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

S. 6609 A. 9709

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

January 19, 2010

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

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

AN ACT to authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2010-2011 (Part A); to amend the highway law and the state finance law, in relation to modifying the distribution of funds (Part B); to amend the environmental conservation law, in relation to the diesel emissions reduction act (Part C); to amend the tax law, in relation to mortgage recording tax exemptions granted by industrial development agencies (Part D); 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 E); to amend the public authorities law, in relation to the ownership status of transit facilities (Part F); to amend the insurance law, in relation to extending owner controlled insurance programs in certain instances (Part G); to amend the public authorities law, in relation to permitting the NYCTA and the MTA to conduct pilot programs to purchase procurements using electronic bidding and related reverse auction technology; and providing for the repeal of such provisions upon the expiration thereof (Part H); to amend the public authorities law, in relation to limited liability for specified forms of conduct (Part I); to amend the vehicle and traffic law, in relation to motor vehicle accident reports; and to repeal certain provisions of such law relating thereto (Part J); to amend the vehicle and traffic law, in relation to the mailing of suspension and revocation orders (Part K); to amend the public authorities law, in relation to the elimination of the department of economic development and the New York state urban development corporation and consolidation of their affairs into, and the transfer of their powers and functions to, the New York job development authority to be renamed the New York state job development corporation (Part L); to amend chapter 57 of the laws of 2005 amending the labor law and

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

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other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to New York state higher education matching grant program for independent colleges, in relation to the effectiveness thereof (Part M); to amend the New York state urban development corporation act, in relation to creating a small business revolving loan fund (Part N); to amend the New York state urban development corporation act, in relation to creating the new technology seed fund (Part O); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part P); authorizing the New York state urban development corporation to make contributions to various projects from excess funds received from the port authority of New York and New Jersey (Part Q); to amend the racing, pari-mutuel wagering and breeding law, in relation to equine drug testing (Part R); to amend the state finance law, in relation to the transfer of tribal compact revenue to the general fund (Part S); to amend the agriculture and markets law and the general municipal law, in relation to the licensing, identification and control of dogs; and to repeal certain provisions of the agriculture and markets law relating thereto (Part T); to amend the education law, in relation to authorizing state agencies to enter into memoranda of understanding with Cornell University to procure services and technical assistance (Part U); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part V); to amend chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, in relation to establishing protocols for professional mixed martial arts events in this state; to amend the tax law, in relation to the imposition of a tax on the gross receipts of any person holding any professional or amateur boxing, sparring or wrestling match or exhibition, or professional mixed martial arts match or exhibition; and providing for the repeal of such provisions upon expiration thereof (Part W); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending such provisions (Part X); to amend the executive law, in relation to the community services block grant program and to amend chapter 728 of the laws of 1982 and chapter 710 of the laws of 1983 amending the executive law relating to the community services block grant program, in relation to extending such program for one year (Part Y); to amend the not-for-profit corporation law, in relation to the classification of type C not-for-profit corporations (Part Z); to amend the public authorities law, in relation to including the New York city housing development corporation under the state bond issuance charge (Part AA); 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 BB); 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 CC); to amend the environmental conservation law and the state finance law, in relation to waste tire management and recycling fees (Part DD); to amend the environmental conservation law and the state finance law, in relation to publication of certain notices, eliminating certain boards and report-

ing requirements, streamlining certain statutory requirements, and to provide for mutual aid and assistance between New York state and any state which is party to another regional forest fire protection compact; to amend the environmental conservation law, relating to sales of products from reforestation areas; to repeal subdivision 11 of section 9-1103 and subdivision 5 of section 9-1105 of the environmental conservation law, relating to permits for open burning; and to repeal certain provisions of the environmental conservation law relating to reports of the department of environmental conservation (Part EE); to amend the tax law, in relation to real estate transfer tax revenue deposits into the environmental protection fund (Part FF); to amend the navigation law, in relation to the authorized reimbursement rate paid to governmental entities (Part GG); and to amend the parks, recreation and historic preservation law, in relation to expanding the usage of funds in the snowmobile trail development and maintenance fund (Part HH)

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 2010-2011 state fiscal year. Each component is wholly contained within a Part identified as Parts A through HH. 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. 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
2010-11	$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 subdivision 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
2010-11	$363,097,000

S 2. This act shall take effect immediately.

PART B

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

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

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

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

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

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

five, eight and twelve of section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

S 4. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2010; and provided, however, that the amendments to paragraph (a) of subdivision 3 of section 89-b of the state finance law made by section two of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 13 of part U-1 of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section three of this act shall take effect.

PART C

Section 1. Subdivisions 5, 6 and 7 of section 19-0323 of the environmental conservation law are renumbered subdivisions 6, 7 and 8 and a new subdivision 5 is added to read as follows:

5. THE DEPARTMENT SHALL ISSUE A WAIVER TO A STATE AGENCY, A STATE OR REGIONAL PUBLIC AUTHORITY, OR A PERSON OPERATING ANY DIESEL POWERED HEAVY DUTY VEHICLE ON BEHALF OF A STATE AGENCY, STATE OR REGIONAL PUBLIC AUTHORITY, UPON A REQUEST IN A FORM ACCEPTABLE TO THE DEPARTMENT FOR A USEFUL LIFE WAIVER FROM THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION FOR A VEHICLE ENGINE THAT WILL BE TAKEN OUT OF SERVICE IN THE STATE ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND THIRTEEN. THE WAIVER SHALL EXPIRE WHEN THE VEHICLE ENGINE IS TAKEN OUT OF SERVICE IN THE STATE BUT NOT LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND THIRTEEN.

S 2. This act shall take effect immediately.

PART D

Section 1. Paragraph (a) of subdivision 2 of section 253 of the tax law, as amended by section 2 of part A of chapter 63 of the laws of 2005, is amended to read as follows:

(a) In addition to the taxes imposed by subdivisions one and one-a of this section, there shall be imposed on each mortgage of real property situated within the state recorded on or after the first day of July, nineteen hundred sixty-nine, an additional tax of twenty-five cents for counties outside of the metropolitan commuter transportation district, as defined pursuant to section twelve hundred sixty-two of the public authorities law, and thirty cents for counties within such metropolitan commuter transportation district for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is, or under any contingency may be secured at the date of execution thereof or at any time thereafter by such mortgage, saving and excepting the first ten thousand dollars of such principal debt or obligation in any case in which the related mortgage is of real property principally improved or to be improved by a one or two family residence or dwelling. All the provisions of this article shall apply with respect to the addi-

tional tax imposed by this subdivision to the same extent as if it were imposed by the said subdivision one of this section, except as otherwise expressly provided in this article. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MORTGAGE SECURED BY OR THROUGH AN INDUSTRIAL DEVELOPMENT AGENCY CREATED PURSUANT TO ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW SHALL NOT BE EXEMPT FROM THE ADDITIONAL TAX IMPOSED ON EACH MORTGAGE OF REAL PROPERTY OF TWENTY-FIVE CENTS IN COUNTIES COMPRISING THE NIAGARA FRONTIER TRANSPORTATION DISTRICT, THE ROCHESTER-GENESEE TRANSPORTATION DISTRICT, THE CAPITAL DISTRICT TRANSPORTATION DISTRICT OR THE CENTRAL NEW YORK REGIONAL TRANSPORTATION DISTRICT AND THE ADDITIONAL TAX IMPOSED ON EACH MORTGAGE OF REAL PROPERTY OF THIRTY CENTS IN COUNTIES WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT FOR EACH ONE HUNDRED DOLLARS AND EACH REMAINING FRACTION THEREOF OF PRINCIPAL DEBTOR OBLIGATION WHICH IS, OR UNDER ANY CONTINGENCY MAY BE, SECURED AT THE DATE OF EXECUTION THEREOF OR AT ANY TIME THEREAFTER BY SUCH MORTGAGE. The imposition of this additional tax on mortgages recorded in a county outside the city of New York, other than one of the counties from time to time comprising the metropolitan commuter transportation district, the Niagara Frontier transportation district, the Rochester-Genesee transportation district, the capital district transportation district or the central New York regional transportation district may be suspended for a specified period of time or without limitation as to time by a local law, ordinance or resolution duly adopted by the local legislative body of such county.

S 2. This act shall take effect July 1, 2010 and shall apply to mortgages secured after such date.

PART E

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 A of chapter 59 of the laws of 2009, 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, [2010] 2011 when upon such date the provisions of this act shall be deemed repealed.

S 2. This act shall take effect immediately.

PART F

Section 1. Section 1203 of the public authorities law is amended by adding a new subdivision 8 to read as follows:

8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON THE CONVEYANCE OF THE TRANSIT FACILITIES IN ACCORDANCE WITH THIS SECTION, WHETHER BY DEED, LEASE, LICENSE OR OTHER ARRANGEMENT, THE AUTHORITY SHALL BE DEEMED THE SOLE OWNER OF SUCH FACILITIES WITH RESPECT TO ALL OBLIGATIONS AND LIABILITIES IMPOSED BY LAW ON PROPERTY OWNERS.

S 2. Section 1203-a of the public authorities law is amended by adding a new subdivision 12 to read as follows:

12. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON THE CONVEYANCE OF ANY OMNIBUS LINE ACQUIRED BY THE CITY TO THE SUBSIDIARY CORPORATION IN ACCORDANCE WITH THIS SECTION, THE SUBSIDIARY CORPORATION SHALL BE DEEMED

THE SOLE OWNER OF SUCH FACILITIES WITH RESPECT TO ALL OBLIGATIONS AND LIABILITIES IMPOSED BY LAW ON PROPERTY OWNERS.

S 3. This act shall take effect immediately and shall apply to all matters arising on or after such effective date and to all matters pending on such effective date.

PART G

Section 1. Subparagraph (B) of paragraph 2 of subsection (a) of section 2504 of the insurance law is amended to read as follows:

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

S 2. This act shall take effect immediately.

PART H

Section 1. Section 1209 of the public authorities law is amended by adding a new subdivision 14 to read as follows:

14. (A) THE AUTHORITY MAY ACCEPT BIDS ELECTRONICALLY. ALL PROVISIONS OF THIS SUBDIVISION SHALL APPLY ONLY TO COMPETITIVELY BID PURCHASE CONTRACTS FOR SUPPLIES, MATERIALS AND EQUIPMENT INITIATED DURING THIS PERIOD.

(B) NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, ANY REQUIREMENT FOR SEALED BIDS AND PUBLIC BID OPENINGS UNDER THIS SECTION SHALL BE DEEMED SATISFIED BY BIDS ACCEPTED ELECTRONICALLY, AND THE ELECTRONIC POSTING OF BIDS ALONG WITH THE NAMES OF THE BIDDERS SHALL CONSTITUTE PUBLIC OPENING AND READING OF BIDS. THE AUTHORITY MAY REQUIRE ELECTRONIC SUBMISSION AS THE SOLE METHOD FOR THE SUBMISSION OF BIDS FOR A SOLICITATION. THE AUTHORITY MAY ACCEPT SUCH ELECTRONIC BIDS THROUGH A WEBSITE OPERATED BY AN AGENCY OR AUTHORITY OF THE STATE OR ON BEHALF OF THE AUTHORITY BY A COMMERCIAL THIRD PARTY AND, IN SUCH INSTANCES, THE AUTHORITY SHALL BE DEEMED TO HAVE SATISFIED ANY REQUIREMENTS FOR AUTHENTICATION AND SECURITY OF THE TRANSACTION AND ANY ELECTRONIC SIGNATURE, UNDER ARTICLE THREE OF THE STATE TECHNOLOGY LAW, IF THE STANDARDS APPLIED BY THAT WEBSITE MEET THOSE REQUIREMENTS.

(C) THE AUTHORITY SHALL BE ALLOWED TO USE AN ELECTRONIC BIDDING SYSTEM THAT INFORMS BIDDERS WHETHER THEIR BID IS THE CURRENT LOW BID, PROVIDED THAT IT DOES NOT DISCLOSE THE BIDS OF ANY BIDDERS PRIOR TO THE DATE AND TIME ASSIGNED FOR THE OPENING OF BIDS, AND ALLOWS BIDDERS TO SUBMIT NEW BIDS BEFORE THE DATE AND TIME ASSIGNED FOR THE OPENING OF BIDS. SUCH PROCEDURE SHALL NOT CONSTITUTE DISCLOSURE OF BIDS IN VIOLATION OF SECTION TWENTY-EIGHT HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

(D) THE AUTHORITY MAY CHARGE BIDDERS A FEE IN CONNECTION WITH BIDS SOLICITED UNDER THIS SECTION, AND MAY REQUIRE BIDDERS TO PAY THE FEE TO A COMMERCIAL THIRD PARTY, IF ANY, WHICH OPERATES THE BIDDING WEBSITE UTILIZED BY THE AUTHORITY.

S 2. Section 1265-a of the public authorities law is amended by adding a new subdivision 9 to read as follows:

9. (A) THE AUTHORITY MAY ACCEPT BIDS ELECTRONICALLY. ALL PROVISIONS OF THIS SUBDIVISION SHALL APPLY ONLY TO COMPETITIVELY BID PURCHASE CONTRACTS FOR SUPPLIES, MATERIALS AND EQUIPMENT INITIATED DURING THIS PERIOD.

(B) NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, ANY REQUIREMENT FOR SEALED BIDS AND PUBLIC BID OPENINGS UNDER THIS SECTION SHALL BE DEEMED SATISFIED BY BIDS ACCEPTED ELECTRONICALLY, AND THE ELECTRONIC POSTING OF BIDS ALONG WITH THE NAMES OF THE BIDDERS SHALL CONSTITUTE PUBLIC OPENING AND READING OF BIDS. THE AUTHORITY MAY REQUIRE ELECTRONIC SUBMISSION AS THE SOLE METHOD FOR THE SUBMISSION OF BIDS FOR A SOLICITATION. THE AUTHORITY MAY ACCEPT SUCH ELECTRONIC BIDS THROUGH A WEBSITE OPERATED BY AN AGENCY OR AUTHORITY OF THE STATE OR ON BEHALF OF THE AUTHORITY BY A COMMERCIAL THIRD PARTY AND, IN SUCH INSTANCES, THE AUTHORITY SHALL BE DEEMED TO HAVE SATISFIED ANY REQUIREMENTS FOR AUTHENTICATION AND SECURITY OF THE TRANSACTION AND ANY ELECTRONIC SIGNATURE, UNDER ARTICLE THREE OF THE STATE TECHNOLOGY LAW, IF THE STANDARDS APPLIED BY THAT WEBSITE MEET THOSE REQUIREMENTS.

(C) THE AUTHORITY SHALL BE ALLOWED TO USE AN ELECTRONIC BIDDING SYSTEM THAT INFORMS BIDDERS WHETHER THEIR BID IS THE CURRENT LOW BID, PROVIDED THAT IT DOES NOT DISCLOSE THE BIDS OF ANY BIDDERS PRIOR TO THE DATE AND TIME ASSIGNED FOR THE OPENING OF BIDS, AND ALLOWS BIDDERS TO SUBMIT NEW BIDS BEFORE THE DATE AND TIME ASSIGNED FOR THE OPENING OF BIDS. SUCH PROCEDURE SHALL NOT CONSTITUTE DISCLOSURE OF BIDS IN VIOLATION OF SECTION TWENTY-EIGHT HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

(D) THE AUTHORITY MAY CHARGE BIDDERS A FEE IN CONNECTION WITH BIDS SOLICITED UNDER THIS SECTION, AND MAY REQUIRE BIDDERS TO PAY THE FEE TO A COMMERCIAL THIRD PARTY, IF ANY, WHICH OPERATES THE BIDDING WEBSITE UTILIZED BY THE AUTHORITY.

S 3. This act shall take effect immediately, and shall expire and be deemed repealed December 31, 2014.

PART I

Section 1. Section 1212 of the public authorities law is amended by adding a new subdivision 7 to read as follows:

7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THERE SHALL BE NO RIGHT OF RECOVERY IN AN ACTION FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH AGAINST THE AUTHORITY WHEN IT IS FOUND THAT THE CLAIMANT OR DECEDENT ACTED WITH WANTON DISREGARD FOR HIS OR HER OWN PERSONAL SAFETY OR WELL BEING.

S 2. Section 1276 of the public authorities law is amended by adding a new subdivision 7 to read as follows:

7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THERE SHALL BE NO RIGHT OF RECOVERY IN AN ACTION FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH AGAINST THE AUTHORITY WHEN IT IS FOUND THAT THE CLAIMANT OR DECEDENT ACTED WITH WANTON DISREGARD FOR HIS OR HER OWN PERSONAL SAFETY OR WELL BEING.

S 3. This act shall take effect immediately and shall apply to any cause of action accruing on or after the date this act shall have become a law.

PART J

Section 1. Subdivision 6 of section 201 of the vehicle and traffic law, as amended by chapter 432 of the laws of 1997, is amended to read as follows:

6. Whenever any document referred to in subdivision one of this section is filed with this department when it is not required to be filed and is used by this department for no other purposes, other than for statistics or research, the document shall not be a public record.

Provided, however, that an accident report filed with this department when it is not required to be filed shall not be a public record [except as follows: for use by the state or any political subdivision thereof for no other purposes other than for statistics or research relating to highway safety; for any lawful purpose by a person to whom such report pertains or named in such report, or his or her authorized representative; and, for use by any other person, or his or her authorized representative, who has demonstrated to the satisfaction of the commissioner that such person is or may be a party to a civil action arising out of the conduct described in such accident report].

S 2. Subdivision 1 of section 603 of the vehicle and traffic law, as amended by chapter 432 of the laws of 1997, is amended to read as follows:

1. Every police or judicial officer to whom an accident resulting in injury to a person shall have been reported, pursuant to the foregoing provisions of this chapter, shall immediately investigate the facts, or cause the same to be investigated, and report the matter to the commissioner forthwith; provided, however, that the report of the accident is made to the police officer or judicial officer within five days after such accident. Every coroner, or other official performing like functions, shall likewise make a report to the commissioner with respect to all deaths found to have been the result of motor vehicle or motorcycle accidents. Such report shall include information on the width and length of trucks, tractors, trailers and semitrailers, which are in excess of ninety-five inches in width or thirty-four feet in length and which are involved in such accidents, whether such accident took place in a work area and whether it was being operated with an overweight or overdimension permit. Such report shall distinctly indicate and include information as to whether the inflatable restraint system inflated and deployed. Nothing contained in this subdivision shall be deemed to preclude a police officer from reporting any other accident which, in the judgment of such police officer, [would be required to be reported to the commissioner by the operator of a vehicle pursuant to section six hundred five of this article] RESULTED IN DAMAGE TO THE PROPERTY OF ANY ONE PERSON IN EXCESS OF THREE THOUSAND DOLLARS.

S 3. Subdivisions (a) and (c) of section 605 of the vehicle and traffic law are REPEALED, and subdivision (b), as added by chapter 254 of the laws of 1989, is amended to read as follows:

[(b)] Every person operating a bicycle which is in any manner involved in an accident on a public highway in this state in which any person is killed, other than the operator, or suffers serious physical injury as defined pursuant to subdivision ten of section 10.00 of the penal law, shall within ten days after such operator learns of the fact of such death or serious physical injury, report the matter in writing to the commissioner. If such operator is physically incapable of making such report within ten days, he or she shall make the report immediately upon recovery from the physical incapacity. If such operator is an unemancipated minor who is incapable of making such report for any reason, the parent or guardian of such operator shall make such report within ten days after learning of the fact of such accident. Every such operator of a bicycle, or parent or guardian of such unemancipated minor operator, shall make such other and additional reports as the commissioner shall require.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to motor vehicle accidents occurring on or after such date.

PART K

Section 1. Section 214 of the vehicle and traffic law, as amended by chapter 568 of the laws of 1994, is amended to read as follows:

S 214. Proof of mailing of notice or order. The production of a copy of a notice or order issued by the department, together with an electronically-generated record of entry of such order or notice upon the appropriate driver's license or registration file of the department and an affidavit by an employee designated by the commissioner as having responsibility for the issuance of such order or notice issued by the department setting forth the procedure for the issuance and the mailing of such notice or order AT THE ADDRESS OF SUCH PERSON ON FILE WITH THE DEPARTMENT OR AT THE CURRENT ADDRESS PROVIDED BY THE UNITED STATES POSTAL SERVICE shall be presumptive evidence that such notice of suspension, revocation or order was produced and mailed in accordance with such procedures. The foregoing procedure shall not preclude the use of an affidavit of service by mail, a certificate of mailing or proof of certified or registered mail as proof of mailing of any such order or notice.

