS THAT RESIDE IN THE NEIGHBORHOOD TO BE SERVED.

2. SPECIAL CONSIDERATION. IN DESIGNATING AN ELIGIBLE ENTITY UNDER SUBDIVISION ONE OF THIS SECTION, THE GOVERNOR SHALL GRANT THE DESIGNATION TO AN ORGANIZATION OF DEMONSTRATED EFFECTIVENESS IN MEETING THE GOALS AND PURPOSES OF THIS ARTICLE AND MAY GIVE PRIORITY, IN GRANTING THE DESIGNATION, TO ELIGIBLE ENTITIES THAT ARE PROVIDING RELATED SERVICES IN THE UNSERVED AREA, CONSISTENT WITH THE NEEDS IDENTIFIED BY A COMMUNITY-NEEDS ASSESSMENT.

3. NO QUALIFIED ORGANIZATION IN OR NEAR AREA. IF NO PRIVATE, NONPROFIT ORGANIZATION IS IDENTIFIED OR DETERMINED TO BE QUALIFIED UNDER SUBDIVISION ONE OF THIS SECTION TO SERVE THE UNSERVED AREA AS AN ELIGIBLE ENTITY THE GOVERNOR MAY DESIGNATE AN APPROPRIATE POLITICAL SUBDIVISION OF THE STATE TO SERVE AS AN ELIGIBLE ENTITY FOR THE AREA. IN ORDER TO SERVE AS THE ELIGIBLE ENTITY FOR THAT AREA, THE POLITICAL SUBDIVISION SHALL HAVE A TRIPARTITE BOARD OR OTHER MECHANISM AS REQUIRED IN SECTION ONE HUNDRED FIFTY-NINE-E OF THIS ARTICLE.

S 159-n. Report of the secretary. The secretary of state shall report to the governor and the legislature by [January] MARCH fifteenth of each year on the administration of the community services block grant program. The report shall include, but not be limited to, the results of the monitoring and evaluation of recipients of funds under the program and any recommendation for changes which the secretary of state deems necessary for the effective administration of the program.

S 6. Section 5 of chapter 728 of the laws of 1982, amending the executive law relating to community services block grant programs, as amended by section 2 of part R of chapter 59 of the laws of 2008, is amended to read as follows:

S 5. This act shall take effect immediately provided, however, that section four hereof shall take effect October 1, 1982 and provided further, however, that the provisions of sections two, three and four of this act shall be in full force and effect only until September 30, 1983 and section one of this act shall be in full force and effect until September 30, [2009] 2010, provided, however, that the distribution of funds pursuant to section 159-i of the executive law shall be limited to the federal fiscal year expressly set forth in such section.

S 7. Section 7 of chapter 710 of the laws of 1983, amending the executive law relating to community services block grant programs, as amended by section 3 of part R of chapter 59 of the laws of 2008, is amended to read as follows:

S 7. This act shall take effect September 30, 1983 and shall be in full force and effect only until September 30, [2009] 2010 at which time the amendments and additions made pursuant to the provisions of this act

shall be deemed to be repealed, provided, however, that the distribution of funds pursuant to section 159-i of the executive law shall be limited to the federal fiscal year expressly set forth in such section.

S 8. This act shall take effect immediately; provided, however, the amendments to section 159-e of the executive law made by section three of this act shall not affect the expiration of such section as provided in section 5 of chapter 728 of the laws of 1982, as amended, and shall be deemed to expire therewith; provided, further, that the amendments to sections 159-e and 159-i of the executive law made by sections two and four of this act shall not affect the expiration of such sections as provided in section 5 of chapter 728 of the laws of 1982, as amended, and section 7 of chapter 710 of the laws of 1983, as amended, and shall be deemed to expire therewith; provided, further, that the addition of sections 159-l and 159-m to article 6-D of the executive law, made by section five of this act shall not affect the expiration of such article as provided in section 5 of chapter 728 of the laws of 1982, as amended, and such sections shall be deemed to expire therewith; and provided, further, that the amendments to section 159-n of the executive law made by section five of this act shall not affect the repeal of such section as provided in section 7 of chapter 710 of the laws of 1983, as amended, and shall be deemed repealed therewith.

PART S

Intentionally omitted.

PART T

Section 1. Section 1421 of the tax law, as amended by chapter 258 of the laws of 2007, is amended to read as follows:

S 1421. Deposit and dispositions of revenues. From the taxes, interest and penalties attributable to the tax imposed pursuant to section fourteen hundred two of this article, the amount of thirty-three and one-half million dollars shall be deposited by the comptroller in the environmental protection fund established pursuant to section ninety-two-s of the state finance law for the fiscal year beginning April first, nineteen hundred ninety-five; the amount of eighty-seven million dollars shall be deposited in such fund for the fiscal years beginning April first, nineteen hundred ninety-six and nineteen hundred ninety-seven; the amount of one hundred twelve million dollars shall be deposited in such fund for the fiscal years beginning April first, nineteen hundred ninety-eight, nineteen hundred ninety-nine, two thousand, two thousand one, two thousand two, two thousand three, two thousand four and two thousand five; the amount of one hundred thirty-seven million dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand six; the amount of two hundred twelve million dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand seven; the amount of two hundred thirty-seven million dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand eight; [and the amount of two hundred eighty-seven million dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand nine] THE AMOUNT OF ONE HUNDRED NINETY-NINE MILLION THREE HUNDRED THOUSAND DOLLARS SHALL BE DEPOSITED IN SUCH FUND FOR FOUR FISCAL YEARS BEGINNING APRIL FIRST, TWO THOUSAND NINE; and for each fiscal year thereafter; provided however that at the direction of the director of the budget, an additional

amount of up to twenty-five million dollars may be deposited in such fund for the fiscal year beginning April first, two thousand seven and ending March thirty-first, two thousand eight, for disposition as provided under such section. On or before June twelfth, nineteen hundred ninety-five and on or before the twelfth day of each month thereafter (excepting the first and second months of each fiscal year), the comptroller shall deposit into such fund from the taxes, interest and penalties collected pursuant to such section fourteen hundred two of this article which have been deposited and remain to the comptroller's credit in the banks, banking houses or trust companies referred to in section one hundred seventy-one-a of this chapter at the close of business on the last day of the preceding month, an amount equal to one-tenth of the annual amount required to be deposited in such fund pursuant to this section for the fiscal year in which such deposit is required to be made. In the event such amount of taxes, interest and penalties so remaining to the comptroller's credit is less than the amount required to be deposited in such fund by the comptroller, an amount equal to the shortfall shall be deposited in such fund by the comptroller with subsequent deposits, as soon as the revenue is available. Beginning April first, nineteen hundred ninety-seven, the comptroller shall transfer monthly to the clean water/clean air fund established pursuant to section ninety-seven-bbb of the state finance law, all moneys remaining from such taxes, interest and penalties collected that are not required for deposit in the environmental protection fund.

S 2. Subdivision 3 of section 92-s of the state finance law, as amended by chapter 145 of the laws of 2004, is amended to read as follows:

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred four-l of the vehicle and traffic law, all moneys required to be deposited therein from the contingency reserve fund pursuant to section two hundred ninety-four of chapter fifty-seven of the laws of nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, repayments of loans made pursuant to section 54-0511 of the environmental conservation law, all moneys to be deposited from the Northville settlement pursuant to section one hundred twenty-four of chapter three hundred nine of the laws of nineteen hundred ninety-six, provided however, that such moneys shall only be used for the cost of the purchase of private lands in the core area of the central Suffolk pine barrens pursuant to a consent order with the Northville industries signed on October thirteenth, nineteen hundred ninety-four and the related resource restoration and replacement plan, the amount of penalties required to be deposited therein by section 71-2724 of the environmental conservation law, ALL MONEYS REQUIRED TO BE DEPOSITED PURSUANT TO ARTICLE THIRTY-THREE OF THE ENVIRONMENTAL CONSERVATION LAW, ALL FEES COLLECTED PURSUANT TO SUBDIVISION EIGHT OF SECTION 70-0117 OF THE ENVIRONMENTAL CONSERVATION LAW, AS ADDED BY A CHAPTER OF THE LAWS OF TWO THOUSAND NINE, ALL MONEYS COLLECTED PURSUANT TO TITLE THIRTY-THREE OF ARTICLE FIFTEEN OF THE ENVIRONMENTAL CONSERVATION LAW, AS ADDED BY A CHAPTER OF THE LAWS OF TWO THOUSAND NINE and all other moneys credited or transferred thereto from any other fund or source

pursuant to law. All such revenue shall be initially deposited into the environmental protection fund, for application as provided in subdivision five of this section.

S 3. This act shall take effect immediately.

PART U

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

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.

PART V

Section 1. The racing, pari-mutuel wagering and breeding law is amended by adding a new section 112 to read as follows:

S 112. FEE FOR THE START OF A HORSE IN NEW YORK STATE PARI-MUTUEL RACES. 1. IN ORDER TO PROVIDE SUPPLEMENTAL FUNDING TO SUPPORT THE OPERATIONS OF THE STATE RACING AND WAGERING BOARD, A FEE IN THE AMOUNT OF TEN DOLLARS SHALL BE ASSESSED AND PAID UPON EVERY HORSE ENTERED IN A PARI-MUTUEL RACE IN NEW YORK STATE THAT ACTUALLY STARTS IN THE RACE. SUCH FEE SHALL BE REFUNDED TO THE OWNER OR CREDITED TO THE OWNER'S ACCOUNT IN THE EVENT THE HORSE DOES NOT ACTUALLY START IN THE RACE. THE STATE RACING AND WAGERING BOARD SHALL, AS A CONDITION OF RACING, REQUIRE ANY CORPORATION AUTHORIZED UNDER THIS CHAPTER TO CONDUCT PARI-MUTUEL BETTING AT A RACE MEETING OR RACES RUN THEREAT, TO REQUIRE THAT EACH OWNER RACING A HORSE SHALL HAVE PLACED ON DEPOSIT AT THE TIME OF ENTRY WITH THE HORSEMEN'S BOOKKEEPER OR SIMILAR OFFICE OF SUCH CORPORATION THE REQUIRED FEE IN THE AMOUNT OF TEN DOLLARS PER HORSE ENTERED IN A PARI-MUTUEL RACE. UNLESS REFUNDED OR CREDITED, THE TOTAL FEE AMOUNT COLLECTED DURING THE PRECEDING MONTH BY THE HORSEMEN'S BOOKKEEPER OR SIMILAR OFFICE OF SUCH CORPORATION SHALL BE PAID TO THE RACING AND WAGERING BOARD ON THE FIRST BUSINESS DAY OF EACH MONTH. PAYMENT SHALL BE ACCOMPANIED BY A REPORT, UNDER OATH, SHOWING SUCH INFORMATION AS THE BOARD MAY REQUIRE. A PENALTY OF FIVE PERCENT, AND INTEREST AT THE RATE OF ONE PERCENT PER MONTH FROM THE DATE THE REPORT IS REQUIRED TO BE FILED TO THE DATE OF THE PAYMENT OF THE FEE, SHALL BE PAYABLE IN CASE ANY FEE IMPOSED BY THIS SUBDIVISION IS NOT PAID WHEN DUE. IF THE BOARD DETERMINES THAT ANY FEES RECEIVED BY IT UNDER THIS SUBDIVISION WERE PAID IN ERROR, THE BOARD MAY CAUSE THE SAME TO BE REFUNDED WITHOUT INTEREST OUT OF ANY MONIES COLLECTED HEREUNDER, PROVIDED AN APPLICATION THEREFOR IS FILED WITH THE BOARD WITHIN ONE YEAR FROM THE TIME THE ERRONEOUS PAYMENT IS MADE.

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

SUCH FINAL ASSESSMENT SHALL BE REVIEWABLE IN THE SUPREME COURT IN THE MANNER PROVIDED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

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

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

PART W

Intentionally omitted.

PART X

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 W of chapter 59 of the laws of 2008, 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, [2009] 2010, 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, 2009.

PART Y

Section 1. Expenditures of moneys appropriated in a chapter of the laws of 2009 to the energy research and development authority from the special revenue funds - other/state operations, miscellaneous special revenue fund-339, energy research and planning account, and special revenue funds - other/aid to localities, miscellaneous special revenue fund - 339, energy research and planning account under the research, development and demonstration and policy and planning programs for services and expenses for the research, development and demonstration and policy and planning programs shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended shall be reimbursed by assessment against gas corporations and electric corporations as defined in section 2 of the public service law, and the total amount which may be charged to any gas corporation and any electric corporation shall not exceed one cent per one thousand cubic feet of gas sold and .010 cent per kilowatt-hour of electricity sold by such corporations in their intrastate utility operations in calendar year 2007. Such amounts shall be excluded from the general assessment

provisions of subdivision 2 of section 18-a of the public service law, but shall be billed and paid in the manner set forth in such subdivision and upon receipt shall be paid to the state comptroller for deposit in the state treasury for credit to the miscellaneous special revenue fund. The director of the budget shall not issue a certificate of approval with respect to the commitment and expenditure of moneys hereby appropriated until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the director of the budget to the chairs and secretaries of the legislative fiscal committees.

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, 2009.

PART Z

Section 1. Notwithstanding any other provision of law, the governor shall include an appropriation in a budget bill for each state fiscal year that reflects the value of the assets transferred from the power authority of the state of New York to the state of New York pursuant to a memorandum of understanding between the power authority of the state of New York and the state of New York relating to the transfer to the state of New York of assets aggregating $318,000,000 presently held in certain accounts of the power authority of the state of New York. The state comptroller shall encumber the amount so appropriated before the end of the fiscal year for which such appropriation is made. If for any of the fiscal years commencing during the period from April 1, 2009 until such time as the assets have been returned by the state of New York to the power authority of the state of New York the governor fails to submit a budget bill containing an appropriation of such amount, such amount appropriated to and encumbered during the preceding fiscal year shall be payable to the authority on the last day of June of such year.

S 2. This act shall take effect immediately.

PART AA

Section 1. Subdivisions 2, 3 and 4 of section 1975 of the public authorities law are renumbered subdivisions 3, 4 and 5, and a new subdivision 2 is added to read as follows:

2. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY IS HEREBY AUTHORIZED TO CONTRIBUTE TWENTY MILLION DOLLARS TO THE STATE TREASURY TO THE CREDIT OF THE GENERAL FUND.

S 2. Subdivision 1 of section 1977-a of the public authorities law is amended by adding a new paragraph (e) to read as follows:

(E) ADDITIONAL AUTHORIZATIONS. FOR THE PURPOSE OF FINANCING COSTS OF THE STATE, THE AUTHORITY MAY, IN ADDITION TO THE AUTHORIZATIONS CONTAINED ELSEWHERE IN THIS TITLE, BORROW MONEY BY ISSUING BONDS OR NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING TWO HUNDRED FIFTY MILLION DOLLARS PLUS A PRINCIPAL AMOUNT OF BONDS OR NOTES ISSUED (I) TO FUND ANY RELATED DEBT SERVICE RESERVE FUND, (II) TO PROVIDE CAPITALIZED INTEREST, AND (III) TO PROVIDE FOR FEES AND OTHER CHARGES AND EXPENSES INCLUDING ANY UNDERWRITERS' DISCOUNTS, RELATED TO THE ISSUANCE OF SUCH BONDS OR NOTES, ALL AS DETERMINED BY THE AUTHORITY, EXCLUDING BONDS AND

NOTES ISSUED TO REFUND OUTSTANDING BONDS AND NOTES ISSUED PURSUANT TO THIS SECTION.

S 3. This act shall take effect April 1, 2009.

PART BB

Section 1. Notwithstanding any provisions of law to the contrary, the New York state urban development corporation is authorized to contribute up to seven million dollars to the Governors Island Preservation and Education Corporation, from excess receipts which are authorized to be paid to the urban development corporation under certain provisions of the public authorities control board resolutions, 04-UD-838A and 06-UD-900.

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, 2009.

PART CC

Intentionally omitted.

PART DD

Intentionally omitted.

PART EE

Intentionally omitted.

PART FF

Section 1. Subdivision 2 of section 2976 of the public authorities law, as amended by section 1 of part X of chapter 85 of the laws of 2002, is amended to read as follows:

2. The bond issuance charge shall be computed by multiplying the principal amount of bonds issued by the percentage set forth in the schedule below, provided that: (a) the charge applicable to the principal amount of single family mortgage revenue bonds shall be seven one-hundredths of one percent; (b) the issuance of bonds shall not include the remarketing of bonds; and (c) the issuance of bonds shall not include the current refunding of short term bonds, notes or other obligations for which the bond issuance charge provided by this section has been paid, provided that such current refunding (i) occurs within one year from the issuance of the refunded obligations, or (ii) is part of a program created by a single indenture or bond resolution that provides for the periodic issuance and refunding of short term obligations.

SCHEDULE

Principal Amount of Bonds Issued	Percentage Charge
a. $1,000,000 or less	[.14%] .168%
b. $1,000,001 to $5,000,000	[.28%] .336%
c. $5,000,001 to $10,000,000	[.42%] .504%
d. $10,000,001 to $20,000,000	[.56%] .672%
e. More than $20,000,000	[.70%] .84%

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2009.

PART GG

Section 1. Notwithstanding any provision of law to the contrary, all functions, powers, duties, obligations and assets of the State Northeastern Queens Nature and Historical Preserve Commission, as established by chapter 919 of the laws of 1973, are transferred and assigned to, and assumed by, the office of parks, recreation and historic preservation.

S 2. All books, papers, records and property of the State Northeastern Queens Nature and Historical Preserve Commission are transferred and assigned to, and assumed and devolved upon, the office of parks, recreation and historic preservation.

S 3. Any business or other matter undertaken or commenced by the State Northeastern Queens Nature and Historical Preserve Commission relating to the functions, powers, duties and obligations of such commission and pending on the effective date of this act, may be conducted and completed by the office of parks, recreation and historic preservation in the same manner and under the same terms and conditions and with the same effect as if conducted by the State Northeastern Queens Nature and Historical Preserve Commission.

S 4. All rules, regulations, acts, determinations and decisions of the State Northeastern Queens Nature and Historical Preserve Commission with respect to the functions, powers, duties and obligations of such commission in force and effect on the effective date of this act shall continue in force and effect as rules, regulations, acts, determinations and decisions of the office of parks, recreation and historic preservation until amended or revised by such office.

S 5. Whenever the functions, powers, duties and obligations relating to the State Northeastern Queens Nature and Historical Preserve Commission are referred to or designated in any law, contract or document, such reference or designation shall be deemed to refer to the appropriate functions, powers, duties and obligations of the office of parks, recreation and historic preservation.

S 6. No existing right or remedy of any character shall be lost, impaired or affected by reason of this act.

S 7. Chapter 919 of the laws of 1973, relating to establishing the State Northeastern Queens Nature and Historical Preserve, is REPEALED.

S 8. This act shall take effect immediately.

PART HH

Intentionally omitted.

PART II

Section 1. Subdivision 1 of section 133-a of the agriculture and markets law, as amended by chapter 233 of the laws of 1996, is amended to read as follows:

1. Any person who distributes in this state any feed ingredient or commercial feed, except a pet food or specialty pet food, shall pay to the commissioner a tonnage fee at the rate of [five] TEN cents per ton for each ingredient or feed distributed, subject to the following:

(a) No fee shall be paid on a feed ingredient or commercial feed if payment has been made for the particular ingredient or feed by a previous distributor;

(b) No fee shall be paid on a customer-formula feed if the tonnage fee has been paid on the commercial feeds which are used as ingredients therein[;

(c) No fee shall be paid by persons distributing less than one hundred tons per year of any feed ingredient or commercial feed in this state].

S 2. The second undesignated paragraph of section 251-z-3 of the agriculture and markets law, as amended by chapter 80 of the laws of 2006, is amended to read as follows:

The applicant shall furnish evidence of his or her good character, experience and competency, that the establishment has adequate facilities and equipment for the business to be conducted, that the establishment is such that the cleanliness of the premises can be maintained, that the product produced therein will not become adulterated and, if the applicant is a retail food store, that the applicant has an individual in a position of management or control who has completed an approved food safety education program pursuant to section two hundred fifty-one-z-twelve of this article. The commissioner, if so satisfied, shall issue to the applicant, upon payment of the license fee of [two] FOUR hundred dollars, a license to operate the food processing establishment described in the application. HOWEVER, THE LICENSE FEE SHALL BE NINE HUNDRED DOLLARS FOR A FOOD PROCESSING ESTABLISHMENT DETERMINED BY THE COMMISSIONER, PURSUANT TO DULY PROMULGATED REGULATIONS, TO REQUIRE MORE INTENSIVE REGULATORY OVERSIGHT DUE TO THE VOLUME OF THE PRODUCTS PRODUCED, THE POTENTIALLY HAZARDOUS NATURE OF THE PRODUCT PRODUCED OR THE MULTIPLE NUMBER OF PROCESSING OPERATIONS CONDUCTED IN THE ESTABLISHMENT. The license application for retail food stores shall be accompanied by documentation in a form approved by the commissioner which demonstrates that the food safety education program requirement has been met. The license shall take effect on the date of issuance and continue until the last day of the applicable license period set forth in this section.

S 3. Subdivision 5 of section 500 of the agriculture and markets law, as added by section 8 of part I1 of chapter 62 of the laws of 2003, is amended to read as follows:

5. Licensure. No person shall maintain or operate a retail food store, food service establishment or food warehouse unless such establishment is licensed pursuant to the provisions of this article, provided, however, that establishments registered, permitted or licensed by the department pursuant to other provisions of this chapter, under permit and inspection by the state department of health or by a local health agency which maintains a program certified and approved by the state commissioner of health, or subject to inspection by the United States department of agriculture pursuant to the federal meat, poultry or egg inspection programs, shall be exempt from licensure under this article. Application for licensure of a retail food store, food service establishment or food warehouse shall be made, upon a form prescribed by the commissioner, on or before December first of every other year for the registration period beginning January first following. Upon submission of a completed application, together with the applicable licensing fee, the commissioner shall license the retail food store, food service establishment or food warehouse described in the application for two years from the applicable registration commencement period set forth in this section. The licensing fee shall be [one hundred] TWO HUNDRED FIFTY dollars provided, however, that food warehouses shall pay a licensing fee of [two] FOUR hundred dollars. [The commissioner shall prorate the licensing fee for any person licensed after the commencement of the licensing period.]

S 4. This act shall take effect immediately.

PART JJ

Section 1. Subdivisions a, b, c, d, e, f, g, h, q and r of section 72-0602 of the environmental conservation law, subdivisions a and b as amended by chapter 62 of the laws of 1989, subdivisions c, d, e, f, g and h as amended by section 1 of part T1 of chapter 62 of the laws of 2003 and subdivision q as added and subdivision r as amended by section 1 of part Q of chapter 59 of the laws of 2004, are amended and a new subdivision s is added to read as follows:

a. [$100.00] $300.00 for any P/C/I facilities having a permit to discharge or discharging at an average daily rate of less than 100,000 gallons;

b. [$200.00] $600.00 for P/C/I facilities having a permit to discharge or discharging at an average daily rate of 100,000 gallons or more;

c. [$475.00] $600.00 for industrial facilities having a permit to discharge or discharging at an average daily rate of less than 10,000 gallons;

d. [$1,575.00] $2,000.00 for industrial facilities having a permit to discharge or discharging at an average daily rate of between 10,000 gallons and 99,999 gallons;

e. [$4,750.00] $6,000.00 for industrial facilities having a permit to discharge or discharging at an average daily rate of between 100,000 gallons and 499,999 gallons;

f. [$15,750.00] $20,000.00 for industrial facilities having a permit to discharge or discharging at an average daily rate of between 500,000 and 999,999 gallons;

g. [$23,500.00] $30,000.00 for industrial facilities having a permit to discharge or discharging at an average daily rate of between 1,000,000 and 9,999,999 gallons;

h. [$47,000.00] $50,000.00 for industrial facilities having a permit to discharge or discharging at an average daily rate of 10,000,000 gallons or more;

q. [$50.00] $100.00 per acre disturbed plus [$300.00] $600.00 per future impervious acre for any facility, not owned or managed by a local government or a state department, agency, or authority, discharging or authorized to discharge pursuant to a SPDES permit for stormwater discharges from construction activity. For the purposes of this subdivision, acres disturbed are acres subject to clearing, grading, or excavating subject to SPDES permitting and future impervious acres are acres that will be newly paved or roofed during construction;

r. $50.00 FOR A MEDIUM CONCENTRATED ANIMAL FEEDING OPERATION DISCHARGING OR AUTHORIZED TO DISCHARGE PURSUANT TO A GENERAL PERMIT;

S. $50.00 FOR A LARGE CONCENTRATED ANIMAL FEEDING OPERATION DISCHARGING OR AUTHORIZED TO DISCHARGE PURSUANT TO A GENERAL PERMIT;

T. [$50.00] $100.00 for any facility, other than a municipal separate storm sewer as defined by 40 CFR S122.26 (b) (8), discharging or authorized to discharge pursuant to a general permit[;] unless a [higher] SPECIFIC fee is imposed pursuant to subdivisions a through [q] S of this section for such discharge or authorization to discharge[, provided that the department may by regulation, establish a general permit fee lower than the permit fee imposed pursuant to subdivisions a through q of this section].

S 2. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2009.

PART KK

Section 1. Subdivision 5 of section 11-0701 of the environmental conservation law is amended by adding a new paragraph c to read as follows:

C. A COMBINED RESIDENT FISHING, SMALL AND BIG GAME, MUZZLE-LOADING STAMP AND TRAPPING LICENSE, HEREINAFTER IN THIS ARTICLE REFERRED TO AS A RESIDENT TRAPPER SUPER-SPORTSMAN LICENSE, ENTITLES THE HOLDER TO THE PRIVILEGES THE HOLDER WOULD HAVE IF THE HOLDER HELD SEPARATELY A FISHING LICENSE, A SMALL AND BIG GAME LICENSE, A MUZZLE-LOADING STAMP, A TRAPPING LICENSE, AND A TURKEY PERMIT.

S 2. Subdivision 1 of section 11-0702 of the environmental conservation law, as amended by section 18 of part F of chapter 82 of the laws of 2002, is amended to read as follows:

1. There are hereby created the following lifetime hunting, fishing, trapping, archery and muzzle-loading licenses and fees therefor subject to the same privileges and obligations of a comparable short term license:

Licenses	Fees
a. Lifetime sportsman license and turkey permit. If purchased, for a child four years of age or younger	[$300.00] $380.00
for a child age five through eleven years of age	[$420.00] $535.00
for a person age twelve through [sixty-four] SIXTY-NINE years of age	[$600.00] $765.00
for a person age [sixty-five] SEVENTY and over.	[$ 50.00] $65.00
b. Lifetime small and big game license.	[$350.00] $535.00
c. Lifetime fishing license FOR A PERSON AGE SIXTY-NINE OR YOUNGER.	[$350.00] $460.00
d. LIFETIME FISHING LICENSE FOR A PERSON AGE SEVENTY AND OVER.	$ 65.00
E. Lifetime trapping license.	[$300.00] $395.00
[e.] F. Lifetime archery stamp.	[$180.00] $235.00
[f.] G. Lifetime muzzle-loading stamp.	[$180.00] $235.00

The holder of a lifetime small and big game license or fishing license may, at any time, convert such license to a lifetime sportsman license

and turkey permit for an additional fee equal to the existing differential.

S 3. Subdivision 2 of section 11-0715 of the environmental conservation law, as amended by chapter 418 of the laws of 2004, is amended to read as follows:

2. A [resident in the state for thirty days immediately prior to the date of application who has attained the age of seventy is entitled to receive all licenses, stamps, tags, buttons, and permits authorized by this title for which he or she is eligible, except turkey permits, renewable each year for a five dollar fee; a] member of the Shinnecock tribe or the Poospatuck tribe or a member of the six nations, residing on any reservation wholly or partly within the state, is entitled to receive free of charge a fishing license, a small and big game license, a sportsman license, a muzzle-loading stamp, a trapping license, and a bow hunting stamp; a resident of the state who is a member of the United States armed forces in active service who is not stationed within the state and has not been herein longer than thirty days on leave or furlough, is entitled to receive free of charge a fishing license, a small and big game license, and a trapping license; A RESIDENT OF THE STATE WHO IS an active member of the organized militia of the state of New York as defined by section one of the military law, or the reserve components of the armed forces of the United States, and excluding members of the inactive national guard and individual ready reserve, is entitled to receive free of charge a fishing license, a small and big game license, and a trapping license; and a resident who is blind is entitled to receive a fishing license free of charge. For the purposes of this subdivision a person is blind only if either: (a) his or her central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or (b) his or her visual acuity is greater than 20/200 but is accompanied by a limitation of the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

A resident in the state for a period of thirty days immediately prior to the date of application who has attained the age of [sixty-five] SEVENTY is entitled to receive a sportsman license at the cost of [five] TEN dollars as a license fee.

A RESIDENT IN THE STATE FOR A PERIOD OF THIRTY DAYS IMMEDIATELY PRIOR TO THE DATE OF APPLICATION WHO HAS ATTAINED THE AGE OF SEVENTY IS ENTITLED TO RECEIVE A FISHING LICENSE, AND A TRAPPING LICENSE, AT A COST OF FIVE DOLLARS FOR EACH LICENSE.

A RESIDENT IN THE STATE FOR A PERIOD OF THIRTY DAYS IMMEDIATELY PRIOR TO THE DATE OF APPLICATION WHO HAS ATTAINED THE AGE OF SEVENTY IS ENTITLED TO RECEIVE FREE OF CHARGE A BOWHUNTING STAMP AND A MUZZLE-LOADING STAMP.