S 2. Paragraph (b) of subdivision 3 of section 226 of the vehicle and traffic law, as added by chapter 607 of the laws of 1993, is amended to read as follows:

(b) Failure to answer or appear in accordance with the requirements of this section and any regulations promulgated hereunder shall be deemed an admission to the violation as charged, and an appropriate order may be entered in the department's records, and a fine consistent with the provisions of this chapter and regulations of the commissioner may be imposed by the commissioner or person designated by the commissioner. Prior to entry of an order and imposition of a fine, the commissioner shall notify such person by mail at the address of such person on file with the department OR AT THE CURRENT ADDRESS PROVIDED BY THE UNITED STATES POSTAL SERVICE in accordance with section two hundred fourteen of this chapter: (i) of the violation charged; (ii) of the impending entry of such order and fine; (iii) that such order and fine may be filed as a judgment with the county clerk of the county in which the operator or registrant is located; and (iv) that entry of such order and imposition of such fine may be avoided by entering a plea or making an appearance within thirty days of the sending of such notice. In no case shall such an order and fine be entered and imposed more than two years after the date of the alleged violation. Upon application in such manner and form as the commissioner shall prescribe an order and fine shall be vacated upon the ground of excusable default.

S 3. Paragraph b of subdivision 4 of section 227 of the vehicle and traffic law, as amended by chapter 221 of the laws of 1985, such subdivision as renumbered by chapter 288 of the laws of 1989, is amended to read as follows:

b. Unpaid fines 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 appeal is pending, the commissioner may file with the county clerk of the county in which the person resides a final order of the commissioner containing the amount of the fine or fines. 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 execution issued against property upon judgments of a court of record. No such civil action shall be commenced nor shall

such final order be filed until at least thirty days after the department has posted by ordinary mail to the person at the address of such person on file with the department OR AT THE CURRENT ADDRESS PROVIDED BY THE UNITED STATES POSTAL SERVICE notice of the amount of such fine or fines and that such fine or fines are due and owing.

S 4. Subdivision 6 of section 318 of the vehicle and traffic law is amended to read as follows:

6. Notice of revocation pursuant to this section may be given to the owner of a vehicle registered in this state or to a driver licensed in this state, by mailing the same to such owner or licensee at the address contained in the certificate of registration for the vehicle owned by such person or to the address contained [in] ON his OR HER driving license OR TO THE CURRENT ADDRESS PROVIDED BY THE UNITED STATES POSTAL SERVICE.

S 5. Subdivision 7 of section 510 of the vehicle and traffic law, as amended by chapter 606 of the laws of 1993, is amended to read as follows:

7. Miscellaneous provisions. Except as expressly provided, a court conviction shall not be necessary to sustain a revocation or suspension. Revocation or suspension hereunder shall be deemed an administrative act reviewable by the supreme court as such. Notice of revocation or suspension, as well as any required notice of hearing, where the holder is not present, may be given by mailing the same in writing to him OR HER at the address contained in his OR HER license [or], certificate of registration OR AT THE CURRENT ADDRESS PROVIDED BY THE UNITED STATES POSTAL SERVICE, as the case may be. Proof of such mailing by certified mail to the holder shall be presumptive evidence of the holder's receipt and actual knowledge of such notice. Attendance of witnesses may be compelled by subpoena. Failure of the holder or any other person possessing the license card or number plates, to deliver the same to the suspending or revoking officer is a misdemeanor. Suspending or revoking officers shall place such license cards and number plates in the custody of the commissioner except where the commissioner shall otherwise direct. If any person shall fail to deliver a license card or number plates as provided herein, any police officer, bridge and tunnel officer of the Triborough bridge and tunnel authority, or agent of the commissioner having knowledge of such facts shall have the power to secure possession thereof and return the same to the commissioner, and the commissioner may forthwith direct any police officer, bridge and tunnel officer of the Triborough bridge and tunnel authority, acting pursuant to his OR HER special duties, or agent of the commissioner to secure possession thereof and to return the same to the commissioner. Failure of the holder or of any person possessing the license card or number plates to deliver to any police officer, bridge and tunnel officer of the Triborough bridge and tunnel authority, or agent of the commissioner who requests the same pursuant to this subdivision shall be a misdemeanor. Notice of revocation or suspension of any license or registration shall be transmitted forthwith by the commissioner [of motor vehicles] to the chief of police of the city or prosecuting officer of the locality in which the person whose license or registration so revoked or suspended resides. In case any license or registration shall expire before the end of any period for which it has been revoked or suspended, and before it shall have been restored as provided in this chapter, then and in that event any renewal thereof may be withheld until the end of such period of suspension or until restoration, as the case may be.

The revocation of a learner's permit shall automatically cancel the application for a license of the holder of such permit.

No suspension or revocation of a license or registration shall be made because of a judgment of conviction if the suspending or revoking officer is satisfied that the magistrate who pronounced the judgment failed to comply with subdivision one of section eighteen hundred seven of this chapter. In case a suspension or revocation has been made and the commissioner is satisfied that there was such failure, [he] THE COMMISSIONER shall restore the license or registration or both as the case may be.

S 6. This act shall take effect immediately.

PART L

Section 1. Section 1802 of the public authorities law, as added by chapter 443 of the laws of 1961, subdivisions 1, 1-a and 7 as amended by chapter 118 of the laws of 1990, subdivision 2 as separately amended by chapters 355 and 829 of the laws of 1966, subdivision 3 as amended by chapter 55 of the laws of 1992, subdivision 4 as amended by chapter 482 of the laws of 1985, subdivision 8 as amended by chapter 185 of the laws of 1986, subdivision 8-a as added by chapter 714 of the laws of 1977 and subdivision 9 as amended by chapter 348 of the laws of 1980, is amended to read as follows:

S 1802. New York job development authority. [1.] There is hereby created the "New York job development authority." The authority shall be a body corporate and politic constituting a public benefit corporation. [Its members shall consist of the commissioner of economic development, the commissioner of labor, the commissioner of agriculture and markets, and the superintendent of banks, serving ex officio, and seven members to be appointed by the governor with the advice and consent of the senate. Each member appointed by the governor shall be a citizen of the United States and a resident of the state.

1-a. The commissioner of economic development, the commissioner of labor, the commissioner of agriculture and markets, and the superintendent of banks each may designate a person from his department to represent him at all meetings of the authority from which such member may be absent. Any representative so designated shall have the power to attend and to vote at any meeting of the authority from which the member so designating him is absent, with the same force and effect as if the member designating him were present and voting. Such designation shall be by written notice to the chairman by the member making the designation. Such designation shall not limit the power of the member making the designation to attend and vote in person at any meeting of the authority.

2. Members shall continue in office until the expiration of their terms and until their successors have been appointed and confirmed. Persons appointed for full terms as their successors shall serve for four years each commencing as of January first. In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, the governor shall appoint a successor with the advice and consent of the senate to serve for the balance of the unexpired term.

3. The members of the authority shall serve without salary or other compensation, but each member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of his or her official duties.

4. The members of the authority may engage in private employment, or in a profession or business, subject to the limitations contained in sections seventy-three and seventy-four of the public officers law. The authority shall, for the purposes of such sections, be a "state agency", and such members shall be "officers" of the agency for the purposes of said sections. In addition, the authority may adopt such standards and procedures as it considers necessary to ensure compliance with the provisions of sections seventy-three and seventy-four of the public officers law.

5. Notwithstanding any inconsistent provisions of law, general, special or local, no officer or employee of the state, or of any civil division thereof, shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the authority created by this section, provided, however, that a member who holds such other public office or employment shall receive no additional compensation or allowance for services rendered pursuant to this title, but shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of such services.

6. The governor may remove any member for inefficiency, neglect of duty or misconduct in office after giving him a copy of the charges against him, and an opportunity to be heard, in person or by counsel, in his defense, upon not less than ten days' notice. If any such member shall be removed, the governor shall file in the office of the department of state a complete statement of charges made against such member, and his findings thereon, together with a complete record of the proceedings.

7. The commissioner of economic development shall be the chairman of the authority and shall preside over all meetings of the authority and shall have such other duties as the authority may direct. A vice-chairman may be elected by the authority from among its other members for one or more terms of one year each. The vice-chairman shall preside over all meetings of the authority in the absence of the commissioner of economic development and shall have such other duties as the authority may direct.

8. Six members of the authority shall constitute a quorum for the transaction of any business or the exercise of any power or function of the authority. Resolutions authorizing the issuance of bonds or notes of the authority and resolutions authorizing the granting of mortgage loans shall be approved by not less than six members of the authority at a meeting duly called for such purpose, but for the transaction of any other business or the performance of any other power or function of the authority, the authority may act by a majority of the members present at any meeting at which a quorum is in attendance.

8-a. Determination on mortgage loan applications. The chairman of the authority shall convene meetings for the transaction of business or the exercise of any power or function of the authority at regular intervals, and whenever prudent and practical, the authority shall render a determination on an application for a mortgage loan and notify the applicant of the determination within four weeks of the receipt of such completed application. In the event that a determination cannot be reached within the four week period, the authority shall submit to the applicant a statement of the reasons for such delay upon or prior to the expiration of such four week period.

9. The authority may appoint such persons to serve as officers of the authority as it may deem advisable, including a president and a counsel, and such employees as it deems advisable, and may prescribe their duties

and fix their compensation, subject to the civil service law and the rules and regulations of the civil service commission of the state.

10. The authority may appoint one or more advisory committees consisting of not more than seven members each to consider and advise the authority upon all matters submitted to them by the authority and to recommend to the authority such changes in the administration of this title and the operations of the authority as the advisory committee may deem desirable. Members of advisory committees shall serve without salary for such terms, not to exceed four years, as the authority may determine. Each member of an advisory committee shall be entitled to reimbursement for his actual and necessary travel expenses incurred in the performance of his duties.]

S 2. The public authorities law is amended by adding a new section 1802-a to read as follows:

S 1802-A. RENAMED THE NEW YORK STATE JOB DEVELOPMENT CORPORATION. THE AUTHORITY IS HEREBY RENAMED THE NEW YORK STATE JOB DEVELOPMENT CORPORATION, AND ALL REFERENCES TO THE AUTHORITY IN THIS CHAPTER AND IN RULES AND REGULATIONS PROMULGATED BY THE AUTHORITY OR BY OTHERS WITH RESPECT TO THE AUTHORITY OR THIS CHAPTER SHALL MEAN THE NEW YORK STATE JOB DEVELOPMENT CORPORATION.

S 3. The public authorities law is amended by adding a new section 1802-b to read as follows:

S 1802-B. NEW YORK STATE JOB DEVELOPMENT CORPORATION MEMBERSHIP AND OPERATIONS. 1. THE MEMBERSHIP OF THE CORPORATION'S BOARD SHALL CONSIST OF EIGHT DIRECTORS AS FOLLOWS: THE SUPERINTENDENT OF BANKS, AND SEVEN DIRECTORS TO BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE. FROM THE SEVEN DIRECTORS APPOINTED BY HIM, THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE CORPORATION AND TWO OTHERS WHO SHALL ALL SERVE AT THE PLEASURE OF THE GOVERNOR. OF THE FOUR REMAINING DIRECTORS, ONE OF SUCH DIRECTORS FIRST APPOINTED BY THE GOVERNOR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, AS AMENDED, SHALL SERVE FOR A TERM ENDING JANUARY FIRST NEXT SUCCEEDING HIS APPOINTMENT, ONE OF SUCH DIRECTORS SHALL SERVE FOR A TERM ENDING ONE YEAR FROM SUCH DATE, ONE OF SUCH DIRECTORS SHALL SERVE FOR A TERM ENDING TWO YEARS FROM SUCH DATE, AND ONE OF SUCH DIRECTORS SHALL SERVE FOR A TERM ENDING THREE YEARS FROM SUCH DATE. THEIR SUCCESSORS SHALL SERVE FOR TERMS OF FOUR YEARS EACH. DIRECTORS SHALL CONTINUE IN OFFICE UNTIL THEIR SUCCESSORS HAVE BEEN APPOINTED AND QUALIFIED. IN THE EVENT OF A VACANCY OCCURRING IN THE OFFICE OF A DIRECTOR BY DEATH, RESIGNATION OR OTHERWISE, THE GOVERNOR SHALL APPOINT A SUCCESSOR WITH THE ADVICE AND CONSENT OF THE SENATE TO SERVE FOR THE BALANCE OF THE UNEXPIRED TERM. THE GOVERNOR SHALL APPOINT THE PRESIDENT OF THE CORPORATION, WITH THE ADVICE AND CONSENT OF THE SENATE, WHO SHALL BE THE CHIEF EXECUTIVE OFFICER OF THE CORPORATION AND WHO SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. SUCH PRESIDENT MAY BE ONE OF THE DIRECTORS APPOINTED BY THE GOVERNOR. NOTWITHSTANDING THE FOREGOING, AND ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE DIRECTORS OF THE NEW YORK STATE URBAN DEVELOPMENT CORPORATION IN OFFICE ON THE EFFECTIVE DATE OF THIS SECTION SHALL BE DEEMED DIRECTORS OF THE CORPORATION, FOR THE BALANCE OF THE RESPECTIVE TERMS FOR WHICH THEY WERE APPOINTED.

2. THE SUPERINTENDENT OF BANKS MAY DESIGNATE A PERSON FROM HIS OR HER DEPARTMENT TO REPRESENT THE SUPERINTENDENT OF BANKS AT ALL MEETINGS OF THE CORPORATION FROM WHICH SUCH DIRECTOR MAY BE ABSENT. ANY REPRESENTATIVE SO DESIGNATED SHALL HAVE THE POWER TO ATTEND AND TO VOTE AT ANY MEETING OF THE CORPORATION FROM WHICH THE DIRECTOR SO DESIGNATING HIM IS ABSENT, WITH THE SAME FORCE AND EFFECT AS IF THE DIRECTOR DESIGNATING

HIM WERE PRESENT AND VOTING. SUCH DESIGNATION SHALL BE BY WRITTEN NOTICE FILED WITH THE CHAIRMAN OF THE CORPORATION BY THE DIRECTOR MAKING THE DESIGNATION. THE DESIGNATION OF EACH SUCH PERSON SHALL CONTINUE UNTIL REVOKED AT ANY TIME BY WRITTEN NOTICE TO THE CHAIRMAN BY THE DIRECTOR MAKING THE DESIGNATION. SUCH DESIGNATION SHALL NOT LIMIT THE POWER OF THE DIRECTOR MAKING THE DESIGNATION TO ATTEND AND VOTE IN PERSON AT ANY MEETING OF THE CORPORATION.

3. THE DIRECTORS, OTHER THAN THE CHAIRMAN, SHALL SERVE WITHOUT SALARY OR OTHER COMPENSATION, BUT EACH DIRECTOR, INCLUDING THE CHAIRMAN, SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES. ANYTHING TO THE CONTRARY CONTAINED HEREIN NOTWITHSTANDING, THE PRESIDENT OF THE CORPORATION, WHETHER OR NOT HE OR SHE IS A DIRECTOR, AND THE CHAIRMAN IF HE OR SHE IS NOT THE PRESIDENT SHALL BE ENTITLED TO RECEIVE SUCH SALARY AS THE DIRECTORS MAY DETERMINE FOR THEIR SERVICES AS CHIEF EXECUTIVE OFFICER AND CHAIRMAN RESPECTIVELY.

4. SUCH DIRECTORS OTHER THAN THE SUPERINTENDENT OF BANKS AND ANY DIRECTOR WHO SERVES AS PRESIDENT OF THE CORPORATION MAY ENGAGE IN PRIVATE EMPLOYMENT, OR IN A PROFESSION OR BUSINESS. THE CORPORATION, ITS DIRECTORS, OFFICERS AND EMPLOYEES SHALL BE SUBJECT TO THE PROVISIONS OF SECTIONS SEVENTY-THREE AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

5. THE STATE SHALL SAVE HARMLESS AND INDEMNIFY ANY PERSON WHO SHALL HAVE SERVED AS A DIRECTOR, OFFICER OR EMPLOYEE OF THE CORPORATION AGAINST FINANCIAL LOSS OR LITIGATION EXPENSE ARISING IN CONNECTION WITH ANY CLAIM, DEMAND, SUIT OR JUDGMENT, OR THE DEFENSE THEREOF, BASED ON A CAUSE OF ACTION, WHENEVER ACCRUED, INVOLVING ALLEGATIONS THAT PECUNIARY HARM WAS SUSTAINED BY ANY PERSON AS A RESULT OF ANY TRANSACTION OF THE CORPORATION TAKING PLACE ON OR AFTER THE EFFECTIVE DATE OF THE NEW YORK STATE PROJECT FINANCE AGENCY ACT. IN THE EVENT ANY SUCH CLAIM, DEMAND, SUIT OR JUDGMENT SHALL OCCUR, A DIRECTOR, OFFICER OR EMPLOYEE OF THE CORPORATION SHALL BE SAVED HARMLESS AND INDEMNIFIED BY THE STATE UNDER THIS SUBDIVISION UNLESS SUCH INDIVIDUAL IS FOUND BY A FINAL JUDICIAL DETERMINATION NOT TO HAVE ACTED IN GOOD FAITH, FOR A PURPOSE WHICH HE REASONABLY BELIEVED TO BE IN THE BEST INTERESTS OF THE CORPORATION OR NOT TO HAVE HAD REASONABLE CAUSE TO BELIEVE THAT HIS CONDUCT WAS LAWFUL. IN ANY SUIT DESCRIBED IN THE FIRST SENTENCE OF THIS SUBDIVISION, ANY DIRECTOR, OFFICER OR EMPLOYEE MADE A PARTY DEFENDANT TO SUCH SUIT SHALL BE ENTITLED TO BE REPRESENTED BY PRIVATE COUNSEL OF HIS CHOICE; PROVIDED, HOWEVER, THAT THE ATTORNEY GENERAL IS AUTHORIZED, AS A CONDITION TO INDEMNIFICATION OF THE FEES AND EXPENSES OF SUCH REPRESENTATION, TO REQUIRE THAT APPROPRIATE GROUPS OF SUCH INDIVIDUALS BE REPRESENTED BY THE SAME COUNSEL; AND PROVIDED FURTHER, THAT WITH THE APPROVAL OF THE ATTORNEY GENERAL OR OF A COURT (OBTAINED BY APPLICATION SUBSTANTIALLY AS PROVIDED IN SECTION SEVEN HUNDRED TWENTY-FIVE OF THE BUSINESS CORPORATION LAW), INDEMNIFICATION FOR SUCH FEES AND EXPENSES SHALL BE PAID FROM TIME TO TIME DURING THE PENDENCY OF SUCH SUIT. THE PROVISIONS OF THIS SUBDIVISION SHALL BE IN ADDITION TO AND SHALL NOT SUPPLANT ANY INDEMNIFICATION OR OTHER BENEFITS HERETOFORE OR HEREAFTER CONFERRED UPON DIRECTORS, OFFICERS AND EMPLOYEES OF THE CORPORATION BY SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW, BY ACTION OF THE CORPORATION, OR OTHERWISE. THE PROVISIONS OF THIS SUBDIVISION SHALL INURE ONLY TO DIRECTORS, OFFICERS AND EMPLOYEES OF THE CORPORATION, SHALL NOT ENLARGE OR DIMINISH THE RIGHTS OF ANY OTHER PARTY, AND SHALL NOT IMPAIR, LIMIT OR MODIFY THE RIGHTS AND OBLIGATIONS OF ANY INSURER UNDER ANY POLICY OF INSURANCE.

6. THE DIRECTORS OF THE CORPORATION SHALL SERVE EX OFFICIO AS DIRECTORS OF THE CORPORATION FOR URBAN DEVELOPMENT AND RESEARCH OF NEW YORK,

CREATED BY THE NEW YORK STATE URBAN DEVELOPMENT AND RESEARCH CORPORATION ACT, AND OF THE URBAN DEVELOPMENT GUARANTEE FUND OF NEW YORK, CREATED BY THE URBAN DEVELOPMENT GUARANTEE FUND OF NEW YORK ACT. THE CHAIRMAN OF THE CORPORATION SHALL SERVE AS CHAIRMAN OF THE CORPORATION FOR URBAN DEVELOPMENT AND RESEARCH OF NEW YORK AND OF THE URBAN DEVELOPMENT GUARANTEE FUND OF NEW YORK.

7. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, GENERAL, SPECIAL OR LOCAL, NO OFFICER OR EMPLOYEE OF THE STATE OR OF ANY CIVIL DIVISION THEREOF, SHALL BE DEEMED TO HAVE FORFEITED OR SHALL FORFEIT HIS OFFICE OR EMPLOYMENT BY REASON OF HIS ACCEPTANCE OF MEMBERSHIP ON THE CORPORATION CREATED BY THIS SECTION; PROVIDED, HOWEVER, A DIRECTOR WHO HOLDS SUCH OTHER PUBLIC OFFICE OR EMPLOYMENT SHALL RECEIVE NO ADDITIONAL COMPENSATION OR ALLOWANCE FOR SERVICES RENDERED PURSUANT TO THIS SECTION, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR HIS ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF SUCH SERVICES.

8. THE CORPORATION SHALL ESTABLISH ONE OR MORE COMMUNITY ADVISORY COMMITTEES TO CONSIDER AND ADVISE THE CORPORATION UPON MATTERS SUBMITTED TO THEM BY THE CORPORATION CONCERNING THE DEVELOPMENT OF ANY AREA OR ANY PROJECT, AND MAY ESTABLISH RULES AND REGULATIONS WITH RESPECT TO SUCH COMMITTEES. THE MEMBERS OF SUCH COMMUNITY ADVISORY COMMITTEES SHALL SERVE, AT THE PLEASURE OF THE CORPORATION, WITHOUT SALARY, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, GENERAL, SPECIAL OR LOCAL, NO OFFICER OR EMPLOYEE OF THE STATE OR OF ANY CIVIL DIVISION THEREOF, SHALL BE DEEMED TO HAVE FORFEITED OR SHALL FORFEIT HIS OFFICE OR EMPLOYMENT BY REASON OF HIS ACCEPTANCE OF MEMBERSHIP ON SUCH COMMUNITY ADVISORY COMMITTEE.

9. THE GOVERNOR MAY REMOVE ANY DIRECTOR APPOINTED BY HIM FOR INEFFICIENCY, BREACH OF FIDUCIARY DUTY, NEGLECT OF DUTY OR MISCONDUCT IN OFFICE AFTER BEING GIVEN A COPY OF THE CHARGES AGAINST HIM OR HER, AND AN OPPORTUNITY TO BE HEARD, IN PERSON OR BY COUNSEL, IN HIS DEFENSE, UPON NOT LESS THAN TEN DAYS' NOTICE. IF ANY SUCH DIRECTOR SHALL BE REMOVED, THE GOVERNOR SHALL FILE IN THE OFFICE OF THE DEPARTMENT OF STATE A COMPLETE STATEMENT OF CHARGES MADE AGAINST SUCH DIRECTOR AND HIS FINDINGS THEREON, TOGETHER WITH A COMPLETE RECORD OF THE PROCEEDING. THE FOREGOING PROVISIONS SHALL NOT APPLY IN THE CASE OF THE CHAIRMAN AND ANY OTHER DIRECTOR WHO SERVES AT THE PLEASURE OF THE GOVERNOR.

10. THE CORPORATION AND ITS EXISTENCE SHALL CONTINUE UNTIL TERMINATED BY LAW, PROVIDED, HOWEVER, THAT NO SUCH LAW SHALL TAKE EFFECT SO LONG AS THE CORPORATION SHALL HAVE BONDS, NOTES AND OTHER OBLIGATIONS OUTSTANDING, UNLESS ADEQUATE PROVISION HAS BEEN MADE FOR THE PAYMENT THEREOF IN THE DOCUMENTS SECURING THE SAME. UPON TERMINATION OF THE EXISTENCE OF THE CORPORATION, ALL ITS RIGHTS AND PROPERTIES SHALL PASS TO AND BE VESTED IN THE STATE.

11. A MAJORITY OF THE DIRECTORS OF THE CORPORATION THEN IN OFFICE SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS OR THE EXERCISE OF ANY POWER OR FUNCTION OF THE CORPORATION, EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION TWO OF SECTION SIXTEEN OF THE URBAN DEVELOPMENT CORPORATION ACT. THE CORPORATION MAY DELEGATE TO ONE OR MORE OF ITS DIRECTORS, OR ITS OFFICERS, AGENTS AND EMPLOYEES, SUCH POWERS AND DUTIES AS IT MAY DEEM PROPER.

12. THE CORPORATION SHALL TAKE AFFIRMATIVE ACTION IN WORKING WITH CONSTRUCTION FIRMS, CONTRACTORS AND SUBCONTRACTORS, LABOR UNIONS AND MANUFACTURING AND INDUSTRIAL FIRMS, TO THE END THAT RESIDENTS OF AREAS IN WHICH PROJECTS ARE TO BE LOCATED SHALL BE AFFORDED PARTICIPATION IN THE CONSTRUCTION WORK ON PROJECTS OF THE CORPORATION, AND IN THE BUSI-

NESS OPERATIONS OF TENANTS AND OCCUPANTS OF INDUSTRIAL PROJECTS UNDERTAKEN BY THE CORPORATION.

S 4. Economic development efficiency. In order to promote economic development efficiency in the state of New York, the transfers to the New York state job development corporation of the respective powers, functions and affairs of the department of economic development and New York state urban development corporation are hereby authorized, provided, however, that with respect to the New York state urban development corporation, that no such transfers to the New York state job development corporation shall take effect so long as the New York state urban development corporation shall have bonds, notes and other obligations outstanding, unless adequate provision has been made for the payment thereof in the documents securing the same.

S 5. Transfer of powers of the department of economic development. The functions and powers possessed by and all of the obligations and duties of the department of economic development, as established pursuant to the economic development law, the general municipal law, the environmental conservation law, the executive law, the state finance law, the tax law and chapter 180 of the laws of 2009 shall be transferred and assigned to, and assumed by and devolved upon the New York state job development corporation. Notwithstanding the foregoing, any programs specified in law to be administered by the department of economic development shall be administered by the New York state job development corporation only to the extent of available appropriations.

S 6. Transfer of powers of the New York state urban development corporation. The functions and powers possessed by and all of the obligations and duties and assets of the New York state urban development corporation, as established pursuant to the New York state urban development corporation act, the executive law, the state finance law, the tax law, the New York state urban development and research authority act, the urban development guarantee fund of New York act, and chapter 180 of the laws of 2009 shall be transferred and assigned to, and assumed by and devolved upon the New York state job development corporation, provided, however, that no such transfer, assignment, assumption and devolution shall take effect so long as the New York state urban development corporation shall have bonds, notes and other obligations outstanding, unless adequate provision has been made for the payment thereof in the documents securing the same. Upon such transfer, assignment, assumption and devolution taking effect, any programs specified in law to be administered by New York state urban development corporation shall be administered by the New York state job development corporation only to the extent of available appropriations.

S 7. Abolition of the department of economic development. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the department of economic development, as established pursuant to the economic development law, the general municipal law, the environmental conservation law, the executive law, the state finance law, the tax law and chapter 180 of the laws of 2009, the department of economic development shall be abolished, and sections 10 and 50 of the economic development law shall be repealed.

S 8. Abolition of the New York state urban development corporation. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the New York state urban development corporation, as established pursuant to the New York state urban development corporation act, the executive law, the state

finance law, the tax law, the New York state urban development and research authority act, the urban development guarantee fund of New York act and chapter 180 of the laws of 2009, the New York state urban development corporation shall be abolished, and section 4 of the New York state urban development corporation act shall be repealed, provided, however, that no such abolition and repeal shall take effect so long as the New York state urban development corporation shall have bonds, notes and other obligations outstanding, unless adequate provision has been made for the payment thereof in the documents securing the same.

S 9. Continuity of authority of the department of economic development. Except as herein otherwise provided, upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the department of economic development as established pursuant to the economic development law, the general municipal law, the environmental conservation law, the executive law, the state finance law, the tax law and chapter 180 of the laws of 2009 to the New York state job development corporation as prescribed by this act for the purpose of succession of all functions, powers, duties and obligations of the department of economic development, the New York state job development corporation shall be deemed and be held to constitute the continuation of such functions, powers, duties and obligations and not a different agency or authority.

S 10. Continuity of authority of the New York state urban development corporation. Except as herein otherwise provided, upon the transfer pursuant to this act of the functions and powers possessed by the New York state urban development corporation and all of the obligations and duties of the New York state urban development corporation as established pursuant to the New York state urban development corporation act, the executive law, the state finance law, the tax law, the New York state urban development and research authority act, the urban development guarantee fund of New York act and chapter 180 of the laws of 2009 to the New York state job development corporation as prescribed by this act for the purpose of succession of all functions, powers, duties and obligations of the New York state urban development corporation, the New York state job development corporation shall be deemed and be held to constitute the continuation of such functions, powers, duties and obligations and not a different agency, public benefit corporation, or authority.

S 11. Transfer of records of the department of economic development. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the department of economic development as established pursuant to the economic development law, the general municipal law, the environmental conservation law, the executive law, the state finance law, the tax law and chapter 180 of the laws of 2009 to the New York state job development corporation as prescribed by this act, all books, papers, records and property pertaining to the department of economic development shall be transferred to and maintained by the New York state job development corporation.

S 12. Transfer of records of the New York state urban development corporation. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the New York state urban development corporation as established pursuant to the New York state urban development corporation act, the executive law, the state finance law, the tax law, the New York state urban development and research authority act, the urban development guarantee fund of New York act and chapter 180 of the laws of 2009 to the New York state job devel-

opment corporation as prescribed by this act, all books, papers, records and property pertaining to the New York state urban development corporation shall be transferred to and maintained by the New York state job development corporation.

S 13. Completion of unfinished business of the department of economic development. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the department of economic development as established pursuant to the economic development law, the general municipal law, the environmental conservation law, the executive law, the state finance law, the tax law and chapter 180 of the laws of 2009 to the New York state job development corporation as prescribed by this act, any business or other matter undertaken or commenced by the department of economic development pertaining to or connected with the functions, powers, obligations and duties so transferred and assigned to the New York state job development corporation may be conducted or completed by the New York state job development corporation.

S 14. Completion of unfinished business of the New York state urban development corporation. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the New York state urban development corporation as established pursuant to the New York state urban development corporation act, the executive law, the state finance law, the tax law, the New York state urban development and research authority act, the urban development guarantee fund of New York act and chapter 180 of the laws of 2009 to the New York state job development corporation as prescribed by this act, any business or other matter undertaken or commenced by the New York state urban development corporation pertaining to or connected with the functions, powers, obligations and duties so transferred and assigned to the New York state job development corporation may be conducted or completed by the New York state job development corporation.

S 15. Terms occurring in laws, contracts or other documents of or pertaining to the department of economic development. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the department of economic development as established pursuant to the economic development law, the general municipal law, the environmental conservation law, the executive law, the state finance law, the tax law and chapter 180 of the laws of 2009 as prescribed by this act, whenever the department of economic development and the commissioner thereof, the functions, powers, obligations and duties of which are transferred to the New York state job development corporation are referred to or designated in any law, contract or document pertaining to the functions, powers, obligations and duties transferred and assigned pursuant to this title, such reference or designation shall be deemed to refer to the New York state job development corporation and its president. Notwithstanding any law to the contrary, all rights and benefits, including terms and conditions of employment, and protection of civil service and collective bargaining of all employees affected by the transfer of the department of economic development to the New York state job development corporation, shall be preserved and protected under the transfer, and all transferred employees and all persons newly hired by the New York state job development corporation after the transfer, except for those employees whose job titles are identified pursuant to a personnel plan filed by the commissioner of economic development with the civil service commission and approved by

the commissioner of civil service, shall be considered for all purposes of article fourteen of the civil service law public employees. Notwithstanding any other law to the contrary, employees who are transferred shall remain in the same collective bargaining unit and any newly created positions, except for those job titles which are identified pursuant to a personnel plan filed by the New York state job development corporation president and approved by the commissioner of civil service, shall be assigned to the appropriate collective bargaining unit as if they were employees of the state. All employees who are transferred to the New York state job development corporation shall retain their rights under subdivision 6 of section 52 and subdivisions 1 and 4 of section 70 of the civil service law to transfer to comparable jobs in state agencies. In the event of a reduction in work force within the New York state job development corporation, former employees of the department of economic development will enjoy the protections provided under sections 78, 80, 80-a, 81 and 81-a of the civil service law, as though still in the employment of the state of New York.

S 16. Terms occurring in laws, contracts or other documents of or pertaining to New York state urban development corporation. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the New York state urban development corporation as established pursuant to the New York state urban development corporation act, the executive law, the state finance law, the tax law, the New York state urban development and research authority act, the urban development guarantee fund of New York act and chapter 180 of the laws of 2009 as prescribed by this act, whenever the New York state urban development corporation and the chairman or president thereof, the functions, powers, obligations and duties of which are transferred to the New York state job development corporation are referred to or designated in any law, contract or document pertaining to the functions, powers, obligations and duties transferred and assigned pursuant to this act, such reference or designation shall be deemed to refer to the New York state job development corporation and its president. Notwithstanding any provision of law to the contrary, all rights and benefits, including terms and conditions of employment, and protection of employees affected by the transfer of the New York state urban development corporation to the New York state job development corporation shall be preserved and protected under the transfer and all persons newly hired by the New York state job development corporation after the transfer except for those employees whose job titles are identified pursuant to a personnel plan filed by the commissioner of economic development with the civil service commission and approved by the commissioner of civil service, shall be considered for all purposes of article 14 of the civil service law public employees.

S 17. Existing rights and remedies of or pertaining to the department of economic development preserved. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the department of economic development as established pursuant to the economic development law, the general municipal law, the environmental conservation law, the executive law, the state finance law, the tax law and chapter 180 of the laws of 2009 to the New York state job development corporation as prescribed by this act, no existing right or remedy of the state, including the department of economic development, shall be lost, impaired or affected by reason of this act.

S 18. Existing rights and remedies of or pertaining to New York state urban development corporation preserved. Upon the transfer pursuant to

this act of the functions and powers possessed by and all of the obligations and duties of the New York state urban development corporation as established pursuant to the New York state urban development corporation act, the executive law, the state finance law, the tax law, the New York state urban development and research authority act, the urban development guarantee fund of New York act and chapter 180 of the laws of 2009 to the New York state job development corporation as prescribed by this act, no existing right or remedy of the New York state job development corporation shall be lost, impaired or affected by reason of this act.

S 19. Pending actions and proceedings of or pertaining to the department of economic development. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the department of economic development as established pursuant to the economic development law, the general municipal law, the environmental conservation law, the executive law, the state finance law, the tax law and chapter 180 of the laws of 2009 transfer to the New York state job development corporation as prescribed by this act, no action or proceeding pending on the effective date of this act, brought by or against the department of economic development or commissioner thereof shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the New York state job development corporation. In all such actions and proceedings, the New York state job development corporation, upon application to the court, shall be substituted as a party.

S 20. Pending actions and proceedings of or pertaining to New York state urban development corporation. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the New York state urban development corporation as established pursuant to the New York state urban development corporation act, the executive law, the state finance law, the tax law, the New York state urban development and research authority act, the urban development guarantee fund of New York act and chapter 180 of the laws of 2009 transfer to the New York state job development corporation as prescribed by this act, no action or proceeding pending on the effective date of this act, brought by or against the New York state urban development corporation or the chairman, directors or president thereof shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the New York state job development corporation. In all such actions and proceedings, the New York state job development corporation, upon application to the court, shall be substituted as a party.

S 21. Continuation of rules and regulations of or pertaining to the department of economic development. Upon the transfer pursuant to this act of the functions and powers possessed by and all the obligations and duties of the department of economic development as established pursuant to the economic development law, the general municipal law, the environmental conservation law, the executive law, the state finance law, the tax law and chapter 180 of the laws of 2009, transfer to the New York state job development corporation as prescribed by this act, all rules, regulations, acts, determinations and decisions of the department of economic development, pertaining to the functions transferred and assigned by this act to the New York state job development corporation in force at the time of such transfer, assignment, assumption or devolution shall continue in force and effect as rules, regulations, acts,

determinations and decisions of the New York state job development corporation until duly modified or repealed.

S 22. Continuation of rules and regulations of or pertaining to New York state urban development corporation. Upon the transfer pursuant to this act of the functions and powers possessed by and all the obligations and duties of the New York state urban development corporation as established pursuant to the New York state urban development corporation act, the executive law, the state finance law, the tax law, the New York state urban development and research authority act, the urban development guarantee fund of New York act and chapter 180 of the laws of 2009, transfer to the New York state job development corporation as prescribed by this act, all rules, regulations, acts, determinations and decisions of the New York state urban development corporation, pertaining to the functions transferred and assigned by this act to the New York state job development corporation in force at the time of such transfer, assignment, assumption or devolution shall continue in force and effect as rules, regulations, acts, determinations and decisions of the New York state job development corporation until duly modified or repealed.

S 23. Transfer of appropriations heretofore made to the department of economic development. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the department of economic development as established pursuant to the economic development law, the general municipal law, the environmental conservation law, the executive law, the state finance law, the tax law and chapter 180 of the laws of 2009 to the New York state job development corporation as prescribed by this act, all appropriations and reappropriations which shall have been made available as of the date of such transfer to the department of economic development or segregated pursuant to law, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, shall be transferred to and made available for use and expenditure by the New York state job development corporation and shall be payable on vouchers certified or approved by the commissioner of taxation and finance, on audit and warrant of the comptroller. Payments of liabilities for expenses of personal services, maintenance and operation which shall have been incurred as of the date of such transfer by the department of economic development, and for liabilities incurred and to be incurred in completing its affairs shall also be made on vouchers certified or approved by the president of the New York state job development corporation, on audit and warrant of the comptroller.

S 24. Transfer of appropriations heretofore made to the New York state urban development corporation. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the New York state urban development corporation as established pursuant to the New York state urban development corporation, the executive law, the state finance law, the tax law, the New York state urban development and research authority act, the urban development guarantee fund of New York act and chapter 180 of the laws of 2009 to the New York state job development corporation as prescribed by this act, all appropriations and reappropriations which shall have been made available as of the date of such transfer to the New York state urban development corporation or segregated pursuant to law, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, shall be transferred to and made available for use and expenditure by the New York

state job development corporation and shall be payable on vouchers certified or approved by the commissioner of taxation and finance, on audit and warrant of the comptroller. Payments of liabilities for expenses of personal services, maintenance and operation which shall have been incurred as of the date of such transfer by the New York state urban development corporation, and for liabilities incurred and to be incurred in completing its affairs shall also be made on vouchers certified or approved by the president of the New York state job development corporation, on audit and warrant of the comptroller.

S 25. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 26. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.

PART M

Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, as added by section 1 of part D of chapter 63 of the laws of 2005, is amended to read as follows:

(a) The New York state higher education capital matching grant board is hereby created to have and exercise the powers, duties and prerogatives provided by the provisions of this section and any other provision of law. The board shall remain in existence during the period of the New York state higher education capital matching grant program from the effective date of this section through March 31, [2010] 2011, or the date on which the last of the funds available for grants under this section shall have been disbursed, whichever is earlier; provided, however, that the termination of the existence of the board shall not effect the power and authority of the dormitory authority to perform its obligations with respect to any bonds, notes, or other indebtedness issued or incurred pursuant to authority granted in this section.

S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to New York state higher education matching grant program for independent colleges, as added by section 1 of part D of chapter 63 of the laws of 2005, is amended to read as follows:

(h) If a college [does] DID not apply for a POTENTIAL grant by March 31, 2009, funds associated with such potential grant shall be awarded, on a competitive basis, to other colleges, ACCORDING TO THE PRIORITIES SET FORTH BELOW. Colleges shall be eligible to apply for unutilized grants. IN SUCH CASES, THE FOLLOWING PRIORITIES SHALL APPLY: FIRST, PRIORITY SHALL BE GIVEN TO OTHERWISE ELIGIBLE COLLEGES THAT EITHER WERE, OR WOULD HAVE BEEN, DEEMED INELIGIBLE FOR THE PROGRAM PRIOR TO MARCH 31, 2009, DUE TO MISSED DEADLINES, INSUFFICIENT MATCHING FUNDS, LACK OF ACCREDITATION OR OTHER DISQUALIFYING REASONS; AND SECOND, AFTER THE BOARD HAS ACTED UPON ALL SUCH FIRST-PRIORITY APPLICATIONS FOR UNUSED FUNDS, IF ANY SUCH FUNDS REMAIN, THOSE FUNDS SHALL BE AVAILABLE FOR DISTRIBUTION TO ELIGIBLE COLLEGES THAT ARE LOCATED WITHIN THE SAME

REGENTS OF THE STATE OF NEW YORK REGION FOR WHICH SUCH FUNDS WERE ORIGINALLY ALLOCATED. The dormitory authority shall develop a request for proposals and application process, in consultation with the board, for such grants and shall develop criteria, subject to review by the board, for the awarding of such grants. Such criteria shall incorporate the matching criteria contained in paragraph (c) of this subdivision, and the application criteria set forth in paragraph (e) of this subdivision. The dormitory authority shall require all applications in response to the request for proposals to be submitted by September 1, [2009] 2010, and the board shall act on each application for such matching grants by November 1, [2009] 2010.