S 4. Subdivision 3 of section 11-0715 of the environmental conservation law, as amended by chapter 344 of the laws of 2008, is amended to read as follows:

3. Each applicant for a license, permit or stamp shall pay to the issuing officer a fee, according to the license, permit or stamp issued and the residence or other qualification of the applicant.

a. In the case of persons who have been residents of the state for more than thirty days immediately preceding the date of application or who are enrolled in a full-time course at a college or university within the state and who are in residence in the state for the school year, Indians residing off reservations in the state and members of the United

States armed forces in active service stationed in this state regardless of place of residence at the time of entry into service:

License	Fee
(1) Super-sportsman	[$68.00] $88.00
(2) TRAPPER SUPER-SPORTSMAN	$88.00
(3) Sportsman	[$37.00] $47.00
[(3)] (4) Small and big game	[$19.00] $29.00
[(4)] (5) Fishing	[$19.00] $29.00
[(5)] (6) Trapping	[$16.00] $21.00
[(6)] (7) Small game	[$16.00] $26.00
[(7)] (8) Junior trapping	$ 6.00
[(8)] (9) Muzzle-loading stamp	[$16.00] $21.00
[(9)] (10) Bowhunting stamp	[$16.00] $21.00
[(10)] (11) Turkey permit	[$ 5.00] $10.00
[(11)] (12) Seven-day fishing	[$12.00] $15.00
[(12)] (13) Conservation legacy	[$76.00] $96.00
(14) ONE-DAY FISHING	$ 5.00

b. In the case of a non-resident and persons resident in the state for less than thirty days, other than persons who are enrolled in a full-time course at a college or university within the state and who are in residence in the state for the school year and those members of the United States armed forces as to whom fees are specified in paragraph a of this subdivision:

License	Fee
(1) Big game	[$110.00] $140.00
(2) Small game	[$ 55.00] $85.00
(3) Fishing	[$ 40.00] $70.00
(4) Seven-day fishing	[$ 25.00] $35.00
(5) Trapping	[$255.00] $310.00
(6) Super-sportsman	[$250.00] $280.00
(7) Bowhunting	[$110.00] $140.00
(8) Muzzle-loading	[$110.00] $140.00
(9) Bear tag	[$ 30.00] $50.00
(10) Turkey permit	[$ 30.00] $50.00
(11) ONE-DAY FISHING	$15.00

c. In all cases:

(1) Certificates in lieu of lost license or stamp or tag	$ 5.00
(2) Duplicate for lost or destroyed permit, button or tag	$10.00
(3) Junior hunting license	$ 5.00
(4) Junior archery license	$ 9.00
(5) One-day fishing license	$15.00
(6) Conservation patron license	$12.00

S 5. Subdivision 4 of section 11-0715 of the environmental conservation law, as amended by section 31 of part F of chapter 82 of the laws of 2002, is amended to read as follows:

4. A person, resident in the state for at least thirty days immediately prior to the date of application, who has been honorably discharged from service in the armed forces of the United States and certified as having a forty percent or greater service-connected disability is entitled to receive all licenses, stamps, tags, buttons, and permits authorized by this title for which he or she is eligible, except turkey permits, renewable each year for a five dollar fee.

S 6. Subdivision 7 of section 11-0913 of the environmental conservation law, as amended by section 48 of part F of chapter 82 of the laws of 2002, is amended to read as follows:

7. The department shall charge and receive a fee of ten dollars for the application and the processing of such permit or permits. Applicants who are successful in the computerized selection shall receive the permit or permits free of any additional charge. The application fee shall be non-refundable. The department may waive the application fee for holders of a LIFETIME SPORTSMAN LICENSE EXISTING AS OF OCTOBER FIRST, TWO THOUSAND NINE, junior archery[, sportsman] LICENSE, resident super-sportsman[, conservation legacy or non-resident super-sportsman] license, OR JUNIOR HUNTING LICENSE.

S 7. This act shall take effect October 1, 2009. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.

PART LL

Section 1. Subdivisions 4 and 16 of section 11-0701 of the environmental conservation law, subdivision 4 as amended by chapter 470 of the laws of 1994, and subdivision 16 as added by section 17 of part F of chapter 82 of the laws of 2002, are amended to read as follows:

4. A fishing license entitles the holder to take fish by angling, spearing, hooking, longbow and tipups, to take frogs by spearing, catching with the hands or by use of a club or hook, and to take bait fish for personal use, as provided in titles 9 and 13 OF THIS ARTICLE, EXCEPT THAT SUCH LICENSE SHALL NOT ENTITLE THE HOLDER TO TAKE MIGRATORY FISH OF THE SEA OR TO TAKE FISH FROM THE WATERS OF THE MARINE DISTRICT.

16. A conservation legacy license entitles the holder to fish, EXCEPT FOR MIGRATORY FISH OF THE SEA OR FROM THE WATERS OF THE MARINE DISTRICT, hunt wildlife, hunt big game with a longbow and a muzzle-loading firearm during special seasons therefor, hunt turkey, enjoy the benefits of a voluntary habitat stamp and receive the "New York State Conservationist" magazine as if the holder of such license held separately a resident super-sportsman license, a voluntary habitat stamp and a subscription to the "New York State Conservationist" magazine.

S 2. Subdivision 1 of section 11-0702 of the environmental conservation law, as amended by section 18 of part F of chapter 82 of the laws of 2002, is amended to read as follows:

1. There are hereby created the following lifetime hunting, fishing, trapping, archery and muzzle-loading licenses and fees therefor subject to the same privileges and obligations of a comparable short term license:

Licenses	Fees
a. Lifetime sportsman license and turkey permit. If purchased, for a child four years of age or younger	$300.00
for a child age five through eleven years of age	$420.00

for a person age twelve through sixty-four years of age	$600.00
for a person age sixty-five and over.	$ 50.00
b. Lifetime small and big game license.	$350.00
c. Lifetime fishing license.	$350.00
d. Lifetime trapping license.	$300.00
e. Lifetime archery stamp.	$180.00
f. Lifetime muzzle-loading stamp.	$180.00
G. LIFETIME RECREATIONAL MARINE FISHING LICENSE.	$150.00
H. LIFETIME COMBINATION FISHING AND RECREATIONAL MARINE FISHING LICENSE.	$450.00

The holder of a lifetime small and big game license or fishing license may, at any time, convert such license to a lifetime sportsman license and turkey permit for an additional fee equal to the existing differential.

S 3. Subdivision 6 of section 11-0707 of the environmental conservation law is REPEALED.

S 4. Subdivisions 1 and 5 of section 11-0713 of the environmental conservation law, paragraph a of subdivision 1 as amended by section 4 of part D of chapter 61 of the laws of 2000, paragraph b of subdivision 1 as relettered by chapter 470 of the laws of 1994, paragraph d of subdivision 1 as amended by chapter 108 of the laws of 1995 and subdivision 5 as added by chapter 316 of the laws of 1996 and as renumbered by section 5 of part D of chapter 61 of the laws of 2000, are amended to read as follows:

1. a. All licenses, stamps, tags, buttons, permits, and permit applications authorized by this title OR SECTION 13-0355 OF THIS CHAPTER, and any additional privileges authorized by the department shall be issued by:

(1) clerks of a county, town or city, except a city having a population of one million or more, ALTHOUGH SUCH CLERKS MAY REQUEST AUTHORIZATION FROM THE DEPARTMENT TO CEASE ISSUING SUCH LICENSES,

(2) clerks of a village having more than one thousand inhabitants according to the last preceding federal census, or of a village in a county of less than five hundred thousand inhabitants, adjoining a city of over one million inhabitants, both according to such census, ALTHOUGH SUCH CLERKS MAY REQUEST AUTHORIZATION FROM THE DEPARTMENT TO CEASE ISSUING SUCH LICENSES, and

(3) [License] LICENSE issuing officers as may be appointed by the commissioner. Applicants for designation as license issuing officers shall be over the age of eighteen years and shall meet such other requirements of eligibility, including posting bond, as the department may by regulation specify. Such issuing officers shall be entitled to receive and keep the same fees for issuing licenses and stamps that are specified in section 11-0715 of this [article] TITLE for issuing clerks AND SECTION 13-0355 OF THIS CHAPTER, and shall file reports and remit license fees to the appropriate regional environmental conservation officer or the department as required by regulation.

b. Special antlerless deer licenses shall be issued by the department as provided in subdivision 6 of section 11-0903 OF THIS ARTICLE.

[d.] C. One-day fishing licenses AND ONE-DAY RECREATIONAL MARINE FISHING LICENSES may be issued by any person who has never been convicted of or pleaded guilty to a misdemeanor under this chapter within the past three years, and has not been convicted of a crime under any other law. [One-day fishing] SUCH licenses shall be issued to any such person following payment of [ten dollars] THE APPLICABLE LICENSE FEE for each license. One-day fishing licenses AND ONE-DAY RECREATIONAL MARINE FISHING LICENSES may be sold by the initial purchaser for no more than [ten dollars as a] THE APPLICABLE license fee [and], PLUS one dollar for the person selling such license. In the case of misuse or fraud in handling the fishing licenses, the department shall have the authority to revoke the privilege to buy and sell the licenses.

5. The commissioner shall establish a toll-free telephone number or a dedicated number for use to purchase sporting licenses by credit card purchasers. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS CHAPTER, THE COMMISSIONER MAY AUTHORIZE THE SALE OF LICENSES VIA THE INTERNET, TELEPHONE OR MAIL AND ESTABLISH PROCEDURES THEREFOR, AND MAY, THROUGH BULK SALES OR OTHERWISE, FURNISH LICENSES FOR RETAIL SALE TO OUTDOOR AND RECREATIONAL OUTLETS AND NOT-FOR-PROFIT ORGANIZATIONS, AND THE DEPARTMENT MAY SELL LICENSES AT DEPARTMENT FACILITIES. EXCEPT AS PROVIDED IN SUBDIVISION 1 OF THIS SECTION, A LICENSE SOLD AT RETAIL SHALL NOT BE SOLD FOR A PRICE WHICH EXCEEDS THE FEE FOR SUCH LICENSE ESTABLISHED IN THE FISH AND WILDLIFE LAW.

S 5. Subdivision 1 of section 13-0336 of the environmental conservation law, as added by chapter 263 of the laws of 1997, is amended to read as follows:

1. No owner or operator of a party boat or charter boat shall carry recreational fishing passengers in the marine and coastal district or land fish taken outside the territorial waters of the state without holding a party or charter boat license issued by the department for an annual fee of two hundred fifty dollars AND A RECREATIONAL MARINE FISHING LICENSE ISSUED BY THE DEPARTMENT FOR AN ANNUAL FEE OF FOUR HUNDRED DOLLARS. Such [license] LICENSES shall be issued only to persons domiciled in the state or in a state which affords reciprocal fishing privileges to persons domiciled in New York. Such [license] LICENSES shall be available on the vessel at all times. For purposes of this subdivision, party boats and charter boats are vessels used to carry passengers for hire wherein a fee is charged, either directly or indirectly, for the purpose of taking or attempting to take marine fish for recreational purposes.

S 6. The environmental conservation law is amended by adding a new section 13-0355 to read as follows:

S 13-0355. RECREATIONAL MARINE FISHING LICENSE.

1. DEFINITIONS OF LICENSES; PRIVILEGES. A. A RECREATIONAL MARINE FISHING LICENSE ENTITLES THE HOLDER WHO IS SIXTEEN YEARS OF AGE OR OLDER TO TAKE FISH FROM THE WATERS OF THE MARINE AND COASTAL DISTRICT AND TO TAKE MIGRATORY FISH OF THE SEA FROM ALL WATERS OF THE STATE, EXCEPT AS PROVIDED IN SECTIONS 13-0333 AND 13-0335 OF THIS TITLE. A RECREATIONAL MARINE FISHING LICENSE IS EFFECTIVE FOR A LICENSE YEAR BEGINNING JANUARY FIRST AND ENDING DECEMBER THIRTY-FIRST.

B. A SEVEN-DAY RECREATIONAL MARINE FISHING LICENSE ENTITLES THE HOLDER TO EXERCISE THE PRIVILEGES OF A RECREATIONAL MARINE FISHING LICENSE FOR THE SEVEN CONSECUTIVE DAYS SPECIFIED IN SUCH LICENSE.

C. A ONE-DAY RECREATIONAL MARINE FISHING LICENSE ENTITLES THE HOLDER TO EXERCISE THE PRIVILEGES OF A RECREATIONAL MARINE FISHING LICENSE ON THE DAY SPECIFIED ON SUCH LICENSE.

2. GENERAL PROVISIONS. A. THE PRIVILEGES OF A RECREATIONAL MARINE FISHING LICENSE MAY BE EXERCISED ONLY AT THE TIMES AND PLACES, AND IN THE MANNER AND TO THE EXTENT, PERMITTED BY THE FISH AND WILDLIFE LAW AND APPLICABLE REGULATIONS OF THE DEPARTMENT.

B. RECREATIONAL MARINE FISHING LICENSES ARE NOT TRANSFERABLE. NO PERSON SHALL ALTER, CHANGE, LEND TO ANOTHER PERSON OR ATTEMPT TO TRANSFER TO ANOTHER PERSON ANY RECREATIONAL MARINE FISHING LICENSE.

C. A LICENSE ISSUED IN LIEU OF A LOST OR DESTROYED LICENSE IS VOID IF IT IS OBTAINED: (I) BY FRAUD; OR (II) BY A PERSON WHO IS NOT AUTHORIZED TO HOLD IT OR WHO MAKES A FALSE STATEMENT IN APPLYING FOR IT.

D. NO LICENSE AUTHORIZES THE HOLDER (A) TO TRESPASS UPON PRIVATE LANDS OR WATERS OR TO INTERFERE WITH PROPERTY BELONGING TO ANOTHER PERSON; (B) TO TAKE FISH OR WILDLIFE ON AN INDIAN RESERVATION; (C) TO ENTER UPON, OR TO TAKE OR DISTURB FISH OR WILDLIFE UPON, STATE LANDS OR WATERS POSTED BY THE DEPARTMENT EXCEPT IN ACCORDANCE WITH A WRITTEN PERMIT FROM THE DEPARTMENT OR AN ORDER ADOPTED BY THE DEPARTMENT; (D) TO TAKE ANY FISH OR WILDLIFE IN ANY AREA CLOSED TO THE TAKING OF FISH OR WILDLIFE, OR TO TAKE ANY SPECIES OF FISH, WILDLIFE OR PROTECTED INSECT IN AN AREA CLOSED TO THE TAKING OF SUCH SPECIES.

3. FAILURE TO CARRY LICENSE. A. THE HOLDER OF A RECREATIONAL MARINE FISHING LICENSE SHALL:

(I) AT ALL TIMES HAVE SUCH LICENSE ON THE HOLDER'S PERSON WHILE EXERCISING ANY PRIVILEGE OF THAT LICENSE; AND

(II) SHALL EXHIBIT SUCH LICENSE ON DEMAND TO ANY POLICE OFFICER, PEACE OFFICER, OR OWNER, LESSEE OR OTHER PERSON IN CONTROL OF THE LANDS OR WATERS OR THE DESIGNEES OF THE OWNER, LESSEE OR PERSON IN CONTROL OF THE LANDS OR WATERS ON WHICH THE LICENSE HOLDER IS PRESENT AND IS EXERCISING THE PRIVILEGES THEREOF.

B. FAILURE TO HAVE A RECREATIONAL MARINE FISHING LICENSE ON ONE'S PERSON WHILE EXERCISING ANY PRIVILEGE OF THAT LICENSE IS PRESUMPTIVE EVIDENCE THAT SUCH PERSON IS FISHING WITHOUT HOLDING THE LICENSE REQUIRED BY THIS SECTION.

4. FEES. EACH APPLICANT FOR A RECREATIONAL MARINE FISHING LICENSE SHALL PAY TO THE ISSUING OFFICER A FEE ACCORDING TO THE LICENSE ISSUED AND THE RESIDENCE OR OTHER QUALIFICATION OF THE APPLICANT, AS FOLLOWS:

A. IN THE CASE OF PERSONS WHO HAVE BEEN RESIDENTS OF THE STATE FOR THIRTY DAYS OR MORE IMMEDIATELY PRECEDING THE DATE OF APPLICATION OR WHO ARE ENROLLED IN A FULL-TIME COURSE AT A COLLEGE OR UNIVERSITY WITHIN THE STATE AND WHO ARE IN RESIDENCE IN THE STATE FOR THE SCHOOL YEAR, INDIANS RESIDING OFF RESERVATIONS IN THE STATE AND MEMBERS OF THE UNITED STATES ARMED FORCES IN ACTIVE SERVICE STATIONED IN THIS STATE REGARDLESS OF PLACE OF RESIDENCE AT THE TIME OF ENTRY INTO SERVICE:

LICENSE	FEE
(1) RECREATIONAL MARINE FISHING	$10.00
(2) SEVEN-DAY RECREATIONAL MARINE FISHING	$8.00
(3) ONE-DAY RECREATIONAL MARINE FISHING	$ 4.00

B. IN THE CASE OF A NON-RESIDENT AND PERSONS RESIDENT IN THE STATE FOR LESS THAN THIRTY DAYS, OTHER THAN PERSONS WHO ARE ENROLLED IN A FULL-TIME COURSE AT A COLLEGE OR UNIVERSITY WITHIN THE STATE AND WHO ARE IN RESIDENCE IN THE STATE FOR THE SCHOOL YEAR AND THOSE MEMBERS OF THE UNITED STATES ARMED FORCES AS TO WHOM FEES ARE SPECIFIED IN PARAGRAPH A OF THIS SUBDIVISION:

LICENSE	FEE
(1) RECREATIONAL MARINE FISHING	$15.00
(2) SEVEN-DAY RECREATIONAL MARINE FISHING	$10.00
(3) ONE-DAY RECREATIONAL MARINE FISHING	$ 5.00

C. A PERSON ELIGIBLE FOR ANY FREE LICENSE PURSUANT TO SUBDIVISION 2 OF SECTION 11-0715 OF THIS CHAPTER SHALL BE ELIGIBLE FOR A FREE RECREATIONAL MARINE FISHING LICENSE.

D. LICENSE ISSUING OFFICERS MAY RETAIN 5.5 PERCENT OF THE GROSS PROCEEDS FROM THE SALE OF ALL RECREATIONAL MARINE FISHING LICENSES.

5. EXEMPTION FROM REQUIREMENT OF RECREATIONAL MARINE FISHING LICENSE. A. MINORS UNDER THE AGE OF SIXTEEN MAY TAKE FISH AS IF THEY HELD A RECREATIONAL MARINE FISHING LICENSE.

B. RECREATIONAL FISHING PASSENGERS ON A MARINE AND COASTAL DISTRICT PARTY OR CHARTER BOAT LICENSED PURSUANT TO SECTION 13-0336 OF THIS TITLE MAY TAKE FISH AS IF THEY HELD A RECREATIONAL MARINE FISHING LICENSE.

6. RECREATIONAL MARINE FISHING LICENSE DATA. A. THE DEPARTMENT IS AUTHORIZED TO COLLECT DATA ON HOLDERS OF RECREATIONAL MARINE FISHING LICENSES, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO, A LICENSEE'S NAME, ADDRESS AND DATE OF BIRTH.

B. LICENSE HOLDER DATA COLLECTED BY THE DEPARTMENT OR AVAILABLE TO THE DEPARTMENT SHALL BE CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT AS REQUIRED TO COMPLY WITH SECTION 401(G) OF THE MAGNUSON-STEVENS FISHERIES MANAGEMENT AND CONSERVATION ACT (16 U.S.C. 1881), AS MAY BE AMENDED FROM TIME TO TIME, OR BY COURT ORDER, EXCEPT THAT THE DEPARTMENT MAY RELEASE OR MAKE PUBLIC ANY STATISTICS IN AN AGGREGATE OR SUMMARY FORM WHICH DOES NOT MAKE IT POSSIBLE TO IDENTIFY ANY PERSON WHO SUBMITS SUCH DATA. THE DEPARTMENT MAY PRESCRIBE SUCH PROCEDURES AS MAY BE NECESSARY TO PRESERVE SUCH CONFIDENTIALITY.

7. RECIPROCITY IN BOUNDARY WATERS. IF PERSONS HOLDING RECREATIONAL MARINE FISHING LICENSES ISSUED UNDER THE NEW YORK FISH AND WILDLIFE LAW ARE NOT REQUIRED TO HAVE LICENSES ISSUED BY A STATE NAMED IN PARAGRAPH A, B OR C OF THIS SUBDIVISION WHEN FISHING IN THAT PART OF THE WATERS, SPECIFIED IN SUCH PARAGRAPH, WHICH LIES WITHIN THAT STATE THEN, IN SUCH CASE, A PERSON HOLDING A SIMILAR LICENSE ISSUED BY SUCH STATE MAY, WITHOUT A RECREATIONAL MARINE FISHING LICENSE ISSUED UNDER THE NEW YORK FISH AND WILDLIFE LAW, TAKE FISH AS PROVIDED IN THIS TITLE, FROM THAT PART OF SUCH WATERS SPECIFIED IN PARAGRAPH A, B OR C OF THIS SUBDIVISION WHICH LIES WITHIN THIS STATE:

A. LICENSE ISSUED BY CONNECTICUT: THOSE PARTS OF LONG ISLAND SOUND LYING BETWEEN NEW YORK AND CONNECTICUT.

B. LICENSE ISSUED BY NEW JERSEY: THOSE PARTS OF NEW YORK HARBOR, HUDSON RIVER, KILL VAN KULL, ARTHUR KILL, RARITAN BAY AND ATLANTIC OCEAN LYING BETWEEN NEW YORK AND NEW JERSEY.

C. LICENSE ISSUED BY RHODE ISLAND: THOSE PARTS OF LONG ISLAND SOUND, BLOCK ISLAND SOUND AND ATLANTIC OCEAN LYING BETWEEN NEW YORK AND RHODE ISLAND.

S 7. Subdivision 2 of section 13-0503 of the environmental conservation law, as amended by chapter 263 of the laws of 2007, is amended to read as follows:

2. The board shall have the power and duty to: (A) receive and review, and to approve or deny, applications from eligible recipients for grants from the marine and coastal district of New York conservation, education, and research fund, created pursuant to section ninety-five-c of the state finance law, for conservation, research, and education projects relating to such marine and coastal district. Approval of any such proposed project may be granted only by unanimous vote of all three members of the board. In the event a member of the board is unable to vote, the alternate for such member may vote in his or her place[. The board shall have the power to];

(B) make by-laws for the management of its affairs and to do all things necessary or convenient to carry out the powers expressly given in this title;

(C) REVIEW THE ALLOCATIONS AND EXPENDITURES OF THE DEPARTMENT RELATED TO THE MARINE RESOURCES ACCOUNT. TO ASSIST THE BOARD IN ITS REVIEW, THE DEPARTMENT SHALL BY SEPTEMBER FIRST OF EACH YEAR MAKE AVAILABLE TO THE BOARD, THE GOVERNOR AND THE LEGISLATURE CURRENT AND ANTICIPATED INCOME AND EXPENDITURES FOR THE ACCOUNT, INCLUDING PLANNED EXPENDITURES BY TIME AND ACTIVITY CODE FOR THE NEXT FISCAL YEAR;

(D) CONSULT WITH MARINE FISH AND WILDLIFE INTERESTS AND RENDER ANNUAL REPORTS TO THE COMMISSIONER ON FISCAL NEEDS AND MAKE RECOMMENDATIONS ON EXPENDITURES AND HOW SUCH NEEDS SHALL BE MET; AND

(E) MAKE RECOMMENDATIONS REGARDING THE MAXIMUM FEES FOR THE RECREATIONAL MARINE FISHING LICENSES IDENTIFIED IN SECTION 13-0355 OF THIS ARTICLE. IN RECOMMENDING SUCH FEES, THE BOARD SHALL CONSIDER ECONOMIC INDICATORS, THE GENERAL FINANCIAL CONDITION OF THE SALTWATER RECREATIONAL FISHING INDUSTRY AND THE STATUS OF THE MARINE RESOURCES ACCOUNT, INCLUDING THE VIABILITY OF THE MARINE RESOURCES PROGRAM, AS IT MAY DEEM APPROPRIATE.

S 8. This act shall take effect October 1, 2009; provided, however, that effective immediately, any regulations necessary for the timely implementation of this act on its effective date are authorized to be promulgated before such date.

PART MM

Intentionally omitted.

PART NN

Section 1. Legislative findings. The legislature finds that the nature of the work of the department of public service has become increasingly complex. The public service commission has instituted proceedings with statewide environmental and economic implications in addition to its core ratemaking and consumer protection responsibilities for the electric, natural gas, water, steam and telephone industries. The current amount of the cap set forth in section 18-a of the public service law,

established in 1972, may no longer be adequate to meet the responsibilities of the department and related costs of other state agencies and authorities that are and will continue to be supported through this assessment. Increasing the assessment cap will allow the department, the commission and other agencies to continue their oversight of the state's utilities and the development of important environmental and efficiency policies and programs relating to, among other things, energy efficiency and renewable energy.

The legislature further finds that while the commission applies a traditional regulatory approach to electric, gas, steam and water utilities, recent changes in the telecommunications industry have impacted the commission's regulatory oversight. New York's landline telephone companies are subject to significant levels of competition from providers exempt from New York's regulatory structure. To address the challenges posed by such competition, the commission has, within statutory parameters, streamlined its regulatory oversight to provide flexibility while maintaining consumer protections. As a result of these changes, the regulatory focus has narrowed, allowing a shift of department resources to oversight of other jurisdictional industries.

The legislature also finds that the challenges facing the state's energy and water utilities have increased. The commission's traditional focus on utilities' rates and the quality of utility service has expanded to include issues related to the role of energy service companies in retail markets and utility efficiencies, the development of the state's renewable resources and new utility-related issues posed at the federal level. These events have expanded the level of resources required to regulate and oversee entities regulated by the commission.

S 2. The section heading and subdivisions 1 and 2 of section 18-a of the public service law, the section heading as amended by chapter 446 of the laws of 1972, subdivision 1 as amended by chapter 83 of the laws of 1995, subdivision 2 as amended by chapter 15 of the laws of 1983, and paragraph (d) of subdivision 2 as amended by section 1 of part H1 of chapter 62 of the laws of 2003, are amended to read as follows:

[Cost] COSTS and expenses of the commission and department and the assessment [thereof] OF SUCH COSTS AND EXPENSES. 1. All costs and expenses of the department and commission shall be paid pursuant to appropriation [in the first instance from the state treasury,] on the certification of the chairman of the department and upon the audit and warrant of the comptroller. The state treasury shall be reimbursed therefore by payments to be made thereto from all moneys collected pursuant to this chapter. The total of such costs and expenses shall be borne by the public utility companies (including for the purposes of this section municipalities other than municipalities as defined in section eighty-nine-l of this chapter), corporations (including the power authority of the state of New York), and persons subject to the commission's regulation, to be assessed in the manner provided in subdivisions two, three and four of this section and section two hundred seventeen of this chapter.

2. (a) The chairman of the department shall estimate prior to the start of each state fiscal year the total costs and expenses, including the compensation and expenses of the commission and the department, their officers, agents and employees, and including the cost of retirement contributions, social security, health and dental insurance, survivor's benefits, workers' compensation, unemployment insurance and other fringe benefits required to be paid by the state for the personnel of the commission and the department, and including all other items of

maintenance and operation expenses, and all other direct and indirect costs. Based on such [estimate] ESTIMATES, the chairman shall determine the amount to be paid by each assessed public utility company and a bill shall be rendered [therefor] to each such public utility company.

(b) The bill for each public utility company shall be rendered on or before February first preceding each FISCAL year, and shall be for the amount equal to the product of the aforesaid estimated costs and expenses of conducting the department's and commission's total operations during the fiscal year for which billing is being made multiplied by the proportion which compares:

(1) the gross operating revenues, over and above [twenty-five] FIVE HUNDRED thousand dollars, for that utility company derived from intrastate utility operations in the last preceding calendar year, or other twelve month period as determined by the chairman, to:

(2) the total of the gross operating revenues, derived from intrastate utility operations for all utility companies in the state which revenues are included under subparagraph [(1)] ONE of [paragraph (b) of] this [subdivision] PARAGRAPH.

FOR THE PURPOSES OF CALCULATING THE COMMODITY COST COMPONENT OF ITS GROSS OPERATING REVENUE, WHERE THE UTILITY DELIVERS TO END-USE CUSTOMERS ELECTRICITY AND/OR NATURAL GAS COMMODITIES THAT ARE SOLD TO SUCH CUSTOMERS BY A THIRD PARTY, SUCH UTILITY SHALL INCLUDE IN ITS REVENUES AN ESTIMATE OF THE SALES REVENUE FOR THE ELECTRIC AND/OR NATURAL GAS COMMODITIES THAT IT DELIVERS, INCLUDING ALL SUCH COMMODITIES SOLD TO END-USE CUSTOMERS BY THIRD PARTIES, IN SUCH MANNER AS TO ASSURE THAT ALL END-USE DELIVERY CUSTOMERS, REGARDLESS OF THE ENTITY FROM WHICH THEY PURCHASE THEIR ELECTRIC AND/OR NATURAL GAS COMMODITIES, BEAR A FAIR AND PROPORTIONATE SHARE OF THE ASSESSMENT IMPOSED HEREIN, AS THE COMMISSION MAY DETERMINE.

(c) The minimum assessment for any utility company whose gross revenues from intrastate utility operations are in excess of [twenty-five] FIVE HUNDRED thousand dollars in the preceding calendar year shall be [ten] TWO HUNDRED dollars.

(d) The amount of such bill for fiscal years beginning on or after April first, nineteen hundred eighty-three so rendered shall be paid by such public utility company to the department on or before April first; provided, however, that a utility company may elect to make partial payments for such costs and expenses on March tenth of the preceding fiscal year and on September tenth of such fiscal year. [Provided further, however, that for the fiscal year beginning April two thousand three payment will be due March tenth, two thousand three at twenty-five percentum; June tenth, two thousand three at twenty-five percentum; and September tenth, two thousand three at fifty percentum. Thereafter, each] EACH such partial payment shall be a sum equal to fifty percentum of the estimate of costs and expenses to be assessed against such utility company under the provisions of this subdivision and shall not be less than [ten] TWO HUNDRED dollars.

(e) During the course of any state fiscal year, the chairman may increase or decrease the estimate of costs and expenses [of the department and the commission]. In such case, revised bills shall be sent to each public utility company [which has elected to make partial payments], and such increase or decrease shall be equally apportioned against the remaining payments for such fiscal year.

(f) On or before October tenth of each year, the chairman shall compute the actual costs and expenses of the department and the commission AND ADJUSTMENTS OR OTHER CORRECTIONS AS NEEDED for the preceding

state fiscal year and, after deducting the amounts recovered pursuant to subdivisions three and four of this section, shall, on or before October twentieth, send to each public utility company affected thereby a statement setting forth the amount due and payable by, or the amount standing to the credit of, such public utility company. Any amount owing by any public utility company shall be paid not later than thirty days following the date such statement is received. Any such amount standing to the credit of any public utility company shall be refunded by the commission or, at the option of such utility company, shall be applied as a credit against any succeeding payment due.

(g) The total amount which may be charged to any public utility company under authority of this subdivision for any state fiscal year shall not exceed [one-third of] one per centum of such public utility company's gross operating revenues derived from intrastate utility operations in the last preceding calendar year, or other twelve month period as determined by the chairman; provided, however, that no corporation or person that is subject to the jurisdiction of the commission only with respect to safety, or the power authority of the state of New York, shall be subject to the general assessment provided for under this subdivision.

NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, FOR TELEPHONE CORPORATIONS AS DEFINED IN SUBDIVISION SEVENTEEN OF SECTION TWO OF THIS ARTICLE, THE TOTAL AMOUNT WHICH MAY BE CHARGED SUCH CORPORATIONS FOR DEPARTMENT EXPENSES UNDER THE AUTHORITY OF SUBDIVISION ONE OF THIS SECTION FOR ANY STATE FISCAL YEAR SHALL NOT EXCEED ONE-THIRD OF ONE PERCENTUM OF SUCH CORPORATION'S GROSS OPERATING REVENUE, OVER AND ABOVE FIVE HUNDRED THOUSAND DOLLARS, DERIVED FROM INTRASTATE UTILITY OPERATIONS IN THE LAST PRECEDING CALENDAR YEAR, OR OTHER TWELVE MONTH PERIOD AS DETERMINED BY THE CHAIRMAN.

S 3. Subdivision 4-a of section 18-a of the public service law, as amended by chapter 46 of the laws of 1983, is renumbered subdivision 4-b.

S 4. Section 18-a of the public service law is amended by adding a new subdivision 6 to read as follows:

6.(A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AND SUBJECT TO THE EXCEPTIONS PROVIDED FOR IN PARAGRAPH (B) OF THIS SUBDIVISION, FOR THE STATE FISCAL YEAR BEGINNING ON APRIL FIRST, TWO THOUSAND NINE AND FOUR STATE FISCAL YEARS THEREAFTER, A TEMPORARY ANNUAL ASSESSMENT (HEREINAFTER "TEMPORARY STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT") IS HEREBY IMPOSED ON PUBLIC UTILITY COMPANIES (INCLUDING FOR THE PURPOSES OF THIS SUBDIVISION MUNICIPALITIES OTHER THAN MUNICIPALITIES AS DEFINED IN SECTION EIGHTY-NINE-L OF THIS CHAPTER), CORPORATIONS (INCLUDING FOR PURPOSES OF THIS SUBDIVISION THE LONG ISLAND POWER AUTHORITY), AND PERSONS SUBJECT TO THE COMMISSION'S REGULATION (HEREINAFTER SUCH PUBLIC UTILITY COMPANIES, CORPORATIONS, AND PERSONS ARE REFERRED TO COLLECTIVELY AS THE "UTILITY ENTITIES") TO ENCOURAGE THE CONSERVATION OF ENERGY AND OTHER RESOURCES PROVIDED THROUGH UTILITY ENTITIES, TO BE ASSESSED IN THE MANNER PROVIDED IN THIS SUBDIVISION; PROVIDED, HOWEVER, THAT SUCH ASSESSMENT SHALL NOT BE IMPOSED UPON TELEPHONE CORPORATIONS AS DEFINED IN SUBDIVISION SEVENTEEN OF SECTION TWO OF THIS ARTICLE.

(B) THE TEMPORARY STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT SHALL BE EQUAL TO TWO PERCENTUM OF THE UTILITY ENTITY'S GROSS OPERATING REVENUES DERIVED FROM INTRASTATE UTILITY OPERATIONS IN THE LAST PRECEDING CALENDAR YEAR, MINUS THE AMOUNT, IF ANY, THAT SUCH UTILITY ENTITY IS ASSESSED PURSUANT TO SUBDIVISIONS ONE AND TWO OF THIS

SECTION FOR THE CORRESPONDING STATE FISCAL YEAR PERIOD. WITH RESPECT TO THE LONG ISLAND POWER AUTHORITY, THE TEMPORARY STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT SHALL BE EQUAL TO ONE PERCENTUM OF SUCH AUTHORITY'S GROSS OPERATING REVENUES DERIVED FROM INTRASTATE UTILITY OPERATIONS IN THE LAST PRECEDING CALENDAR YEAR. NO CORPORATION OR PERSON SUBJECT TO THE JURISDICTION OF THE COMMISSION ONLY WITH RESPECT TO SAFETY, OR THE POWER AUTHORITY OF THE STATE OF NEW YORK, SHALL BE SUBJECT TO THE TEMPORARY STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT PROVIDED FOR UNDER THIS SUBDIVISION. UTILITY ENTITIES WHOSE GROSS OPERATING REVENUES FROM INTRASTATE UTILITY OPERATIONS ARE FIVE HUNDRED THOUSAND DOLLARS OR LESS IN THE PRECEDING CALENDAR YEAR SHALL NOT BE SUBJECT TO THE TEMPORARY STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT. THE MINIMUM TEMPORARY STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT TO BE BILLED TO ANY UTILITY ENTITY WHOSE GROSS REVENUES FROM INTRASTATE UTILITY OPERATIONS ARE IN EXCESS OF FIVE HUNDRED THOUSAND DOLLARS IN THE PRECEDING CALENDAR YEAR SHALL BE TWO HUNDRED DOLLARS.

(C) THE CHAIRMAN OF THE DEPARTMENT SHALL DETERMINE, PRIOR TO THE START OF EACH STATE FISCAL YEAR, THE AMOUNT OF THE TEMPORARY STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT FOR UTILITY ENTITIES FOR THE FISCAL YEAR. BASED ON THAT DETERMINATION, A BILL SHALL BE RENDERED FOR EACH UTILITY ENTITY ON OR BEFORE FEBRUARY FIRST PRECEDING EACH STATE FISCAL YEAR FOR THE AMOUNT AS SET FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION.

(D) EACH UTILITY ENTITY MUST PAY THE BILL RENDERED TO IT PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION AS FOLLOWS:

(I) THE AMOUNT OF SUCH BILL SHALL BE PAID BY SUCH PUBLIC UTILITY COMPANY TO THE DEPARTMENT ON OR BEFORE APRIL FIRST; PROVIDED, HOWEVER, THAT A UTILITY COMPANY MAY ELECT TO MAKE PARTIAL PAYMENTS FOR SUCH COSTS AND EXPENSES ON MARCH TENTH OF THE PRECEDING FISCAL YEAR AND ON SEPTEMBER TENTH OF SUCH FISCAL YEAR. EACH SUCH PARTIAL PAYMENT SHALL BE A SUM EQUAL TO FIFTY PERCENTUM OF THE ESTIMATE OF COSTS AND EXPENSES TO BE ASSESSED AGAINST SUCH UTILITY COMPANY UNDER THE PROVISIONS OF THIS SUBDIVISION AND SHALL NOT BE LESS THAN TWO HUNDRED DOLLARS.

(II) DURING THE COURSE OF ANY STATE FISCAL YEAR, THE CHAIRMAN MAY ADJUST THE AMOUNT OF THE BILLS AS APPROPRIATE TO REFLECT, AMONG OTHER THINGS, THE ACTUAL REPORTED REVENUES. IN SUCH CASE, REVISED BILLS SHALL BE SENT TO EACH UTILITY ENTITY SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION, AND SUCH INCREASE OR DECREASE SHALL BE EQUALLY APPORTIONED AGAINST THE REMAINING PAYMENTS FOR SUCH FISCAL YEAR;

(E) FOR THE PURPOSES OF CALCULATING THE COMMODITY COST COMPONENT OF ITS GROSS OPERATING REVENUE, WHERE THE UTILITY DELIVERS TO END-USE CUSTOMERS ELECTRICITY AND/OR NATURAL GAS COMMODITIES THAT ARE SOLD TO SUCH CUSTOMERS BY A THIRD PARTY, SUCH UTILITY SHALL INCLUDE IN ITS REVENUES AN ESTIMATE OF THE SALES REVENUE FOR THE ELECTRIC AND/OR NATURAL GAS COMMODITIES THAT IT DELIVERS, INCLUDING ALL SUCH COMMODITIES SOLD TO END-USE CUSTOMERS BY THIRD PARTIES, IN SUCH MANNER AS TO ASSURE THAT ALL END-USE DELIVERY CUSTOMERS, REGARDLESS OF THE ENTITY FROM WHICH THEY PURCHASE THEIR ELECTRIC AND/OR NATURAL GAS COMMODITIES, BEAR A FAIR AND PROPORTIONATE SHARE OF THE ASSESSMENT IMPOSED HEREIN, AS THE COMMISSION MAY DETERMINE.

(F) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ALL TEMPORARY STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT MONIES COLLECTED AND RECEIVED BY THE DEPARTMENT SHALL BE DEPOSITED TO THE CREDIT OF THE COMPTROLLER WITH SUCH RESPONSIBLE BANKS, BANKING HOUSES OR TRUST COMPANIES AS MAY BE DESIGNATED BY THE COMPTROLLER. SUCH DEPOSITS

SHALL BE KEPT SEPARATE AND APART FROM ALL OTHER MONIES IN THE POSSESSION OF THE COMPTROLLER. THE COMPTROLLER SHALL REQUIRE ADEQUATE SECURITY FROM ALL SUCH DEPOSITORIES. OF THE TOTAL AMOUNT COLLECTED, THE COMPTROLLER SHALL RETAIN THE AMOUNT DETERMINED BY THE CHAIRMAN TO BE NECESSARY FOR REFUND OF OVERPAYMENTS OUT OF WHICH THE COMPTROLLER MUST PAY ANY REFUNDS TO WHICH A UTILITY ENTITY MAY BE ENTITLED PURSUANT TO PARAGRAPH (G) OF THIS SUBDIVISION. AFTER RESERVING THE AMOUNT TO PAY REFUNDS, THE COMPTROLLER SHALL, ON OR BEFORE THE TENTH DAY OF EACH MONTH, OR MORE FREQUENTLY AS HE OR SHE MAY DEEM APPROPRIATE, PAY ALL TEMPORARY STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT MONIES COLLECTED AND RECEIVED UNDER THIS SUBDIVISION AND REMAINING TO THE COMPTROLLER'S CREDIT INTO THE STATE GENERAL FUND.

(G) ON OR BEFORE OCTOBER TENTH OF EACH YEAR, THE CHAIRMAN MAY COMPUTE ADJUSTMENTS OR OTHER CORRECTIONS AS NEEDED FOR THE PRECEDING STATE FISCAL YEAR AND, SHALL, ON OR BEFORE OCTOBER TWENTIETH, SEND TO EACH UTILITY ENTITY AFFECTED THEREBY, A STATEMENT SETTING FORTH THE AMOUNT DUE AND PAYABLE BY, OR THE AMOUNT STANDING TO THE CREDIT OF, SUCH UTILITY ENTITY. ANY AMOUNT OWING BY ANY UTILITY ENTITY SHALL BE PAID NOT LATER THAN THIRTY DAYS FOLLOWING THE DATE SUCH STATEMENT IS RECEIVED. ANY SUCH AMOUNT STANDING TO THE CREDIT OF ANY UTILITY ENTITY SHALL BE REFUNDED BY THE CHAIRMAN.

(H) THE CHAIRMAN IS AUTHORIZED TO COORDINATE THE IMPLEMENTATION OF THIS SUBDIVISION WITH THE OTHER SUBDIVISIONS OF THIS SECTION, INCLUDING FOR PURPOSES OF, BUT NOT LIMITED TO, BILLING AND COLLECTION OF THE ASSESSMENTS PROVIDED FOR UNDER THIS SECTION.

S 5. The department of taxation and finance, in consultation with the department of public service, is hereby authorized and directed to conduct a study of assessments, fees, and tax rates, and associated policies of the state of New York, relating to the telecommunications industry including, but not limited to the cable, satellite and wireless industries of the state. The results of the study shall be set forth in a written report made to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly on or before October 1, 2009.

S 6. This act shall take effect immediately; provided, however, that subdivision 6 of section 18-a of the public service law, as added by section four of this act shall take effect April 1, 2009 and shall expire and be deemed repealed March 31, 2014; and provided, further, that if section four of this act shall become law after April 1, 2009, it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.

PART OO

Section 1. Subdivision (h) of section 303 of the vehicle and traffic law, as amended by chapter 608 of the laws of 1993, is amended to read as follows:

(h) The commissioner, or any person duly deputized, in addition to or in lieu of revoking or suspending a license to operate an official inspection station or a certificate to inspect vehicles, may by order require the licensee or certified inspector to pay to the people of this state a penalty [in] FOR A FIRST VIOLATION a sum not exceeding [three] SEVEN hundred and fifty dollars for each violation FOUND TO HAVE BEEN COMMITTED; AND FOR A SECOND OR SUBSEQUENT VIOLATION NOT ARISING OUT OF THE SAME INCIDENT BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF THIRTY MONTHS, A SUM OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION

FOUND TO HAVE BEEN COMMITTED; PROVIDED, HOWEVER, THE PENALTY FOR EACH AND ANY VIOLATION OF PARAGRAPH THREE OF SUBDIVISION (E) OF THIS SECTION FOUND TO HAVE BEEN COMMITTED SHALL BE NO LESS THAN THREE HUNDRED AND FIFTY DOLLARS AND NO MORE THAN ONE THOUSAND DOLLARS, and upon the failure of such licensee to pay such penalty within twenty days after the mailing of such order, postage prepaid, registered or certified, and addressed to the last known place of business of such licensee or certified inspector, unless such order is stayed by a court of competent jurisdiction or in accordance with the provisions of Article three-A of this chapter, the commissioner may revoke the license of such licensee or the certificate of such certified inspector or may suspend the same for such period as may be determined. Civil penalties assessed under this subdivision shall be paid to the commissioner for deposit into the state treasury, and unpaid civil penalties may be recovered by the commissioner in a civil action in the name of the commissioner. In addition, as an alternative to such civil action and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding shall have expired, the commissioner may file with the county clerk of the county in which the registrant is located or the certified inspector resides a final order of the commissioner containing the amount of the penalty assessed. The filing of such final order shall have the full force and effect of a judgment duly docketed in the office of such clerk and may be enforced in the same manner and with the same effect as that provided by law in respect to executions issued against property upon judgments of a court of record.

S 2. Paragraph (b) of subdivision 2 of section 398-e of the vehicle and traffic law, as amended by chapter 634 of the laws of 1980, is amended to read as follows:

(b) Such penalty FOR A FIRST VIOLATION shall be in a sum not exceeding [three] SEVEN hundred fifty dollars for each violation FOUND TO HAVE BEEN COMMITTED, AND FOR A SECOND OR SUBSEQUENT VIOLATION NOT ARISING OUT OF THE SAME INCIDENT BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF THIRTY MONTHS, BE IN A SUM OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION FOUND TO HAVE BEEN COMMITTED; PROVIDED, HOWEVER, THE PENALTY FOR EACH AND ANY VIOLATION OF PARAGRAPH (G) OF SUBDIVISION ONE OF THIS SECTION FOUND TO HAVE BEEN COMMITTED SHALL BE NO LESS THAN THREE HUNDRED AND FIFTY DOLLARS AND NO MORE THAN ONE THOUSAND DOLLARS, except that if a finding of financial loss has been made pursuant to subdivision three of this section, the amount of such penalty may be increased by the amount of financial loss so found.

S 3. Subdivision 12 of section 415 of the vehicle and traffic law, as amended by chapter 7 of the laws of 2000, is amended to read as follows:

12. The commissioner, or any person deputized by him, in addition to or in lieu of revoking or suspending the certificate of registration of a registrant in accordance with the provisions of this article, may in any one proceeding by order require the registrant to pay to the people of this state a penalty [in] FOR A FIRST VIOLATION a sum not exceeding one thousand dollars for each violation FOUND TO HAVE BEEN COMMITTED; AND FOR A SECOND OR SUBSEQUENT VIOLATION NOT ARISING OUT OF THE SAME INCIDENT BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF THIRTY MONTHS, A SUM OF NOT MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS FOR EACH VIOLATION FOUND TO HAVE BEEN COMMITTED; PROVIDED, HOWEVER, THE PENALTY FOR EACH AND ANY VIOLATION OF PARAGRAPH C OF SUBDIVISION NINE OF THIS SECTION FOUND TO HAVE BEEN COMMITTED SHALL BE NO LESS THAN THREE HUNDRED AND FIFTY DOLLARS AND NO MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS, except that if a finding of financial loss has been made pursuant to

subdivision fourteen of this section, the amount of such penalty may be increased by the amount of financial loss so found, and upon the failure of such registrant to pay such penalty within twenty days after the mailing of such order, postage prepaid, registered or certified, and addressed to the last known place of business of such registrant, unless such order is stayed by an order of a court of competent jurisdiction, the commissioner may revoke the certificate of registration of such registrant or may suspend the same for such period as he may determine. Civil penalties assessed under this subdivision shall be paid to the commissioner for deposit into the state treasury, and unpaid civil penalties may be recovered by the commissioner in a civil action in the name of the commissioner.

S 4. This act shall take effect on the ninetieth day after it shall have become a law and shall apply only to violations occurring on and after such date.

PART PP

Section 1. Paragraph (h) of subdivision 2 of section 503 of the vehicle and traffic law, as amended by chapter 196 of the laws of 1996, is amended to read as follows:

(h) An applicant whose driver's license has been revoked pursuant to (i) section five hundred ten of this title, (ii) section eleven hundred ninety-three of this chapter, and (iii) section eleven hundred ninety-four of this chapter, shall, upon application for issuance of a driver's license, pay to the commissioner a fee of [fifty] ONE HUNDRED dollars[; provided, however, when]. WHEN the basis for the revocation is a finding of driving after having consumed alcohol pursuant to the provisions of section eleven hundred ninety-two-a of this chapter, the fee to be paid to the commissioner shall be one hundred dollars. Such fee is not refundable and shall not be returned to the applicant regardless of the action the commissioner may take on such person's application for reinstatement of such driving license. Such fee shall be in addition to any other fees presently levied but shall not apply to an applicant whose driver's license was revoked for failure to pass a reexamination or to an applicant who has been issued a conditional or restricted use license under the provisions of article twenty-one-A or thirty-one of this chapter.

S 2. Paragraph (j) of subdivision 2 of section 503 of the vehicle and traffic law, as amended by chapter 196 of the laws of 1996, is amended to read as follows:

(j) Whenever a license issued pursuant to this article, or a privilege of operating a motor vehicle or of obtaining such a license, has been suspended, such suspension shall remain in effect until a termination of a suspension fee of [twenty-five] FIFTY dollars is paid to the commissioner; provided, however, when the basis for the suspension is a finding of driving after having consumed alcohol pursuant to the provisions of section eleven hundred ninety-two-a of this chapter, the fee to be paid to the commissioner shall be one hundred dollars. The provisions of this paragraph shall not apply to a temporary suspension pending a hearing, prosecution or investigation, nor to an indefinite suspension which is issued because of the failure of the person suspended to perform an act, which suspension will be terminated by the performance of the act.

S 3. Subparagraph (i) of paragraph (j-1) of subdivision 2 of section 503 of the vehicle and traffic law, as added by section 8 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

(i) When a license issued pursuant to this article, or a privilege of operating a motor vehicle or of obtaining such a license, has been suspended based upon a failure to answer an appearance ticket or a summons or failure to pay a fine, penalty or mandatory surcharge, pursuant to subdivision three of section two hundred twenty-six, subdivision four of section two hundred twenty-seven, subdivision four-a of section five hundred ten or subdivision five-a of section eighteen hundred nine of this chapter, such suspension shall remain in effect until a termination of a suspension fee of [thirty-five] SEVENTY dollars is paid to the court or tribunal that initiated the suspension of such license or privilege. In no event may the aggregate of the fees imposed by an individual court pursuant to this paragraph for the termination of all suspensions that may be terminated as a result of a person's answers, appearances or payments made in such cases pending before such individual court exceed [two] FOUR hundred dollars. For the purposes of this paragraph, the various locations of the administrative tribunal established under article two-A of this chapter shall be considered an individual court.

S 4. Paragraph (j-1) of subdivision 2 of section 503 of the vehicle and traffic law is amended by adding a new subparagraph (iv) to read as follows:

(IV) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PARAGRAPH, FIFTY PERCENT OF ALL FEES COLLECTED PURSUANT TO THIS PARAGRAPH SHALL BE DEPOSITED TO THE CREDIT OF THE GENERAL FUND.

S 5. This act shall take effect on the ninetieth day after it shall have become a law, provided that section one of this act shall only apply to revocations issued on or after such effective date, and provided that sections two and three of this act shall apply only to suspensions issued on or after such effective date.

PART QQ

Section 1. Subdivision 3 of section 99-h of the state finance law, as amended by chapter 747 of the laws of 2006, is amended to read as follows:

3. Moneys of the account, following appropriation by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the [county of Erie] CITY OF BUFFALO, the [municipal governments hosting the facility] CITY OF BUFFALO shall [collectively] receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, and provided further that for any gaming facility located in the city of Niagara Falls, county of Niagara a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact shall be distributed in accordance with subdivision four of this section, and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state

receives pursuant to the compact; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence, and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not appropriated for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 2. Subdivision 4 of section 99-h of the state finance law, as amended by chapter 747 of the laws of 2006, is amended to read as follows:

4. (a) Monies which are appropriated and received each year by the state as a portion of the negotiated percentage of the net drop from electronic gaming devices the state receives in relation to the operation of a gaming facility in the city of Niagara Falls, county of Niagara which subdivision three of this section requires to be a minimum of twenty-five percent, shall be budgeted and disbursed by the city of Niagara Falls [and the county of Niagara] in the following manner:

(i) seventy-five percent of the total annual amount received shall be available for expenditure by the city of Niagara Falls for such public purposes as are determined, by the city, to be necessary and desirable to accommodate and enhance economic development, neighborhood revitalization, public health and safety, and infrastructure improvement in the city, shall be deposited into the tribal revenue account of the city and any and all interest and income derived from the deposit and investment of such monies shall be deposited into the general operating fund of the city; and

(ii) the remaining twenty-five percent of the total annual amount received shall be allocated for the [county] CITY of Niagara FALLS to be available for expenditure in the following manner:

(1) within thirty-five days upon receipt of such funds by such city, five and one-half percent of the total annual amount received in each year, not to exceed seven hundred fifty thousand dollars annually, shall be transferred [to the county treasurer for disbursement, within five business days of receipt by the county treasurer,] to Niagara Falls memorial medical center to be used for capital construction projects; and

(2) within thirty-five days upon receipt of such funds by such city, five and one-half percent of the total annual amount received in each year, not to exceed seven hundred fifty thousand dollars annually, shall be transferred to the Niagara Falls city school district for capital construction projects; and

(3) within thirty-five days upon receipt of such funds by such city, [seven] SIX percent in each year shall be transferred to the Niagara tourism and convention center corporation for marketing and tourism promotion in the county of Niagara including the city of Niagara Falls; and

(4) an amount equal to the lesser of one million dollars or seven percent of the total amount in each year shall be transferred to the CITY OF Niagara [county industrial development agency] FALLS and held in an escrow account maintained by the CITY OF Niagara [county industrial development agency] FALLS and, if additional funding has been secured by the Niagara frontier transportation authority to finance construction of

a new terminal at Niagara Falls, such amount held in escrow shall be transferred to the Niagara frontier transportation authority for such purpose provided however that if such additional funding has not been secured or construction of a new terminal has not commenced within two years of the date which such monies were received by the CITY OF Niagara [county industrial development agency] FALLS such amounts held in escrow by the CITY OF Niagara [county industrial development agency] FALLS shall be distributed pursuant to subparagraph (iii) of this paragraph; and

(5) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY, ONE PERCENT OR THREE HUNDRED FIFTY THOUSAND DOLLARS, WHICHEVER IS GREATER, OF THE TOTAL ANNUAL AMOUNT RECEIVED IN EACH YEAR SHALL BE TRANSFERRED TO THE NIAGARA FALLS UNDERGROUND RAILROAD HERITAGE COMMISSION, ESTABLISHED PURSUANT TO ARTICLE FORTY-THREE OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW TO BE USED FOR, BUT NOT LIMITED TO, DEVELOPMENT, CAPITAL IMPROVEMENTS, ACQUISITION OF REAL PROPERTY, AND ACQUISITION OF PERSONAL PROPERTY WITHIN THE HERITAGE AREA IN THE CITY OF NIAGARA FALLS AS ESTABLISHED PURSUANT TO THE COMMISSION; AND

(iii) all other monies appropriated or received for distribution pursuant to this subdivision after the transfer of money pursuant to this subparagraph and subparagraphs (i) and (ii) of this paragraph in each year shall be allocated to the [county of Niagara for economic development including but not limited to: marketing, tourism and development to facilitate private investment and private sector job creation in the county of Niagara including the] city of Niagara Falls FOR INFRASTRUCTURE AND ROAD IMPROVEMENT PROJECTS.

(b) On or before the first of April, each entity receiving moneys pursuant to subparagraphs (i), (ii) and (iii) of paragraph (a) of this subdivision, shall annually submit a report to the governor, temporary president of the senate, speaker of the assembly, [the Niagara county manager,] mayor of the city of Niagara Falls and leader of the city council of the city of Niagara Falls. Each such report shall include an accounting of all moneys received by such entity pursuant to paragraph (a) of this subdivision and the expenditure of any such moneys.

(c) Notwithstanding any other provision of law to the contrary, failure by the city of Niagara Falls to disburse funds as such city is required pursuant to clauses one, two, three and four of subparagraph (ii) of paragraph (a) of this subdivision within thirty-five days of the actual receipt of the funds or the submission of the subentity expenditure report due by April first of each year, which ever is later, shall result in an additional payment by the city of Niagara Falls of one-half percent per week not to exceed eighteen percent of the amount which was to have been disbursed pursuant to such [subparagraphs] CLAUSES. Any such additional payment required to be made by the city shall be disbursed from the city's seventy-five percent share described in subparagraph (i) of paragraph (a) of this subdivision.

(d) [Notwithstanding any other provision of law to the contrary, failure by the county of Niagara to disburse funds as such county is required pursuant to clause one of subparagraph (ii) of paragraph (a) of this subdivision within five business days of the actual receipt of the funds or the submission of the subentity expenditure report due by April first of each year, which ever is later, shall result in an additional payment by the county of Niagara of one-half percent per week not to exceed eighteen percent of the amount which was to have been disbursed pursuant to such subparagraphs. Any such additional payment required to

be made by the county shall be disbursed from the county's share described in subparagraph (iii) of paragraph (a) of this subdivision.

(e)] In the event that any monies to be distributed pursuant to clauses one, three and four of subparagraph (ii) of paragraph (a) of this subdivision cannot, for any reason, be received or utilized, such monies shall be distributed to THE CITY OF Niagara [county] FALLS for economic development projects within such [county] CITY.

[(f) In the event that any monies to be distributed pursuant to clause two of subparagraph (ii) of paragraph (a) of this subdivision cannot for any reason, be received or utilized, such monies shall be distributed to the city of Niagara Falls for economic development projects within such city.]

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009; provided further, that the amendments to subdivisions 3 and 4 of section 99-h of the state finance law made by sections one and two of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

PART RR

Section 1. Section 2 of chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, as amended by section 1 of part Q of chapter 59 of the laws of 2008, is amended to read as follows:

S 2. This act shall take effect immediately, provided however, that section one of this act shall be deemed to have been in full force and effect on and after April 1, 2003 and shall expire March 31, [2009] 2010.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2009.

PART SS

Section 1. Section 27-1001 of the environmental conservation law, as added by chapter 200 of the laws of 1982, is amended to read as follows:

S 27-1001. Legislative findings.

The legislature hereby finds that litter composed of discarded [soft-drink, beer and ale bottles and cans] BEVERAGE CONTAINERS is a growing problem of state concern and a direct threat to the health and safety of the citizens of this state. Discarded beverage [bottles and cans] CONTAINERS create a hazard to vehicular traffic, a source of physical injury to pedestrians[,] AND farm animals [and], A HAZARD TO FARM AND OTHER machinery and an unsightly accumulation of litter which must be disposed of at increasing public expense. Beverage [bottles and cans] CONTAINERS also create an unnecessary addition to the state's and municipalities' already overburdened solid waste and refuse disposal systems. Unsegregated disposal of such [bottles and cans] CONTAINERS creates an impediment to the efficient operation of resource recovery plants. Further, the legislature finds that the uninhibited discard of beverage containers constitutes a waste of both mineral and energy resources. The legislature hereby finds that requiring a deposit on all beverage containers, along with certain other facilitating measures,

will provide a necessary incentive for the economically efficient and environmentally benign collection and recycling of such containers.

S 2. Subdivisions 1 and 2 of section 27-1003 of the environmental conservation law, subdivision 1 as amended by chapter 778 of the laws of 1988 and subdivision 2 as amended by chapter 546 of the laws of 1986, are amended to read as follows:

1. "Beverage" means carbonated soft drinks, [mineral] water, [soda water,] beer, other malt beverages and a wine product as defined in subdivision thirty-six-a of section three of the alcoholic beverage control law. "Malt beverages" means any beverage obtained by the alcoholic fermentation or infusion or decoction of barley, malt, hops, or other wholesome grain or cereal and water including, but not limited to ale, stout or malt liquor. "WATER" MEANS ANY BEVERAGE IDENTIFIED THROUGH THE USE OF LETTERS, WORDS OR SYMBOLS ON ITS PRODUCT LABEL AS A TYPE OF WATER, INCLUDING ANY FLAVORED WATER OR NUTRITIONALLY ENHANCED WATER, PROVIDED, HOWEVER, THAT "WATER" DOES NOT INCLUDE ANY BEVERAGE IDENTIFIED AS A TYPE OF WATER TO WHICH A SUGAR HAS BEEN ADDED.