S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of section 1 of part U of chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to New York state higher education matching grant program for independent colleges, as added by section 1 of part D of chapter 63 of the laws of 2005, is amended to read as follows:

(A) Notwithstanding the provision of any general or special law to the contrary, and subject to the provisions of chapter 59 of the laws of 2000 and to the making of annual appropriations therefor by the legislature, in order to assist the dormitory authority in providing such higher education capital matching grants, the director of the budget is authorized in any state fiscal year commencing April 1, 2005 or any state fiscal year thereafter for a period ending on March 31, [2010] 2011, to enter into one or more service contracts, none of which shall exceed 30 years in duration, with the dormitory authority, upon such terms as the director of the budget and the dormitory authority agree.

S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to New York state higher education matching grant program for independent colleges, as added by section 1 of part D of chapter 63 of the laws of 2005, is amended to read as follows:

(b) Any eligible institution receiving a grant pursuant to this article shall report to the dormitory authority no later than June 1, [2008] 2011, on the use of funding received and its programmatic and economic impact. The dormitory authority shall submit a report no later than November 1, [2008] 2011 to the board, the governor, the director of the budget, the temporary president of the senate, and the speaker of the assembly on the aggregate impact of the higher education capital matching grant program. Such report shall provide information on the progress and economic impact of [each] SUCH project.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.

PART N

Section 1. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 16-t to read as follows:

S 16-T. SMALL BUSINESS REVOLVING LOAN FUND. 1. THE SMALL BUSINESS REVOLVING LOAN FUND PROGRAM IS HEREBY CREATED. THE CORPORATION IS AUTHORIZED, WITHIN AVAILABLE APPROPRIATIONS, TO PROVIDE LOW INTEREST LOANS TO LOCAL COMMUNITY BASED FINANCIAL INSTITUTIONS, INCLUDING COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS (CDFIS), SMALL BUSINESS LENDING CONSORTIA, CERTIFIED DEVELOPMENT COMPANIES, PROVIDERS OF UNITED STATES

DEPARTMENT OF AGRICULTURE BUSINESS AND INDUSTRIAL GUARANTEED LOANS, UNITED STATES SMALL BUSINESS ADMINISTRATION LOAN PROVIDERS, CREDIT UNIONS AND COMMUNITY BANKS, IN ORDER TO PROVIDE FUNDING FOR THOSE INSTITUTIONS' LOANS TO SMALL BUSINESSES, LOCATED WITHIN NEW YORK STATE, THAT GENERATE ECONOMIC GROWTH AND JOB CREATION WITHIN NEW YORK STATE BUT THAT ARE UNABLE TO OBTAIN ADEQUATE CREDIT OR ADEQUATE TERMS FOR SUCH CREDIT. AS USED IN THIS SECTION "SMALL BUSINESS" MEANS A BUSINESS THAT IS RESIDENT IN NEW YORK STATE, INDEPENDENTLY OWNED AND OPERATED, NOT DOMINANT IN ITS FIELD, AND EMPLOYS ONE HUNDRED OR FEWER PERSONS.

2. IN ORDER FOR A FINANCIAL INSTITUTION TO BE ELIGIBLE TO RECEIVE PROGRAM FUNDS, IT MUST HAVE STAFF WITH SUFFICIENT EXPERTISE TO ANALYZE SMALL BUSINESS APPLICATIONS FOR PROGRAM LOANS, EVALUATE THE CREDITWORTHINESS OF SMALL BUSINESSES, AND REGULARLY MONITOR PROGRAM LOANS. THE INSTITUTION SHALL REVIEW EVERY PROGRAM LOAN APPLICATION IN ORDER TO DETERMINE, AMONG OTHER THINGS, THE FEASIBILITY OF THE PROPOSED USE OF THE REQUESTED FINANCING BY THE SMALL BUSINESS APPLICANT, THE LIKELIHOOD OF REPAYMENT AND THE POTENTIAL THAT THE LOAN WILL GENERATE ECONOMIC DEVELOPMENT AND JOBS WITHIN NEW YORK STATE. THE CORPORATION SHALL IDENTIFY ELIGIBLE FINANCIAL INSTITUTIONS THROUGH ONE OR MORE COMPETITIVE STATEWIDE OR LOCAL REQUEST FOR PROPOSAL PROCESSES.

3. PROGRAM LOANS TO SMALL BUSINESSES SHALL BE USED FOR: (A) WORKING CAPITAL, PROVIDED THAT THE TERM OF THE LOAN DOES NOT EXCEED FIVE YEARS; (B) THE ACQUISITION AND/OR IMPROVEMENT OF REAL PROPERTY; (C) THE ACQUISITION OF MACHINERY AND EQUIPMENT, PROVIDED THAT THE TERM OF THE LOAN DOES NOT EXCEED THE SHORTER PERIOD OF SEVEN YEARS OR THE USEFUL LIFE OF THE EQUIPMENT, PROPERTY OR IMPROVEMENT; AND (D) THE REFINANCING OF DEBT OBLIGATIONS. THERE SHALL BE TWO CATEGORIES OF LOANS TO SMALL BUSINESSES: A MICRO LOAN THAT SHALL HAVE A PRINCIPAL AMOUNT THAT IS LESS THAN TWENTY-FIVE THOUSAND DOLLARS AND A REGULAR LOAN THAT SHALL HAVE A PRINCIPAL AMOUNT NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS. PRIOR TO RECEIVING PROGRAM FUNDS, THE INSTITUTION MUST CERTIFY TO THE CORPORATION THAT SUCH LOAN COMPLIES WITH THIS SECTION AND RULES AND REGULATIONS PROMULGATED FOR THE PROGRAM AND THAT THE INSTITUTION HAS PERFORMED ITS OBLIGATIONS PURSUANT TO AND IS IN COMPLIANCE WITH THIS SECTION, THE PROGRAM RULES AND REGULATIONS AND ALL AGREEMENTS ENTERED INTO BETWEEN THE CORPORATION AND THE INSTITUTION. THE PROGRAM FUNDS AMOUNT USED BY THE INSTITUTION TO FUND A PROGRAM APPLICANT LOAN SHALL NOT BE MORE THAN FIFTY PERCENT OF THE PRINCIPAL AMOUNT OF SUCH LOAN, AND SHALL NOT BE GREATER THAN ONE HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS.

4. PROGRAM FUNDS SHALL NOT BE USED FOR: (A) PROJECTS THAT WOULD RESULT IN THE RELOCATION OF ANY BUSINESS OPERATION FROM ONE MUNICIPALITY WITHIN THE STATE TO ANOTHER, EXCEPT UNDER ONE OF THE FOLLOWING CONDITIONS: (I) WHEN A BUSINESS IS RELOCATING WITHIN A MUNICIPALITY WITH A POPULATION OF AT LEAST ONE MILLION WHERE THE GOVERNING BODY OF SUCH MUNICIPALITY APPROVES SUCH RELOCATION; OR (II) THE FINANCIAL INSTITUTION NOTIFIES EACH MUNICIPALITY FROM WHICH SUCH BUSINESS OPERATION WILL BE RELOCATED AND EACH MUNICIPALITY AGREES TO SUCH RELOCATION; (B) PROJECTS OF NEWSPAPERS, BROADCASTING OR OTHER NEWS MEDIA; MEDICAL FACILITIES, LIBRARIES, COMMUNITY OR CIVIC CENTERS; OR PUBLIC INFRASTRUCTURE IMPROVEMENTS; AND (C) PROVIDING FUNDS, DIRECTLY OR INDIRECTLY, FOR PAYMENT, DISTRIBUTION, OR AS A LOAN, TO OWNERS, MEMBERS, PARTNERS OR SHAREHOLDERS OF THE APPLICANT BUSINESS, EXCEPT AS ORDINARY INCOME FOR SERVICES RENDERED.

5. WITH RESPECT TO ITS PROGRAM LOANS, THE FINANCIAL INSTITUTION MAY CHARGE APPLICATION, COMMITMENT AND LOAN GUARANTEE FEES PURSUANT TO A SCHEDULE OF FEES ADOPTED BY THE INSTITUTION AND APPROVED BY THE CORPORATION.

6. EACH PROGRAM FUNDS DISBURSEMENT TO A FINANCIAL INSTITUTION BY THE CORPORATION SHALL CONSTITUTE A LOAN TO THE INSTITUTION. THE TERM OF THE LOAN SHALL COMMENCE UPON DISBURSEMENT OF THE PROGRAM FUNDS BY THE CORPORATION TO THE INSTITUTION. THE LOAN SHALL CARRY A LOW INTEREST RATE DETERMINED BY THE CORPORATION BASED ON THEN PREVAILING INTEREST RATES AND THE CIRCUMSTANCES OF THE FINANCIAL INSTITUTION. AS DETERMINED BY THE CORPORATION, A PORTION OF THE LOAN MAY BE USED TO FUND THE INSTITUTION'S ADMINISTRATIVE EXPENSES WITH RESPECT TO THE PROGRAM AND A PORTION OF THE LOAN MAY BE FORGIVABLE. NOTWITHSTANDING THE PERFORMANCE OF THE LOANS MADE BY THE INSTITUTION USING PROGRAM FUNDS, THE FINANCIAL INSTITUTION SHALL REMAIN LIABLE TO THE CORPORATION WITH RESPECT TO ANY UNPAID AMOUNTS DUE FROM THE INSTITUTION PURSUANT TO THE TERMS OF THE CORPORATION'S LOANS TO THE INSTITUTION.

7. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE CORPORATION MAY ESTABLISH A PROGRAM FUND FOR PROGRAM USE AND PAY INTO SUCH FUND ANY FUNDS AVAILABLE TO THE CORPORATION FROM ANY SOURCE THAT ARE ELIGIBLE FOR PROGRAM USE, INCLUDING MONEYS APPROPRIATED BY THE STATE.

8. WITH RESPECT TO A FINANCIAL INSTITUTION'S PROGRAM LOAN APPLICANTS, NO PERSON WHO IS A MEMBER OF THE BOARD OR OTHER GOVERNING BODY, OFFICER, EMPLOYEE, OR MEMBER OF A LOAN COMMITTEE, OR A FAMILY MEMBER OF ANY SUCH PERSON OF THE INSTITUTION SHALL PARTICIPATE IN ANY DECISION ON SUCH APPLICATION IF SUCH PERSON IS A PARTY TO OR HAS A FINANCIAL OR PERSONAL INTEREST IN SUCH LOAN. ANY PERSON WHO CANNOT PARTICIPATE IN A LOAN APPLICATION DECISION FOR SUCH REASONS SHALL NOT BE COUNTED AS A MEMBER OF THE LOAN COMMITTEE, BOARD OR OTHER GOVERNING BODY FOR PURPOSES OF DETERMINING THE NUMBER OF MEMBERS REQUIRED FOR APPROVAL OF SUCH APPLICATION.

9. THE FINANCIAL INSTITUTION SHALL SUBMIT TO THE CORPORATION ANNUAL REPORTS STATING: THE NUMBER OF PROGRAM LOANS MADE; THE AMOUNT OF PROGRAM FUNDING USED FOR LOANS; THE USE OF LOAN PROCEEDS BY THE BORROWER; THE NUMBER OF JOBS CREATED OR RETAINED; A DESCRIPTION OF THE ECONOMIC DEVELOPMENT GENERATED; THE STATUS OF EACH OUTSTANDING PROGRAM LOAN; AND SUCH OTHER INFORMATION AS THE CORPORATION MAY REQUIRE.

10. THE CORPORATION MAY CONDUCT AUDITS OF THE FINANCIAL INSTITUTION IN ORDER TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION, ANY REGULATIONS PROMULGATED WITH RESPECT THERETO AND AGREEMENTS BETWEEN THE INSTITUTION AND THE CORPORATION OF ALL ASPECTS OF THE USE OF PROGRAM FUNDS AND PROGRAM LOAN TRANSACTIONS. IN THE EVENT THAT THE CORPORATION FINDS SUBSTANTIVE NONCOMPLIANCE, THE CORPORATION MAY TERMINATE THE INSTITUTION'S PARTICIPATION IN THE PROGRAM.

11. UPON TERMINATION OF A FINANCIAL INSTITUTION'S PARTICIPATION IN THE PROGRAM, THE INSTITUTION SHALL RETURN TO THE CORPORATION, PROMPTLY AFTER ITS DEMAND THEREFOR, ALL PROGRAM FUND PROCEEDS HELD BY THE INSTITUTION; AND PROVIDE TO THE CORPORATION, PROMPTLY AFTER ITS DEMAND THEREFOR, AN ACCOUNTING OF ALL PROGRAM FUNDS RECEIVED BY THE INSTITUTION, INCLUDING ALL CURRENTLY OUTSTANDING LOANS THAT WERE MADE USING PROGRAM FUNDS. NOTWITHSTANDING SUCH TERMINATION, THE FINANCIAL INSTITUTION SHALL REMAIN LIABLE TO THE CORPORATION WITH RESPECT TO ANY UNPAID AMOUNTS DUE FROM THE INSTITUTION PURSUANT TO THE TERMS OF THE CORPORATION'S LOANS TO THE INSTITUTION.

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, 2010.

PART O

Section 1. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 16-u to read as follows:

S 16-U. NEW TECHNOLOGY SEED FUND. 1. THE NEW TECHNOLOGY SEED FUND IS HEREBY CREATED. THE PURPOSE OF THE NEW TECHNOLOGY SEED FUND IS TO MAKE AVAILABLE STATE FUNDS TO VENTURE CAPITAL AND OTHER SIMILAR FIRMS TO SUPPORT EMERGING BUSINESS IDEAS AND PRODUCTS THAT MAY EVENTUALLY RESULT IN THE GROWTH OF BUSINESS WITHIN THE STATE AND THE CONCOMITANT CREATION OF JOBS AND TAX REVENUES FOR THE STATE. IT IS EXPECTED THAT THE APPLICANT WILL PROVIDE MATCHING FUNDS AND SHARE THE RISK AND BENEFIT WITH THE CORPORATION FOR ANY DEVELOPMENT FUNDED UNDER THIS PROGRAM. THE APPLICANT WILL BE RESPONSIBLE FOR SELECTING THE BENEFICIARY COMPANIES THAT WILL RECEIVE THE BENEFIT OF THE NEW TECHNOLOGY SEED FUNDS AND ENSURE THAT THE FUNDS ARE EXPENDED IN ACCORDANCE WITH THE TERMS SET FORTH HEREIN.

2. THE CORPORATION IS AUTHORIZED TO MAKE INVESTMENTS FROM THE NEW TECHNOLOGY SEED FUND TO ELIGIBLE APPLICANTS FOR THE PURPOSES OF FURTHERING THE ECONOMIC DEVELOPMENT GOALS SET FORTH IN SUBDIVISION ONE OF THIS SECTION.

3. ELIGIBLE APPLICANTS FOR NEW TECHNOLOGY SEED FUNDS MAY INCLUDE FOR-PROFIT BUSINESSES, NOT-FOR-PROFIT CORPORATIONS, LOCAL DEVELOPMENT CORPORATIONS OR UNIVERSITIES.

4. FUNDING FROM THE NEW TECHNOLOGY SEED FUND MAY BE MADE AVAILABLE TO THE APPLICANT FOR APPLICATION TO ELIGIBLE COSTS INCURRED, OR TO BE INCURRED, BY THE BENEFICIARY COMPANY WITH RESPECT TO APPLICABLE OPERATIONS IN THE STATE, INCLUDING THE COST OF PURCHASING EQUIPMENT, SUPPLIES, COSTS RELATED TO THE USE OF LABORATORIES OR CLEAN ROOMS, PROTOTYPE DESIGN COSTS, MANUFACTURING COSTS, WAGES AND RELATED EMPLOYEE COSTS WITH RESPECT TO EMPLOYEES INVOLVED IN RESEARCH AND DEVELOPMENT AND SUCH OTHER COSTS DEEMED APPROPRIATE BY THE CORPORATION. ELIGIBLE COSTS SHALL NOT INCLUDE GENERAL OVERHEAD COSTS OF THE APPLICANT OR BENEFICIARY COMPANY, LEGAL COSTS OR OTHER COSTS DEEMED INAPPROPRIATE BY THE CORPORATION.

5. APPLICATIONS FOR NEW TECHNOLOGY SEED FUNDS WILL BE RECEIVED BY THE CORPORATION THROUGH A COMPETITIVE PROCESS ESTABLISHED BY THE CORPORATION. TO BE ELIGIBLE FOR FUNDING, AN APPLICATION MUST DEMONSTRATE THAT (A) THE BENEFICIARY COMPANY HAS A VIABLE PLAN FOR THE DEVELOPMENT OF A NEW OR ENHANCED PRODUCT THAT COULD ULTIMATELY RESULT IN ADDITIONAL PRIVATE INVESTMENT WITHIN THE STATE, RESULT IN THE CREATION OF JOBS OR OTHERWISE GENERATE ECONOMIC DEVELOPMENT ACTIVITY WITHIN THE STATE; (B) MATCHING FUNDS ARE COMMITTED AND AVAILABLE TO THE APPLICANT IN AN AMOUNT NOT LESS THAN THE AMOUNT OF NEW TECHNOLOGY SEED FUNDS BEING APPLIED FOR; (C) THE APPLICATION IS SUPPORTED BY LOCAL INDUSTRY ENTITIES, UNIVERSITIES, OR OTHERWISE HAS MUNICIPAL OR REGIONAL SUPPORT; (D) THE BENEFICIARY COMPANY HAS APPROPRIATE STAFFING AND MANAGEMENT CAPABILITIES AND FINANCIAL RESOURCES TO BE REASONABLY LIKELY TO GENERATE A RETURN ON INVESTMENT; AND (E) THE BENEFICIARY COMPANY HAS GENERATED REVENUE FOR NO MORE THAN ONE YEAR.

6. IN ACCORDANCE WITH THE RULES AND REGULATIONS TO BE PROMULGATED BY THE CORPORATION, THE CORPORATION MAY IMPOSE FEES, ESTABLISH REPAYMENT TERMS AND PROVIDE FOR EQUITY PARTICIPATION BY THE CORPORATION IN CONNECTION WITH INVESTMENTS FROM THE NEW TECHNOLOGY SEED FUND.

7. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE CORPORATION MAY ESTABLISH A PROGRAM FUND FOR PROGRAM USE AND PAY INTO SUCH FUND ANY FUNDS AVAILABLE TO THE CORPORATION FROM ANY SOURCE THAT ARE ELIGIBLE FOR PROGRAM USE, INCLUDING MONEYS APPROPRIATED BY THE STATE.

8. THE CORPORATION SHALL SUBMIT A REPORT TO THE DIRECTOR OF THE BUDGET, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY CONSISTENT WITH SECTION TWENTY-NINE HUNDRED TWENTY-FIVE OF THE PUBLIC AUTHORITIES LAW.

9. 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.

10. THE PROVISIONS OF SECTION TEN AND SUBDIVISION TWO OF SECTION SIXTEEN OF THIS ACT SHALL NOT APPLY TO ASSISTANCE PROVIDED UNDER 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, 2010.

PART P

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 X of chapter 59 of the laws of 2009, 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, 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, 2010.

PART Q

Section 1. Notwithstanding any provisions of law to the contrary, the New York state urban development corporation is authorized to make contributions totaling $29.4 million to the New York City Empowerment Zone, $10 million for the New Technology Seed Fund, and $7 million to the Governors Island Preservation and Education Corporation from excess funds paid to the New York state urban development corporation pursuant to the 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, 2010.