2. "Beverage container" means the individual, separate, sealed glass, metal, aluminum, steel or plastic bottle, can or jar used for containing LESS THAN one gallon or [3.8] 3.78 liters [or less] at the time of sale OR OFFER FOR SALE of a beverage intended for use or consumption in this state. Beverage containers sold or OFFERED FOR SALE OR distributed aboard aircraft or ships shall be considered as intended for use or consumption outside this state.

S 3. Subdivisions 6 and 9 of section 27-1003 of the environmental conservation law, as added by chapter 200 of the laws of 1982, are amended and four new subdivisions 2-a, 5-a, 12 and 13 are added to read as follows:

2-A. "BOTTLER" MEANS A PERSON, FIRM OR CORPORATION WHO:

A. BOTTLES, CANS OR OTHERWISE PACKAGES BEVERAGES IN BEVERAGE CONTAINERS EXCEPT THAT IF SUCH PACKAGING IS FOR A DISTRIBUTOR HAVING THE RIGHT TO BOTTLE, CAN OR OTHERWISE PACKAGE THE SAME BRAND OF BEVERAGE, THEN SUCH DISTRIBUTOR SHALL BE THE BOTTLER; OR

B. IMPORTS FILLED BEVERAGE CONTAINERS INTO THE UNITED STATES.

5-A. A "DEPOSIT INITIATOR" FOR EACH BEVERAGE CONTAINER FOR WHICH A REFUND VALUE IS ESTABLISHED UNDER SECTION 27-1005 OF THIS TITLE MEANS:

A. THE BOTTLER OF THE BEVERAGE IN SUCH CONTAINER;

B. THE DISTRIBUTOR OF SUCH CONTAINER IF SUCH DISTRIBUTOR'S PURCHASE OF SUCH CONTAINER WAS NOT, DIRECTLY OR INDIRECTLY, FROM A REGISTERED DEPOSIT INITIATOR;

C. A DEALER OF SUCH CONTAINER WHO SELLS OR OFFERS FOR SALE SUCH CONTAINER IN THIS STATE, WHOSE PURCHASE OF SUCH CONTAINER WAS NOT, DIRECTLY OR INDIRECTLY, FROM A REGISTERED DEPOSIT INITIATOR; OR

D. AN AGENT ACTING ON BEHALF OF A REGISTERED DEPOSIT INITIATOR.

6. "Distributor" means any person, firm or corporation which [bottles, cans or otherwise fills or packages beverage containers, or which] engages in the sale OR OFFER FOR SALE of [such] BEVERAGES IN BEVERAGE containers to a dealer.

9. "Redemption center" means any [establishment offering to pay the refund value of a beverage container] PERSON OFFERING TO PAY THE REFUND VALUE OF AN EMPTY BEVERAGE CONTAINER TO A REDEEMER, OR ANY PERSON WHO CONTRACTS WITH ONE OR MORE DEALERS OR DISTRIBUTORS TO COLLECT, SORT AND OBTAIN THE REFUND VALUE AND HANDLING FEE OF EMPTY BEVERAGE CONTAINERS FOR, OR ON BEHALF OF, SUCH DEALER OR DISTRIBUTOR under the provisions of section 27-1013 of this title.

12. "REVERSE VENDING MACHINE" MEANS AN AUTOMATED DEVICE THAT USES A LASER SCANNER, MICROPROCESSOR, OR OTHER TECHNOLOGY TO ACCURATELY RECOGNIZE THE UNIVERSAL PRODUCT CODE (UPC) ON CONTAINERS TO DETERMINE IF THE CONTAINER IS REDEEMABLE AND ACCUMULATES INFORMATION REGARDING CONTAINERS REDEEMED, INCLUDING THE NUMBER OF SUCH CONTAINERS REDEEMED, THEREBY ENABLING THE REVERSE VENDING MACHINE TO ACCEPT CONTAINERS FROM REDEEMERS AND TO ISSUE A SCRIP OR RECEIPT FOR THEIR REFUND VALUE.

13. "UNIVERSAL PRODUCT CODE" OR "UPC CODE" MEANS A STANDARD FOR ENCODING A SET OF LINES AND SPACES THAT CAN BE SCANNED AND INTERPRETED INTO NUMBERS TO IDENTIFY A PRODUCT. UNIVERSAL PRODUCT CODE MAY ALSO MEAN ANY ACCEPTED INDUSTRY BARCODE WHICH REPLACES THE UPC CODE INCLUDING EAN AND OTHER CODES THAT MAY BE USED TO IDENTIFY A PRODUCT.

S 4. Sections 27-1005 and 27-1007 of the environmental conservation law are REPEALED and two new sections 27-1005 and 27-1007 are added to read as follows:

S 27-1005. REFUND VALUE.

NO PERSON SHALL SELL OR OFFER FOR SALE A BEVERAGE CONTAINER IN THIS STATE UNLESS THE DEPOSIT ON SUCH BEVERAGE CONTAINER IS OR HAS BEEN COLLECTED BY A REGISTERED DEPOSIT INITIATOR AND UNLESS SUCH CONTAINER HAS A REFUND VALUE OF NOT LESS THAN FIVE CENTS WHICH IS CLEARLY INDICATED THEREON AS PROVIDED IN SECTION 27-1011 OF THIS TITLE.

S 27-1007. MANDATORY ACCEPTANCE.

EXCEPT AS PROVIDED IN SECTION 27-1009 OF THIS TITLE:

1. (A) A DEALER SHALL ACCEPT AT HIS OR HER PLACE OF BUSINESS FROM A REDEEMER ANY EMPTY BEVERAGE CONTAINERS OF THE DESIGN, SHAPE, SIZE, COLOR, COMPOSITION AND BRAND SOLD OR OFFERED FOR SALE BY THE DEALER, AND SHALL PAY TO THE REDEEMER THE REFUND VALUE OF EACH SUCH BEVERAGE CONTAINER AS ESTABLISHED IN SECTION 27-1005 OF THIS TITLE. REDEMPTIONS OF REFUND VALUE MUST BE IN LEGAL TENDER, OR A SCRIP OR RECEIPT FROM A REVERSE VENDING MACHINE, PROVIDED THAT THE SCRIP OR RECEIPT CAN BE EXCHANGED FOR LEGAL TENDER FOR A PERIOD OF NOT LESS THAN SIXTY DAYS WITHOUT REQUIRING THE PURCHASE OF OTHER GOODS. THE USE OR PRESENCE OF A REVERSE VENDING MACHINE SHALL NOT RELIEVE A DEALER OF ANY OBLIGATIONS IMPOSED PURSUANT TO THIS SECTION. IF A DEALER UTILIZES A REVERSE VENDING MACHINE TO REDEEM CONTAINERS, THE DEALER SHALL PROVIDE REDEMPTION OF BEVERAGE CONTAINERS WHEN THE REVERSE VENDING MACHINE IS FULL, BROKEN, UNDER REPAIR OR DOES NOT ACCEPT A TYPE OF BEVERAGE CONTAINER SOLD OR OFFERED FOR SALE BY SUCH DEALER AND MAY NOT LIMIT THE HOURS OR DAYS OF REDEMPTION EXCEPT AS PROVIDED BY SUBDIVISION THREE OF THIS SECTION.

(B) BEGINNING MARCH FIRST, TWO THOUSAND TEN, A DEALER WHOSE PLACE OF BUSINESS IS PART OF A CHAIN ENGAGED IN THE SAME GENERAL FIELD OF BUSINESS WHICH OPERATES TEN OR MORE UNITS IN THIS STATE UNDER COMMON OWNERSHIP AND WHOSE BUSINESS EXCEEDS: (I) FORTY THOUSAND SQUARE FEET BUT IS LESS THAN SIXTY THOUSAND SQUARE FEET SHALL INSTALL AND MAINTAIN AT LEAST THREE REVERSE VENDING MACHINES AT THE DEALER'S PLACE OF BUSINESS; (II) SIXTY THOUSAND SQUARE FEET BUT IS LESS THAN EIGHTY-FIVE THOUSAND SQUARE FEET SHALL INSTALL AND MAINTAIN AT LEAST FOUR REVERSE VENDING MACHINES AT THE DEALER'S PLACE OF BUSINESS; OR (III) EIGHTY-FIVE THOUSAND SQUARE FEET SHALL INSTALL AND MAINTAIN AT LEAST EIGHT REVERSE VENDING MACHINES AT THE DEALER'S PLACE OF BUSINESS; PROVIDED, HOWEVER, THAT THE REQUIREMENTS OF THIS PARAGRAPH TO INSTALL AND MAINTAIN REVERSE VENDING MACHINES SHALL NOT APPLY TO A DEALER THAT SELLS ONLY REFRIGERATED BEVERAGE CONTAINERS OF TWENTY OUNCES OR LESS WHERE EACH BEVERAGE CONTAINER IS SOLD AS AN INDIVIDUAL CONTAINER THAT IS NOT CONNECTED TO OR PACKAGED WITH ANY OTHER BEVERAGE CONTAINER.

(C) A DEALER TO WHICH PARAGRAPH (B) OF THIS SUBDIVISION DOES NOT APPLY AND WHOSE PLACE OF BUSINESS IS AT LEAST FORTY THOUSAND SQUARE FEET WHICH DOES NOT UTILIZE REVERSE VENDING MACHINES TO PROCESS EMPTY BEVERAGE CONTAINERS FOR REDEMPTION SHALL: (I) ESTABLISH AND MAINTAIN A DEDICATED AREA WITHIN SUCH BUSINESS TO ACCEPT BEVERAGE CONTAINERS FOR REDEMPTION; (II) ADEQUATELY STAFF SUCH AREA TO FACILITATE EFFICIENT ACCEPTANCE AND PROCESSING OF SUCH CONTAINERS DURING BUSINESS HOURS; AND (III) POST ONE OR MORE CONSPICUOUS SIGNS CONFORMING TO THE SIZE AND COLOR REQUIREMENTS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION AT EACH PUBLIC ENTRANCE TO THE BUSINESS WHICH DESCRIBES WHERE IN THE BUSINESS THE REDEMPTION AREA IS LOCATED. THE COMMISSIONER MAY ESTABLISH IN RULES AND REGULATIONS ADDITIONAL STANDARDS FOR THE EFFICIENT PROCESSING OF BEVERAGE CONTAINERS BY SUCH DEALERS.

(D) FOR THE PURPOSES OF THIS SUBDIVISION ON ANY DAY THAT A DEALER IS OPEN FOR LESS THAN TWENTY-FOUR HOURS, THE DEALER MAY RESTRICT OR REFUSE THE PAYMENT OF REFUND VALUES DURING THE FIRST AND LAST HOUR THE DEALER IS OPEN FOR BUSINESS.

2. A DEALER SHALL POST A CONSPICUOUS SIGN, AT THE POINT OF SALE, THAT STATES:

"NEW YORK BOTTLE BILL OF RIGHTS

STATE LAW REQUIRES US TO REDEEM EMPTY RETURNABLE BEVERAGE CONTAINERS OF THE SAME TYPE AND BRAND THAT WE SELL OR OFFER FOR SALE

YOU HAVE CERTAIN RIGHTS UNDER THE NEW YORK STATE RETURNABLE CONTAINER ACT:

THE RIGHT TO RETURN YOUR EMPTIES FOR REFUND TO ANY DEALER WHO SELLS THE SAME BRAND, TYPE AND SIZE, WHETHER YOU BOUGHT THE BEVERAGE FROM THE DEALER OR NOT. IT IS ILLEGAL TO RETURN CONTAINERS FOR REFUND THAT YOU DID NOT PAY A DEPOSIT ON IN NEW YORK STATE.

THE RIGHT TO GET YOUR DEPOSIT REFUND IN CASH, WITHOUT PROOF OF PURCHASE.

THE RIGHT TO RETURN YOUR EMPTIES ANY DAY, ANY HOUR, EXCEPT FOR THE FIRST AND LAST HOUR OF THE DEALER'S BUSINESS DAY (EMPTY CONTAINERS MAY BE REDEEMED AT ANY TIME IN 24-HOUR STORES).

THE RIGHT TO RETURN YOUR CONTAINERS IF THEY ARE EMPTY AND INTACT. WASHING CONTAINERS IS NOT REQUIRED BY LAW, BUT IS STRONGLY RECOMMENDED TO MAINTAIN SANITARY CONDITIONS.

THE NEW YORK STATE RETURNABLE CONTAINER ACT CAN BE ENFORCED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS, THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, THE NEW YORK STATE ATTORNEY GENERAL AND/OR BY YOUR LOCAL GOVERNMENT."

SUCH SIGN MUST BE NO LESS THAN EIGHT INCHES BY TEN INCHES IN SIZE AND HAVE LETTERING A MINIMUM OF ONE QUARTER INCH HIGH, AND OF A COLOR WHICH CONTRASTS WITH THE BACKGROUND. THE DEPARTMENT SHALL MAINTAIN A TOLL FREE TELEPHONE NUMBER FOR A "BOTTLE BILL COMPLAINT LINE" THAT SHALL BE AVAILABLE FROM 9:00 A.M. TO 5:00 P.M. EACH BUSINESS DAY TO RECEIVE REPORTS OF VIOLATIONS OF THIS TITLE. THE TELEPHONE NUMBER SHALL BE LISTED ON ANY SIGN REQUIRED BY THIS SECTION.

3. ON OR AFTER JUNE FIRST, TWO THOUSAND NINE, A DEALER MAY LIMIT THE NUMBER OF EMPTY BEVERAGE CONTAINERS TO BE ACCEPTED FOR REDEMPTION AT THE DEALER'S PLACE OF BUSINESS TO NO LESS THAN SEVENTY-TWO CONTAINERS PER VISIT, PER REDEEMER, PER DAY, PROVIDED THAT:

(A) THE DEALER HAS A WRITTEN AGREEMENT WITH A REDEMPTION CENTER, BE IT EITHER AT A FIXED PHYSICAL LOCATION WITHIN THE SAME COUNTY AND WITHIN

ONE-HALF MILE OF THE DEALER'S PLACE OF BUSINESS, OR A MOBILE REDEMPTION CENTER, OPERATED BY A REDEMPTION CENTER, THAT IS LOCATED WITHIN ONE-QUARTER MILE OF THE DEALER'S PLACE OF BUSINESS. THE REDEMPTION CENTER MUST HAVE A WRITTEN AGREEMENT WITH THE DEALER TO ACCEPT CONTAINERS ON BEHALF OF THE DEALER; AND THE REDEMPTION CENTER'S HOURS OF OPERATION MUST COVER AT LEAST 9:00 A.M. THROUGH 7:00 P.M. DAILY OR IN THE CASE OF A MOBILE REDEMPTION CENTER, THE HOURS OF OPERATION MUST COVER AT LEAST FOUR CONSECUTIVE HOURS BETWEEN 8:00 A.M. AND 8:00 P.M. DAILY. THE DEALER MUST POST A CONSPICUOUS, PERMANENT SIGN, MEETING THE SIZE AND COLOR SPECIFICATIONS SET FORTH IN SUBDIVISION TWO OF THIS SECTION, OPEN TO PUBLIC VIEW, IDENTIFYING THE LOCATION AND HOURS OF OPERATION OF THE AFFILIATED REDEMPTION CENTER OR MOBILE REDEMPTION CENTER; AND

(B) THE DEALER PROVIDES, AT A MINIMUM, A CONSECUTIVE TWO HOUR PERIOD BETWEEN 7:00 A.M. AND 7:00 P.M. DAILY WHEREBY THE DEALER WILL ACCEPT UP TO TWO HUNDRED FORTY CONTAINERS, PER REDEEMER, PER DAY, AND POSTS A CONSPICUOUS, PERMANENT SIGN, MEETING THE SIZE AND COLOR SPECIFICATIONS SET FORTH IN SUBDIVISION TWO OF THIS SECTION, OPEN TO PUBLIC VIEW, IDENTIFYING THOSE HOURS. THE DEALER MAY NOT CHANGE THE HOURS OF REDEMPTION WITHOUT FIRST POSTING A THIRTY DAY NOTICE; AND

(C) THE DEALER'S PRIMARY BUSINESS IS THE SALE OF FOOD OR BEVERAGES FOR CONSUMPTION OFF-PREMISES, AND THE DEALER'S PLACE OF BUSINESS IS LESS THAN TEN THOUSAND SQUARE FEET IN SIZE.

4. A DEPOSIT INITIATOR SHALL ACCEPT FROM A DEALER OR OPERATOR OF A REDEMPTION CENTER ANY EMPTY BEVERAGE CONTAINER OF THE DESIGN, SHAPE, SIZE, COLOR, COMPOSITION AND BRAND SOLD OR OFFERED FOR SALE BY THE DEPOSIT INITIATOR, AND SHALL PAY THE DEALER OR OPERATOR OF A REDEMPTION CENTER THE REFUND VALUE OF EACH SUCH BEVERAGE CONTAINER AS ESTABLISHED BY SECTION 27-1005 OF THIS TITLE. A DEPOSIT INITIATOR SHALL ACCEPT AND REDEEM ALL SUCH EMPTY BEVERAGE CONTAINERS FROM A DEALER OR REDEMPTION CENTER WITHOUT LIMITATION ON QUANTITY.

5. A DEPOSIT INITIATOR'S OR DISTRIBUTOR'S FAILURE TO PICK UP EMPTY BEVERAGE CONTAINERS, INCLUDING CONTAINERS PROCESSED IN A REVERSE VENDING MACHINE, FROM A REDEMPTION CENTER, DEALER OR THE OPERATOR OF A REVERSE VENDING MACHINE, SHALL BE A VIOLATION OF THIS TITLE.

6. IN ADDITION TO THE REFUND VALUE OF A BEVERAGE CONTAINER AS ESTABLISHED BY SECTION 27-1005 OF THIS TITLE, A DEPOSIT INITIATOR SHALL PAY TO ANY DEALER OR OPERATOR OF A REDEMPTION CENTER A HANDLING FEE OF THREE AND ONE-HALF CENTS FOR EACH BEVERAGE CONTAINER ACCEPTED BY THE DEPOSIT INITIATOR FROM SUCH DEALER OR OPERATOR OF A REDEMPTION CENTER. PAYMENT OF THE HANDLING FEE SHALL BE AS COMPENSATION FOR COLLECTING, SORTING AND PACKAGING OF EMPTY BEVERAGE CONTAINERS FOR TRANSPORT BACK TO THE DEPOSIT INITIATOR OR ITS DESIGNEE. PAYMENT OF THE HANDLING FEE MAY NOT BE CONDITIONED ON THE PURCHASE OF ANY GOODS OR SERVICES, NOR MAY SUCH PAYMENT BE MADE OUT OF THE REFUND VALUE ACCOUNT ESTABLISHED PURSUANT TO SECTION 27-1012 OF THIS TITLE. A DISTRIBUTOR WHO DOES NOT INITIATE DEPOSITS ON A TYPE OF BEVERAGE CONTAINER IS CONSIDERED A DEALER ONLY FOR THE PURPOSE OF RECEIVING A HANDLING FEE FROM A DEPOSIT INITIATOR.

7. A DEPOSIT INITIATOR ON A BRAND SHALL ACCEPT FROM A DISTRIBUTOR WHO DOES NOT INITIATE DEPOSITS ON THAT BRAND ANY EMPTY BEVERAGE CONTAINERS OF THAT BRAND ACCEPTED BY THE DISTRIBUTOR FROM A DEALER OR OPERATOR OF A REDEMPTION CENTER AND SHALL REIMBURSE THE DISTRIBUTOR THE REFUND VALUE OF EACH SUCH BEVERAGE CONTAINER, AS ESTABLISHED BY SECTION 27-1005 OF THIS TITLE. IN ADDITION, THE DEPOSIT INITIATOR SHALL REIMBURSE SUCH DISTRIBUTOR FOR EACH SUCH BEVERAGE CONTAINER THE HANDLING FEE ESTABLISHED UNDER SUBDIVISION SIX OF THIS SECTION. WITHOUT LIMITING THE RIGHTS OF THE DEPARTMENT OR ANY PERSON, FIRM OR CORPORATION UNDER THIS

SUBDIVISION OR ANY OTHER PROVISION OF THIS SECTION, A DISTRIBUTOR SHALL HAVE A CIVIL RIGHT OF ACTION TO ENFORCE THIS SUBDIVISION, INCLUDING, UPON THREE DAYS NOTICE, THE RIGHT TO APPLY FOR TEMPORARY AND PRELIMINARY INJUNCTIVE RELIEF AGAINST CONTINUING VIOLATIONS, AND UNTIL ARRANGEMENTS FOR COLLECTION AND RETURN OF EMPTY CONTAINERS OR REIMBURSEMENT OF SUCH DISTRIBUTOR FOR SUCH DEPOSITS AND HANDLING FEES ARE MADE.

8. IT SHALL BE THE RESPONSIBILITY OF THE DEPOSIT INITIATOR OR DISTRIBUTOR TO PROVIDE TO A DEALER OR REDEMPTION CENTER A SUFFICIENT NUMBER OF BAGS, CARTONS, OR OTHER SUITABLE CONTAINERS, AT NO COST, FOR THE PACKAGING, HANDLING AND PICKUP OF EMPTY BEVERAGE CONTAINERS THAT ARE NOT REDEEMED THROUGH A REVERSE VENDING MACHINE. THE BAGS, CARTONS, OR CONTAINERS MUST BE PROVIDED BY THE DEPOSIT INITIATOR OR DISTRIBUTOR ON A SCHEDULE THAT ALLOWS THE DEALER OR REDEMPTION CENTER SUFFICIENT TIME TO SORT THE EMPTY BEVERAGE CONTAINERS PRIOR TO PICK UP BY THE DEPOSIT INITIATOR OR DISTRIBUTOR. IN ADDITION:

(A) WHEN PICKING UP EMPTY BEVERAGE CONTAINERS, A DEPOSIT INITIATOR OR DISTRIBUTOR SHALL NOT REQUIRE A DEALER OR REDEMPTION CENTER TO LOAD THEIR OWN BAGS, CARTONS OR CONTAINERS ONTO OR INTO THE DEPOSIT INITIATOR'S OR DISTRIBUTOR'S VEHICLE OR VEHICLES OR PROVIDE THE STAFF OR EQUIPMENT NEEDED TO DO SO.

(B) A DEPOSIT INITIATOR OR DISTRIBUTOR SHALL NOT REQUIRE EMPTY CONTAINERS TO BE COUNTED AT A LOCATION OTHER THAN THE REDEMPTION CENTER OR DEALER'S PLACE OF BUSINESS. THE DEALER OR REDEMPTION CENTER SHALL HAVE THE RIGHT TO BE PRESENT AT THE COUNT.

(C) A DEPOSIT INITIATOR OR DISTRIBUTOR SHALL PICK UP EMPTY BEVERAGE CONTAINERS FROM THE DEALER OR REDEMPTION CENTER AT REASONABLE TIMES AND INTERVALS AS DETERMINED IN RULES OR REGULATIONS PROMULGATED BY THE DEPARTMENT.

9. NO PERSON SHALL RETURN OR ASSIST ANOTHER TO RETURN TO A DEALER OR REDEMPTION CENTER AN EMPTY BEVERAGE CONTAINER FOR ITS REFUND VALUE IF SUCH CONTAINER HAD PREVIOUSLY BEEN ACCEPTED FOR REDEMPTION BY A DEALER, REDEMPTION CENTER, OR DEPOSIT INITIATOR WHO INITIATES DEPOSITS ON BEVERAGE CONTAINERS OF THE SAME BRAND.

10. A REDEEMER, DEALER, DISTRIBUTOR OR REDEMPTION CENTER SHALL NOT KNOWINGLY REDEEM AN EMPTY BEVERAGE CONTAINER ON WHICH A DEPOSIT WAS NEVER PAID IN NEW YORK STATE.

11. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO OF SECTION 27-1009 OF THIS TITLE, A DEPOSIT INITIATOR OR DISTRIBUTOR SHALL ACCEPT AND REDEEM BEVERAGE CONTAINERS AS PROVIDED IN THIS TITLE, IF THE DEALER OR OPERATOR OF A REDEMPTION CENTER SHALL HAVE ACCEPTED AND PAID THE REFUND VALUE OF SUCH BEVERAGE CONTAINERS.

S 5. Section 27-1009 of the environmental conservation law, as added by chapter 200 of the laws of 1982, is amended to read as follows:

S 27-1009. Refusal of acceptance.

1. A dealer or operator of a redemption center may refuse to accept from a redeemer, and a [distributor] DEPOSIT INITIATOR OR DISTRIBUTOR may refuse to accept from a dealer or operator of a redemption center any empty beverage container which does not state thereon a refund value as established by section 27-1005 and provided by section 27-1011 of this title.

2. A dealer or operator of a redemption center may also refuse to accept any broken bottle, corroded or dismembered can, or any beverage container which contains a significant amount of foreign material, as determined in rules and regulations to be promulgated by the commissioner. [Notwithstanding the provisions of this subdivision, a distributor shall accept beverage containers as provided in subdivision two of

section 27-1007 of this title, if the dealer shall have accepted and paid the refund value of such beverage containers.]

S 6. Subdivision 2 of section 27-1011 of the environmental conservation law is REPEALED.

S 7. Subdivisions 3 and 4 of section 27-1011 of the environmental conservation law, subdivision 3 as amended by chapter 834 of the laws of 1984 and subdivision 4 as amended by chapter 149 of the laws of 1983, are amended to read as follows:

[3.] 2. No DEPOSIT INITIATOR, distributor or dealer shall sell or offer for sale, at wholesale or retail in this state, any metal beverage container designed and constructed with a part of the container which is detachable in opening the container unless such detachable part will decompose by photodegradation or biodegradation.

[4.] 3. No DEPOSIT INITIATOR, distributor or dealer shall sell or offer for sale in this state beverage containers connected to each other by a separate holding device constructed of plastic which does not decompose by photodegradation or biodegradation.

S 8. The environmental conservation law is amended by adding a new section 27-1012 to read as follows:

S 27-1012. DEPOSIT AND DISPOSITION OF REFUND VALUES; REGISTRATION; REPORTS.

1. EACH DEPOSIT INITIATOR SHALL DEPOSIT IN A REFUND VALUE ACCOUNT AN AMOUNT EQUAL TO THE REFUND VALUE INITIATED UNDER SECTION 27-1005 OF THIS TITLE WHICH IS RECEIVED WITH RESPECT TO EACH BEVERAGE CONTAINER SOLD BY SUCH DEPOSIT INITIATOR. SUCH DEPOSIT INITIATOR SHALL HOLD THE AMOUNTS IN THE REFUND VALUE ACCOUNT IN TRUST FOR THE STATE. A REFUND VALUE ACCOUNT SHALL BE AN INTEREST-BEARING ACCOUNT ESTABLISHED IN A BANKING INSTITUTION LOCATED IN THIS STATE, THE DEPOSITS IN WHICH ARE INSURED BY AN AGENCY OF THE FEDERAL GOVERNMENT. DEPOSITS OF SUCH AMOUNTS INTO THE REFUND VALUE ACCOUNT SHALL BE MADE NOT LESS FREQUENTLY THAN EVERY FIVE BUSINESS DAYS. ALL INTEREST, DIVIDENDS AND RETURNS EARNED ON THE REFUND VALUE ACCOUNT SHALL BE PAID DIRECTLY INTO SAID ACCOUNT. THE MONIES IN SUCH ACCOUNTS SHALL BE KEPT SEPARATE AND APART FROM ALL OTHER MONIES IN THE POSSESSION OF THE DEPOSIT INITIATOR. THE COMMISSIONER OF TAXATION AND FINANCE MAY SPECIFY A SYSTEM OF ACCOUNTS AND RECORDS TO BE MAINTAINED WITH RESPECT TO ACCOUNTS ESTABLISHED UNDER THIS SUBDIVISION.

2. PAYMENTS OF REFUND VALUES PURSUANT TO SECTION 27-1007 OF THIS TITLE SHALL BE PAID FROM EACH DEPOSIT INITIATOR'S REFUND VALUE ACCOUNT. NO OTHER PAYMENT OR WITHDRAWAL FROM SUCH ACCOUNT MAY BE MADE EXCEPT AS PRESCRIBED BY THIS SECTION.

3. EACH DEPOSIT INITIATOR SHALL FILE QUARTERLY REPORTS WITH THE COMMISSIONER OF TAXATION AND FINANCE ON A FORM AND IN THE MANNER PRESCRIBED BY SUCH COMMISSIONER. THE COMMISSIONER OF TAXATION AND FINANCE MAY REQUIRE SUCH REPORTS TO BE FILED ELECTRONICALLY. THE QUARTERLY REPORTS REQUIRED BY THIS SUBDIVISION SHALL BE FILED FOR THE QUARTERLY PERIODS ENDING ON THE LAST DAY OF MAY, AUGUST, NOVEMBER AND FEBRUARY OF EACH YEAR, AND EACH SUCH REPORT SHALL BE FILED WITHIN TWENTY DAYS AFTER THE END OF THE QUARTERLY PERIOD COVERED THEREBY. EACH SUCH REPORT SHALL INCLUDE ALL INFORMATION SUCH COMMISSIONER SHALL DETERMINE APPROPRIATE INCLUDING BUT NOT LIMITED TO THE FOLLOWING INFORMATION:

A. THE BALANCE IN THE REFUND VALUE ACCOUNT AT THE BEGINNING OF THE QUARTER FOR WHICH THE REPORT IS PREPARED;

B. ALL SUCH DEPOSITS CREDITED TO THE REFUND VALUE ACCOUNT AND ALL INTEREST, DIVIDENDS OR RETURNS RECEIVED ON SUCH ACCOUNT, DURING SUCH QUARTER;

C. ALL WITHDRAWALS FROM THE REFUND VALUE ACCOUNT DURING SUCH QUARTER, INCLUDING ALL REIMBURSEMENTS PAID PURSUANT TO SUBDIVISION TWO OF THIS SECTION, ALL SERVICE CHARGES ON THE ACCOUNT, AND ALL PAYMENTS MADE PURSUANT TO SUBDIVISION FOUR OF THIS SECTION; AND

D. THE BALANCE IN THE REFUND VALUE ACCOUNT AT THE CLOSE OF SUCH QUARTER.

4. A. QUARTERLY PAYMENTS. AN AMOUNT EQUAL TO EIGHTY PERCENT OF THE BALANCE OUTSTANDING IN THE REFUND VALUE ACCOUNT AT THE CLOSE OF EACH QUARTER SHALL BE PAID TO THE COMMISSIONER OF TAXATION AND FINANCE AT THE TIME THE REPORT PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION IS REQUIRED TO BE FILED. THE COMMISSIONER OF TAXATION AND FINANCE MAY REQUIRE THAT THE PAYMENTS BE MADE ELECTRONICALLY. THE REMAINING TWENTY PERCENT OF THE BALANCE OUTSTANDING AT THE CLOSE OF EACH QUARTER SHALL BE THE MONIES OF THE DEPOSIT INITIATOR AND MAY BE WITHDRAWN FROM SUCH ACCOUNT BY THE DEPOSIT INITIATOR. IF THE PROVISIONS OF THIS SECTION WITH RESPECT TO SUCH ACCOUNT HAVE NOT BEEN FULLY COMPLIED WITH, EACH DEPOSIT INITIATOR SHALL PAY TO SUCH COMMISSIONER AT SUCH TIME, IN LIEU OF THE AMOUNT DESCRIBED IN THE PRECEDING SENTENCE, AN AMOUNT EQUAL TO THE BALANCE WHICH WOULD HAVE BEEN OUTSTANDING ON SUCH DATE HAD SUCH PROVISIONS BEEN FULLY COMPLIED WITH. THE COMMISSIONER OF TAXATION AND FINANCE MAY REQUIRE THAT THE PAYMENTS BE MADE ELECTRONICALLY.

B. REFUND VALUE ACCOUNT SHORTFALL. IN THE EVENT A DEPOSIT INITIATOR PAYS OUT MORE IN REFUND VALUES THAN IT COLLECTS IN DEPOSITS OF REFUND VALUES DURING THE COURSE OF A QUARTERLY PERIOD AS DESCRIBED IN SUBDIVISION THREE OF THIS SECTION, THE DEPOSIT INITIATOR MAY APPLY TO THE COMMISSIONER OF TAXATION AND FINANCE FOR A REFUND OF THE AMOUNT OF SUCH EXCESS PAYMENT OF REFUND VALUES FROM SOURCES OTHER THAN THE REFUND VALUE ACCOUNT, IN THE MANNER AS PROVIDED BY THE COMMISSIONER OF TAXATION AND FINANCE. A DEPOSIT INITIATOR MUST APPLY FOR A REFUND NO LATER THAN TWELVE MONTHS AFTER THE DUE DATE FOR FILING THE QUARTERLY REPORT FOR THE QUARTERLY PERIOD FOR WHICH THE REFUND CLAIM IS MADE. NO INTEREST SHALL BE PAYABLE FOR ANY REFUND PAID PURSUANT TO THIS PARAGRAPH.

C. FINAL REPORT. A DEPOSIT INITIATOR WHO CEASES TO DO BUSINESS IN THIS STATE AS A DEPOSIT INITIATOR SHALL FILE A FINAL REPORT AND REMIT PAYMENT OF EIGHTY PERCENT OF ALL AMOUNTS REMAINING IN THE REFUND VALUE ACCOUNT AS OF THE CLOSE OF THE DEPOSIT INITIATOR'S LAST DAY OF BUSINESS. THE COMMISSIONER OF TAXATION AND FINANCE MAY REQUIRE THAT THE PAYMENTS BE MADE ELECTRONICALLY. THE DEPOSIT INITIATOR SHALL INDICATE ON THE REPORT THAT IT IS A "FINAL REPORT". THE FINAL REPORT IS DUE TO BE FILED WITH PAYMENT TWENTY DAYS AFTER THE CLOSE OF THE QUARTERLY PERIOD IN WHICH THE DEPOSIT INITIATOR CEASES TO DO BUSINESS. IN THE EVENT THE DEPOSIT INITIATOR PAYS OUT MORE IN REFUND VALUES THAN IT COLLECTS IN SUCH FINAL QUARTERLY PERIOD, THE DEPOSIT INITIATOR MAY APPLY TO THE COMMISSIONER OF TAXATION AND FINANCE FOR A REFUND OF THE AMOUNT OF SUCH EXCESS PAYMENT OF REFUND VALUES FROM SOURCES OTHER THAN THE REFUND VALUE ACCOUNT, IN THE MANNER AS PROVIDED BY THE COMMISSIONER OF TAXATION AND FINANCE.

5. ALL MONIES COLLECTED OR RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE PURSUANT TO THIS TITLE SHALL BE DEPOSITED TO THE CREDIT OF THE COMPTROLLER WITH SUCH RESPONSIBLE BANKS, BANKING HOUSES OR TRUST COMPANIES AS MAY BE DESIGNATED BY THE COMPTROLLER. SUCH DEPOSITS SHALL BE KEPT SEPARATE AND APART FROM ALL OTHER MONEYS IN THE POSSESSION OF THE COMPTROLLER. THE COMPTROLLER SHALL REQUIRE ADEQUATE SECURITY FROM ALL SUCH DEPOSITORIES. OF THE TOTAL REVENUE COLLECTED, THE COMPTROLLER SHALL RETAIN THE AMOUNT DETERMINED BY THE COMMISSIONER OF TAXATION AND FINANCE TO BE NECESSARY FOR REFUNDS OUT OF WHICH THE COMPTROLLER MUST PAY ANY REFUNDS TO WHICH A DEPOSIT INITIATOR MAY BE ENTITLED. AFTER RESERVING

THE AMOUNT TO PAY REFUNDS, THE COMPTROLLER MUST, BY THE TENTH DAY OF EACH MONTH, PAY INTO THE STATE TREASURY TO THE CREDIT OF THE GENERAL FUND THE REVENUE DEPOSITED UNDER THIS SUBDIVISION DURING THE PRECEDING CALENDAR MONTH AND REMAINING TO THE COMPTROLLER'S CREDIT ON THE LAST DAY OF THAT PRECEDING MONTH.

6. THE COMMISSIONER AND THE COMMISSIONER OF TAXATION AND FINANCE SHALL PROMULGATE, AND SHALL CONSULT EACH OTHER IN PROMULGATING, SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO EFFECTUATE THE PURPOSES OF THIS TITLE. THE COMMISSIONER AND THE COMMISSIONER OF TAXATION AND FINANCE SHALL PROVIDE ALL NECESSARY AID AND ASSISTANCE TO EACH OTHER, INCLUDING THE SHARING OF ANY INFORMATION THAT IS NECESSARY TO THEIR RESPECTIVE ADMINISTRATION AND ENFORCEMENT RESPONSIBILITIES PURSUANT TO THE PROVISIONS OF THIS TITLE.

7. A. ANY PERSON WHO IS A DEPOSIT INITIATOR UNDER THIS TITLE BEFORE APRIL FIRST, TWO THOUSAND NINE, MUST APPLY BY JUNE FIRST, TWO THOUSAND NINE TO THE COMMISSIONER OF TAXATION AND FINANCE FOR REGISTRATION AS A DEPOSIT INITIATOR. ANY PERSON WHO BECOMES A DEPOSIT INITIATOR ON OR AFTER APRIL FIRST, TWO THOUSAND NINE SHALL APPLY FOR REGISTRATION PRIOR TO COLLECTING ANY DEPOSITS AS SUCH A DEPOSIT INITIATOR. SUCH APPLICATION SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE AND SHALL REQUIRE SUCH INFORMATION DEEMED TO BE NECESSARY FOR PROPER ADMINISTRATION OF THIS TITLE. THE COMMISSIONER OF TAXATION AND FINANCE MAY REQUIRE THAT APPLICATIONS FOR REGISTRATION MUST BE SUBMITTED ELECTRONICALLY. THE COMMISSIONER OF TAXATION AND FINANCE SHALL ELECTRONICALLY ISSUE A DEPOSIT INITIATOR REGISTRATION CERTIFICATE IN A FORM PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE WITHIN FIFTEEN DAYS OF RECEIPT OF SUCH APPLICATION OR MAY TAKE AN ADDITIONAL TEN DAYS IF THE COMMISSIONER OF TAXATION AND FINANCE DEEMS IT NECESSARY TO CONSULT WITH THE COMMISSIONER BEFORE ISSUING SUCH REGISTRATION CERTIFICATE. A REGISTRATION CERTIFICATE ISSUED PURSUANT TO THIS SUBDIVISION MAY BE ISSUED FOR A SPECIFIED TERM OF NOT LESS THAN THREE YEARS AND SHALL BE SUBJECT TO RENEWAL IN ACCORDANCE WITH PROCEDURES SPECIFIED BY THE COMMISSIONER OF TAXATION AND FINANCE. THE COMMISSIONER OF TAXATION AND FINANCE SHALL FURNISH TO THE COMMISSIONER A COMPLETE LIST OF REGISTERED DEPOSIT INITIATORS AND SHALL CONTINUALLY UPDATE SUCH LIST AS WARRANTED. THE COMMISSIONER SHALL SHARE ANY INFORMATION WITH THE COMMISSIONER OF TAXATION AND FINANCE THAT IS NECESSARY FOR THE ADMINISTRATION OF THIS SUBDIVISION.

B. THE COMMISSIONER OF TAXATION AND FINANCE SHALL HAVE THE AUTHORITY TO REVOKE OR REFUSE TO RENEW ANY REGISTRATION ISSUED PURSUANT TO THIS SUBDIVISION WHEN HE OR SHE HAS DETERMINED OR HAS BEEN INFORMED BY THE COMMISSIONER THAT ANY OF THE PROVISIONS OF THIS TITLE OR RULES AND REGULATIONS PROMULGATED THEREUNDER HAVE BEEN VIOLATED. SUCH VIOLATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FAILURE TO FILE QUARTERLY REPORTS, THE FAILURE TO MAKE PAYMENTS PURSUANT TO THIS SUBDIVISION, THE PROVIDING OF FALSE OR FRAUDULENT INFORMATION TO EITHER THE DEPARTMENT OF TAXATION AND FINANCE OR THE DEPARTMENT, OR KNOWINGLY AIDING OR ABETTING ANOTHER PERSON IN VIOLATING ANY OF THE PROVISIONS OF THIS TITLE. A NOTICE OF PROPOSED REVOCATION OR NON-RENEWAL SHALL BE GIVEN TO THE DEPOSIT INITIATOR IN THE MANNER PRESCRIBED FOR A NOTICE OF DEFICIENCY OF TAX AND ALL THE PROVISIONS APPLICABLE TO A NOTICE OF DEFICIENCY UNDER ARTICLE TWENTY-SEVEN OF THE TAX LAW SHALL APPLY TO A NOTICE ISSUED PURSUANT TO THIS PARAGRAPH, INSOFAR AS SUCH PROVISIONS CAN BE MADE APPLICABLE TO A NOTICE AUTHORIZED BY THIS PARAGRAPH, WITH SUCH MODIFICATIONS AS MAY BE NECESSARY IN ORDER TO ADAPT THE LANGUAGE OF SUCH PROVISIONS TO THE NOTICE AUTHORIZED BY THIS PARAGRAPH. ALL SUCH NOTICES ISSUED BY THE COMMISSION-

ER OF TAXATION AND FINANCE PURSUANT TO THIS PARAGRAPH SHALL CONTAIN A STATEMENT ADVISING THE DEPOSIT INITIATOR THAT THE REVOCATION OR NON-RENEWAL OF REGISTRATION MAY BE CHALLENGED THROUGH A HEARING PROCESS AND THE PETITION FOR SUCH A CHALLENGE MUST BE FILED WITH THE COMMISSIONER OF TAXATION AND FINANCE WITHIN NINETY DAYS AFTER SUCH NOTICE IS ISSUED. A DEPOSIT INITIATOR WHOSE REGISTRATION HAS BEEN SO REVOKED OR NOT RENEWED SHALL CEASE TO DO BUSINESS AS A DEPOSIT INITIATOR IN THIS STATE, UNTIL THIS TITLE HAS BEEN COMPLIED WITH AND A NEW REGISTRATION HAS BEEN ISSUED. ANY DEPOSIT INITIATOR WHOSE REGISTRATION HAS BEEN SO REVOKED MAY NOT APPLY FOR REGISTRATION FOR TWO YEARS FROM THE DATE SUCH REVOCATION TAKES EFFECT.

8. THE COMMISSIONER OF TAXATION AND FINANCE MAY REQUIRE THE MAINTENANCE OF SUCH ACCOUNTS, RECORDS OR DOCUMENTS RELATING TO THE SALE OF BEVERAGE CONTAINERS, BY ANY DEPOSIT INITIATOR, BOTTLER, DISTRIBUTOR, DEALER OR REDEMPTION CENTER AS SUCH COMMISSIONER MAY DEEM APPROPRIATE FOR THE ADMINISTRATION OF THIS SECTION. SUCH COMMISSIONER MAY MAKE EXAMINATIONS, INCLUDING THE CONDUCT OF FACILITY INSPECTIONS DURING REGULAR BUSINESS HOURS, WITH RESPECT TO THE ACCOUNTS, RECORDS OR DOCUMENTS REQUIRED TO BE MAINTAINED UNDER THIS SUBDIVISION. SUCH ACCOUNTS, RECORDS AND DOCUMENTS SHALL BE PRESERVED FOR A PERIOD OF THREE YEARS, EXCEPT THAT SUCH COMMISSIONER MAY CONSENT TO THEIR DESTRUCTION WITHIN THAT PERIOD OR MAY REQUIRE THAT THEY BE KEPT LONGER. SUCH ACCOUNTS, RECORDS AND DOCUMENTS MAY BE KEPT WITHIN THE MEANING OF THIS SUBDIVISION WHEN REPRODUCED BY ANY PHOTOGRAPHIC, PHOTOSTATIC, MICROFILM, MICRO-CARD, MINIATURE PHOTOGRAPHIC OR OTHER PROCESS WHICH ACTUALLY REPRODUCES THE ORIGINAL ACCOUNTS, RECORDS OR DOCUMENTS.

9. A. ANY PERSON REQUIRED TO BE REGISTERED UNDER THIS SECTION WHO, WITHOUT BEING SO REGISTERED, SELLS OR OFFERS FOR SALE BEVERAGE CONTAINERS IN THIS STATE, IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THIS TITLE, SHALL BE SUBJECT TO A PENALTY TO BE ASSESSED BY THE COMMISSIONER OF TAXATION AND FINANCE IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS FOR THE FIRST DAY ON WHICH SUCH SALES OR OFFERS FOR SALE ARE MADE, PLUS AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT DAY ON WHICH SUCH SALES OR OFFERS FOR SALE ARE MADE, NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS IN THE AGGREGATE.

B. ANY DEPOSIT INITIATOR WHO FAILS TO MAINTAIN ACCOUNTS OR RECORDS PURSUANT TO THIS SECTION, UNLESS IT IS SHOWN THAT SUCH FAILURE WAS DUE TO REASONABLE CAUSE AND NOT DUE TO NEGLIGENCE OR WILLFUL NEGLECT, IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THIS TITLE, SHALL BE SUBJECT TO A PENALTY TO BE ASSESSED BY THE COMMISSIONER OF TAXATION AND FINANCE OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH QUARTER DURING WHICH SUCH FAILURE OCCURRED, AND AN ADDITIONAL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH QUARTER SUCH FAILURE CONTINUES.

10. THE PROVISIONS OF ARTICLE TWENTY-SEVEN OF THE TAX LAW SHALL APPLY TO THE PROVISIONS OF THIS TITLE FOR WHICH THE COMMISSIONER OF TAXATION AND FINANCE IS RESPONSIBLE, INCLUDING COLLECTION OF REFUND VALUE AMOUNTS, IN THE SAME MANNER AND WITH THE SAME FORCE AND EFFECT AS IF THE LANGUAGE OF SUCH ARTICLE HAD BEEN INCORPORATED IN FULL INTO THIS SECTION EXCEPT TO THE EXTENT THAT ANY PROVISION OF SUCH ARTICLE IS EITHER INCONSISTENT WITH A PROVISION OF THIS SECTION OR IS NOT RELEVANT TO THIS SECTION AS DETERMINED BY THE COMMISSIONER OF TAXATION AND FINANCE. FURTHERMORE, FOR PURPOSES OF APPLYING THE PROVISIONS OF ARTICLE TWENTY-SEVEN OF THE TAX LAW, WHERE THE TERMS "TAX" AND "TAXES" APPEAR IN SUCH ARTICLE, SUCH TERMS SHALL BE CONSTRUED TO MEAN "REFUND VALUE" OR "BALANCE IN THE REFUND VALUE ACCOUNT".

11. IF ANY DEPOSIT INITIATOR FAILS OR REFUSES TO FILE A REPORT OR FURNISH ANY INFORMATION REQUESTED IN WRITING BY THE DEPARTMENT OF TAXATION AND FINANCE OR THE DEPARTMENT, THE DEPARTMENT OF TAXATION AND FINANCE WITH THE ASSISTANCE OF THE DEPARTMENT MAY, FROM ANY INFORMATION IN ITS POSSESSION, MAKE AN ESTIMATE OF THE DEFICIENCY AND COLLECT SUCH DEFICIENCY FROM SUCH DEPOSIT INITIATOR.

12. BEGINNING ON JUNE FIRST, TWO THOUSAND NINE EACH DEPOSIT INITIATOR SHALL REGISTER THE CONTAINER LABEL OF ANY BEVERAGE OFFERED FOR SALE IN THE STATE ON WHICH IT INITIATES A DEPOSIT. ANY SUCH REGISTERED CONTAINER LABEL SHALL BEAR A UNIVERSAL PRODUCT CODE. SUCH UNIVERSAL PRODUCT CODE SHALL BE NEW YORK STATE SPECIFIC, IN ORDER TO IDENTIFY THE BEVERAGE CONTAINER AS OFFERED FOR SALE EXCLUSIVELY IN NEW YORK STATE, AND AS A MEANS OF PREVENTING ILLEGAL REDEMPTION OF BEVERAGE CONTAINERS PURCHASED OUT-OF-STATE. REGISTRATION MUST BE ON FORMS AS PRESCRIBED BY THE DEPARTMENT AND MUST INCLUDE THE UNIVERSAL PRODUCT CODE FOR EACH COMBINATION OF BEVERAGE AND CONTAINER MANUFACTURED. THE COMMISSIONER MAY REQUIRE THAT SUCH FORMS BE FILED ELECTRONICALLY. THE DEPOSIT INITIATOR SHALL RENEW A LABEL REGISTRATION WHENEVER THAT LABEL IS REVISED BY ALTERING THE UNIVERSAL PRODUCT CODE OR WHENEVER THE CONTAINER ON WHICH IT APPEARS IS CHANGED IN SIZE, COMPOSITION OR GLASS COLOR.

S 9. Section 27-1013 of the environmental conservation law, as amended by chapter 149 of the laws of 1983, is amended to read as follows:

S 27-1013. Redemption centers.

The commissioner is hereby empowered to promulgate rules and regulations governing (1) the circumstances in which dealers and distributors, individually or collectively, are required to accept the return of empty beverage containers, and make payment therefor; (2) the sorting of the containers which a DEPOSIT INITIATOR OR distributor may require of dealers and redemption centers; (3) the [pick up] COLLECTION of returned beverage containers by DEPOSIT INITIATORS OR distributors, including the party to whom such expense is to be charged, the frequency of such pick ups and the payment for refunds and handling fees thereon; (4) the right of dealers to restrict or limit the number of containers redeemed, the rules for redemption at the dealers' place of business, and the redemption of containers from a beverage for which sales have been discontinued, and to issue permits to persons, firms or corporations which establish redemption centers, subject to applicable provisions of local and state laws, at which redeemers and dealers may return empty beverage containers and receive payment of the refund value of such beverage containers. No dealer or distributor, as defined in section 27-1003 OF THIS TITLE, shall be required to obtain a permit to operate a redemption center at the same location as the dealer's or distributor's place of business. Operators of such redemption centers shall receive payment of the refund value of each beverage container from the appropriate [manufacturer] DEPOSIT INITIATOR or distributor as provided under [sections] SECTION 27-1007 [and 27-1009] of this title.

S 10. Section 27-1014 of the environmental conservation law, as added by chapter 149 of the laws of 1983, is amended to read as follows:

S 27-1014. [Limitation on] AUTHORITY TO PROMULGATE rules and regulations.

In addition to the authority of the commissioner, under sections 27-1009 and 27-1013 of this title, the commissioner shall [only have the power to promulgate rules and regulations governing the initiation of deposits, sale of beverages in containers through vending machines and for on-premises consumption, record keeping, refunding for refillable beverage containers, embossing, imprinting or labeling of refund values

and enforcement of the provisions of this section and sections 27-1009 and 27-1013 of this title] HAVE THE POWER TO PROMULGATE RULES AND REGULATIONS necessary and appropriate [to] FOR the [implementation] ADMINISTRATION of this title.

S 11. Section 27-1015 of the environmental conservation law, as added by chapter 200 of the laws of 1982, subdivision 1 as designated and subdivision 2 as added by chapter 149 of the laws of 1983, is amended to read as follows:

S 27-1015. Violations.

1. A violation of this title, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SECTION 27-1012 OF THIS TITLE, shall be a public nuisance. In addition, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SECTION 27-1012 OF THIS TITLE, any person who shall violate any provision of this title shall be liable TO THE STATE OF NEW YORK for a civil penalty of not more than five hundred dollars, and an additional civil penalty of not more than five hundred dollars for each day during which each such violation continues. Any civil penalty may be assessed following a hearing or opportunity to be heard.

2. ANY DISTRIBUTOR OR DEPOSIT INITIATOR WHO VIOLATES ANY PROVISION OF THIS TITLE, EXCEPT AS PROVIDED IN SECTION 27-1012 OF THIS TITLE, SHALL BE LIABLE TO THE STATE OF NEW YORK FOR A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS, AND AN ADDITIONAL CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH DAY DURING WHICH EACH SUCH VIOLATION CONTINUES. ANY CIVIL PENALTY MAY BE ASSESSED FOLLOWING A HEARING OR OPPORTUNITY TO BE HEARD.

3. It shall be unlawful for a distributor OR DEPOSIT INITIATOR, acting alone or aided by another, to return ANY empty beverage [containers] CONTAINER to a dealer or redemption center for [their] ITS refund value if the distributor OR DEPOSIT INITIATOR had previously accepted such beverage [containers] CONTAINER from any dealer or operator of a redemption center. A violation of this subdivision shall be a misdemeanor punishable by a fine of not less than five hundred dollars nor more than one thousand dollars and an amount equal to two times the amount of money received as a result of such violation.

4. ANY PERSON WHO WILLFULLY TENDERS TO A DEALER, DISTRIBUTOR, REDEMPTION CENTER OR DEPOSIT INITIATOR MORE THAN FORTY-EIGHT EMPTY BEVERAGE CONTAINERS FOR WHICH SUCH PERSON KNOWS OR SHOULD REASONABLY KNOW THAT NO DEPOSIT WAS PAID IN NEW YORK STATE MAY BE ASSESSED BY THE DEPARTMENT A CIVIL PENALTY OF UP TO ONE HUNDRED DOLLARS FOR EACH CONTAINER OR UP TO TWENTY-FIVE THOUSAND DOLLARS FOR EACH SUCH TENDER OF CONTAINERS. AT EACH LOCATION WHERE A PERSON TENDERS CONTAINERS FOR REDEMPTION, DEALERS AND REDEMPTION CENTERS MUST CONSPICUOUSLY DISPLAY A SIGN IN LETTERS THAT ARE AT LEAST ONE INCH IN HEIGHT WITH THE FOLLOWING INFORMATION: "WARNING: PERSONS TENDERING FOR REDEMPTION CONTAINERS ON WHICH A DEPOSIT WAS NEVER PAID IN THIS STATE MAY BE SUBJECT TO A CIVIL PENALTY OF UP TO ONE HUNDRED DOLLARS PER CONTAINER OR UP TO TWENTY-FIVE THOUSAND DOLLARS FOR EACH SUCH TENDER OF CONTAINERS." ANY CIVIL PENALTY MAY BE ASSESSED FOLLOWING A HEARING OR OPPORTUNITY TO BE HEARD.

5. THE DEPARTMENT, THE DEPARTMENT OF AGRICULTURE AND MARKETS, THE DEPARTMENT OF TAXATION AND FINANCE AND THE ATTORNEY GENERAL ARE HEREBY AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS TITLE. IN ADDITION, THE PROVISIONS OF SECTION 27-1005 OF THIS TITLE AND SUBDIVISIONS ONE, TWO, THREE, FOUR, FIVE, TEN AND ELEVEN OF SECTION 27-1007 OF THIS TITLE MAY BE ENFORCED BY A COUNTY, CITY, TOWN OR VILLAGE AND THE LOCAL LEGISLATIVE BODY THEREOF MAY ADOPT LOCAL LAWS, ORDINANCES OR REGULATIONS CONSISTENT WITH THIS TITLE PROVIDING FOR THE ENFORCEMENT OF SUCH PROVISIONS.

S 12. The environmental conservation law is amended by adding a new section 27-1016 to read as follows:

S 27-1016. PUBLIC EDUCATION.

THE COMMISSIONER SHALL ESTABLISH A PUBLIC EDUCATION PROGRAM TO DISSEMINATE INFORMATION REGARDING IMPLEMENTATION OF THIS TITLE. SUCH INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO, PUBLICATION OF THE NEW YORK BOTTLE BILL OF RIGHTS AS SPECIFIED IN SUBDIVISION TWO OF SECTION 27-1007 OF THIS TITLE; PUBLICATION OF INFORMATION SPECIFYING THE PROCEDURES NECESSARY TO ESTABLISH A REDEMPTION CENTER AS PROVIDED IN SECTION 27-1013 OF THIS TITLE, INCLUDING INFORMATION REGARDING FINANCIAL ASSISTANCE AVAILABLE FOR THE ESTABLISHMENT OF REDEMPTION CENTERS AS PROVIDED IN SECTION 27-1018 OF THIS TITLE; PUBLICATION OF INFORMATION DELINEATING THE RELEVANT RIGHTS AND RESPONSIBILITIES OF DEPOSIT INITIATORS, DISTRIBUTORS, DEALERS, REDEMPTION CENTERS AND REDEEMERS UNDER THE PROVISIONS OF THIS TITLE; PUBLICATION OF INFORMATION REGARDING THE REQUIREMENT THAT DEPOSIT INITIATORS REGISTER WITH THE DEPARTMENT OF TAXATION AND FINANCE; AND PUBLICATION OF INFORMATION ON THE GENERAL BENEFITS OF RECYCLING.

S 13. The environmental conservation law is amended by adding a new section 27-1018 to read as follows:

S 27-1018. BEVERAGE CONTAINER ASSISTANCE PROGRAM.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WITHIN THE LIMITS OF APPROPRIATIONS THEREFOR, THE COMMISSIONER SHALL MAKE STATE ASSISTANCE PAYMENTS TO MUNICIPALITIES, BUSINESSES AND NOT-FOR-PROFIT ORGANIZATIONS LOCATED IN THE STATE FOR THE COST OF REVERSE VENDING MACHINES LOCATED OR TO BE LOCATED IN THE STATE. SUCH STATE ASSISTANCE PAYMENTS SHALL NOT EXCEED FIFTY PERCENT OF THE COSTS OF EQUIPMENT, AND/OR THE ACQUISITION AND/OR REHABILITATION OF REAL PROPERTY OR STRUCTURES LOCATED OR TO BE LOCATED IN THE STATE RELATED TO THE COLLECTING, SORTING, AND PACKAGING OF EMPTY BEVERAGE CONTAINERS SUBJECT TO THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY INCLUDE COSTS RELATED TO THE ESTABLISHMENT OF REDEMPTION CENTERS, INCLUDING MOBILE REDEMPTION CENTERS. FOR THE PURPOSES OF THIS SECTION, MUNICIPALITIES AND NOT-FOR-PROFIT ORGANIZATIONS SHALL HAVE THE MEANING AS DEFINED IN SECTION 54-0101 OF THIS CHAPTER AND BUSINESSES SHALL MEAN A DEALER, DISTRIBUTOR OR REDEMPTION CENTER AS DEFINED IN THIS TITLE THAT EMPLOYS LESS THAN FIFTY EMPLOYEES.

S 14. Paragraph h of subdivision 1 of section 261 of the economic development law, as amended by chapter 471 of the laws of 1998, is amended to read as follows:

h. "Eligible project" shall mean actions taken by or on behalf of a New York business involving the acquisition, construction, alteration, repair or improvement of a building, fixtures, machinery or equipment, provided that such project results in:

(i) source reduction or material substitution, provided that the substitution of one hazardous substance, product or nonproduct output for another does not result in the creation of a new risk,

(ii) in-process recycling,

(iii) recycling or reuse of non-hazardous solid wastes,

(iv) increased energy efficiency,

(v) conservation of the use of water or other natural resources improvements in process economics,

(vi) elimination of the purchase of materials, the production of which for the use of said firm would result in more waste or resource consumption, or

(vii) other practices or technologies that reduce the use of hazardous materials or otherwise improve air or water quality.

THE TERM "ELIGIBLE PROJECT" SHALL ALSO INCLUDE ACTIONS TAKEN BY OR ON BEHALF OF A BUSINESS TO SUPPORT COSTS OF EQUIPMENT, AND/OR THE ACQUISITION AND/OR REHABILITATION OF REAL PROPERTY OR STRUCTURES LOCATED OR TO BE LOCATED IN THE STATE RELATED TO THE COLLECTING, SORTING, AND PACKAGING OF EMPTY BEVERAGE CONTAINERS AS SUCH TERMS ARE DEFINED IN TITLE TEN OF ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW. SUCH ACTIONS SHALL BE ELIGIBLE FOR STATE ASSISTANCE PAYMENTS UNDER THE BEVERAGE CONTAINER ASSISTANCE PROGRAM PURSUANT TO SECTION 27-1018 OF THE ENVIRONMENTAL CONSERVATION LAW.