PART R

Section 1. Subdivision 1 of section 902 of the racing, pari-mutuel wagering and breeding law, as added by chapter 60 of the laws of 1993, is amended to read as follows:

1. In order to assure the public's confidence and continue the high degree of integrity in racing at the pari-mutuel betting tracks, equine drug testing at race meetings shall be conducted by a [land grant university] STATE COLLEGE within this state with [a regents] AN approved [veterinary college facility] EQUINE SCIENCE PROGRAM. The state racing and wagering board shall promulgate any rules and regulations necessary

to implement the provisions of this section, including administrative penalties of loss of purse money, fines, or denial, suspension, or revocation of a license for racing drugged horses.

S 2. The opening paragraph of subdivision 2 of section 228 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 400 of the laws of 2009, is amended to read as follows:

The state racing and wagering board shall, as a condition of racing, require any franchised corporation and every other corporation subject to its jurisdiction to withhold one percent of all purses, except that for the franchised corporation, starting on September first, two thousand seven and continuing through August thirty-first, two thousand ten, two percent of all purses shall be withheld, and, in the case of the franchised corporation, to pay such sum to the horsemen's organization or its successor that was first entitled to receive payments pursuant to this section in accordance with rules of the board adopted effective November third, nineteen hundred eighty-three representing at least fifty-one percent of the owners and trainers utilizing the facilities of such franchised corporation, on the condition that such horsemen's organization shall expend as much as is necessary, but not to exceed one-half of one percent of such total sum, to acquire and maintain the equipment required to establish a program at a [land grant university] STATE COLLEGE within this state with [a regents] AN approved [veterinary college facility,] EQUINE SCIENCE PROGRAM to test for the presence of steroids in horses, provided further that the qualified organization shall also, in an amount to be determined by its board of directors, annually include in its expenditures for benevolence programs, funds to support an organization providing services necessary to backstretch employees, and, in the case of every other corporation, to pay such one percent sum of purses to the horsemen's organization or its successor that was first entitled to receive payments pursuant to this section in accordance with rules of the board adopted effective May twenty-third, nineteen hundred eighty-six representing at least fifty-one percent of the owners and trainers utilizing the facilities of such corporation.

S 3. This act shall take effect immediately.

PART S

Section 1. Subdivision 3 of section 99-h of the state finance law, as amended by section 1 of part QQ of chapter 59 of the laws of 2009, 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 city of Buffalo, the city of Buffalo shall 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] DESIGNATED 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 3 of section 99-h of the state finance law, as amended by section 1 of part V of chapter 59 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 or Niagara, the municipal governments 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 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] DESIGNATED 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 3. Clause 5 of subparagraph (ii) of paragraph (a) of subdivision 4 of section 99-h of the state finance law, as amended by section 2 of part QQ of chapter 59 of the laws of 2009, is amended to read as follows:

(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, NOT TO EXCEED THREE HUNDRED FIFTY THOUSAND DOLLARS ANNUALLY, 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, develop-

ment, 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

S 4. This act shall take effect immediately; provided that:

(a) the amendments to subdivision 3 of section 99-h of the state finance law made by section one of this act shall be subject to the expiration and reversion of such section pursuant to section 2 of chapter 747 of the laws of 2006, as amended, when upon such date the provisions of section two of this act shall take effect; and

(b) the amendments to clause 5 of subparagraph (ii) of paragraph (a) of subdivision 4 of section 99-h of the state finance law made by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

PART T

Section 1. Section 107 of the agriculture and markets law, as added by chapter 220 of the laws of 1978, subdivision 1 as amended by chapter 473 of the laws of 1995, subdivision 3 as amended by chapter 619 of the laws of 1987 and subdivision 5 as added by chapter 530 of the laws of 1997, is amended to read as follows:

S 107. Application. 1. This article shall apply to all areas of the state except any city having a population of over two million [except that the provisions in this article relating to the animal population control program shall be applicable to the entire state].

2. In the event that any dog owned by a resident of any city having a population of over two million or by a non-resident of this state is harbored within this state outside of any such city, THE LICENSING MUNICIPALITY IN WHICH SUCH ANIMAL IS HARBORED MAY EXEMPT such dog [shall be exempt] from the identification and licensing provisions of this article for a period of thirty days provided such dog is licensed pursuant to the provisions of law of the area of residence.

3. This article shall not apply to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined for the purposes of research to the premises of any college or other educational or research institution.

4. This article shall not apply to any dog confined to the premises of any person, firm or corporation engaged in the business of breeding or raising dogs for profit and licensed as a class A dealer under the Federal Laboratory Animal Welfare Act[, provided that such person, firm or corporation has obtained a certificate of exemption. Application for such certificate shall be made annually to the commissioner and shall be accompanied by a fee of one hundred dollars].

5. Nothing contained in this article shall prevent a municipality from adopting its own program for the control of dangerous dogs; provided, however, that no such program shall be less stringent than this article, and no such program shall regulate such dogs in a manner that is specific as to breed. Notwithstanding the provisions of subdivision one of this section, this subdivision and [section one hundred twenty-one] SECTIONS 123, 123-A AND 123-B of this article shall apply to all municipalities including cities of two million or more.

S 2. Subdivision 14 of section 108 of the agriculture and markets law is REPEALED.

S 3. Subdivisions 11, 12 and 16 of section 108 of the agriculture and markets law, as added by chapter 220 of the laws of 1978, are amended to read as follows:

11. "Identification tag" means a tag ISSUED BY THE LICENSING MUNICIPALITY which sets forth an [official] identification number [as required by the provisions], TOGETHER WITH THE NAME of [this article] THE MUNICIPALITY, THE STATE OF NEW YORK AND CONTACT INFORMATION FOR THE MUNICIPALITY.

12. "Identified dog" means any dog carrying an identification tag as provided in section one hundred [twelve] ELEVEN of this article.

16. "Owner of record" means the person in whose name any dog was last licensed pursuant to [either subdivision one or subdivision two of section one hundred nine of] this article, except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name any dog was last licensed or if the owner of record has filed a statement pursuant to the provisions of section [one hundred thirteen] ONE HUNDRED TWELVE of this article, the owner shall be deemed to be the owner of record of such dog, except that if the owner is under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person.

S 4. Section 109 of the agriculture and markets law, as added by chapter 220 of the laws of 1978, subdivision 1 as amended by chapter 645 of the laws of 1988, paragraph (a) of subdivision 1 as amended by chapter 86 of the laws of 2006, paragraph (b) as amended by chapter 562 of the laws of 1995, paragraphs (f) and (h) of subdivision 1 and paragraphs (f) and (h) of subdivision 2 as amended by chapter 39 of the laws of 2002, paragraph (c) of subdivision 2 as amended by chapter 180 of the laws of 2002, and subdivision 3 as amended by chapter 269 of the laws of 2005, is amended to read as follows:

S 109. Licensing of dogs REQUIRED; rabies vaccination [requirement] REQUIRED. 1. [Licensing of dogs.] (a) The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog which is under the age of four months and which is not at large. Except as otherwise provided in this subdivision, a license shall be issued or renewed for a period of AT LEAST one year, provided[, that at the option of the governing board of the municipality, a license may be issued or renewed for a period of one, two or three years, and provided further], that no license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed. All licenses shall expire on the last day of the last month of the period for which they are issued. In the event an applicant for a license presents, in lieu of a rabies certificate, a statement certified by a licensed veterinarian, as provided in subdivision [three] TWO of this section, a license shall be issued or renewed for a period of one year from the date of said statement. Any municipality[, authorized to issue licenses pursuant to this article, which has a population not exceeding two thousand five hundred] may[, upon the approval of and pursuant to rules and regulations promulgated by the commissioner,] establish a common renewal date for all such licenses. A license issued by a municipality that has established a common renewal date shall expire no later than the common renewal date prior to the expiration date of the rabies certificate for the dog being licensed.

(b) Application for a dog license shall be made to the clerk of the town or city or, in the counties of Nassau and Westchester, incorporated village in which the dog is harbored or to the village clerk of those villages in the county of Rockland with a population of fifteen thousand or more which have elected to accept applications pursuant to the

provisions of this paragraph or to the village clerk of the village of Newark in the county of Wayne upon the election of the village of Newark pursuant to the provisions of this paragraph. Provided, however, that in the counties of Nassau and Westchester, the board of trustees of any incorporated village may by resolution provide that applications for licenses shall no longer be made to the village clerk, but to the clerk of the town in which the village is situated. [If such resolution is approved by the town board of the town in which the village is situated, such resolution shall become effective not less than six months after a certified copy of such resolution of the village board and of the resolution of approval of the town board shall have been filed with the commissioner.] Provided further, however, that in the county of Rockland, the board of trustees of any incorporated village with a population of fifteen thousand or more may by resolution provide that application for licenses shall be made to the village clerk. Provided further, however, that in the county of Wayne, the board of trustees of the village of Newark may by resolution provide that application for licenses shall be made to the village clerk. [If such resolution is approved by the town or towns in which the village is located, it shall become effective not less than six months after a certified copy of such approved resolution shall have been filed with the commissioner.] The governing body of any town or city or, in the counties of Nassau and Westchester, incorporated village or in the county of Rockland, those villages with a population of fifteen thousand or more which have so elected to accept applications or in the county of Wayne, the village of Newark if such village has so elected to accept applications may, on resolution of such body, authorize that such application be made to one or more named dog control officers of any such town, city or village. The issuance of any license by any such officer shall be under the control and supervision of the clerk. In the case of a seized dog being redeemed or a dog being otherwise obtained from a county animal shelter or pound, such application may be made to the county dog control officer in charge of such facility [provided such officer has been authorized by the commissioner to accept such applications]. In the case of a dog being redeemed or a dog being adopted from a shelter or pound established, maintained or contracted for, pursuant to section one hundred [fifteen] FOURTEEN of this article, such application may be made to the manager of such facility, provided such manager has been authorized by the [commissioner] MUNICIPALITY IN WHICH THE PROSPECTIVE OWNER RESIDES to accept such application. Such authorization shall be requested by the governing body of the pound or shelter and the granting or denial of such authorization shall be in the discretion of the [commissioner] MUNICIPALITY IN WHICH THE PROSPECTIVE OWNER RESIDES.

(c) The application shall state the sex, actual or approximate age, breed, color, and [official] MUNICIPAL identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town, city or village of residence of the owner. MUNICIPALITIES MAY ALSO REQUIRE ADDITIONAL INFORMATION ON SUCH APPLICATION AS DEEMED APPROPRIATE.

(d) The application shall be accompanied by the license fee prescribed by section one hundred ten of this article and a certificate of rabies vaccination or statement in lieu thereof, as required by subdivision [three] TWO of this section. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affi-

davit shall not be required if the same is already on file with the clerk or authorized dog control officer. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog as set forth in [paragraph (a) of] subdivision one of section one hundred ten of this article.

(e) Upon validation by the clerk, authorized dog control officer or authorized pound or shelter manager, the application shall become a license for the dog described therein. [Once an application has been validated, no refund therefor shall be made.]

(f) The clerk, authorized dog control officer or authorized pound or shelter manager shall: (i) provide a copy of the license to the owner; (ii) [send, by the fifth day of the month following the month of license issuance, a copy] RETAIN A RECORD OF THE LICENSE THAT SHALL BE MADE AVAILABLE UPON REQUEST TO THE COMMISSIONER FOR PURPOSES of [the license, or a report of the information contained therein, to the commissioner; and (iii) retain a record of the license in the manner prescribed by the commissioner] RABIES AND OTHER ANIMAL DISEASE CONTROL. In addition, the authorized pound or shelter manager shall send, within forty-eight hours of validation, a copy of the license to the licensing municipality within which the dog is to be harbored.

(g) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

(h) Notwithstanding the provisions of any general, special or local law, or any rule or regulation to the contrary, the clerk, authorized dog control officer or authorized pound or shelter manager in municipalities having a population of less than one hundred thousand shall [send to the commissioner a copy of the validated license, or a report of the information therein, by the fifth day of the month following the month of license issuance. In addition, the authorized dog control officer or authorized pound or shelter manager in such municipalities shall,] within five business days after the license has been validated, send a copy of the validated license to the licensing municipality in which the dog is to be harbored.

2. [Purebred license. (a) The owner of one or more purebred dogs registered by a recognized registry association may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by subdivision one of this section. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

(b) Such application shall be made to the person specified in paragraph (b) of subdivision one of this section.

(c) The application shall state the name, address and telephone number of the owner; the county and city, town or village where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

(d) The application shall be accompanied by the license fee prescribed by section one hundred ten of this article and a certificate of rabies vaccination or statement in lieu thereof, as required by subdivision three of this section.

(e) Upon receipt of the foregoing items, the clerk or authorized dog control officer shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefor shall be made.

(f) The clerk, authorized dog control officer or authorized pound or shelter manager shall: (i) provide a copy of the purebred license to the owner; (ii) send, by the fifth day of the month following the month of license issuance, a copy of the purebred license, or a report of the information contained therein, to the commissioner; and (iii) retain a record of the purebred license in the manner prescribed by the commissioner. In addition, the authorized dog control officer or authorized pound or shelter manager shall send, within forty-eight hours of validation, a copy of the license to the licensing municipality within which the dog is to be harbored.

(g) No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of subdivision one of this section, except when the new owner holds a valid purebred license.

(h) Notwithstanding the provisions of any general, special or local law, or any rule or regulation to the contrary, the clerk, authorized dog control officer or authorized pound or shelter manager in municipalities having a population of less than one hundred thousand shall send to the commissioner a copy of the validated license, or a report of the information contained therein, by the fifth day of the month following the month of license issuance. In addition, the authorized dog control officer or authorized pound or shelter manager in such municipalities shall, within five business days after the license has been validated, send a copy of the validated license to the licensing municipality within which the dog is to be harbored.

3. The clerk, authorized dog control officer or authorized pound or shelter manager, at the time of issuing any license pursuant to this article, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of old age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The clerk, authorized dog control officer or authorized pound or shelter manager shall make or cause to be made from such statement a record of such information as may be required by the commissioner and shall file such record with a copy of the license.]

THE CLERK, AUTHORIZED DOG CONTROL OFFICER OR AUTHORIZED POUND OR SHELTER MANAGER, AT THE TIME OF ISSUING ANY LICENSE PURSUANT TO THIS ARTICLE, SHALL REQUIRE THE APPLICANT TO PRESENT A STATEMENT CERTIFIED BY A LICENSED VETERINARIAN SHOWING THAT THE DOG OR DOGS HAVE BEEN VACCINATED TO PREVENT RABIES OR, IN LIEU THEREOF, A STATEMENT CERTIFIED BY A LICENSED VETERINARIAN STATING THAT BECAUSE OF OLD AGE OR ANOTHER REASON, THE LIFE OF THE DOG OR DOGS WOULD BE ENDANGERED BY THE ADMINISTRATION OF VACCINE. THE CLERK, AUTHORIZED DOG CONTROL OFFICER OR AUTHORIZED POUND OR SHELTER MANAGER SHALL MAKE OR CAUSE TO BE MADE FROM SUCH STATEMENT A RECORD OF SUCH INFORMATION AND SHALL FILE SUCH RECORD WITH A COPY OF THE LICENSE. SUCH RECORDS SHALL BE MADE AVAILABLE TO THE COMMISSIONER OF

AGRICULTURE AND MARKETS UPON REQUEST FOR RABIES AND OTHER ANIMAL DISEASE CONTROL EFFORTS.

3. MUNICIPALITIES MAY PROVIDE FOR THE ESTABLISHMENT AND ISSUANCE OF PUREBRED LICENSES.

S 5. Section 110 of the agriculture and markets law is REPEALED and a new section 110 is added to read as follows:

S 110. LICENSE FEES. 1. THE LICENSE FEE FOR DOG LICENSES ISSUED PURSUANT TO SUBDIVISION ONE OF SECTION ONE HUNDRED NINE OF THIS ARTICLE SHALL BE DETERMINED BY THE MUNICIPALITY ISSUING THE LICENSE, PROVIDED THAT THE TOTAL FEE FOR AN UNSPAYED OR UNNEUTERED DOG SHALL BE AT LEAST FIVE DOLLARS MORE THAN THE TOTAL FEE FOR A SPAYED OR NEUTERED DOG. ALL REVENUE DERIVED FROM SUCH FEES SHALL BE THE SOLE PROPERTY OF THE MUNICIPALITY SETTING THE SAME AND SHALL BE USED ONLY FOR CONTROLLING DOGS AND ENFORCING THIS ARTICLE AND ANY RULE, REGULATION, OR LOCAL LAW OR ORDINANCE ADOPTED PURSUANT THERETO, INCLUDING SUBSIDIZING THE SPAYING OR NEUTERING OF DOGS AND ANY FACILITY AS AUTHORIZED UNDER SECTION ONE HUNDRED SIXTEEN OF THIS ARTICLE USED THEREFOR, AND SUBSIDIZING PUBLIC HUMANE EDUCATION PROGRAMS IN RESPONSIBLE DOG OWNERSHIP.

2. MUNICIPALITIES MAY EXEMPT FROM THEIR LICENSING FEES ANY GUIDE DOG, HEARING DOG, SERVICE DOG, WAR DOG, WORKING SEARCH DOG, DETECTION DOG, POLICE WORK DOG OR THERAPY DOG. EACH COPY OF ANY LICENSE FOR SUCH DOGS SHALL BE CONSPICUOUSLY MARKED "GUIDE DOG", "HEARING DOG", "SERVICE DOG", "WORKING SEARCH DOG", "WAR DOG", "DETECTION DOG", "POLICE WORK DOG", OR "THERAPY DOG", AS MAY BE APPROPRIATE, BY THE CLERK OR AUTHORIZED DOG CONTROL OFFICER.

3. IN ADDITION TO THE FEE CHARGED PURSUANT TO SUBDIVISIONS ONE AND TWO OF THIS SECTION, ANY MUNICIPALITY ISSUING DOG LICENSES PURSUANT TO THIS ARTICLE IS HEREBY AUTHORIZED TO PROVIDE FOR THE ASSESSMENT OF ADDITIONAL SURCHARGES FOR THE PURPOSES OF:

(A) CARRYING OUT ANIMAL POPULATION CONTROL EFFORTS;

(B) RECOVERING COSTS ASSOCIATED WITH ENUMERATION CONDUCTED PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED THIRTEEN OF THIS ARTICLE SHOULD A DOG BE IDENTIFIED AS UNLICENSED DURING SUCH ENUMERATION. SUCH ADDITIONAL FEE SHALL BE THE PROPERTY OF THE LICENSING MUNICIPALITY AND SHALL BE USED TO PAY THE EXPENSES INCURRED BY THE MUNICIPALITY IN CONDUCTING THE ENUMERATION. IN THE EVENT THE ADDITIONAL FEES COLLECTED EXCEED THE EXPENSES INCURRED BY THE MUNICIPALITY IN CONDUCTING AN ENUMERATION IN ANY YEAR, SUCH EXCESS FEES MAY BE USED BY THE MUNICIPALITY FOR ANY OTHER LAWFUL PURPOSE; AND

(C) OFFSETTING COSTS ASSOCIATED WITH THE PROVISION AND REPLACEMENT OF IDENTIFICATION TAGS PURSUANT TO SECTION ONE HUNDRED ELEVEN OF THIS ARTICLE.

4. EACH COPY OF ANY LICENSE FOR ANY GUIDE DOG, HEARING DOG, SERVICE DOG, WAR DOG, WORKING SEARCH DOG, DETECTION DOG, POLICE WORK DOG OR THERAPY DOG SHALL BE CONSPICUOUSLY MARKED "GUIDE DOG", "HEARING DOG", "SERVICE DOG", "WORKING SEARCH DOG", OR "THERAPY DOG".

5. ANY TOWN, CITY OR VILLAGE ASSESSING SURCHARGES PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION MAY ADOPT A RESOLUTION EXEMPTING FROM THE PAYMENT OF SUCH SURCHARGES, DOGS OWNED BY ONE OR MORE PERSONS EACH OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OVER.

S 6. Section 111 of the agriculture and markets law is REPEALED and section 112 of such law, as added by chapter 220 of the laws of 1978, subdivisions 1 and 5 as amended by chapter 645 of the laws of 1988, subdivision 7 as amended by chapter 494 of the laws of 2002 and subdivision 8 as added by chapter 169 of the laws of 1994, is renumbered section 111 and amended to read as follows:

S 111. Identification of dogs. 1. Each dog licensed pursuant to subdivision one of section one hundred nine of this article shall be assigned, at the time the dog is first licensed, a [permanent official] MUNICIPAL identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times, provided that a [dog] MUNICIPALITY MAY EXEMPT DOGS participating in a dog show [shall be exempt from this requirement] during such participation.