The term "eligible project" shall not include end of pipe pollution control technologies or practices where such controls or practices are designed primarily to achieve compliance with the environmental conservation law or regulations promulgated pursuant thereto, or energy recovery or incineration, or out-of-process recycling or reuse of hazardous waste or hazardous substances.

S 15. Subdivisions 1 and 4 of section 54-0701 of the environmental conservation law, subdivision 1 as amended by chapter 146 of the laws of 2000, subdivision 4 as added by chapter 610 of the laws of 1993, are amended to read as follows:

1. "Cost" means the capital cost of a municipal recycling project including engineering and architectural services, surveys, plans and specifications; consultant and legal services; lands acquired pursuant to the conditions set forth in section 54-0709 of this title, and other direct capital expenses incident to such a project, less any federal assistance or other assistance received or to be received. "Cost" shall also include the capital, planning and promotional costs associated with waste reduction projects, the costs related to household hazardous waste collection and disposal programs, and the costs related to planning, educational and promotional activities associated with a recyclables recovery program. "COST" SHALL ALSO INCLUDE BEVERAGE CONTAINER ASSISTANCE PROGRAM GRANTS TO MUNICIPALITIES AND NOT-FOR-PROFIT ORGANIZATIONS PURSUANT TO SECTION 27-1018 OF THIS CHAPTER. Provided, however, "cost" shall exclude any cost incurred prior to April first, nineteen hundred ninety-three, and shall further exclude costs related to planning, educational and promotional activities associated with a recyclables recovery program incurred prior to April first, two thousand.

4. "Recycling project" means recyclables recovery equipment, source separation equipment, a recyclables recovery program or any combination thereof required by a recyclables recovery program AND THE REIMBURSEMENT TO MUNICIPALITIES AND NOT-FOR-PROFIT CORPORATIONS, AS SUCH TERMS ARE DEFINED IN SECTION 54-0101 OF THIS ARTICLE, FOR THE COST OF A REDEMPTION CENTER AS DEFINED IN SECTION 27-1003 OF THIS CHAPTER.

S 16. This act shall take effect immediately, provided however, that:

1. sections two and three of this act shall take effect April 1, 2009;

2. sections four, five, six, seven, nine, and eleven of this act shall take effect June 1, 2009; and

3. section eight of this act shall take effect on April 1, 2009 except that the requirements to make deposits, file reports and make withdrawals and payments under section 27-1012 of the environmental conservation law, as added by section eight of this act, with respect to containers defined as beverage containers prior to April 1, 2009, shall first apply to the period beginning on April 15, 2009 and ending May 31, 2009, and with respect to all other beverage containers shall first apply to the period beginning on June 1, 2009 and ending August 31, 2009, provided that such other beverage containers will not be required to have a refund value as required under section 27-1005 of the environ-

mental conservation law, as added by section four of this act until June 1, 2009. However, no refunds shall be paid to a deposit initiator pursuant to paragraph b of subdivision 4 of section 27-1012 of the environmental conservation law, as added by section eight of this act prior to March 1, 2010.

PART TT

Section 1. Section 3.09 of the parks, recreation and historic preservation law is amended by adding a new subdivision 19-a to read as follows:

19-A. PRIOR TO OFFERING FOR SALE TO THE PUBLIC ANY MERCHANDISE, GOODS, COMMODITIES OR FOOD SERVICE AT PARKS, RECREATION FACILITIES, HISTORIC SITES OR OTHER FACILITIES UNDER THE JURISDICTION OF THE OFFICE, MAKE A WRITTEN FINDING THAT THE PRIVATE SECTOR IS UNABLE OR UNWILLING TO PROVIDE SUCH MERCHANDISE, GOODS, COMMODITIES OR FOOD SERVICE UNDER AGREEMENT WITH THE OFFICE AND UNDER SUCH TERMS AND CONDITIONS AS THE COMMISSIONER DETERMINES ARE FAIR AND REASONABLE TO THE STATE AND NECESSARY TO SERVE THE PUBLIC INTEREST. ANY PROCEEDS REALIZED FROM THE SALE OF SUCH MERCHANDISE, GOODS, COMMODITIES OR FOOD SERVICE SHALL BE DEPOSITED IN THE PATRON SERVICES ACCOUNT OF THE MISCELLANEOUS SPECIAL REVENUE FUND AND SHALL BE USED BY THE OFFICE TO DEFRAY THE COST OF OPERATING AND MAINTAINING SUCH PARKS, RECREATION FACILITIES AND HISTORIC SITES.

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

PART UU

Section 1. The public authorities law is amended by adding a new section 2975-a to read as follows:

S 2975-A. RECOVERY OF STATE GOVERNMENTAL COSTS FROM INDUSTRIAL DEVELOPMENT AGENCIES. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, INDUSTRIAL DEVELOPMENT AGENCIES OR AUTHORITIES CREATED PURSUANT TO TITLE ONE OF ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW OR ANY OTHER PROVISION OF LAW SHALL REIMBURSE TO NEW YORK STATE AN ALLOCABLE SHARE OF STATE GOVERNMENTAL COSTS ATTRIBUTABLE TO THE PROVISION OF SERVICES TO INDUSTRIAL DEVELOPMENT AGENCIES, AS DETERMINED HEREIN. THE PAYMENT OF SUCH COSTS BY INDUSTRIAL DEVELOPMENT AGENCIES OR AUTHORITIES IS A VALID AND PROPER PURPOSE FOR WHICH AVAILABLE AGENCY OR AUTHORITY FUNDS MAY BE APPLIED.

2. ON NOVEMBER FIRST OF EACH YEAR, THE DIRECTOR OF THE BUDGET SHALL DETERMINE THE AMOUNT OWED UNDER THIS SECTION BY EACH INDUSTRIAL DEVELOPMENT AGENCY OR AUTHORITY. THE AGGREGATE AMOUNT ASSESSED UNDER THIS SECTION IN ANY GIVEN STATE FISCAL YEAR MAY NOT EXCEED FIVE MILLION DOLLARS.

3. THE STATE TREASURER SHALL IMPOSE AND COLLECT SUCH ASSESSMENTS, WHICH SHALL BE PAID NO LATER THAN MARCH THIRTY-FIRST FOLLOWING THE IMPOSITION OF THE ASSESSMENTS, AND PAY THE SAME INTO THE STATE TREASURY TO THE CREDIT OF THE GENERAL FUND.

4. ON OR BEFORE JUNE FIRST, TWO THOUSAND NINE, AND ANNUALLY ON OR BEFORE JUNE FIRST, THE DIRECTOR OF THE BUDGET SHALL REPORT TO THE RESPECTIVE CHAIRPERSONS OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND SENATE FINANCE COMMITTEE THE AMOUNT OF COST RECOVERY OBTAINED PURSUANT TO THIS TITLE FOR THE STATE FISCAL YEAR ENDING ON THE PRECEDING MARCH THIRTY-FIRST.

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, 2009.

PART VV

Section 1. The tax law is amended by adding a new section 30 to read as follows:

S 30. BAD CHECK OR FAILED ELECTRONIC FUNDS WITHDRAWAL FEE. IF, IN PAYMENT OF ANY AMOUNT DUE UNDER A TAX, FEE, SPECIAL ASSESSMENT OR OTHER IMPOSITION ADMINISTERED BY THE COMMISSIONER, A PERSON TENDERS A CHECK OR MONEY ORDER TO THE DEPARTMENT, OR THE DEPARTMENT, WITH THE CONSENT OF A PERSON, ORIGINATES AN ELECTRONIC FUNDS WITHDRAWAL AGAINST THE DESIGNATED BANK ACCOUNT, AND THE CHECK, MONEY ORDER OR ELECTRONIC FUNDS WITHDRAWAL, AS APPLICABLE, IS RETURNED WITHOUT PAYMENT, THE PERSON MUST PAY A FEE TO THE COMMISSIONER OF FIFTY DOLLARS; PROVIDED, HOWEVER, THAT IN THE CASE OF AN ELECTRONIC FUNDS WITHDRAWAL, THE FEE WILL NOT BE PAID IF THE REASON FOR RETURN OF THE PAYMENT IS ATTRIBUTABLE TO ERROR OF THE DEPARTMENT OR ITS ORIGINATING DEPOSITORY FINANCIAL INSTITUTION. THE FEE MUST BE PAID UPON NOTICE AND DEMAND, AND WILL BE ASSESSED, COLLECTED AND PAID IN THE SAME MANNER AS THE TAX, FEE, SPECIAL ASSESSMENT OR OTHER IMPOSITION TO WHICH THE PAYMENT RELATES. ALL FEES COLLECTED BY THE COMMISSIONER PURSUANT TO THIS SUBDIVISION MUST BE DEPOSITED MONTHLY, TO THE CREDIT OF THE GENERAL FUND OF THE STATE. THE COMMISSIONER WILL MAINTAIN A SYSTEM OF ACCOUNTS SHOWING THE AMOUNT OF MONEY COLLECTED FROM THE FEE IMPOSED BY THIS SECTION.

S 2. The tax law is amended by adding a new section 32 to read as follows:

S 32. REGISTRATION OF TAX RETURN PREPARERS. (A) FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS HAVE THE SPECIFIED MEANINGS:

(1) "ATTORNEY" MEANS AN ATTORNEY ADMITTED TO PRACTICE LAW IN NEW YORK STATE OR ONE OR MORE OF THE OTHER STATES OR JURISDICTIONS OF THE UNITED STATES.

(2) "CERTIFIED PUBLIC ACCOUNTANT" MEANS AN ACCOUNTANT LICENSED PURSUANT TO SECTION SEVENTY-FOUR HUNDRED FOUR OF THE EDUCATION LAW OR A SIMILAR LAW OF ONE OR MORE OF THE OTHER STATES OR JURISDICTIONS OF THE UNITED STATES.

(3) "COMMERCIAL TAX RETURN PREPARER" MEANS A TAX RETURN PREPARER WHO:

(A) PREPARED TEN OR MORE RETURNS FOR COMPENSATION IN THE PRECEDING CALENDAR YEAR AND WILL PREPARE AT LEAST ONE RETURN FOR COMPENSATION DURING THE CURRENT CALENDAR YEAR; OR (B) PREPARED FEWER THAN TEN RETURNS IN THE PRECEDING CALENDAR YEAR BUT WILL PREPARE TEN OR MORE RETURNS FOR THE CURRENT CALENDAR YEAR.

(4) "COMMERCIAL TAX RETURN PREPARATION BUSINESS" MEANS AN ENTITY THAT EMPLOYS INDIVIDUALS WHO PREPARE TAX RETURNS AND THAT MEETS THE THRESHOLDS DESCRIBED IN PARAGRAPH THREE OF THIS SUBDIVISION.

(5) "CREDITOR" MEANS ANY PERSON WHO MAKES A REFUND ANTICIPATION LOAN OR WHO TAKES AN ASSIGNMENT OF A REFUND ANTICIPATION LOAN.

(6) "FACILITATOR" MEANS A PERSON WHO INDIVIDUALLY OR IN CONJUNCTION OR COOPERATION WITH ANOTHER PERSON: (A) SOLICITS THE EXECUTION OF, PROCESSES, RECEIVES, OR ACCEPTS AN APPLICATION OR AGREEMENT FOR A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK, (B) SERVES OR COLLECTS UPON A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK; OR (C) IN ANY OTHER MANNER FACILITATES THE MAKING OF A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK. THIS TERM EXCLUDES ANY EMPLOYEES OF A FACILITATOR WHO PROVIDE ONLY CLERICAL OR OTHER COMPARABLE SUPPORT SERVICES TO SUCH FACILITATOR.

(7) "ELECTRONIC" MEANS COMPUTER TECHNOLOGY.

(8) "ENROLLED AGENT" MEANS AN AGENT ENROLLED TO PRACTICE BEFORE THE INTERNAL REVENUE SERVICE PURSUANT TO SECTION 10.4 OF SUBPART A OF PART TEN OF TITLE THIRTY-ONE OF THE CODE OF FEDERAL REGULATIONS.

(9) "PUBLIC ACCOUNTANT" MEANS AN ACCOUNTANT LICENSED PURSUANT TO SECTION SEVENTY-FOUR HUNDRED FIVE OF THE EDUCATION LAW OR A SIMILAR LAW OF ONE OR MORE OF THE OTHER STATES OR JURISDICTIONS OF THE UNITED STATES.

(10) "REFUND ANTICIPATION CHECK" MEANS A CHECK, STORED VALUE CARD, OR OTHER PAYMENT MECHANISM WHICH: (A) REPRESENTS THE PROCEEDS OF A TAX REFUND; (B) WAS ISSUED BY A DEPOSITORY INSTITUTION OR OTHER PERSON THAT RECEIVED A DIRECT DEPOSIT OF THE TAX REFUND OR TAX CREDITS; AND (C) A FEE OR OTHER CONSIDERATION IS PAID FOR SUCH PAYMENT MECHANISM.

(11) "REFUND ANTICIPATION LOAN" MEANS A LOAN THAT IS SECURED BY OR THAT THE CREDITOR ARRANGES TO BE REPAID DIRECTLY OR INDIRECTLY FROM THE PROCEEDS OF AN INCOME TAX REFUND OR TAX CREDITS. A REFUND ANTICIPATION LOAN ALSO INCLUDES ANY SALE, ASSIGNMENT, OR PURCHASE OF TAX REFUND AT A DISCOUNT OR FOR A FEE, WHETHER OR NOT THE AMOUNT IS REQUIRED TO BE REPAID TO THE BUYER OR ASSIGNEE IF THE INTERNAL REVENUE SERVICE OR THE DEPARTMENT DENIES OR REDUCES THE AMOUNT OF THE TAX REFUND.

(12) "RETURN" MEANS A RETURN OR REPORT RELATING TO A TAX ADMINISTERED BY THE COMMISSIONER.

(13) "TAX" MEANS ANY TAX, FEE, SPECIAL ASSESSMENT OR OTHER IMPOSITION ADMINISTERED BY THE COMMISSIONER.

(14) "TAX RETURN PREPARER" MEANS AN INDIVIDUAL WHO PREPARES A SUBSTANTIAL PORTION OF ANY RETURN FOR COMPENSATION. ENROLLED AGENTS OR EMPLOYEES OF A TAX RETURN PREPARER OR A COMMERCIAL TAX RETURN PREPARATION BUSINESS WHO PREPARE RETURNS FOR CLIENTS OF THAT PREPARER OR PREPARATION BUSINESS, AS APPLICABLE, AND PARTNERS WHO PREPARE RETURNS FOR CLIENTS OF A PARTNERSHIP ENGAGED IN A COMMERCIAL TAX RETURN PREPARATION BUSINESS, ARE ALL "TAX RETURN PREPARERS" FOR PURPOSES OF THIS SECTION. EXCLUDED FROM THE DEFINITION OF "TAX RETURN PREPARER" ARE ATTORNEYS, PUBLIC ACCOUNTANTS, AND CERTIFIED PUBLIC ACCOUNTANTS, WHO ARE REGISTERED WITH OR LICENSED BY THE STATE, AND EMPLOYEES PREPARING RETURNS UNDER THE SUPERVISION OF SUCH ATTORNEYS, PUBLIC ACCOUNTANTS, AND CERTIFIED PUBLIC ACCOUNTANTS. ALSO EXCLUDED ARE VOLUNTEER TAX PREPARERS, EMPLOYEES OF A BUSINESS OR PARTNERS IN A PARTNERSHIP WHOSE JOB RESPONSIBILITIES INCLUDE PREPARATION OF ONLY THE BUSINESS' OR PARTNERSHIP'S RETURNS, AND EMPLOYEES OF A TAX RETURN PREPARER OR A COMMERCIAL TAX RETURN PREPARATION BUSINESS WHO PROVIDES ONLY CLERICAL OR OTHER COMPARABLE SERVICES.

(B)(1) EACH TAX RETURN PREPARER, WHO WILL PREPARE AT LEAST ONE RETURN IN A CALENDAR YEAR, AND EACH FACILITATOR, WHO WILL FACILITATE THE MAKING OF A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK, MUST REGISTER ELECTRONICALLY WITH THE DEPARTMENT FOR THAT CALENDAR YEAR, IN ACCORDANCE WITH INSTRUCTIONS PRESCRIBED BY THE COMMISSIONER.

(2)(A) UPON COMPLETION OF THE REGISTRATION PROCESS, EACH TAX RETURN PREPARER AND FACILITATOR WILL BE ISSUED A TAX PREPARER OR FACILITATOR REGISTRATION CERTIFICATE. IF AN INDIVIDUAL ACTS AS BOTH A TAX RETURN PREPARER AND A FACILITATOR, ONE REGISTRATION CERTIFICATE SHALL INDICATE BOTH ACTIVITIES.

(B) IN ACCORDANCE WITH INSTRUCTIONS PRESCRIBED BY THE COMMISSIONER, EACH TAX RETURN PREPARER AND FACILITATOR WILL ALSO BE ASSIGNED A UNIQUE IDENTIFICATION NUMBER BY THE DEPARTMENT, WHICH MUST BE USED BY THE TAX RETURN PREPARER AND FACILITATOR ON EACH RETURN WHICH THE TAX RETURN PREPARER IS REQUIRED TO SIGN AND EACH REFUND ANTICIPATION LOAN AND REFUND ANTICIPATION CHECK THE FACILITATOR IS REQUIRED TO SIGN.

(C) IF A TAX RETURN PREPARER OR FACILITATOR IS AN EMPLOYEE OR PROSPECTIVE EMPLOYEE OF A TAX RETURN PREPARER, A COMMERCIAL TAX RETURN PREPARATION BUSINESS, OR A FACILITATOR, THE TAX RETURN PREPARER, COMMERCIAL TAX RETURN PREPARATION BUSINESS OR FACILITATOR MUST ENSURE THAT THE EMPLOYEE OR PROSPECTIVE EMPLOYEE IS PROPERLY REGISTERED WITH THE DEPARTMENT AND POSSESSES A VALID TAX PREPARER OR FACILITATOR REGISTRATION CERTIFICATE. IF AN INDIVIDUAL ACTS AS BOTH A TAX RETURN PREPARER AND A FACILITATOR ONE REGISTRATION CERTIFICATE SHALL INDICATE BOTH ACTIVITIES.

(3) EACH REGISTERED TAX RETURN PREPARER AND FACILITATOR MUST ELECTRONICALLY RE-REGISTER WITH THE DEPARTMENT ANNUALLY, IN ACCORDANCE WITH INSTRUCTIONS PRESCRIBED BY THE COMMISSIONER. IF, AT ANY TIME DURING THE YEAR FOLLOWING REGISTRATION OR RE-REGISTRATION, AS APPLICABLE, ANY INFORMATION PROVIDED BY THE TAX RETURN PREPARER OR FACILITATOR UPON REGISTRATION OR RE-REGISTRATION IS NO LONGER CORRECT, THE TAX RETURN PREPARER OR FACILITATOR MUST UPDATE HIS OR HER INFORMATION IN ACCORDANCE WITH INSTRUCTIONS PRESCRIBED BY THE COMMISSIONER.

(4) EACH TAX RETURN PREPARER PREPARING ANY RETURN MUST SIGN THE DOCUMENT AND INCLUDE THE UNIQUE IDENTIFICATION NUMBER SPECIFIED IN PARAGRAPH TWO OF THIS SUBDIVISION, IN ACCORDANCE WITH INSTRUCTIONS PRESCRIBED BY THE COMMISSIONER.

(C)(1) EACH COMMERCIAL TAX RETURN PREPARER MUST ELECTRONICALLY PAY AN ANNUAL FEE OF ONE HUNDRED DOLLARS TO THE DEPARTMENT, IN ACCORDANCE WITH INSTRUCTIONS PRESCRIBED BY THE COMMISSIONER. REGISTRATION OF A COMMERCIAL TAX RETURN PREPARER IS NOT COMPLETE UNTIL PAYMENT OF THE FEE IS MADE.

(2) ALL FEES RECEIVED BY THE COMMISSIONER PURSUANT TO THIS SUBDIVISION, REDUCED BY THOSE AMOUNTS THE COMMISSIONER DETERMINES ARE NECESSARY TO COVER ADMINISTRATIVE COSTS TO ADMINISTER THE REGISTRATION PROGRAM PRESCRIBED BY THIS SECTION AND THE COSTS OF ANY REIMBURSEMENTS TO COMMERCIAL TAX RETURN PREPARERS THAT MAY BE REQUIRED DUE TO DUPLICATIVE FEE PAYMENTS UNDER THIS SUBDIVISION, MUST BE DEPOSITED MONTHLY TO THE CREDIT OF THE GENERAL FUND OF THE STATE. THE COMMISSIONER WILL MAINTAIN A SYSTEM OF ACCOUNTS SHOWING THE AMOUNT OF MONEY COLLECTED AND DISBURSED FROM THE FEE IMPOSED BY THIS SUBDIVISION.

(D) THE ISSUANCE OF A TAX PREPARER OR FACILITATOR REGISTRATION CERTIFICATE TO PROVIDE TAX PREPARATION SERVICES OR REFUND ANTICIPATION LOAN SERVICES IS NOT, AND MUST NOT BE ADVERTISED AS, AN ENDORSEMENT BY THE DEPARTMENT OF THE TAX RETURN PREPARER OR THE FACILITATOR, OR HIS OR HER QUALIFICATIONS OR THE SERVICES RENDERED BY HIM OR HER.

(E) A TAX RETURN PREPARER WHO HAS NOT REGISTERED WITH THE DEPARTMENT, OR A COMMERCIAL TAX RETURN PREPARER WHO HAS NOT PAID THE REQUIRED REGISTRATION FEE, WILL NOT BE ALLOWED TO REPRESENT HIS OR HER CLIENTS BEFORE THE DIVISION OF TAXATION OR THE DIVISION OF TAX APPEALS. THIS SANCTION IS IN ADDITION TO ANY PENALTIES WHICH MAY BE IMPOSED PURSUANT TO SUBDIVISION (F) OF THIS SECTION.

(F) (1) A TAX RETURN PREPARER OR FACILITATOR SHALL NOT: (A) CHARGE OR IMPOSE ANY FEE, CHARGE OR OTHER CONSIDERATION IN THE MAKING OR FACILITATING OF A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK APART FROM THE FEE CHARGED BY THE CREDITOR OR BANK THAT PROVIDED THE LOAN OR CHECK;

(B) ENGAGE IN UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN THE FACILITATING OF A REFUND ANTICIPATION CHECK OR A REFUND ANTICIPATION LOAN, INCLUDING MAKING ANY ORAL STATEMENTS CONTRADICTING ANY OF THE INFORMATION REQUIRED TO BE DISCLOSED UNDER THE TAXPAYER BILL OF RIGHTS AS SET FORTH IN SECTIONS THREE HUNDRED SEVENTY-ONE THROUGH THREE HUNDRED SEVENTY-THREE OF THE GENERAL BUSINESS LAW;

(C) DIRECTLY OR INDIRECTLY ARRANGE FOR A THIRD PARTY TO CHARGE ANY INTEREST, FEE OR CHARGE RELATED TO A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK;

(D) INCLUDE ANY OF THE FOLLOWING PROVISIONS IN ANY DOCUMENTS PROVIDED OR SIGNED TO OBTAIN A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK, INCLUDING THE LOAN APPLICATION OR AGREEMENT: (I) A HOLD HARMLESS CLAUSE; (II) A CONFESSION OF JUDGMENT CLAUSE; (III) A WAIVER OF THE RIGHT TO A JURY TRIAL; (IV) ANY ASSIGNMENT OF OR ORDER FOR PAYMENT OF WAGES OR OTHER COMPENSATION FOR SERVICES; (V) A WAIVER OF ANY PROVISION OF THE TAXPAYER BILL OF RIGHTS, AS SET FORTH IN SECTIONS THREE HUNDRED SEVENTY-ONE THROUGH THREE HUNDRED SEVENTY-THREE OF THE GENERAL BUSINESS LAW; OR (VI) A WAIVER OF THE RIGHT TO INJUNCTIVE, DECLARATORY, OTHER EQUITABLE RELIEF, OR RELIEF ON A CLASSWIDE BASIS. ANY AFOREMENTIONED WAIVERS SHALL BE DEEMED NULL, VOID AND OF NO EFFECT;

(E) TAKE OR ARRANGE FOR A CREDITOR TO TAKE A SECURITY INTEREST IN ANY PROPERTY INTEREST OF THE TAXPAYER OTHER THAN THE PROCEEDS OF THE TAX REFUND TO SECURE PAYMENT OF A REFUND ANTICIPATION LOAN;

(F) DIRECTLY OR INDIRECTLY, INDIVIDUALLY OR IN CONJUNCTION OR COOPERATION WITH ANOTHER PERSON, ENGAGE IN THE COLLECTION OF AN OUTSTANDING OR DELINQUENT REFUND ANTICIPATION LOAN FOR ANY CREDITOR OR ASSIGNEE;

(G) REFER, FACILITATE, SOLICIT CONSUMERS OR CONDUCT BUSINESS ON BEHALF OF, IN CONJUNCTION WITH OR ON THE SAME PREMISES AS A THIRD PARTY ENGAGED IN CHECK CASHING FOR A FEE;

(H) MAKE A MISREPRESENTATION OF FACT IN OBTAINING OR ATTEMPTING TO OBTAIN A REGISTRATION; OR

(I) ENGAGE IN ANY OTHER ACTION PROHIBITED BY RULES PROMULGATED BY THE COMMISSIONER.

(2) IF A TAX RETURN PREPARER VIOLATES ANY ONE OF THE PROVISIONS PROVIDED FOR IN THIS SUBDIVISION, THEN THE TAX RETURN PREPARER MUST PAY A PENALTY OF FIVE HUNDRED DOLLARS FOR EACH SUCH VIOLATION, IN ADDITION TO ANY OTHER PENALTIES PROVIDED FOR IN THIS SECTION.

(G) (1) IF A TAX RETURN PREPARER OR FACILITATOR IS REQUIRED TO REGISTER OR RE-REGISTER WITH THE DEPARTMENT PURSUANT TO PARAGRAPH ONE OR THREE OF SUBDIVISION (B) OF THIS SECTION, AS APPLICABLE, AND FAILS TO DO SO IN ACCORDANCE WITH THE TERMS OF THIS SECTION, THEN THE TAX RETURN PREPARER OF FACILITATOR MUST PAY A PENALTY OF TWO HUNDRED FIFTY DOLLARS. PROVIDED, HOWEVER, THAT IF THE TAX RETURN PREPARER OR FACILITATOR COMPLIES WITH THE REGISTRATION REQUIREMENTS OF THIS SECTION WITHIN NINETY CALENDAR DAYS AFTER NOTIFICATION OF ASSESSMENT OF THIS PENALTY IS SENT BY THE DEPARTMENT, THEN THIS PENALTY MUST BE ABATED. IF THE TAX RETURN PREPARER OR FACILITATOR CONTINUES TO FAIL TO REGISTER OR RE-REGISTER AFTER THE NINETY CALENDAR DAY PERIOD, THE TAX RETURN PREPARER OR FACILITATOR MUST PAY AN ADDITIONAL PENALTY OF FIVE HUNDRED DOLLARS IF THE FAILURE IS FOR NOT MORE THAN ONE MONTH, WITH AN ADDITIONAL FIVE HUNDRED DOLLARS FOR EACH ADDITIONAL MONTH OR FRACTION THEREOF DURING WHICH THE FAILURE CONTINUES. ONCE THE NINETY CALENDAR DAYS SPECIFIED IN THIS PARAGRAPH HAVE EXPIRED, THE PENALTY CAN BE WAIVED ONLY FOR GOOD CAUSE SHOWN BY THE TAX RETURN PREPARER OR FACILITATOR.

(2) IF A COMMERCIAL TAX RETURN PREPARER FAILS TO PAY THE FEE AS REQUIRED IN PARAGRAPH ONE OF SUBDIVISION (C) OF THIS SECTION, FOR A CALENDAR YEAR, THEN THE COMMERCIAL TAX RETURN PREPARER MUST PAY A PENALTY OF FIFTY DOLLARS FOR EACH RETURN THE COMMERCIAL TAX RETURN PREPARER HAS FILED WITH THE DEPARTMENT IN THAT CALENDAR YEAR. PROVIDED HOWEVER, THAT IF THE COMMERCIAL TAX RETURN PREPARER COMPLIES WITH THE PAYMENT REQUIREMENTS OF PARAGRAPH ONE OF SUBDIVISION (C) OF THIS SECTION, WITHIN NINETY CALENDAR DAYS AFTER NOTIFICATION OF THE ASSESSMENT OF THIS PENAL-

TY IS SENT BY THE DEPARTMENT, THEN THIS PENALTY MUST BE ABATED. THE MAXIMUM PENALTY THAT MAY BE IMPOSED UNDER THIS PARAGRAPH ON ANY COMMERCIAL TAX RETURN PREPARER DURING ANY CALENDAR YEAR MUST NOT EXCEED FIVE THOUSAND DOLLARS. ONCE THE NINETY CALENDAR DAYS SPECIFIED IN THIS PARAGRAPH HAVE EXPIRED, THE PENALTY CAN BE WAIVED ONLY FOR GOOD CAUSE SHOWN BY THE COMMERCIAL TAX RETURN PREPARER.

(3) IF A TAX RETURN PREPARER FAILS TO SIGN HIS OR HER NAME TO ANY RETURN THAT REQUIRES THE TAX RETURN PREPARER'S SIGNATURE, OR A FACILITATOR FAILS TO SIGN HIS OR HER NAME TO ANY REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK FACILITATION DOCUMENTATION, THEN THE TAX RETURN PREPARER OR FACILITATOR MUST PAY A PENALTY IN THE AMOUNT OF TWO HUNDRED FIFTY DOLLARS FOR EACH FAILURE TO SO SIGN. PROVIDED, HOWEVER, THAT THIS PENALTY CAN BE WAIVED ONLY FOR GOOD CAUSE SHOWN BY THE TAX RETURN PREPARER OR FACILITATOR.

THE MAXIMUM PENALTY IMPOSED UNDER THIS PARAGRAPH ON ANY TAX RETURN PREPARER WITH RESPECT TO RETURNS FILED DURING ANY CALENDAR YEAR BY THE TAX RETURN PREPARER, OR ON ANY FACILITATOR WITH RESPECT TO ANY REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK FACILITATION DOCUMENTATION COMPLETED DURING ANY CALENDAR YEAR BY THE FACILITATOR MUST NOT EXCEED TEN THOUSAND DOLLARS. PROVIDED, HOWEVER, THAT IF A TAX RETURN PREPARER OR FACILITATOR HAS BEEN PENALIZED UNDER THIS PARAGRAPH FOR A PRECEDING CALENDAR YEAR AND AGAIN FAILS TO SIGN HIS OR HER NAME ON ANY RETURN THAT REQUIRES THE TAX RETURN PREPARER'S SIGNATURE OR AGAIN FAILS TO SIGN HIS OR HER NAME ON ANY REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK FACILITATION DOCUMENTATION DURING A SUBSEQUENT CALENDAR YEAR, THEN THE PENALTY UNDER THIS PARAGRAPH FOR EACH FAILURE WILL BE FIVE HUNDRED DOLLARS, AND NO ANNUAL CAP WILL APPLY.

(4) IF A TAX RETURN PREPARER OR A FACILITATOR FAILS TO INCLUDE THE UNIQUE IDENTIFICATION NUMBER ASSIGNED BY THE DEPARTMENT PURSUANT TO SUBPARAGRAPH (B) OF PARAGRAPH TWO OF SUBDIVISION (B) OF THIS SECTION ON ANY RETURN, OR ANY RETURN ANTICIPATION LOAN OR RETURN ANTICIPATION CHECK FACILITATION DOCUMENTATION THAT REQUIRES HIS OR HER SIGNATURE, THEN THE TAX RETURN PREPARER OR FACILITATOR MUST PAY A PENALTY OF ONE HUNDRED DOLLARS FOR EACH FAILURE TO INCLUDE HIS OR HER UNIQUE IDENTIFICATION NUMBER. PROVIDED, HOWEVER, THAT THIS PENALTY CAN BE WAIVED ONLY FOR GOOD CAUSE SHOWN BY THE TAX RETURN PREPARER OR FACILITATOR. THE MAXIMUM PENALTY IMPOSED UNDER THIS PARAGRAPH ON ANY TAX RETURN PREPARER OR FACILITATOR WITH RESPECT TO RETURNS FILED DURING ANY CALENDAR YEAR MUST NOT EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS; PROVIDED, HOWEVER, THAT IF A TAX RETURN PREPARER OR FACILITATOR HAS BEEN PENALIZED UNDER THIS PARAGRAPH FOR A PRECEDING CALENDAR YEAR AND AGAIN FAILS TO INCLUDE THE UNIQUE IDENTIFICATION NUMBER ON ONE OR MORE RETURNS DURING A SUBSEQUENT CALENDAR YEAR, THEN THE PENALTY UNDER THIS PARAGRAPH FOR EACH FAILURE WILL BE TWO HUNDRED FIFTY DOLLARS, AND NO ANNUAL CAP WILL APPLY.

(5) IF A TAX RETURN PREPARER, FACILITATOR OR A COMMERCIAL TAX RETURN PREPARATION BUSINESS EMPLOYS AN INDIVIDUAL TO PREPARE TAX RETURNS WHO IS NOT REGISTERED WITH THE DEPARTMENT AND DOES NOT POSSESS A VALID TAX PREPARER OR FACILITATOR REGISTRATION CERTIFICATE, THEN THE TAX RETURN PREPARER, FACILITATOR OR COMMERCIAL TAX RETURN PREPARATION BUSINESS, AS APPLICABLE, WILL BE SUBJECT TO A PENALTY OF FIVE HUNDRED DOLLARS PER OCCURRENCE. THIS PENALTY CAN BE WAIVED ONLY FOR GOOD CAUSE SHOWN.

(6) THE PENALTIES PROVIDED FOR BY THIS SUBDIVISION MUST BE PAID UPON NOTICE AND DEMAND AND WILL BE ASSESSED, COLLECTED AND PAID IN THE SAME MANNER AS TAXES UNDER ARTICLE TWENTY-SEVEN OF THIS CHAPTER.

(G) THE PROVISIONS OF THIS SECTION WILL APPLY EXCLUSIVELY TO THE REGISTRATION OF TAX RETURN PREPARERS AND FACILITATORS WITH THE DEPART-

MENT, PAYMENT OF THE REGISTRATION FEE IF REQUIRED BY COMMERCIAL TAX RETURN PREPARERS, THE SIGNING OF RETURNS AND USE OF THE UNIQUE IDENTIFICATION NUMBERS ASSIGNED BY THE DEPARTMENT UPON REGISTRATION. OTHER PROVISIONS OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW PRESCRIBING ADDITIONAL REQUIREMENTS APPLICABLE TO TAX RETURN PREPARERS OR FACILITATORS WILL NOT BE AFFECTED BY THE PROVISIONS OF THIS SECTION EXCEPT AS SET FORTH EXPRESSLY HEREIN, AND WILL REMAIN IN FULL FORCE AND EFFECT.

S 3. Paragraphs 1 and 2 of subsection (u) of section 685 of the tax law are REPEALED.

S 4. The commissioner of taxation and finance shall convene a task force consisting of representatives from the department of taxation and finance, the state education department, the department of state, the consumer protection board, the banking department, the office of temporary and disability assistance, the New York state bar, the New York state association of certified public accountants, enrolled agents with the internal revenue service, and other representatives of the tax return preparation industry in order to prepare a report addressing the following issues: determining the appropriate scope of the program for regulating tax return preparers and commercial tax return preparers; setting appropriate qualifications, including, but not limited to, minimum educational qualifications and continuing educational requirements for tax return preparers; examining issues and abuses involving refund anticipation loans and checks and considering any other matters the task force determines to be necessary or appropriate. The report required by this section will be submitted to the commissioner of taxation and finance, the governor, the speaker of the assembly and the temporary president of the senate no later than March 31, 2012. The commissioner of taxation and finance may promulgate regulations to implement any of the recommendations made by the task force.

S 5. Section 371 of the general business law, as added by chapter 432 of the laws of 2008, is amended to read as follows:

S 371. Definitions. For the purposes of this article:

(a) "FACILITATOR" MEANS A PERSON WHO INDIVIDUALLY OR IN CONJUNCTION OR COOPERATION WITH ANOTHER PERSON: (I) SOLICITS THE EXECUTION OF, PROCESSES, RECEIVES, OR ACCEPTS AN APPLICATION OR AGREEMENT FOR A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK; (II) SERVES OR COLLECTS UPON A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK; OR (III) IN ANY OTHER MANNER THAT FACILITATES THE MAKING OF A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK. THIS TERM EXCLUDES ANY EMPLOYEES OF A FACILITATOR WHO PROVIDE ONLY CLERICAL OR OTHER COMPARABLE SUPPORT SERVICES TO SUCH FACILITATOR.

(B) "Tax preparer" or "preparer" means a person, partnership, corporation or other business entity, that in exchange for consideration advises or assists or offers to advise or assist in the preparation of income tax returns for another.

[(b)] (C) "REFUND ANTICIPATION CHECK" MEANS A CHECK, STORED VALUE CARD, OR OTHER PAYMENT MECHANISM: (I) REPRESENTING THE PROCEEDS OF A TAX REFUND; (II) WHICH WAS ISSUED BY A DEPOSITORY INSTITUTION OR OTHER PERSON THAT RECEIVED A DIRECT DEPOSIT OF THE TAX REFUND OR TAX CREDITS; AND (III) FOR WHICH A FEE OR OTHER CONSIDERATION HAS BEEN PAID FOR SUCH PAYMENT MECHANISM.

(D) "Refund anticipation loan" means [any loan a taxpayer may receive against his or her anticipated income tax refund.

(c)] A LOAN THAT IS SECURED BY OR THAT THE CREDITOR ARRANGES TO BE REPAID DIRECTLY OR INDIRECTLY FROM THE PROCEEDS OF AN INCOME TAX REFUND OR TAX CREDITS. A REFUND ANTICIPATION LOAN ALSO INCLUDES ANY SALE,

ASSIGNMENT, OR PURCHASE OF TAX REFUND AT A DISCOUNT OR FOR A FEE, WHETHER OR NOT THE AMOUNT IS REQUIRED TO BE REPAID TO THE BUYER OR ASSIGNEE IF THE INTERNAL REVENUE SERVICE OR THE DEPARTMENT DENIES OR REDUCES THE AMOUNT OF THE TAX REFUND.

(E) "Department" means the department of taxation and finance.

S 6. Section 372 of the general business law, as added by chapter 432 of the laws of 2008, is amended to read as follows:

S 372. Consumer bill of rights regarding tax preparers. (a) A tax preparer shall provide his or her customers with a receipt containing an address and phone number at which the preparer can be contacted throughout the year.

(b) The department shall, in accordance with regulations promulgated by the commissioner of taxation and finance, produce and make available to taxpayers and tax preparers an informational flier regarding consumers' rights and laws concerning tax preparers to be called a "consumer bill of rights regarding tax preparers". THE DEPARTMENT SHALL CONSULT WITH THE STATE CONSUMER PROTECTION BOARD TO ENHANCE DISTRIBUTION OF FLIERS TO CONSUMERS. The flier shall also be made available on the [department's] DEPARTMENT AND THE STATE CONSUMER PROTECTION BOARD'S internet site, and shall contain information including, but not limited to, the following:

(1) postings required by state and federal laws, such as price posting and posting of qualifications;

(2) explanations of some of the commonly offered services and industry jargon, such as preparation of short and long federal forms, refund, electronic filing, express mail, direct deposit, REFUND ANTICIPATION CHECK, refund anticipation loan, quick, instant, rapid, fast, fee, and interest;

(3) basic information on what a tax preparer is and is not required to do for a consumer, such as the preparer's responsibility to sign a return, that a tax preparer may not be required to accompany a consumer to an audit but the company may have a voluntary policy to accompany consumers to audits; and

(4) the telephone numbers of the department for information and complaints.

The flier shall be in a form which is easily reproducible by photocopy machine.

(c) THE DEPARTMENT SHALL COORDINATE ITS RESPONSE TO CONSUMER TAX PREPARER COMPLAINTS WITH THE STATE CONSUMER PROTECTION BOARD, PURSUANT TO SUBDIVISION (B) OF SECTION FIVE HUNDRED FIFTY-THREE OF THE EXECUTIVE LAW, AS THE DEPARTMENT DEEMS APPROPRIATE.

(D) A copy of the consumer bill of rights regarding tax preparers shall be provided to individuals or businesses on request to the department, and shall be sent by the department no later than October fifteenth of each year to each tax preparer who has been found to be in violation of this subdivision or any other provision of this section within the previous calendar year. Each tax preparer subject to this section shall obtain a current consumer's bill of rights regarding tax preparers from the department and shall reproduce it so that it is clear and legible. As of January first of each year, each tax preparer shall give to each customer, free of charge, a current, legible copy of the consumer's bill of rights regarding tax preparers prior to any discussion with the customer. Each such tax preparer shall also verbally direct the consumer to review the consumer bill of rights regarding tax preparers and shall answer any questions the consumer may have about its contents.

[(d)] (E) (1) Any tax preparer who advertises the availability of a refund anticipation loan OR REFUND ANTICIPATION CHECK may not directly or indirectly represent such a loan as a refund. Any advertisement which mentions a refund anticipation loan must state conspicuously that it is a loan and that a fee or interest will be charged by the lending institution. The advertisement must also disclose the name of the lending institution.

(2) (I) Before any taxpayer enters into a refund anticipation loan, the tax preparer facilitating such loan shall provide the following disclosure to the taxpayer in writing in at least fourteen-point type:

"YOU ARE NOT REQUIRED TO ENTER INTO THIS REFUND ANTICIPATION LOAN AGREEMENT MERELY BECAUSE YOU HAVE RECEIVED THIS INFORMATION.

IF YOU DO SIGN A CONTRACT FOR A REFUND ANTICIPATION LOAN, YOU WILL BE TAKING OUT A LOAN. YOU WILL BE RESPONSIBLE FOR REPAYMENT OF THE ENTIRE LOAN AMOUNT AND ALL RELATED COSTS AND FEES, REGARDLESS OF HOW MUCH MONEY YOU ACTUALLY RECEIVE IN YOUR TAX REFUND. IF YOUR REFUND IS DELAYED, YOU MAY HAVE TO PAY ADDITIONAL COSTS.

IF YOU DO NOT TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU ARE ELIGIBLE TO RECEIVE A GROSS TAX REFUND OF APPROXIMATELY $(insert amount).

IF YOU DO TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU WILL BE RESPONSIBLE TO PAY $(insert amount) IN FEES FOR THE LOAN. AFTER THESE FEES ARE PAID, YOU WILL RECEIVE APPROXIMATELY $ (insert amount) AS YOUR LOAN.

THE ESTIMATED ANNUAL PERCENTAGE RATE OF YOUR REFUND ANTICIPATION LOAN IS (insert amount)%. THIS IS BASED ON THE ACTUAL AMOUNT OF TIME YOU WILL BE LENT MONEY THROUGH THIS REFUND ANTICIPATION LOAN.

IF YOU DO TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU CAN EXPECT TO RECEIVE YOUR LOAN WITHIN APPROXIMATELY TWO BUSINESS DAYS OF (insert date).

IF YOU DO NOT TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU CAN STILL RECEIVE YOUR TAX REFUND QUICKLY. IF YOU FILE YOUR TAX RETURN ELECTRONICALLY AND RECEIVE YOUR TAX REFUND THROUGH THE MAIL, YOU CAN EXPECT TO RECEIVE YOUR REFUND WITHIN APPROXIMATELY TWO BUSINESS DAYS OF (insert date). IF YOU FILE YOUR TAX RETURN ELECTRONICALLY AND HAVE YOUR TAX REFUND DIRECTLY DEPOSITED INTO A BANK ACCOUNT, YOU CAN EXPECT TO RECEIVE YOUR REFUND WITHIN APPROXIMATELY TWO BUSINESS DAYS OF (insert date)."

(II) BEFORE ANY TAXPAYER ENTERS INTO AN AGREEMENT TO RECEIVE A REFUND ANTICIPATION CHECK, THE TAX PREPARER FACILITATING THE AGREEMENT SHALL PROVIDE THE FOLLOWING DISCLOSURE TO THE TAXPAYER IN WRITING IN AT LEAST FOURTEEN-POINT TYPE:

"YOU ARE NOT REQUIRED TO ENTER INTO THIS REFUND ANTICIPATION CHECK AGREEMENT MERELY BECAUSE YOU HAVE RECEIVED THIS INFORMATION. IF YOU DO TAKE OUT THIS REFUND ANTICIPATION CHECK, YOU WILL BE RESPONSIBLE TO PAY $(INSERT AMOUNT) IN FEES FOR THE CHECK TO BE ISSUED BY (INSERT NAME OF ISSUER OF REFUND ANTICIPATION CHECK). YOU CAN AVOID THIS FEE AND STILL RECEIVE YOUR REFUND IN THE SAME AMOUNT OF TIME BY HAVING YOUR REFUND DIRECTLY DEPOSITED INTO YOUR OWN BANK ACCOUNT. YOU CAN ALSO WAIT FOR THE FEDERAL OR STATE REFUND TO BE MAILED TO YOU.

IF YOU DO ENTER INTO THIS REFUND ANTICIPATION CHECK AGREEMENT, YOU CAN EXPECT TO RECEIVE YOUR CHECK BY APPROXIMATELY TWO BUSINESS DAYS OF (INSERT DATE).

IF YOU DO NOT ENTER INTO THIS REFUND ANTICIPATION CHECK AGREEMENT, YOU CAN STILL RECEIVE YOUR TAX REFUND QUICKLY. IF YOU FILE YOUR TAX RETURN ELECTRONICALLY AND RECEIVE YOUR TAX REFUND THROUGH THE MAIL, YOU CAN EXPECT TO RECEIVE YOUR REFUND WITHIN APPROXIMATELY TWO BUSINESS DAYS OF (INSERT DATE). IF YOU FILE YOUR TAX RETURN ELECTRONICALLY AND HAVE YOUR TAX REFUND DIRECTLY DEPOSITED INTO A BANK ACCOUNT, YOU CAN EXPECT TO

RECEIVE YOUR REFUND WITHIN APPROXIMATELY TWO BUSINESS DAYS OF (INSERT DATE)."

(III) It shall be the obligation of the tax preparer to complete the required [disclosure] DISCLOSURES accurately with all relevant information for each taxpayer and to ensure that the completed disclosure form is signed by the taxpayer before he or she enters into a refund anticipation loan OR A REFUND ANTICIPATION CHECK, WITH A COPY OF THE SAME PROVIDED TO THE TAXPAYER. THE NAME AND THE UNIQUE IDENTIFICATION NUMBER OF THE TAX RETURN PREPARER (AND FACILITATOR, IF DIFFERENT) ASSIGNED PURSUANT TO SECTION THIRTY-TWO OF THE TAX LAW MUST BE INCLUDED ON THE DISCLOSURE FORM PROVIDED TO THE TAXPAYER.

[(e)] (F)(1) IF A TAXPAYER APPLIES FOR A REFUND ANTICIPATION LOAN, THE FACILITATOR MUST ALSO ORALLY INFORM THE TAXPAYER IN THE LANGUAGE PRIMARILY USED FOR ORAL COMMUNICATIONS BETWEEN THE FACILITATOR AND TAXPAYER:

(I) THAT THE PRODUCT IS A LOAN THAT ONLY LASTS ONE TO TWO WEEKS;

(II) IF THE TAX REFUND IS LESS THAN EXPECTED, THE TAXPAYER IS LIABLE FOR THE FULL AMOUNT OF THE LOAN AND MUST REPAY ANY DIFFERENCE;

(III) IF THE REFUND IS DELAYED FOR ANY REASON, THERE MAY BE ADDITIONAL COSTS, SUCH AS ADDITIONAL INTEREST, THAT THE TAXPAYER WILL HAVE TO PAY;

(IV) THE AMOUNT OF THE REFUND ANTICIPATION LOAN FEE; AND

(V) THE REFUND ANTICIPATION LOAN INTEREST RATE.

(2) IF A TAXPAYER APPLIES FOR A REFUND ANTICIPATION CHECK, THE FACILITATOR MUST ALSO ORALLY INFORM THE TAXPAYER IN THE LANGUAGE PRIMARILY USED FOR ORAL COMMUNICATIONS BETWEEN THE FACILITATOR AND TAXPAYER:

(I) THE AMOUNT OF THE REFUND ANTICIPATION CHECK FEE; AND

(II) THAT THE TAXPAYER CAN RECEIVE A REFUND IN THE SAME AMOUNT OF TIME WITHOUT A FEE IF THE TAX RETURN IS FILED ELECTRONICALLY, AND THE CONSUMER CHOOSES DIRECT DEPOSIT TO THEIR OWN PERSONAL BANK ACCOUNT.

(G) Any person, partnership, corporation or other business entity who violates any provision of this section or any of the regulations promulgated pursuant to this section shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars. THE PENALTIES PROVIDED FOR BY THIS SUBDIVISION MUST BE PAID UPON NOTICE AND DEMAND AND WILL BE ASSESSED, COLLECTED AND PAID IN THE SAME MANNER AS TAXES UNDER ARTICLE TWENTY-SEVEN OF THE TAX LAW.

[(f)] (H) Apart from subdivision [(d)] (E) of this section and the accompanying penalties as listed in subdivision [(e)] (F) of this section, the provisions of this section shall not apply to:

(1) an officer or employee of a corporation or business enterprise who, in his or her capacity as such, advises or assists in the preparation of income tax returns relating to such corporation or business enterprise;

(2) an attorney at law who advises or assists in the preparation of income tax returns in the practice of law and the employees thereof;

(3) a fiduciary and the employees thereof who advise or assist in the preparation of income tax returns on behalf of the fiduciary estate, the testator, trustee, grantor or beneficiaries thereof;

(4) a certified public accountant licensed pursuant to the education law or licensed by one or more of the states or jurisdictions of the United States, and the employees thereof;

(5) a public accountant licensed pursuant to the education law and the employees thereof;

(6) an employee of a governmental unit, agency or instrumentality who advises or assists in the preparation of income tax returns in the performance of his or her official duties; or

(7) an agent enrolled to practice before the internal revenue service pursuant to section 10.4 of subpart A of part ten of title thirty-one of the code of federal regulations.

S 7. This act shall take effect immediately, provided, however, that section one of this act shall apply to authorized tax documents required to be filed for tax years beginning on or after January 1, 2009, and section two of this act shall apply to tax return preparers filing personal income tax returns on or after December 31, 2009 and to tax return preparers who do not prepare income tax returns on or after December 31, 2010; and sections five and six of this act shall take effect on the same date as chapter 432 of the laws of 2008, takes effect.

PART WW

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

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.

PART XX

Section 1. Section 16-s of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by section 2 of part QQ of chapter 57 of the laws of 2008, is amended to read as follows:

S 16-s. The upstate agricultural economic development fund AND HEALTHY FOOD / HEALTHY COMMUNITIES INITIATIVE. 1. The upstate agricultural economic development fund AND HEALTHY FOOD / HEALTHY COMMUNITIES INITIATIVE is hereby created. The corporation is authorized, within available appropriations, to provide financial assistance in the form of loans, grants or contracts for services, to eligible entities as set forth in this subdivision to support the upstate revitalization fund to reduce the cost of financing the construction, expansion or renovation of agricultural economic development projects, to reduce the cost of agricultural inputs or to support activities related to the retention of existing farmers or the recruitment of new farmers AND TO INCREASE THE NUMBER OF FOOD MARKETS PROVIDING AFFORDABLE AND NUTRITIOUS FOODS IN UNDERSERVED AREAS.

2. Not-for-profit corporations, agricultural cooperative corporations, public benefit corporations, municipalities and educational institutions serving rural areas shall be eligible to apply for support under this subdivision for the following activities:

(a) Support for local efforts to identify new agricultural economic development opportunities, and to organize industry-wide collaborative efforts designed to develop growth strategies for the agricultural industry.

(b) Support for local or regional activities designed to provide business development and financial packaging assistance to new and expanding agricultural economic development projects.

(c) Development and delivery of programs to promote the retention of existing farmers and to attract new farmers.

(d) Feasibility studies to determine the projected local, national and/or international demand for the proposed crop or product to be financed pursuant to this section and the suitability of the land and climate for such production.

(e) Support for land acquisition and/or the construction, acquisition or expansion of buildings, machinery and equipment associated with a project.

(f) Loans can be provided by the corporation to agricultural cooperative corporations, not-for-profit corporations and public benefit corporations for the purpose of providing low cost financing from such entities to projects for purposes described in this subdivision.

(g) Such projects shall be consistent with the environmental protection goals of the state.

[2.] 3. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS, AS DEFINED BY PARAGRAPH (A) OF SUBDIVISION 2 OF SECTION SIXTEEN-O OF THIS ACT, SHALL BE ELIGIBLE TO APPLY FOR DESIGNATION UNDER THIS SUBDIVISION TO PERFORM THE DUTIES OF A PROGRAM ADMINISTRATOR FOR THE HEALTHY FOOD / HEALTHY COMMUNITIES INITIATIVE.

(A) PROGRAM ADMINISTRATORS WILL BE REQUIRED TO ENTER INTO A CONTRACT WITH THE CORPORATION FOR THE FOLLOWING RESPONSIBILITIES:

(I) RAISE MATCHING CAPITAL TO LEVERAGE STATE FUNDS WITHIN THREE YEARS OF SIGNING A CONTRACT WITH THE CORPORATION;

(II) REPORT, AT LEAST ANNUALLY, ON THE SOURCES AND AMOUNTS OF FUNDS RAISED;

(III) DEVELOP UNDERWRITING CRITERIA; AND

(IV) PROCESS LOANS AND GRANTS FOR FOOD MARKETS.

(B) ADMINISTRATIVE COSTS OF PROGRAM ADMINISTRATORS WILL BE REIMBURSABLE AS SET FORTH IN EITHER RULES AND REGULATIONS ISSUED IN ACCORDANCE WITH PARAGRAPH (D) OF SUBDIVISION 5 OF THIS SECTION OR IN A REQUEST FOR PROPOSAL.

(C) ELIGIBLE FOOD MARKETS ARE ANY ENTITIES IN SUBPARAGRAPH (I) OF THIS PARAGRAPH. ELIGIBLE FOOD MARKETS MUST DEMONSTRATE THAT THEIR PROPOSED PROJECT WILL BENEFIT AN UNDERSERVED AREA, AS DEFINED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(I) AN ELIGIBLE FOOD MARKET APPLICANT MAY BE A FOR-PROFIT BUSINESS ENTERPRISE (INCLUDING A CORPORATION, LIMITED LIABILITY COMPANY, SOLE PROPRIETOR, COOPERATIVE OR PARTNERSHIP), A NONPROFIT ORGANIZATION OR A FOOD COOPERATIVE.

(II) AN UNDERSERVED AREA IS DEFINED AS A LOW- OR MODERATE-INCOME CENSUS TRACT, AN AREA OF BELOW AVERAGE SUPERMARKET DENSITY OR AN AREA HAVING A SUPERMARKET CUSTOMER BASE WITH MORE THAN 50 PERCENT LIVING IN A LOW-INCOME CENSUS TRACT.

(III) ELIGIBLE USES FOR FUNDS FROM STATE GRANTS AND LOANS TO FOOD MARKETS INCLUDE:

(A) PRE-DEVELOPMENT COSTS FOR PROJECT FEASIBILITY, INCLUDING PROFESSIONAL FEES, MARKET STUDIES AND APPRAISALS;

(B) LAND ASSEMBLY, INCLUDING DEMOLITION AND ENVIRONMENTAL REMEDIATION;

(C) SITE DEVELOPMENT;

(D) INFRASTRUCTURE IMPROVEMENTS, INCLUDING RENOVATION, NEW CONSTRUCTION OR ADAPTIVE REUSE; AND

(E) EQUIPMENT PURCHASES.

(D) THE PROGRAM ADMINISTRATOR SHALL REVIEW, AND IF APPROPRIATE APPROVE, APPLICATIONS BY FOOD MARKETS. THE PROGRAM ADMINISTRATOR SHALL REVIEW APPLICATIONS EVERY OTHER MONTH FOR AS LONG AS FUNDS REMAIN AVAIL-

ABLE IN THE LOAN POOL. THE PROGRAM ADMINISTRATOR SHALL REVIEW EACH APPLICATION TO DETERMINE WHETHER THE PROPOSED PROJECT IS FINANCIALLY VIABLE AND DEMONSTRATES ALL OF THE FOLLOWING:

(I) MAKES A POSITIVE IMPACT ON THE LOCAL ECONOMY;

(II) INCREASES REVENUES TO THE STATE, THE HOST MUNICIPALITY, OR THE MARKET REGION OR CREATES A NEW AGRICULTURAL ECONOMIC DEVELOPMENT OPPORTUNITY;

(III) ADHERENCE TO SOUND LAND USE PRINCIPLES;

(IV) PROMOTES COMMUNITY DEVELOPMENT BY WORKING IN CONJUNCTION WITH OTHER PROGRAMS;

(V) INCORPORATES ENERGY EFFICIENCY AND GREEN BUILDING PRINCIPLES; AND

(VI) TO THE MAXIMUM EXTENT PRACTICABLE, PROVIDES HEALTHY, NUTRITIOUS FOOD GROWN BY SUSTAINABLE AGRICULTURAL PRACTICES.

4. Applications for assistance pursuant to this section, EXCEPT FOR THE HEALTHY FOODS / HEALTHY COMMUNITIES INITIATIVE, shall be reviewed and evaluated pursuant to eligibility requirements and criteria set forth in rules and regulations promulgated by the upstate chairman, in consultation with the commissioner of the department of agriculture and markets, and subject to approval by the board of directors of the upstate empire state development corporation. Approval of project applications shall be made by the upstate chairman, in consultation with the commissioner of the department of agriculture and markets, subject to approval by the board of directors of the upstate empire state development corporation.

[3.] 5. APPLICATIONS TO BE THE PROGRAM ADMINISTRATOR FOR THE HEALTHY FOOD / HEALTHY COMMUNITIES INITIATIVE SHALL BE REVIEWED AND EVALUATED PURSUANT TO ELIGIBILITY REQUIREMENTS AND CRITERIA WHICH MAY BE SET FORTH IN EITHER RULES AND REGULATIONS, A REQUEST FOR PROPOSAL OR AN APPLICATION.

(A) APPLICATIONS SHALL IDENTIFY AT LEAST ONE FOOD ACCESS, HEALTH OR COMMUNITY DEVELOPMENT ORGANIZATION WHO WILL WORK WITH THE PROGRAM ADMINISTRATOR APPLICANT TO:

(I) ANALYZE MARKET OPPORTUNITIES IN UNDERSERVED AREAS;

(II) RECRUIT FOOD MARKET OPERATORS AND DEVELOPERS;

(III) PRE-QUALIFY FOOD MARKET APPLICATIONS ON NON-FINANCIAL CRITERIA; AND

(IV) PROVIDE TECHNICAL ASSISTANCE WITH REGARD TO OPERATING GROCERY STORES IN LOW-INCOME COMMUNITIES.

(B) ADMINISTRATIVE COSTS OF THE FOOD ACCESS, HEALTH OR COMMUNITY DEVELOPMENT ORGANIZATION WILL BE REIMBURSABLE AS SET FORTH IN RULES AND REGULATIONS ISSUED IN ACCORDANCE WITH PARAGRAPH (D) OF THIS SUBDIVISION OR IN A REQUEST FOR PROPOSAL.