2. [The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

3. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense at a fee and in a manner prescribed by the commissioner.

4.] No tag carrying an [official] identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

[5. The holder of] 3. A MUNICIPALITY OFFERING a purebred license may [procure] PROVIDE A LICENSEE, at his OR HER expense, any number of tags imprinted with the same number as the purebred license. One such tag shall be affixed to the collar of each dog harbored pursuant to the purebred license at all times, provided that a dog participating in a dog show shall be exempt from this requirement during such participation. Such a tag shall be affixed only to the collar of a dog owned by the holder of the purebred license and harbored on his premises.

[6. The shape, size and form of imprints on identification tags and purebred license tags shall be prescribed by the commissioner, and any tag bearing an imprint other than that prescribed shall not constitute valid identification for the purposes of this article.

7. The applicant for] 4. A MUNICIPALITY OFFERING a license for any guide dog, service dog, hearing dog or detection dog may [procure] ISSUE a special tag for identifying such dog[. This special], PROVIDED THAT SUCH tag shall be in addition to the identification tag required by subdivision one of this section. [The commissioner shall prescribe the shape, size, color, and form of imprint of the tag which shall be a different color and shape than the official identification tag. Upon application, the commissioner shall furnish such tags without payment of a fee.

8. Fees received by the department pursuant to this section shall be deposited in an account within the miscellaneous special revenue fund.]

S 7. Section 113 of the agriculture and markets law, as amended by chapter 57 of the laws of 1981, is renumbered section 112 and amended to read as follows:

S 112. Change of ownership; lost or stolen dog. 1. In the event of a change in the ownership of any dog which has been [assigned an official identification number] LICENSED PURSUANT TO THIS ARTICLE or in the address of the owner of record of any such dog, the owner of record shall, within ten days of such change, file with the [commissioner] MUNICIPALITY IN WHICH THE DOG IS LICENSED a written report of such change. Such owner of record shall be liable for any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.

2. If any dog which has been [assigned an official identification number] LICENSED PURSUANT TO THIS ARTICLE is lost or stolen, the owner

of record shall, within ten days of the discovery of such loss or theft file with the [commissioner] MUNICIPALITY IN WHICH THE DOG IS LICENSED a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this article committed after such report is filed.

3. In the case of a dog's death, the owner of record shall so notify the [commissioner] MUNICIPALITY IN WHICH THE DOG IS LICENSED either prior to renewal of licensure or upon the time of such renewal as set forth [in subdivision one of section one hundred nine of this chapter. Until such time that the commissioner files such information with] BY the [central registry of official identification numbers, said number shall not be reassigned. Failure to notify] MUNICIPALITY IN WHICH THE the [commissioner of the death of a dog as so required herein shall constitute a violation and the owner of record shall be held liable] DOG IS LICENSED.

S 8. Section 114 of the agriculture and markets law, as added by chapter 220 of the laws of 1978, subdivisions 2 and 4 as amended by chapter 714 of the laws of 1980, subdivision 4 as separately amended and subdivision 5 as amended by chapter 843 of the laws of 1980 and subdivision 7 as amended by chapter 180 of the laws of 2002, is renumbered section 113 and amended to read as follows:

S 113. Dog control officers. 1. Each town and city, and each village in which licenses are issued, shall appoint, and any other village and any county may appoint, one or more dog control officers for the purpose of assisting, within the appointing municipality, with the control of dogs and the enforcement of this article [and rules and regulations promulgated pursuant thereto].

2. In lieu of or in addition to the appointment of a dog control officer or officers, any town or city, or any village in which licenses are issued shall, and any other village and any county may, contract for dog control officer services with any other municipality or with any incorporated humane society or similar incorporated dog protective association, or shall appoint, jointly with one or more other municipalities, one or more dog control officers having jurisdiction in each of the cooperating municipalities.

3. [The commissioner may appoint as many state dog control officers as he deems necessary to supervise the provisions of this article and any rules and regulations adopted pursuant thereto.

4.] Every dog control officer shall have the power to issue an appearance ticket pursuant to section 150.20 of the criminal procedure law, to serve a summons and to serve and execute any other order or process in the execution of the provisions of this article. In addition, any dog control officer or any peace officer, when acting pursuant to his special duties, or police officer, who is authorized by a municipality to assist in the enforcement of this article may serve any process, including an appearance ticket, a uniform appearance ticket and a uniform appearance ticket and simplified information, related to any proceeding, whether criminal or civil in nature undertaken in accord with the provisions of this article or any local law or ordinance promulgated pursuant thereto.

[5] 4. Every dog control officer, peace officer, when acting pursuant to his special duties or police officer shall promptly make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the official identification number of

such dog, if any, the location where seized, the reason for seizure, and the owner's name and address, if known.

[6] 5. Every dog control officer shall file and maintain[, in the manner prescribed by the commissioner,] such records [as may be required by this article or rules and regulations promulgated pursuant thereto] FOR NOT LESS THAN THREE YEARS FOLLOWING THE CREATION OF SUCH RECORD, and shall make such reports AVAILABLE to the commissioner [as may be required thereby] UPON REQUEST.

[7] 6. The governing body of any municipality in which licenses are issued, may, either individually or in cooperation with other municipal entities, require its dog control officer or animal control officer or any other authorized agent to ascertain and list the names of all persons in the municipality owning or harboring dogs, or in lieu thereof, such municipality may contract to have the same done.

S 9. Sections 115 and 116 of the agriculture and markets law are renumbered sections 114 and 115.

S 10. Section 117 of the agriculture and markets law is renumbered section 116 and subdivision 4 of such section, as amended by chapter 473 of the laws of 1995, is amended to read as follows:

4. [In] EXCEPT FOR THE SURCHARGE AUTHORIZED BY PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION ONE HUNDRED TEN OF THIS ARTICLE, IN no event shall any of the moneys or fees derived from, or collected pursuant to, the provisions of this article [except as provided in paragraph c of subdivision four of section one hundred ten of this article and section one hundred seventeen-a of this article] be used to subsidize the spaying or neutering of cats.

S 11. Section 117-a of the agriculture and markets law is REPEALED.

S 12. Section 118 of the agriculture and markets law is renumbered section 117 and subdivisions 1, 4, and 5, subdivision 1 as amended by chapter 843 of the laws of 1980, paragraphs (c) and (d) of subdivision 1 as added by chapter 530 of the laws of 1997 and the closing paragraph of subdivision 1 as amended by chapter 392 of the laws of 2004, and subdivisions 4 and 5 as added by chapter 220 of the laws of 1978, are amended to read as follows:

1. Any dog control officer or peace officer, acting pursuant to his special duties, or police officer in the employ of or under contract to a municipality shall seize:

(a) any dog which is not identified and which is not on the owner's premises; [and]

(b) any dog which is not licensed, whether on or off the owner's premises[.];

(c) any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is [a] dangerous [dog.]; AND

(d) any dog which poses an immediate threat to the public safety.

Promptly upon seizure the dog control officer shall commence a proceeding as provided for in subdivision two of section [one hundred twenty-one] ONE HUNDRED TWENTY-THREE of this article.

4. Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this article and further provided that the owner pays the following impoundment fees:

(a) NOT LESS THAN ten dollars for the first impoundment of any dog owned by that person;

(b) NOT LESS THAN twenty dollars for the first twenty-four hours or part thereof and three dollars for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or

(c) NOT LESS THAN thirty dollars for the first twenty-four hours or part thereof and three dollars for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

The impoundment fees set forth in paragraphs (a), (b) and (c) of this subdivision notwithstanding, any municipality may set by local law or ordinance such fees in any amount.

5. All impoundment fees shall be the property of the municipality to which they are paid and shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs and any facility as authorized under section [one hundred seventeen] ONE HUNDRED SIXTEEN of this article used therefor, and subsidizing public humane education programs in responsible dog ownership.

S 13. Section 119 of the agriculture and markets law, as added by chapter 220 of the laws of 1978, paragraph (c) of subdivision 1 as added by chapter 404 of the laws of 1986, paragraph (g) of subdivision 1 as amended and paragraph (h) of subdivision 1 as added by chapter 263 of the laws of 2000, subdivision 2 as amended by chapter 221 of the laws of 1978, subdivision 3 as added and subdivision 4 as renumbered by chapter 714 of the laws of 1980, subdivisions 5 and 6 as added by chapter 473 of the laws of 1995, paragraphs (a) and (b) of subdivision 5 as amended by chapter 534 of the laws of 2005 and subdivision 7 as added by chapter 494 of the laws of 2002, is renumbered section 118 and amended to read as follows:

S 118. Violations. 1. It shall be a violation, punishable as provided in subdivision two of this section, for:

(a) any owner to fail to license any dog;

(b) any owner to fail to have any dog identified as required by this article;

(c) any person to knowingly affix to any dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs or purebred license tag;

[(f)] (D) any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this article;

[(g)] (E) any person to furnish any false or misleading information on any form required to be filed with any municipality [or the commissioner] pursuant to the provisions of this article or rules and regulations promulgated pursuant thereto;

[(h)] (F) the owner or custodian of any dog to fail to exercise due diligence in handling his or her dog if the handling results in harm to another dog that is a guide, hearing or service dog.

2. It shall be the duty of the dog control officer of any municipality to bring an action against any person who has committed within such municipality any violation set forth in subdivision one of this section. Any municipality may elect either to prosecute such action as a violation under the penal law or to commence an action to recover a civil penalty.

A violation of this section shall be punishable, subject to such an election, either:

(a) where prosecuted pursuant to the penal law, by a fine of not [more] LESS than twenty-five dollars, except that (i) where the person was found to have violated this section or former article seven of this chapter within the preceding five years, the fine may be not [more] LESS than fifty dollars, and (ii) where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not [more] LESS than one hundred dollars or imprisonment for not more than fifteen days, or both; or

(b) where prosecuted as an action to recover a civil penalty, by a civil penalty of not [more] LESS than twenty-five dollars, except that (i) when the person was found to have violated this section or [former] THIS article [seven of this chapter] within the preceding five years, the civil penalty may be not [more] LESS than fifty dollars, and (ii) where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not [more] LESS than one hundred dollars.

3. A defendant charged with a violation of any provision of this article or any local law or ordinance promulgated pursuant thereto may [himself] plead guilty to the charge in open court. He OR SHE may also submit to the magistrate having jurisdiction, in person, by duly authorized agent, or by registered mail, a statement (a) that he OR SHE waives arraignment in open court and the aid of counsel, (b) that he OR SHE pleads guilty to the offense charged, (c) that he OR SHE elects and requests that the charge be disposed of and the fine or penalty fixed by the court, (d) of any explanation that he OR SHE desires to make concerning the offense charged, and (e) that he OR SHE makes all statements under penalty of perjury. Thereupon the magistrate may proceed as though the defendant had been convicted upon a plea of guilty in open court, provided however, that any imposition of fine or penalty hereunder shall be deemed tentative until such fine or penalty shall have been paid and discharged in full. If upon receipt of the aforesaid statement the magistrate shall deny the same, he OR SHE shall thereupon notify the defendant of this fact, and that he OR SHE is required to appear before the said magistrate at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.

4. [Any person who shall violate any other provision of this article or rules and regulations promulgated pursuant thereto shall be subject to the penalty provisions of sections thirty-nine and forty of this chapter, but not section forty-one of this chapter. Such violations shall include, but not be limited to, the following:

(a) failure of any owner of record to notify the commissioner of any change of ownership or address as required by section one hundred thirteen of this article;

(b) failure of any person to perform any other duty or carry out any other requirement imposed pursuant to the provisions of this article or the rules and regulations promulgated pursuant thereto. Each day that failure continues shall constitute a separate violation.

5. For the purpose of participating in the "animal population control program" established under section one hundred seventeen-a of this article, it shall be a violation punishable as provided in subdivision six of this section, for:

(a) any person to falsify proof of adoption from a pound, shelter, duly incorporated society for the prevention of cruelty to animals, humane society or dog or cat protective association or to falsify proof

of participation in any of the programs enumerated in paragraph (b) of subdivision two of section one hundred seventeen-a of this article;

(b) any person to furnish any licensed veterinarian of this state with inaccurate information concerning his or her residency or the ownership of an animal or such person's authority to submit an animal for a spaying or neutering procedure pursuant to section one hundred seventeen-a of this article or to knowingly furnish the department or any licensed veterinarian of this state with inaccurate information concerning his or her participation in any of the programs enumerated in paragraph (b) of subdivision two of section one hundred seventeen-a of this article;

(c) any licensed veterinarian to furnish the commissioner with false information concerning an animal sterilization fee schedule or an animal sterilization certificate submitted pursuant to subdivision four of section one hundred seventeen-a of this article.

6. Any person or veterinarian who violates the provisions of subdivision five of this section or any rule or regulation promulgated by the commissioner to carry out the provisions of section one hundred seventeen-a of this article shall be subject to a fine of not more than two hundred fifty dollars where prosecuted pursuant to the penal law, or where prosecuted as an action to recover a civil penalty of not more than two hundred fifty dollars.

7.] Any person who intentionally refuses, withholds, or denies a person, because [they are] HE OR SHE IS accompanied by an on-duty police work dog, working search, war, or detection dog as defined in section one hundred eight of this article, any accommodations, facilities, or privileges thereof shall be subject to a civil penalty of up to two hundred dollars for the first violation and up to four hundred dollars for each subsequent violation.

S 14. Section 120 of the agriculture and markets law, as added by chapter 220 of the laws of 1978, is renumbered section 119 and amended to read as follows:

S 119. Disposition of fines. Notwithstanding any other provision of law, all moneys collected as fines or penalties by any municipality as a result of any prosecution for violations of the provisions of this article or any local law or ordinance and all bail forfeitures by persons charged with such violations shall be the property of the municipality and shall be paid to the financial officer of such municipality. Such moneys shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs and any facility as authorized under section [one hundred seventeen] ONE HUNDRED SIXTEEN of this article used therefor, and subsidizing public humane education programs in responsible dog ownership.

S 15. Section 122 of the agriculture and markets law is renumbered section 120.

S 16. Section 123 of the agriculture and markets law is renumbered section 121.

S 17. Section 121 of the agriculture and markets law is renumbered section 123, and subdivisions 1 and 2 as amended by chapter 392 of the laws of 2004, are amended to read as follows:

1. Any person who witnesses an attack or threatened attack, or in the case of a minor, an adult acting on behalf of such minor, may make a complaint of an attack or threatened attack upon a person, companion animal AS DEFINED IN SECTION THREE HUNDRED FIFTY OF THIS CHAPTER, farm animal as defined in [subdivision twenty-four of] SUCH section [one hundred eight of this article] THREE HUNDRED FIFTY, or a domestic animal

as defined in subdivision seven of section one hundred eight of this article to a dog control officer or police officer of the appropriate municipality. Such officer shall immediately inform the complainant of his OR HER right to commence a proceeding as provided in subdivision two of this section and, if there is reason to believe the dog is a dangerous dog, the officer shall forthwith commence such proceeding himself OR HERSELF.

2. Any person who witnesses an attack or threatened attack, or in the case of a minor, an adult acting on behalf of such minor, may, and any dog control officer or police officer as provided in subdivision one of this section shall, make a complaint under oath or affirmation to any municipal judge or justice of such attack or threatened attack. Thereupon, the judge or justice shall immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to any dog control officer, peace officer, acting pursuant to his OR HER special duties, or police officer directing such officer to immediately seize such dog and hold the same pending judicial determination as provided in this section. Whether or not the judge or justice finds there is probable cause for such seizure, he OR SHE shall, within five days and upon written notice of not less than two days to the owner of the dog, hold a hearing on the complaint. The petitioner shall have the burden at such hearing to prove the dog is a "dangerous dog" by clear and convincing evidence. If satisfied that the dog is a dangerous dog, the judge or justice shall then order neutering or spaying of the dog, microchipping of the dog and one or more of the following as deemed appropriate under the circumstances and as deemed necessary for the protection of the public:

(a) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by such expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this section;

(b) secure, humane confinement of the dog for a period of time and in a manner deemed appropriate by the court but in all instances in a manner designed to: (1) prevent escape of the dog, (2) protect the public from unauthorized contact with the dog, and (3) to protect the dog from the elements pursuant to section three hundred fifty-three-b of this chapter. Such confinement shall not include lengthy periods of tying or chaining;

(c) restraint of the dog on a leash by an adult of at least twenty-one years of age whenever the dog is on public premises;

(d) muzzling the dog whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration; or

(e) maintenance of a liability insurance policy in an amount determined by the court, but in no event in excess of one hundred thousand dollars for personal injury or death resulting from an attack by such dangerous dog.

S 18. Section 121-a of the agriculture and markets law is renumbered section 123-a.

S 19. Section 121-b of the agriculture and markets law is renumbered section 123-b.

S 20. Section 124 of the agriculture and markets law is renumbered section 122 and subdivision 1 of such section, as amended by chapter 714 of the laws of 1980, is amended to read as follows:

1. Any municipality may enact a local law or ordinance upon the keeping or running at large of dogs and the seizure thereof, provided no municipality shall vary, modify, enlarge or restrict the provisions of this article relating to [identification, licensing,] rabies vaccination and euthanization.

S 21. Section 125 of the agriculture and markets law is REPEALED.

S 22. Section 126 of the agriculture and markets law, as added by chapter 220 of the laws of 1978, is renumbered section 124 and amended to read as follows:

S 124. [Duties and powers] POWERS of commissioner. [1. The commissioner shall:

(a) supervise the enforcement of this article;

(b) maintain a central registry of official identification numbers;

(c) prescribe the form of all notices, reports and other papers and documents required by this article and the rules and regulations promulgated pursuant thereto; and

(d) prescribe the manner in which all reports required by this article and the rules or regulations promulgated thereto are to be filed and maintained, and all licenses issued or validated; and

(e) furnish all forms and other supplies, including identification tags and preprinted license applications, necessary for the implementation and enforcement of this article and the rules and regulations promulgated pursuant thereto; and

(f) supply, for identification purposes, names and addresses of owners of record of identified dogs immediately upon request; and

(g) furnish such information and assistance to dog control officers as he deems necessary for enforcement purposes.

2.] The commissioner is hereby authorized to:

(a) promulgate, after public hearing, such rules and regulations as are necessary to supplement and give full effect to the provisions of SECTIONS ONE HUNDRED THIRTEEN, ONE HUNDRED FOURTEEN AND ONE HUNDRED SEVENTEEN OF this article; and

(b) exercise all other powers and functions as are necessary to carry out the duties and purposes set forth in SECTIONS ONE HUNDRED THIRTEEN, ONE HUNDRED FOURTEEN AND ONE HUNDRED SEVENTEEN OF this article.

S 23. Subdivision 5 of section 373 of the agriculture and markets law, as amended by chapter 674 of the laws of 1980, is amended to read as follows:

5. Nothing herein contained shall restrict the rights and powers derived from section one hundred [eighteen] SEVENTEEN of this chapter relating to seizure of unlicensed dogs and the disposition to be made of animals so seized or taken, nor those derived from any other general or special law relating to the seizure or other taking of dogs and other animals by a society for the prevention of cruelty to animals.

S 24. Subparagraph 2 of paragraph b of subdivision 6 of section 373 of the agriculture and markets law, as amended by chapter 256 of the laws of 1997, is amended to read as follows:

(2) If the court orders the posting of a security, the security shall be posted with the clerk of the court within five business days of the hearing provided for in subparagraph one of this paragraph. The court may order the immediate forfeiture of the seized animal to the impounding organization if the person ordered to post the security fails to do so. Any animal forfeited shall be made available for adoption or euthanized subject to subdivision seven-a of section [one hundred eighteen] ONE HUNDRED SEVENTEEN of this chapter or section three hundred seventy-four of this article.

S 25. Paragraph (d) of subdivision 2 of section 209-cc of the general municipal law, as amended by chapter 392 of the laws of 2004, is amended to read as follows:

(d) the term "dangerous dog" means a dog found dangerous pursuant to the provisions of section [one hundred twenty-one] ONE HUNDRED TWENTY-THREE of the agriculture and markets law.