(C) APPROVAL OF AT LEAST ONE PROGRAM ADMINISTRATOR SHALL BE MADE BY THE UPSTATE CHAIRMAN, IN CONSULTATION WITH THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE AND MARKETS, SUBJECT TO APPROVAL BY THE BOARD OF DIRECTORS OF THE UPSTATE EMPIRE STATE DEVELOPMENT CORPORATION.

(D) AT HIS OR HER DISCRETION, THE UPSTATE CHAIRMAN OF THE CORPORATION MAY PROMULGATE RULES AND REGULATIONS, IN CONSULTATION WITH THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE AND MARKETS, AND SUBJECT TO APPROVAL BY THE BOARD OF DIRECTORS OF THE UPSTATE EMPIRE STATE DEVELOPMENT CORPORATION FOR THE IMPLEMENTATION OF THIS SECTION.

6. The corporation, IN CONSULTATION WITH THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE AND MARKETS, shall submit a report to the director of the budget, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly on the investments and accomplishments

of the upstate agricultural economic development fund. Such report shall include, but not be limited to, information on the number of jobs created and retained, levels of private sector investment, economic benefit to the state and local economies and types of industries invested in. Such report shall be submitted by July 1, 2009 and July first every year thereafter.

[4.] 7. The corporation, IN CONSULTATION WITH THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE AND MARKETS, shall submit a report to the director of the budget, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly evaluating the economic and social benefits of the upstate agricultural economic development fund. Such evaluation shall be prepared by an entity or entities independent of the corporation which shall be selected through a request for proposal process. Such evaluation shall be submitted by October 1, 2009 and October first every year thereafter.

[5.] 8. The corporation is hereby authorized to promulgate rules and regulations in accordance with the state administrative procedure act as are necessary to fulfill the purposes of this section.

[6.] 9. The provisions of section [10] TEN and subdivision 2 of section [16] SIXTEEN of [the urban development corporation] THIS act shall not apply to assistance provided under this section.

S 2. This act shall take effect immediately.

PART YY

Section 1. Paragraph b of subdivision 4 of section 15-0313 of the environmental conservation law, as amended by chapter 261 of the laws of 1990, is amended to read as follows:

b. Such rules and regulations may specify the pesticides and chemicals and quantities and concentrations thereof which may be directly applied or used, which specified chemicals and pesticides shall be selected with maximum protection of life, health and property as criteria for their selection, and shall also provide for giving reasonable notice to persons likely to be adversely affected by such use of chemicals and may require consent of persons who may reasonably be expected to suffer substantial damage or injury thereby prior to the issuance of any permit for such use. A fee of [fifty] ONE HUNDRED dollars shall accompany each permit.

S 2. Subdivision 2 of section 33-0901 of the environmental conservation law, as amended by section 3 of part B of chapter 82 of the laws of 2002, is amended to read as follows:

2. Any person desiring such a permit shall file an application containing such information required by the commissioner and in a form prescribed by the commissioner. The commissioner shall examine the application and shall issue or refuse to issue the permit requested therein. The commissioner shall impose whatever restrictions or conditions on the permit he deems appropriate in order to fully protect the public interest. Such a permit shall not be valid for more than two years as determined by the commissioner. A separate permit is required for each location in the state, and a fee for each location in the state of [three] SIX hundred dollars is required.

S 3. Section 33-0911 of the environmental conservation law, as amended by section 6 of part B of chapter 82 of the laws of 2002, subdivision 2 as amended by section 2 of part U of chapter 59 of the laws of 2004, is amended to read as follows:

S 33-0911. Certification and registration fees.

1. Every applicant for pesticide applicator certification shall pay an examination fee of [fifty] ONE HUNDRED dollars for each examination.

2. a. Except as provided in paragraph b of this subdivision, fees for pesticide applicator certification shall be [two] FOUR hundred [twenty-five] FIFTY dollars for commercial pesticide applicator certification in one individual category, [seventy-five] ONE HUNDRED FIFTY dollars for each additional category and [seventy-five] ONE HUNDRED FIFTY dollars for each additional sub-category chosen. For private applicators a fee of twenty-five dollars for the initial certified private applicator and five dollars for subsequent applicators on the same farm or business shall be charged at the time of initial certification, renewal of certification or recertification.

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

3. Pesticide businesses shall pay a registration fee of [four] NINE hundred [fifty] dollars. When the applicant regularly maintains or operates more than one business address a fee may be required for each of the applicant's business addresses in the state. Any agency which is a state agency, municipal corporation, public authority, or college shall be exempt from any fee for registration.

S 4. Section 33-0304 of the environmental conservation law, as amended by chapter 60 of the laws of 1993, is amended to read as follows:

S 33-0304. Fees.

All fees collected pursuant to this article shall be deposited into the environmental conservation special revenue fund to the credit of the environmental regulatory account; PROVIDED, HOWEVER, THAT THE FIRST FIVE MILLION DOLLARS COLLECTED PURSUANT TO THIS ARTICLE SHALL BE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-S OF THE STATE FINANCE LAW.

S 5. Subdivisions a and b of section 33-0705 of the environmental conservation law, as amended by section 2 of part FF of chapter 59 of the laws of 2008, are amended to read as follows:

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

b. On or before July 1, 2011, for all others, [three] SIX hundred [ten] TWENTY dollars for each pesticide proposed to be registered;

S 6. Subdivision 5 of section 33-0922 of the environmental conservation law, as amended by chapter 345 of the laws of 2008, is amended to read as follows:

5. When engaged in the commercial application of aquatic antifouling paints, an aquatic antifouling paint application business shall ensure that such aquatic antifouling paints are only applied by an employee who is a certified commercial pesticide applicator or technician certified in the application of aquatic antifouling paint or an aquatic antifouling paint applicator, or a person who is a certified commercial pesticide applicator or technician certified in the application of aquatic antifouling paint or an aquatic antifouling paint applicator employed by another registered business with which such business has contracted to apply aquatic antifouling paints; provided, however, that until [December thirty-first, two thousand eight,] SUCH TIME AS AUTHORIZATION FOR

PESTICIDE APPLICATION BY PESTICIDE APPRENTICES IS REPEALED, aquatic antifouling paint REGISTERED AS A GENERAL USE PESTICIDE may be applied by a commercial pesticide apprentice who is AT LEAST SEVENTEEN YEARS OF AGE AND employed by such business (a) working under the direct supervision of a certified commercial pesticide applicator, or (b) working under the supervision of a certified pesticide technician qualified in aquatic antifouling paints, if such application is otherwise done in compliance with the rules and regulations of the department, AND WHO, DURING THE HANDLING AND APPLICATION OF SUCH PAINT, UTILIZES APPROPRIATE SAFETY EQUIPMENT INCLUDING BUT NOT LIMITED TO A RESPIRATOR, EYE PROTECTION AND SKIN PROTECTION.

S 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.

PART ZZ

Section 1. Subdivisions 5 and 6 of section 72-1003 of the environmental conservation law, as amended by section 1 of part O1 of chapter 62 of the laws of 2003, are amended to read as follows:

5. [two] FOUR thousand dollars for affected land of an acreage greater than twenty acres and equal to or less than thirty acres; or

6. [four thousand dollars] EIGHT THOUSAND DOLLARS for affected land of an acreage greater than thirty acres.

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, 2009.

PART AAA

Section 1. Section 70-0117 of the environmental conservation law is amended by adding a new subdivision 8 to read as follows:

8. (A) ALL PERSONS REQUIRED TO OBTAIN A PERMIT FROM THE DEPARTMENT PURSUANT TO SECTION 24-0701 OF THIS CHAPTER SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION FEE IN AN AMOUNT NOT TO EXCEED THE FOLLOWING:

(I) FIFTY DOLLARS PER APPLICATION FOR A PERMIT FOR A MINOR PROJECT AS DEFINED IN THIS ARTICLE OR MODIFICATION TO ANY EXISTING PERMIT ISSUED PURSUANT TO SECTION 24-0701 OF THIS CHAPTER;

(II) FIFTY DOLLARS PER APPLICATION FOR A PERMIT FOR A RESIDENTIAL PROJECT DEFINED AS ASSOCIATED WITH ONE SINGLE FAMILY DWELLING AND CUSTOMARY APPURTENANCES THERETO;

(III) ONE HUNDRED DOLLARS PER APPLICATION FOR MULTIPLE FAMILY DWELLING AND CUSTOMARY APPURTENANCES THERETO;

(IV) TWO HUNDRED DOLLARS PER APPLICATION FOR A PERMIT FOR ANY OTHER PROJECT AS DEFINED IN THIS ARTICLE.

(B) ALL PERSONS REQUIRED TO OBTAIN A PERMIT FROM THE DEPARTMENT PURSUANT TO SECTION 25-0402 OF THIS CHAPTER SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION FEE IN AN AMOUNT NOT TO EXCEED THE FOLLOWING:

(I) TWO HUNDRED DOLLARS PER APPLICATION FOR A PERMIT FOR A MINOR PROJECT AS DEFINED IN THIS ARTICLE OR MODIFICATION TO ANY EXISTING PERMIT ISSUED PURSUANT TO SECTION 25-0402 OF THIS CHAPTER;

(II) NINE HUNDRED DOLLARS PER APPLICATION FOR A PERMIT FOR A PROJECT AS DEFINED IN THIS ARTICLE.

(C) ALL FEES COLLECTED PURSUANT TO THIS SUBDIVISION SHALL BE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND PURSUANT TO SECTION NINETY-TWO-S OF THE STATE FINANCE LAW.

S 2. This act shall take effect April 1, 2009.

PART BBB

Section 1. The opening paragraph of subdivision 1 of section 72-0303 of the environmental conservation law, as amended by section 1 of part D of chapter 413 of the laws of 1999, is amended to read as follows:

Commencing January first, nineteen hundred ninety-four and every year thereafter all sources of regulated air contaminants identified pursuant to subdivision one of section 19-0311 of this chapter shall submit to the department [a] AN ANNUAL fee [not to exceed] OF forty-five dollars per ton up to [six] SEVEN thousand tons annually of each regulated air contaminant AS FOLLOWS: FORTY-FIVE DOLLARS PER TON FOR FACILITIES WITH TOTAL EMISSIONS LESS THAN ONE THOUSAND TONS ANNUALLY; FIFTY DOLLARS PER TON FOR FACILITIES WITH TOTAL EMISSIONS OF ONE THOUSAND OR MORE BUT LESS THAN TWO THOUSAND TONS ANNUALLY; FIFTY-FIVE DOLLARS PER TON FOR FACILITIES WITH TOTAL EMISSIONS OF TWO THOUSAND OR MORE BUT LESS THAN FIVE THOUSAND TONS ANNUALLY; AND SIXTY-FIVE DOLLARS PER TON FOR FACILITIES WITH TOTAL EMISSIONS OF FIVE THOUSAND OR MORE TONS ANNUALLY. Such fee shall be sufficient to support an appropriation approved by the legislature for the direct and indirect costs associated with the operating permit program established in section 19-0311 of this chapter. Such fee shall be established by the department and shall be calculated by dividing the amount of the current year appropriation from the operating permit program account of the clean air fund by the total tons of emissions of regulated air contaminants that are subject to the operating permit program fees from sources subject to the operating permit program pursuant to section 19-0311 of this chapter up to [six] SEVEN thousand tons annually of each regulated air contaminant from each source; provided that, in making such calculation, the department shall adjust their calculation to account for any deficit or surplus in the operating permit program account of the clean air fund established pursuant to section ninety-seven-oo of the state finance law; any loan repayment from the mobile source account of the clean air fund established pursuant to section ninety-seven-oo of the state finance law; and the rate of collection by the department of the bills issued for the fee for the prior year.

S 2. This act shall take effect June 1, 2009.

PART CCC

Section 1. Article 15 of the environmental conservation law is amended by adding a new title 33 to read as follows:

TITLE 33

WATER WITHDRAWAL REPORTING

SECTION 15-3301. WATER WITHDRAWAL REPORTING.

S 15-3301. WATER WITHDRAWAL REPORTING.

1. ANY PERSON WHO WITHDRAWS OR IS OPERATING ANY SYSTEM OR METHOD OF WITHDRAWAL THAT HAS THE CAPACITY TO WITHDRAW MORE THAN 100,000 GALLONS OF GROUNDWATER OR SURFACE WATER PER DAY AT A SINGLE TRACT OF LAND, WATER SOURCE OR PLACE OF BUSINESS SHALL FILE A REPORT WITH THE DEPARTMENT. SUCH REPORT SHALL BE FILED ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND TEN AND EVERY FEBRUARY FIRST THEREAFTER. ANY REPORT FILED IN TWO THOUSAND TEN SHALL BE BASED ON THOSE CALENDAR MONTHS COMMENCING AFTER THE EFFECTIVE DATE OF THIS SECTION. THE REPORT SHALL BE MADE ON A FORM AND CONTAIN SUCH INFORMATION AS MAY BE PRESCRIBED BY THE DEPARTMENT AND SHALL BE BASED ON THE WATER WITHDRAWALS FOR THE PREVIOUS CALENDAR YEAR, AND SHALL INCLUDE BUT NOT BE LIMITED TO:

(A) THE WATER SOURCE, THE LOCATION OF THE WATER SOURCE AND THE SOURCE CAPACITY IF KNOWN;
(B) THE AMOUNT OF WATER WITHDRAWN FOR THE REPORTING PERIOD, INCLUDING THE AVERAGE OR PEAK WITHDRAWALS FOR INTERVALS SPECIFIED BY THE DEPARTMENT;
(C) A DESCRIPTION OF THE USE OF THE WATER WITHDRAWN; AND
(D) ESTIMATED AMOUNTS OF WATER TO BE RETURNED, IF ANY, THE LOCATIONS OF SUCH RETURNS AND THE METHOD OF SUCH RETURNS.
2. THE FOLLOWING WATER WITHDRAWALS ARE EXEMPT FROM THE REPORTING REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION:
(A) A WITHDRAWAL FOR EMERGENCY FIRE SUPPRESSION OR OTHER PUBLIC EMERGENCY PURPOSES;
(B) A WITHDRAWAL REPORTED TO THE DEPARTMENT UNDER ANY PROGRAM THAT REQUIRES THE REPORTING OF SUBSTANTIALLY SIMILAR DATA, INCLUDING WITHDRAWALS REGULATED PURSUANT TO THE SUSQUEHANNA RIVER BASIN COMPACT, THE DELAWARE RIVER BASIN COMPACT, THE GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT, PUBLIC WATER SUPPLY PERMITS, PERMITS FOR LONG ISLAND WATER WELLS AND PERMITS ISSUED PURSUANT TO SECTION 15-1505 OF THIS ARTICLE. THE DEPARTMENT SHALL RECORD SUCH WITHDRAWALS WITH THE INFORMATION FROM WATER WITHDRAWALS REPORTED UNDER THIS PARAGRAPH;
(C) CLOSED LOOP, STANDING COLUMN, OR SIMILAR NON-EXTRACTIVE GEOTHERMAL HEAT PUMPS; AND
(D) RECLAIMED WASTEWATER WITHDRAWN FOR REUSE.
3. ALL PERSONS REQUIRED TO MAKE A REPORT UNDER THIS TITLE, EXCEPT FOR WITHDRAWALS FOR AN AGRICULTURAL PURPOSE AND FOR A PUBLIC WATER SUPPLY PURPOSE, SHALL SUBMIT TO THE DEPARTMENT A FEE WITH SUCH REPORT IN AN AMOUNT OF FIFTY DOLLARS. FOR THE PURPOSE OF THIS SUBDIVISION, "AGRICULTURAL PURPOSE" MEANS THE PRACTICE OF FARMING FOR CROPS, PLANTS, VINES AND TREES, AND THE KEEPING, GRAZING, OR FEEDING OF LIVESTOCK FOR SALE OF LIVESTOCK OR LIVESTOCK PRODUCTS; AND "PUBLIC WATER SUPPLY PURPOSE" SHALL MEAN WATER USE BY A PUBLIC WATER SUPPLY SYSTEM.
4. REVENUE RECEIVED FROM THE REPORTING FEES SHALL BE DEPOSITED TO THE CREDIT OF THE ENVIRONMENTAL PROTECTION FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-S OF THE STATE FINANCE LAW.
S 2. This act shall take effect April 1, 2009.

PART DDD

Section 1. The environmental conservation law is amended by adding a new section 71-0213 to read as follows:
S 71-0213. MANDATORY SURCHARGE.
1. WHENEVER PROCEEDINGS RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER THERE SHALL BE LEVIED, IN ADDITION TO ANY SENTENCE REQUIRED OR PERMITTED BY LAW, THE FOLLOWING MANDATORY SURCHARGES: (A) IN THE AMOUNT OF TWENTY-FIVE DOLLARS FOR VIOLATIONS OF SPORTFISHING REGULATIONS SET FORTH IN 6 NYCRR 10; (B) IN THE AMOUNT OF SEVENTY-FIVE DOLLARS FOR ALL OTHER OFFENSES UNDER THIS CHAPTER PROVIDED, HOWEVER, THAT CONVICTIONS FOR OFFENSES UNDER ARTICLES SEVENTEEN, NINETEEN OR TWENTY-SEVEN OF THIS CHAPTER SHALL BE SUBJECT TO A MANDATORY SURCHARGE EQUAL TO THE GREATER OF SEVENTY-FIVE DOLLARS OR SIX PERCENT OF ANY PENALTY OR FINE IMPOSED. THE MANDATORY SURCHARGE SHALL BE PAID TO THE CLERK OF THE COURT WHO SHALL REMIT SUCH MANDATORY SURCHARGE TO THE STATE COMPTROLLER PROVIDED, HOWEVER, THAT IN CASES WHERE THE CONVICTION WAS RENDERED BY A TOWN OR A VILLAGE JUSTICE COURT, THE CLERK OF SUCH COURT SHALL PAY TWENTY-FIVE DOLLARS OF SUCH SURCHARGE TO THE CHIEF FISCAL OFFICER OF THE TOWN OR VILLAGE IN THE CASE OF SURCHARGES RESULTING FROM

PARAGRAPH (B) OF THIS SUBDIVISION AND TEN DOLLARS IN THE CASE OF SURCHARGES RESULTING FROM PARAGRAPH (A) OF THIS SUBDIVISION AND SHALL PAY THE REMAINING AMOUNTS OF SUCH MANDATORY SURCHARGES TO THE STATE COMPTROLLER IN THE SAME MANNER AS PROVIDED IN SECTION 71-0211 OF THIS ARTICLE. THE COMPTROLLER SHALL PAY SUCH MONIES INTO THE STATE TREASURY TO THE CREDIT OF THE GENERAL FUND.

2. ANY PERSON WHO HAS PAID A MANDATORY SURCHARGE UNDER THE AUTHORITY OF THIS SECTION WHICH IS ULTIMATELY DETERMINED NOT TO BE REQUIRED BY THIS SECTION SHALL BE ENTITLED TO A REFUND OF SUCH MANDATORY SURCHARGE UPON APPLICATION TO THE STATE COMPTROLLER. THE STATE COMPTROLLER SHALL REQUIRE SUCH PROOF AS IS NECESSARY TO DETERMINE WHETHER A REFUND IS REQUIRED BY LAW.

S 2. This act shall take effect immediately, provided, however the provisions of this act shall only apply to offenses committed on or after April 1, 2009.

PART EEE

Section 1. The New York state urban development corporation shall submit for approval to the director of the budget a comprehensive financial plan for the corporation and its subsidiaries for expenditures, regardless of source, including but not limited to those from the debt service account, the excess debt service account, the housing repair and modernization fund account, the interest income account, and the economic development income account, in such detail as the director of the budget may require. The director of the budget shall file copies of such financial plan with the senate finance committee, the assembly ways and means committee and the department of audit and control in both paper and electronic format.

S 2. 1. Notwithstanding any provision of law to the contrary, the New York state urban development corporation shall establish accounts and subaccounts within the treasury of such corporation which shall reflect and consist of all funds made available to such corporation, at any time, from any sources for its corporate purposes. Such account shall consist of, but not be limited to, the following:

(i) general and administrative accounts, which shall consist of all funds made available for the operational expenses of such corporation;

(ii) general and administrative accounts of certain subsidiary corporations, which shall consist of all funds made available for the operational expenses of the mortgage loan enforcement and administration corporation and the 42nd street development project, incorporated, provided, however, that such subsidiary shall be established as a separate account;

(iii) debt service account, which shall consist of all funds made available for debt service payments on the outstanding general obligations of the corporation where the original issue of such bonds or notes was prior to April 1, 1976, and including any refinancing or renewal of such bonds and notes, provided such account shall not, in any manner, reduce any debt service reserve fund below a level agreed to pursuant to a statute, covenant or other contract between the corporation and such bondholders or noteholders;

(iv) excess debt service account, which shall consist of all funds made available from the net savings achieved as a result of the refunding of the corporation's general purpose bonds authorized pursuant to resolution number 96-ud-526 of the public authorities control board. Net savings shall be determined by the difference between annual debt

service payments which would have been required pursuant to the refunded bonds and the annual debt service payments for the corporation's corporate purpose bonds issued to accomplish such refunding;

(v) housing repair and modernization fund account, which shall consist of funds made available from the excess debt service account to assist in maintaining the residential and commercial portfolios of the corporation as determined by the chairman of the corporation or his designee;

(vi) buildout account, which shall consist of all funds made available for the payment of expenses associated with final settlements on remaining issues of construction costs and mortgage amounts on residential and nonresidential projects financed by the corporation;

(vii) project repair account, which shall consist of all funds made available for the maintenance, servicing or repairing of real property in the residential, industrial and commercial portfolios of such corporations;

(viii) economic development income account, which shall consist of all payments, including payments to compensate for any funds, time or other costs provided by the corporation in relation to nonresidential projects and all other reimbursable corporate service income from economic development projects and payments which are provided to such corporation for purposes of repayment of funds in respect to any contract or other agreements entered into by the corporation which are attributable to any economic development project of the corporation, provided, however, that such account shall not include funds representing repayments which are to be returned to the development of such project pursuant to any contract or other agreement entered into by the corporation;

(ix) economic development program and project accounts, which shall consist of all funds made available for specific economic development programs and projects excluding any program or project authorized by a resolution or other action of the corporation prior to April 1, 1976, and excluding any residential project, provided, however, that each specified program and project shall be established as a separate account unless otherwise authorized pursuant to an appropriation;

(x) new communities and community support account, which shall consist of all funds made available for, and all income received from the Audubon and Radisson communities;

(xi) Roosevelt Island operating corporation account, which shall consist of all funds made available for, and all income received from the Roosevelt Island community;

(xii) interest income account, which shall consist of all moneys earned by the corporation from investment of any funds available in the accounts and subaccounts within the treasury of the corporation; and

(xiii) mortgage servicing fee account, which shall consist of all funds made available to the mortgage loan enforcement and administration corporation for the payment of fees to the housing special revenue account of the miscellaneous special revenue fund associated with the provision of mortgage servicing activities by the division of housing and community renewal.

2. The amounts deposited in any such account may be interchanged with any other account for purposes of investment and may be commingled, provided, however, that such interchange may not increase or decrease any account, other than the debt service account, and the interest income account, by more than five percent in the aggregate in the entire period of any fiscal year of the corporation. Provided further, that in addition to any other specific exception provided for in this section, the following exemptions to the above interchange provision shall apply

for the purposes of the debt service account, the interest income account, the project repair account, the mortgage servicing fee account, the general and administrative account of the mortgage loan enforcement and administration corporation, excess debt service account, housing repair and modernization fund account, Roosevelt Island operating corporation account and the economic development income account:

(i) Interchange from the debt service account to any other account shall be unlimited, but all such transfers from the debt service account shall be repaid quarterly to such account on or before June 30, 2009, September 30, 2009, December 31, 2009 and March 31, 2010, except for: (A) $30,762,000 which shall be transferred to the general and administrative account from the debt service account during the state fiscal year commencing April 1, 2009, and such amount of $30,762,000 shall not be repaid to the debt service account; (B) $2,000,000 which shall be transferred to the general and administrative account of the 42nd street development project, incorporated and which shall be repaid pursuant to a repayment agreement as set out in paragraph (vi) of this subdivision.

(ii) Interchange from the excess debt service account shall be unlimited, but all such transfers from the excess debt service account shall be repaid quarterly to such account on or before June 30, 2009, September 30, 2009, December 31, 2009, and March 31, 2010, except for: (A) an amount sufficient to fund the housing repair and modernization fund account to assist in maintaining the residential and commercial portfolios of the corporation as determined by the chairman of the corporation or his designee; (B) an amount necessary to invest in the job development authority, as certified by the chairman of the authority or his designee, to provide funds in order to pay lawful debts of the authority provided that the corporation shall not make any payment or investment for the benefit of the authority unless and until it has independently verified that the authority does not have sufficient funds available to pay its lawfully incurred debts and obligations, and with any net savings which remain and are available; (C) all remaining balances of funds contained in the excess debt service account shall be remitted to the credit of the state of New York general fund not later than March 31, 2009.

(iii) Interchange from the interest income account, other than to the general and administrative account of the mortgage loan enforcement and administration corporation, may be unlimited.

(iv) Interchange to the project repair account from any account may be unlimited, and the corporation shall transfer up to $10,000,000 to such account from any account during the fiscal year commencing April 1, 2009, and such amount up to $10,000,000 shall not be repaid.

(v) Interchange between the general and administrative account of the mortgage loan enforcement and administration corporation and any other account shall comply with the provisions specified herein, except that up to $1,700,000 shall be transferred to such subsidiary corporation during the fiscal year commencing April 1, 2009 and any such amount shall not be repaid.

(vi) An advance up to $2,000,000 may be made from the debt service account to the general and administrative account of the 42nd street development project, incorporated, provided, however, that before such advance is made the New York state urban development corporation shall enter into an agreement with the director of the budget providing for repayment of such advance. Subject to the approval of the director of the budget, and notification of the chairs of the assembly ways and means and the senate finance committees in both paper and electronic

format, the corporation is hereby authorized to expend revenues of the project for services and expenses of the corporation. The total amount expended by the 42nd street development project, incorporated shall not exceed $2,000,000 and any unexpended project revenues shall be used to reduce the total advance provided to the project from the debt service account.

(vii) Interchange from the debt service account to the mortgage servicing fee account of the mortgage loan enforcement and administration corporation shall comply with the provisions specified herein, except that up to $2,838,000 shall be transferred to such mortgage servicing fee account during the fiscal year commencing April 1, 2009 and such amount shall not be repaid. Prior to the allocation of any moneys from the debt service account to the 42nd street development project, incorporated, and the mortgage loan enforcement and administration corporation for the fiscal year commencing April 1, 2009, each corporation shall submit for approval to the director of the budget, a comprehensive financial plan for each corporation for such fiscal year, in such detail as the director of the budget shall require in both paper and electronic format. The financial plan shall be submitted to the budget director on or before May 15, 2009. A report for each plan and any plan update, if necessary, shall be submitted to the director of the budget on or before August 15, 2009, November 15, 2009 and February 15, 2010. Each such report shall provide the actual revenue and expenditures for the preceding quarters ending June 30, 2009, September 30, 2009 and December 31, 2009, in such detail as the director of the budget shall require. Further, any plan update shall revise, where necessary, the revenue and expenditure plan for each corporation for the remainder of the fiscal year beginning April 1, 2009. No transfer to the general administrative account of the corporation shall occur prior to the approval of the financial plan and unless in compliance with the approved financial plan.

The director of the budget shall file copies of such financial plans, quarterly reports and any plan updates with the department of audit and control and the senate finance committee and the assembly ways and means committee in both paper and electronic format. Interchange made to the debt service account shall not be repaid if such payment would reduce any debt service or debt service reserve requirements below any amount required pursuant to a covenant, contract or other agreements with the bondholders and noteholders. No payments or deposits shall be made from any debt service reserve fund established pursuant to the provisions of section 20 of the New York state urban development corporation act to any account of the corporation other than the debt service account; and such payment or deposit shall only occur if deemed necessary to meet the payments specified in the debt service account described herein.

Provided further, (a) that such investment shall be made pursuant to the provisions of subdivision 22 of section 5 of the New York state urban development corporation act; (b) that such investment shall be made in a fashion which shall enable the corporation to timely meet its obligations; (c) that such investment shall be specified in each account in respect to the amount contributed, and that upon termination of such investment each account shall be reimbursed. Such account and subaccount shall be included in detailed quarterly reports of the corporation commencing with the quarterly report for the period immediately preceding April 1, 2009 which set forth the status of all such accounts, including for each account and subaccount the amount in such accounts at the beginning of such quarter (from and including the entire period of

the first day of the operative calendar year), the payments of such accounts, the payments from such accounts and the amount in such accounts at the close of such quarter (to and including the entire period of the last day of the operative calendar year). Such detailed quarterly report shall be prepared and submitted within 30 days of the close of each fiscal quarter of the corporation to the director of the budget, and the chair of the senate finance committee and the chair of the assembly ways and means committee in both paper and electronic format. Such accounts and subaccounts shall be detailed in the annual report of the corporation.

No disbursements or payments shall be made from the economic development income account or the interest income account except upon a request for the transfer of such funds to the director of the budget who shall file such request and approval thereof with the department of audit and control and copies thereof with the senate finance committee and the assembly ways and means committee in both paper and electronic format, except that such prior approval shall not be required in respect to repayments to the state. Any amounts in any debt service reserve funds, any inconsistent provisions of law notwithstanding, established by the corporation pursuant to the provisions of section 20 of the New York state urban development corporation act, which would not reduce the amount of such fund or funds to less than (1) the maximum amount of principal and interest maturing and becoming due in 2009 or (2) any amount required pursuant to a covenant, contract or other agreement with bondholders and noteholders shall be paid by the corporation to the state comptroller for deposit to the credit of the general fund of the state on or before March 1, 2010. In the event that the corporation shall fail to make such payment, the comptroller shall withhold from any appropriations otherwise available to the corporation, the amount sufficient to pay to the general fund the amounts required to be paid by the corporation pursuant to the foregoing provisions. The state comptroller shall create accounts for each item of appropriation.

S 3. This act shall take effect April 1, 2009; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009; and provided further that sections one and two of this act shall expire and be deemed repealed March 31, 2010.

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

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