S 26. This act shall take effect January 1, 2011.

PART U

Section 1. Section 5704 of the education law is amended to read as follows:

S 5704. Trustees shall make reports; university subject to visitation of regents; MEMORANDA WITH STATE AGENCIES. 1. The trustees of said university shall make all the reports and perform such other acts as may be necessary to conform to the act of congress, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred sixty-two. The said university shall be subject to visitation of the regents of the university.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, STATE AGENCIES MAY ENTER INTO MEMORANDA OF UNDERSTANDING WITH SAID UNIVERSITY AS THE LAND GRANT UNIVERSITY OF NEW YORK UNDER THE ACT OF CONGRESS OF JULY SECOND, EIGHTEEN HUNDRED SIXTY-TWO, FOR THE PURPOSES OF PROCURING SERVICES OR TECHNICAL ASSISTANCE FROM SAID UNIVERSITY OR PROVIDING FUNDS TO SAID UNIVERSITY, RELATED TO SAID UNIVERSITY'S LAND GRANT MISSION.

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, 2010.

PART V

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, 2010.

PART W

Section 1. Subdivisions 2, 3, 4, 5 and 6 of section 4 of chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, subdivisions 2 and 6 as amended by chapter 437 of the laws of 2002 and subdivisions 3, 4 and 5 as added by chapter 603 of the laws of 1981, are amended to read as follows:

2. The advisory board shall have power and it shall be the duty of the board to prepare and submit to the commission for approval regulations and standards for the physical examination of professional boxers AND PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS including, without limitation, pre-fight and/or post-fight examinations and periodic comprehensive examinations. The board shall continue to serve in an advisory capacity to the commission and from time to time prepare and submit to the commission for approval, such additional regulations and standards of examination as in their judgment will safeguard the physical welfare of professional boxers licensed by the commission. The advisory board

shall recommend to the commission from time to time such qualified physicians, for the purpose of conducting physical examinations of professional boxers AND PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS and other services as the rules of the commission shall provide; and shall recommend to the commission a schedule of fees to be paid to physicians for such examinations and other services as required by this act.

3. The advisory board shall develop appropriate medical education programs for all commission personnel involved in the conduct of boxing and sparring matches or exhibitions OR PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS so that such personnel can recognize and act upon evidence of potential or actual adverse medical indications in a participant prior to or during the course of a match OR EXHIBITION.

4. The advisory board shall review the credentials and performance of each commission physician on an annual basis as a condition of reappointment of each such physician, including each such physician's comprehension of the medical literature on boxing OR PROFESSIONAL MIXED MARTIAL ARTS referred to in subdivision five of this section.

5. The advisory board shall recommend to the commission a compilation of medical publications on the medical aspects of boxing OR PROFESSIONAL MIXED MARTIAL ARTS which shall be maintained by the commission and be made available for review to all commission personnel involved in the conduct of any boxing or sparring match or exhibition OR PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION.

6. The advisory board shall also advise the commission on any study of equipment, procedures or personnel which will, in their opinion, promote the safety of boxing participants AND PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS.

S 2. Section 5-a of chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, as added by chapter 14 of the laws of 1997, is amended to read as follows:

S 5-a. Combative sports. 1. A "combative sport" shall mean any professional match or exhibition other than boxing, sparring, wrestling or martial arts wherein the contestants deliver, or are not forbidden by the applicable rules thereof from delivering kicks, punches or blows of any kind to the body of an opponent or opponents. For the purposes of this section, the term "martial arts" shall include any professional match or exhibition OF (I) MIXED MARTIAL ARTS, AS DEFINED IN SECTION 5-B OF THIS CHAPTER OR (II) A SINGLE MARTIAL ARTS DISCIPLINE sanctioned by any of the following organizations: U.S. Judo Association, U.S. Judo, Inc., U.S. Judo Federation, U.S. Tae Kwon Do Union, North American Sport Karate Association, U.S.A. Karate Foundation, U.S. Karate, Inc., World Karate Association, Professional Karate Association, Karate International, International Kenpo Association, or World Wide Kenpo Association. The commission [is authorized to] SHALL promulgate regulations which would establish a process to allow for the inclusion or removal of martial arts organizations from the above list. Such process shall include but not be limited to consideration of the following factors: (a) is the organization's primary purpose to provide instruction in self defense techniques; (b) does the organization require the use of hand, feet and groin protection during any competition or bout; and (c) does the organization have an established set of rules that require the immediate termination of any competition or bout when any participant has received severe punishment or is in danger of suffering serious physical injury.

2. No combative sport shall be conducted, held or given within the state of New York, and no licenses may be approved by the commission for such matches or exhibitions.

3. (a) A person who knowingly advances or profits from a combative sport activity shall be guilty of a class A misdemeanor, and shall be guilty of a class E felony if he or she has been convicted in the previous five years of violating this subdivision.

(b) A person advances a combative sport activity when, acting other than as a spectator, he or she engages in conduct which materially aids any combative sport. Such conduct includes but is not limited to conduct directed toward the creation, establishment or performance of a combative sport, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to attend or participate therein, toward the actual conduct of the performance thereof, toward the arrangement of any of its financial or promotional phases, or toward any other phase of a combative sport. One advances a combative sport activity when, having substantial proprietary or other authoritative control over premises being used with his or her knowledge for purposes of a combative sport activity, he or she permits such to occur or continue or makes no effort to prevent its occurrence or continuation.

(c) A person profits from a combative sport activity when he or she accepts or receives money or other property with intent to participate in the proceeds of a combative sport activity, or pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of a combative sport activity.

(d) Any person who knowingly advances or profits from a combative sport activity shall also be subject to a civil penalty not to exceed for the first violation ten thousand dollars or twice the amount of gain derived therefrom whichever is greater, or for a subsequent violation twenty thousand dollars or twice the amount of gain derived therefrom whichever is greater. The attorney general is hereby empowered to commence judicial proceedings to recover such penalties and to obtain injunctive relief to enforce the provisions of this section.

S 2-a. Chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling is amended by adding a new section 5-b to read as follows:

S 5-B. MIXED MARTIAL ARTS. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "BOARD" MEANS MEDICAL ADVISORY BOARD AS ESTABLISHED IN SECTION 4 OF THIS CHAPTER.

(B) "COMMISSION" MEANS THE STATE ATHLETIC COMMISSION AS PROVIDED FOR IN SECTION 1 OF THIS CHAPTER OR AN AGENT OF THE COMMISSION ACTING ON ITS BEHALF.

(C) "MIXED MARTIAL ARTS" MEANS UNARMED COMBAT INVOLVING THE USE, SUBJECT TO ANY APPLICABLE LIMITATIONS SET FORTH IN THIS CHAPTER OR SET FORTH BY THE COMMISSION PURSUANT TO THIS CHAPTER, OF A COMBINATION OF TECHNIQUES FROM DIFFERENT DISCIPLINES OF THE MARTIAL ARTS, INCLUDING, WITHOUT LIMITATION, GRAPPLING, KICKING, AND STRIKING.

(D) "PROFESSIONAL MIXED MARTIAL ARTS" SHALL MEAN ANY MIXED MARTIAL ARTS COMPETITION, MATCH, OR EXHIBITION, INVOLVING A PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT SUBJECT TO REGULATION BY THE COMMISSION PURSUANT TO THIS CHAPTER.

(E) "PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT" OR "PARTICIPANT" SHALL MEAN ANY INDIVIDUAL WHO PARTICIPATES FOR A MONEY PRIZE OR OTHER CONSIDERATION IN ANY PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION SUBJECT TO THE RULES, REGULATIONS AND REQUIREMENTS OF THE COMMISSION AND

THIS CHAPTER, OR WHO TEACHES OR PURSUES OR ASSISTS IN THE PRACTICE OF MIXED MARTIAL ARTS AS A MEANS OF OBTAINING A LIVELIHOOD OR PECUNIARY GAIN.

2. PROFESSIONAL MIXED MARTIAL ARTS MATCHES AND EXHIBITIONS AUTHORIZED. NO PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION SHALL BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION AND THE RULES AND REGULATIONS PROMULGATED BY THE COMMISSION PURSUANT THERETO. THE COMMISSION SHALL DIRECT A REPRESENTATIVE TO BE PRESENT AT EACH MATCH OR EXHIBITION HELD PURSUANT TO THE PROVISIONS OF THIS SECTION. SUCH REPRESENTATIVE SHALL ASCERTAIN THE EXACT CONDITIONS SURROUNDING SUCH MATCH OR EXHIBITION AND MAKE A WRITTEN REPORT OF THE SAME IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSION. SUCH MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS MAY BE HELD IN ANY BUILDING FOR WHICH THE COMMISSION IN ITS DISCRETION MAY ISSUE A LICENSE. WHERE SUCH MATCH OR EXHIBITION IS AUTHORIZED TO BE HELD IN A STATE OR CITY OWNED ARMORY, THE PROVISION OF THE MILITARY LAW IN RESPECT THERETO MUST BE COMPLIED WITH, BUT NO SUCH MATCH OR EXHIBITION SHALL BE HELD IN A BUILDING WHOLLY USED FOR RELIGIOUS SERVICES.

3. JURISDICTION OF COMMISSION. (A) THE COMMISSION SHALL HAVE AND HEREBY IS VESTED WITH THE SOLE DIRECTION, MANAGEMENT, CONTROL AND JURISDICTION OVER ALL PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS TO BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE OF NEW YORK AND OVER ALL LICENSES TO ANY AND ALL PERSONS WHO PARTICIPATE IN SUCH MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS AND OVER ANY AND ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAINTAIN TRAINING FACILITIES PROVIDING CONTACT SPARRING FOR PERSONS WHO PREPARE FOR PARTICIPATION IN SUCH PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

(B) THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS TO ALLOW FOR MIXED MARTIAL ARTS COMPETITIONS TO BE CONDUCTED, HELD, OR GIVEN WITHIN THE STATE OF NEW YORK AND SHALL ALLOW FOR LICENSES TO BE APPROVED BY THE COMMISSION FOR SUCH MATCHES OR EXHIBITIONS. THE COMMISSION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBDIVISION. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ADOPTION OF UNIFIED RULES OF MIXED MARTIAL ARTS, A LICENSING PROCESS FOR MATCHES AND EXHIBITIONS, A FEE SCHEDULE FOR SUCH LICENSES, PROCEDURES TO ALLOW FOR THE PARTICIPATION, PROMOTION, AND ADVANCEMENT OF SUCH EVENTS, THE HEALTH AND SAFETY OF PARTICIPANTS, AND THE BEST INTERESTS OF MIXED MARTIAL ARTS AND THE ADOPTION OF RULES AND REGULATIONS FOR LICENSING AND REGULATION OF ANY AND ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAINTAIN TRAINING FACILITIES PROVIDING CONTACT SPARRING FOR PERSONS WHO PREPARE FOR PARTICIPATION IN MIXED MARTIAL ARTS OR EXHIBITIONS, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

(C) THE COMMISSION IS AUTHORIZED AND DIRECTED TO REQUIRE THAT ALL SITES WHEREIN PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS ARE CONDUCTED SHALL COMPLY WITH STATE AND APPLICABLE LOCAL SANITARY CODES APPROPRIATE TO SCHOOL ATHLETIC FACILITIES.

4. PERSONS AND ENTITIES REQUIRED TO PROCURE LICENSES. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION SIX OF THIS SECTION, ALL CORPORATIONS, PERSONS, LIMITED LIABILITY COMPANIES, REFEREES, JUDGES, CORPORATION TREASURERS, PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS, THEIR MANAGERS, PROMOTERS, TRAINERS AND CHIEF SECONDS SHALL BE LICENSED BY THE COMMISSION, AND NO SUCH PERSON OR ENTITY SHALL BE PERMITTED TO PARTICIPATE, EITHER DIRECTLY OR INDIRECTLY, IN ANY PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION, OR THE HOLDING THEREOF, UNLESS SUCH PERSON OR ENTITY SHALL HAVE FIRST PROCURED A LICENSE FROM THE COMMISSION. THE

COMMISSION SHALL ESTABLISH BY RULE AND REGULATION LICENSING STANDARDS FOR REFEREES, JUDGES, MANAGERS, PROMOTERS, TRAINERS AND CHIEF SECONDS.

5. LICENSES TO PERSONS OR ENTITIES. (A) THE COMMISSION MAY, IN ITS DISCRETION, ISSUE A LICENSE TO CONDUCT OR HOLD PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS, SUBJECT TO THE PROVISIONS OF THIS SECTION, TO ANY PERSON, CORPORATION OR LIMITED LIABILITY COMPANY DULY INCORPORATED OR FORMED, HEREINAFTER REFERRED TO AS "ENTITY".

(B) A PROSPECTIVE LICENSEE MUST SUBMIT TO THE COMMISSION PROOF THAT IT CAN FURNISH SUITABLE PREMISES IN WHICH SUCH MATCH OR EXHIBITION IS TO BE HELD.

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

(D) ALL FINES AND PENALTIES IMPOSED AND COLLECTED BY THE COMMISSION FROM ANY ENTITY LICENSED UNDER THE PROVISIONS OF THIS SECTION, WHICH FINES AND PENALTIES ARE IMPOSED AND COLLECTED UNDER THE AUTHORITY HEREBY VESTED SHALL WITHIN THIRTY DAYS AFTER THE RECEIPT THEREOF BY THE COMMISSION BE PAID BY THEM INTO THE STATE TREASURY. THIS PARAGRAPH SHALL NOT APPLY TO ANY MONEYS COLLECTED BY THE COMMISSION OR BY ITS EMPLOYEES OR OFFICERS ACTING AS AGENTS OF THE COMMISSIONER OF TAXATION AND FINANCE UNDER ARTICLE 19 OF THE TAX LAW.

6. TEMPORARY WORKING PERMITS FOR PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS, MANAGERS, TRAINERS, CHIEF SECONDS AND ASSISTANT SECONDS. THE COMMISSION MAY ISSUE TEMPORARY WORKING PERMITS TO PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS, THEIR MANAGERS, TRAINERS, CHIEF SECONDS AND ASSISTANT SECONDS. A TEMPORARY WORKING PERMIT SHALL AUTHORIZE THE EMPLOYMENT OF THE HOLDER OF SUCH PERMIT TO ENGAGE IN A SINGLE MATCH OR EXHIBITION AT A SPECIFIED TIME AND PLACE. A TEMPORARY WORKING PERMIT MAY BE ISSUED IF IN THE JUDGMENT OF THE COMMISSION THE PARTICIPATION OF THE HOLDER THEREOF IN A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION WILL BE CONSISTENT WITH THE PURPOSES AND PROVISIONS OF THIS SECTION, THE BEST INTERESTS OF THE SPORT GENERALLY, AND THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY. THE COMMISSION MAY REQUIRE THAT PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS APPLYING FOR TEMPORARY WORKING PERMITS UNDERGO A PHYSICAL EXAMINATION, NEUROLOGICAL OR NEUROPSYCHOLOGICAL TEST OR PROCEDURE, INCLUDING COMPUTED TOMOGRAPHY OR MEDICALLY EQUIVALENT PROCEDURE. THE FEE FOR SUCH TEMPORARY WORKING PERMIT SHALL BE TWENTY DOLLARS.

7. LICENSE FEES; TERM OF LICENSES; RENEWALS. EACH APPLICANT FOR A LICENSE SHALL, BEFORE A LICENSE IS ISSUED BY THE COMMISSION, PAY TO THE COMMISSION, AN ANNUAL LICENSE FEE AS FOLLOWS: (A) FOR PROMOTERS: WHERE THE SEATING CAPACITY IS NOT MORE THAN TWO THOUSAND FIVE HUNDRED, FIVE HUNDRED DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN TWO THOUSAND FIVE HUNDRED BUT NOT MORE THAN FIVE THOUSAND, ONE THOUSAND DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN FIVE THOUSAND BUT NOT MORE THAN FIFTEEN THOUSAND, ONE THOUSAND FIVE HUNDRED DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN FIFTEEN THOUSAND BUT NOT MORE THAN TWENTY-FIVE THOUSAND, TWO THOUSAND FIVE HUNDRED DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN TWENTY-FIVE THOUSAND, THREE THOUSAND FIVE HUNDRED DOLLARS; (B) FOR ALL OTHER LICENSES: REFEREE, ONE HUNDRED DOLLARS; JUDGES, ONE HUNDRED DOLLARS; PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS, FIFTY DOLLARS; MANAGERS, FIFTY DOLLARS; TRAINERS, FIFTY DOLLARS; AND CHIEF SECONDS, FORTY DOLLARS. EACH LICENSE OR RENEWAL THEREOF ISSUED PURSUANT

TO THIS SUBDIVISION ON OR AFTER OCTOBER FIRST SHALL BE EFFECTIVE FOR A LICENSE YEAR EXPIRING ON THE THIRTIETH DAY OF SEPTEMBER FOLLOWING THE DATE OF ITS ISSUANCE. THE ANNUAL LICENSE FEE PRESCRIBED BY THIS SUBDIVISION SHALL BE THE LICENSE FEE DUE AND PAYABLE THEREFOR AND SHALL BE PAID IN ADVANCE AT THE TIME APPLICATION IS MADE THEREFOR, AND EACH SUCH LICENSE MAY BE RENEWED FOR PERIODS OF ONE YEAR UPON THE PAYMENT OF THE ANNUAL LICENSE FEE PRESCRIBED BY THIS SUBDIVISION. WITHIN THREE YEARS FROM THE DATE OF PAYMENT AND UPON THE AUDIT OF THE COMPTROLLER, THE COMMISSION MAY REFUND ANY FEE, OR UNFORFEITED POSTED GUARANTEE PAID PURSUANT TO THIS SECTION, FOR WHICH NO LICENSE IS ISSUED OR NO SERVICE RENDERED OR REFUND THAT PORTION OF THE PAYMENT THAT IS IN EXCESS OF THE AMOUNT PRESCRIBED BY STATUTE.

8. APPLICATION FOR LICENSE; FINGERPRINTS. (A) EVERY APPLICATION FOR A LICENSE SHALL BE IN WRITING, SHALL BE ADDRESSED TO THE COMMISSION, SHALL BE SUBSCRIBED BY THE APPLICANT, AND AFFIRMED BY HIM AS TRUE UNDER THE PENALTIES OF PERJURY, AND SHALL SET FORTH SUCH FACTS AS THE PROVISIONS HEREOF AND THE RULES AND REGULATIONS OF THE COMMISSION MAY REQUIRE.

(B) WHEN AN APPLICATION IS MADE FOR A LICENSE UNDER THIS SECTION, THE COMMISSION SHALL CAUSE THE FINGERPRINTS OF SUCH APPLICANT, OR IF SUCH APPLICANT BE A CORPORATION, OF THE OFFICERS OF SUCH CORPORATION, OR IF SUCH APPLICANT BE A LIMITED LIABILITY COMPANY, THE MANAGERS OF SUCH LIMITED LIABILITY COMPANY TO BE TAKEN BY ELECTRONIC MEANS. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COST OF HAVING HIS OR HER FINGERPRINTS TAKEN. SUCH FINGERPRINTS SHALL BE TRANSMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE DIVISION OF CRIMINAL JUSTICE SERVICES AND MAY BE SUBMITTED TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK. NO SUCH FINGERPRINT MAY BE INSPECTED BY ANY PERSON, OTHER THAN A PEACE OFFICER, EXCEPT ON ORDER OF A JUDGE OR JUSTICE OF A COURT OF RECORD. THE DIVISION IS HEREBY AUTHORIZED TO TRANSMIT CRIMINAL HISTORY INFORMATION TO THE COMMISSION FOR THE PURPOSES OF THIS PARAGRAPH. THE INFORMATION OBTAINED BY ANY SUCH FINGERPRINT EXAMINATION SHALL BE FOR THE GUIDANCE OF THE COMMISSION IN THE EXERCISE OF ITS DISCRETION IN GRANTING OR WITHHOLDING THE LICENSE. THE COMMISSION SHALL PROVIDE SUCH APPLICANT WITH A COPY OF HIS OR HER CRIMINAL HISTORY RECORD, IF ANY, TOGETHER WITH A COPY OF ARTICLE 23-A OF THE CORRECTION LAW, AND INFORM SUCH APPLICANT OF HIS OR HER RIGHT TO SEEK CORRECTION OF ANY INCORRECT INFORMATION CONTAINED IN SUCH RECORD PURSUANT TO REGULATIONS AND PROCEDURES ESTABLISHED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES. ALL DETERMINATIONS TO ISSUE, RENEW, SUSPEND OR REVOKE A LICENSE SHALL BE MADE IN ACCORDANCE WITH SUBDIVISION 16 OF SECTION 296 OF THE EXECUTIVE LAW AND ARTICLE 23-A OF THE CORRECTION LAW.

9. STANDARDS FOR THE ISSUANCE OF LICENSES. (A) IF IN THE JUDGMENT OF THE COMMISSION THE FINANCIAL RESPONSIBILITY, EXPERIENCE, CHARACTER AND GENERAL FITNESS OF AN APPLICANT, INCLUDING IN THE CASE OF CORPORATIONS ITS OFFICERS AND STOCKHOLDERS, ARE SUCH THAT THE PARTICIPATION OF SUCH APPLICANT WILL BE CONSISTENT WITH THE BEST INTERESTS OF PROFESSIONAL MIXED MARTIAL ARTS, THE PURPOSES OF THIS SECTION INCLUDING THE SAFETY OF PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS, AND IN THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY, THE COMMISSION SHALL GRANT A LICENSE IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN THIS SUBDIVISION.

(B) ANY PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT APPLYING FOR A LICENSE OR RENEWAL OF A LICENSE UNDER THIS SUBDIVISION SHALL UNDERGO A COMPREHENSIVE PHYSICAL EXAMINATION INCLUDING CLINICAL NEUROLOGICAL AND NEUROPSYCHOLOGICAL EXAMINATIONS BY A PHYSICIAN APPROVED BY THE COMMISSION. IF, AT THE TIME OF SUCH EXAMINATION, THERE IS ANY INDICATION OF

BRAIN INJURY, OR FOR ANY OTHER REASON THE PHYSICIAN DEEMS IT APPROPRIATE, THE PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT SHALL BE REQUIRED TO UNDERGO FURTHER NEUROLOGICAL AND NEUROPSYCHOLOGICAL EXAMINATIONS BY A NEUROLOGIST INCLUDING, BUT NOT LIMITED TO, A COMPUTED TOMOGRAPHY OR MEDICALLY EQUIVALENT PROCEDURE. THE COMMISSION SHALL NOT ISSUE A LICENSE TO A PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT UNTIL SUCH EXAMINATIONS ARE COMPLETED AND REVIEWED BY THE COMMISSION. THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART OF THE PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT'S PERMANENT MEDICAL RECORD AS MAINTAINED BY THE COMMISSION. THE COST OF ALL SUCH EXAMINATIONS CALLED FOR IN THIS SUBDIVISION SHALL BE PAID BY THE APPLICANT AND SUCH EXAMINATIONS SHALL BE PERFORMED BY A PHYSICIAN OR NEUROLOGIST APPROVED BY THE COMMISSION, UNLESS OTHERWISE AUTHORIZED BY THE COMMISSION.

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

10. FINANCIAL INTEREST IN PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS PROHIBITED. NO PERSON OR ENTITY SHALL HAVE, EITHER DIRECTLY OR INDIRECTLY, ANY FINANCIAL INTEREST IN A PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT COMPETING ON PREMISES OWNED OR LEASED BY THE PERSON OR ENTITY, OR IN WHICH SUCH PERSON OR ENTITY IS OTHERWISE INTERESTED EXCEPT PURSUANT TO THE SPECIFIC WRITTEN AUTHORIZATION OF THE COMMISSION.

11. PAYMENTS NOT TO BE MADE BEFORE CONTESTS. NO PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT SHALL BE PAID FOR SERVICES BEFORE THE CONTEST, AND SHOULD IT BE DETERMINED BY THE COMMISSION THAT SUCH PARTICIPANT DID NOT GIVE AN HONEST EXHIBITION OF HIS SKILL, SUCH SERVICE SHALL NOT BE PAID FOR.

12. SHAM OR COLLUSIVE EVENTS. (A) ANY PERSON, INCLUDING ANY CORPORATION AND THE OFFICERS THEREOF, ANY PHYSICIAN, LIMITED LIABILITY COMPANY, REFEREE, JUDGE, PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT, MANAGER, TRAINER OR CHIEF SECOND, WHO SHALL PROMOTE, CONDUCT, GIVE OR PARTICIPATE IN ANY SHAM OR COLLUSIVE PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION, SHALL BE DEPRIVED OF HIS, HER, OR ITS LICENSE BY THE COMMISSION.

(B) NO LICENSED ENTITY SHALL KNOWINGLY ENGAGE IN A COURSE OF CONDUCT IN WHICH PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS ARE ARRANGED WHERE ONE PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT HAS SKILLS OR EXPERIENCE SIGNIFICANTLY IN EXCESS OF HIS OR HER OPPONENT SO THAT A MISMATCH RESULTS WITH THE POTENTIAL OF PHYSICAL HARM TO EITHER PARTICIPANT. IF SUCH ACTION OCCURS, THE COMMISSION MAY INTERVENE AND PROHIBIT SUCH MATCH OR EXHIBITION AND MAY EXERCISE ITS POWERS TO DISCIPLINE UNDER SUBDIVISIONS 13 AND 14 OF THIS SECTION, PROVIDED THAT NOTHING IN THIS SUBDIVISION SHALL AUTHORIZE THE COMMISSION TO INTERVENE OR PROHIBIT A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION SOLELY ON THE BASIS OF THE DIFFERENCE BETWEEN RESPECTIVE PARTICIPANT'S MARTIAL ARTS DISCIPLINES.

13. IMPOSITION OF PENALTIES FOR VIOLATIONS. ANY ENTITY, LICENSED UNDER THE PROVISIONS OF THIS SECTION, THAT SHALL KNOWINGLY VIOLATE ANY RULE, REGULATION, OR ORDER OF THE COMMISSION OR ANY PROVISION OF THIS SECTION, IN ADDITION TO ANY OTHER PENALTY BY LAW PRESCRIBED, SHALL BE LIABLE FOR A CIVIL PENALTY NOT EXCEEDING TEN THOUSAND DOLLARS FOR THE FIRST OFFENSE AND NOT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS FOR THE SECOND AND EACH SUBSEQUENT OFFENSE, TO BE IMPOSED BY THE COMMISSION, TO BE SUED FOR BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK IF DIRECTED BY THE COMMISSION. THE AMOUNT OF THE PENALTY COLLECTED BY THE COMMISSION OR RECOVERED IN ANY SUCH ACTION, OR PAID TO THE COMMISSION UPON A COMPROMISE AS HEREINAFTER PROVIDED, SHALL BE TRANSMITTED BY THE DEPARTMENT OF STATE INTO THE STATE TREASURY AND CREDITED TO THE GENERAL FUND. THE COMMISSION, FOR CAUSE SHOWN, MAY EXTEND THE TIME FOR THE PAYMENT OF SUCH PENALTY AND, BY COMPROMISE, MAY ACCEPT LESS THAN THE AMOUNT OF SUCH PENALTY AS IMPOSED IN SETTLEMENT THEREOF.

14. REVOCATION OR SUSPENSION OF LICENSES. (A) ANY LICENSE ISSUED UNDER THE PROVISIONS OF THIS SECTION MAY BE REVOKED OR SUSPENDED BY THE COMMISSION FOR THE REASON THEREIN STATED, THAT THE LICENSEE HAS, IN THE JUDGMENT OF THE COMMISSION, BEEN GUILTY OF AN ACT DETRIMENTAL TO THE INTERESTS OF PROFESSIONAL MIXED MARTIAL ARTS GENERALLY OR TO THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY.

(B) WITHOUT OTHERWISE LIMITING THE DISCRETION OF THE COMMISSION AS PROVIDED IN THIS SECTION, THE COMMISSION MAY SUSPEND OR REVOKE A LICENSE OR REFUSE TO RENEW OR ISSUE A LICENSE, IF IT SHALL FIND THAT THE APPLICANT OR LICENSEE: (1) HAS BEEN CONVICTED OF A CRIME IN ANY JURISDICTION; (2) IS ASSOCIATING OR CONSORTING WITH ANY PERSON WHO HAS OR PERSONS WHO HAVE BEEN CONVICTED OF A CRIME OR CRIMES IN ANY JURISDICTION OR JURISDICTIONS; (3) HAS BEEN GUILTY OF OR ATTEMPTED ANY FRAUD OR MISREPRESENTATION IN CONNECTION WITH COMBATIVE SPORTS; (4) HAS VIOLATED OR ATTEMPTED TO VIOLATE ANY LAW WITH RESPECT TO PROFESSIONAL MIXED MARTIAL ARTS IN ANY JURISDICTION OR ANY RULE, REGULATION OR ORDER OF THE COMMISSION, OR SHALL HAVE VIOLATED ANY RULE OF PROFESSIONAL MIXED MARTIAL ARTS WHICH SHALL HAVE BEEN APPROVED OR ADOPTED BY THE COMMISSION, OR HAS BEEN GUILTY OF OR ENGAGED IN SIMILAR, RELATED OR LIKE PRACTICES; OR (5) HAS NOT ACTED IN THE BEST INTEREST OF MIXED MARTIAL ARTS. ALL DETERMINATIONS TO ISSUE, RENEW, SUSPEND OR REVOKE A LICENSE SHALL BE MADE IN ACCORDANCE WITH SUBDIVISION 16 OF SECTION 296 OF THE EXECUTIVE LAW AND ARTICLE 23-A OF THE CORRECTION LAW AS APPLICABLE.

(C) NO PARTICIPANT MAY, UNDER ANY CIRCUMSTANCES, COMPETE OR APPEAR IN A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION WITHIN NINETY DAYS OF HAVING SUFFERED A KNOCKOUT OR TECHNICAL KNOCKOUT IN ANY SUCH MATCH OR EXHIBITION WITHOUT CLEARANCE BY THE COMMISSION, OR WITHIN NINETY DAYS OF BEING RENDERED UNCONSCIOUS IN ANY SUCH MATCH OR EXHIBITION WHERE THERE IS EVIDENCE OF HEAD TRAUMA AS DETERMINED BY THE ATTENDING COMMISSION PHYSICIAN AND SHALL UNDERGO SUCH EXAMINATIONS AS REQUIRED UNDER PARAGRAPH (B) OF SUBDIVISION 20 OF THIS SECTION. THE PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT SHALL BE CONSIDERED SUSPENDED FROM PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS BY THE COMMISSION AND SHALL FORFEIT HIS LICENSE TO THE COMMISSION DURING SUCH PERIOD AND SUCH LICENSE SHALL NOT BE RETURNED TO THE PARTICIPANT UNTIL THE PARTICIPANT HAS MET ALL REQUIREMENTS, MEDICAL AND OTHERWISE, FOR REINSTATEMENT OF SUCH LICENSE. ALL SUCH SUSPENSIONS SHALL BE RECORDED IN THE PARTICIPANT'S LICENSE BY A COMMISSION OFFICIAL.

(D) THE COMMISSION MAY AT ANY TIME SUSPEND, REVOKE OR DENY A PARTICIPANT'S LICENSE OR TEMPORARY WORKING PERMIT FOR MEDICAL REASONS.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF ANY OTHER STATE SHALL REVOKE A LICENSEE'S LICENSE TO COMPETE OR APPEAR IN A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION IN THAT STATE BASED ON A KNOWING AND INTENTIONAL ENGAGEMENT IN ANY PROHIBITED PRACTICES OF SUCH STATE, THE COMMISSION MAY ACT TO REVOKE ANY LICENSE TO COMPETE OR APPEAR IN A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION ISSUED TO SUCH LICENSEE PURSUANT TO THE PROVISIONS OF THIS SECTION.

(F) THE COMMISSION MAY SUSPEND ANY LICENSE IT HAS ISSUED BY A DATED NOTICE TO THAT EFFECT TO THE SUSPENDED LICENSEE, MAILED OR DELIVERED TO THE LICENSEE, AND SPECIFYING THE EFFECTIVE DATE AND TERM OF THE SUSPENSION, PROVIDED HOWEVER THAT THE COMMISSION REPRESENTATIVE IN CHARGE OF A CONTEST OR EXHIBITION MAY THEN AND THERE TEMPORARILY SUSPEND ANY LICENSE ISSUED BY THE COMMISSION WITHOUT SUCH NOTICE. IN THE EVENT OF A TEMPORARY SUSPENSION, THE COMMISSION SHALL MAIL OR DELIVER THE NOTICE TO THE SUSPENDED LICENSEE WITHIN THREE BUSINESS DAYS AFTER THE TEMPORARY SUSPENSION. IN EITHER CASE SUCH SUSPENSION MAY BE WITHOUT ANY ADVANCE HEARING. UPON THE RECEIPT OF SUCH NOTICE OF SUSPENSION, THE SUSPENDED LICENSEE MAY APPLY TO THE COMMISSION FOR A HEARING ON THE MATTER TO DETERMINE WHETHER SUCH SUSPENSION SHOULD BE RESCINDED. SUCH APPLICATION FOR A HEARING MUST BE IN WRITING AND MUST BE RECEIVED BY THE COMMISSION WITHIN THIRTY DAYS AFTER THE DATE OF NOTICE OF SUSPENSION. THE COMMISSION SHALL HAVE THE AUTHORITY TO REVOKE ANY LICENSE ISSUED BY IT. BEFORE ANY LICENSE IS SO REVOKED, THE LICENSEE WILL BE OFFERED THE OPPORTUNITY AT A HEARING HELD BY OR ON BEHALF OF THE COMMISSION TO SHOW CAUSE WHY THE LICENSE SHOULD NOT BE REVOKED. THE COMMISSION SHALL OFFER THE OPPORTUNITY FOR A HEARING TO AN AFFECTED PERSON BEFORE TAKING ANY FINAL ACTION NEGATIVELY AFFECTING SUCH PERSON'S INDIVIDUAL PRIVILEGES OR PROPERTY GRANTED BY A LICENSE DULY ISSUED BY THE COMMISSION OR A CONTRACT APPROVED BY AND FILED WITH THE COMMISSION. IN ALL SUCH HEARINGS, LICENSEES AND OTHER WITNESSES SHALL TESTIFY UNDER OATH OR AFFIRMATION, WHICH MAY BE ADMINISTERED BY ANY COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSION ACTUALLY PRESENT. THE COMMISSION SHALL BE THE SOLE JUDGE OF THE RELEVANCY AND COMPETENCY OF TESTIMONY AND OTHER EVIDENCE, THE CREDIBILITY OF WITNESSES, AND THE SUFFICIENCY OF EVIDENCE. HEARINGS MAY BE CONDUCTED BY REPRESENTATIVES OF THE COMMISSION IN THE DISCRETION OF THE COMMISSION. IN SUCH CASES, THE COMMISSION REPRESENTATIVES CONDUCTING THE HEARING SHALL SUBMIT FINDINGS OF FACT AND RECOMMENDATIONS TO THE COMMISSION, WHICH SHALL NOT BE BINDING ON THE COMMISSION.

15. ADVERTISING MATTER TO STATE ADMISSION PRICE. IT SHALL BE THE DUTY OF EVERY ENTITY PROMOTING OR CONDUCTING A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION SUBJECT TO THE PROVISIONS OF THIS SECTION TO CAUSE TO BE INSERTED IN EACH SHOW CARD, BILL, POSTER, NEWSPAPER ADVERTISEMENT OF ANY PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION GIVEN BY IT, THE PRICE OF ADMISSION THERETO. VIOLATION OF THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE ENTITY TO A FINE OF ONE HUNDRED DOLLARS.

16. TICKETS TO INDICATE PURCHASE PRICE. ALL TICKETS OF ADMISSION TO ANY PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION SHALL BE CONTROLLED BY THE PROVISIONS OF ARTICLE 25 OF THE ARTS AND CULTURAL AFFAIRS LAW. IT SHALL BE UNLAWFUL FOR ANY ENTITY TO ADMIT TO SUCH MATCH OR EXHIBITION A NUMBER OF PEOPLE GREATER THAN THE SEATING CAPACITY OF THE PLACE WHERE SUCH MATCH OR EXHIBITION IS HELD. VIOLATION OF THIS SUBDIVISION SHALL BE A MISDEMEANOR AND SHALL BE PUNISHABLE AS SUCH AND IN ADDITION SHALL INCUR FORFEITURE OF LICENSE.

17. EQUIPMENT OF BUILDINGS FOR MATCHES OR EXHIBITIONS. ALL BUILDINGS OR STRUCTURES USED OR INTENDED TO BE USED FOR HOLDING OR GIVING SUCH

PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS SHALL BE PROPERLY VENTILATED AND PROVIDED WITH FIRE EXITS AND FIRE ESCAPES, AND IN ALL MANNER CONFORM TO THE LAWS, ORDINANCES AND REGULATIONS PERTAINING TO BUILDINGS IN THE COUNTY, CITY, TOWN OR VILLAGE WHERE SITUATED.

18. AGE OF PARTICIPANTS AND SPECTATORS. NO PERSON UNDER THE AGE OF EIGHTEEN YEARS SHALL PARTICIPATE IN ANY PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION, AND NO PERSON UNDER SIXTEEN YEARS OF AGE SHALL BE PERMITTED TO ATTEND AS A SPECTATOR; PROVIDED, HOWEVER, THAT A PERSON UNDER THE AGE OF SIXTEEN SHALL BE PERMITTED TO ATTEND AS A SPECTATOR IF ACCOMPANIED BY A PARENT OR GUARDIAN.

19. REGULATION OF CONDUCT OF MATCHES OR EXHIBITIONS. (A) EXCEPT FOR CHAMPIONSHIP MATCHES, WHICH SHALL NOT BE MORE THAN FIVE ROUNDS, NO PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION SHALL BE MORE THAN THREE ROUNDS IN LENGTH. NO PARTICIPANT SHALL BE ALLOWED TO PARTICIPATE IN MORE THAN THREE MATCHES OR EXHIBITIONS OR COMPETE FOR MORE THAN SIXTY MINUTES WITHIN SEVENTY-TWO CONSECUTIVE HOURS. NO PARTICIPANT SHALL BE ALLOWED TO COMPETE IN ANY SUCH MATCH OR EXHIBITION WITHOUT WEARING A MOUTHGUARD AND A PROTECTIVE GROIN CUP. AT EACH PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION, THERE SHALL BE IN ATTENDANCE A DULY LICENSED REFEREE WHO SHALL DIRECT AND CONTROL THE SAME. BEFORE STARTING SUCH CONTEST THE REFEREE SHALL ASCERTAIN FROM EACH PARTICIPANT THE NAME OF HIS OR HER MANAGER OR CHIEF SECOND, AND SHALL HOLD SUCH MANAGER OR CHIEF SECOND RESPONSIBLE FOR THE CONDUCT OF HIS OR HER ASSISTANT SECONDS DURING THE PROGRESS OF THE MATCH OR EXHIBITION. THE COMMISSION SHALL HAVE THE POWER IN ITS DISCRETION TO DECLARE FORFEITED ANY PRIZE, REMUNERATION OR PURSE, OR ANY PART THEREOF, BELONGING TO THE PARTICIPANTS OR ONE OF THEM, OR THE SHARE THEREOF OF ANY MANAGER OR CHIEF SECOND IF IN ITS JUDGMENT, SUCH PARTICIPANT OR PARTICIPANTS ARE NOT HONESTLY COMPETING OR THE PARTICIPANT OR MANAGER OR CHIEF SECOND OF A PARTICIPANT, AS THE CASE MAY BE, HAS COMMITTED AN ACT IN THE PREMISES IN VIOLATION OF ANY RULE, REGULATION, OR ORDER OF THE COMMISSION OR PROVISION OF THIS SECTION. THE AMOUNT SO FORFEITED SHALL BE PAID WITHIN FORTY-EIGHT HOURS TO THE COMMISSION. THERE SHALL ALSO BE IN ATTENDANCE, THREE DULY LICENSED JUDGES WHO SHALL AT THE TERMINATION OF EACH SUCH PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION RENDER THEIR DECISION. THE WINNER OF SUCH MATCH OR EXHIBITION SHALL BE DETERMINED IN ACCORDANCE WITH A SCORING SYSTEM PRESCRIBED BY THE COMMISSION. PROVIDED, HOWEVER, THAT A PARTICIPANT MAY TERMINATE THE CONTEST BY SIGNALLING TO THE REFEREE THAT SUCH PARTICIPANT SUBMITS TO THE OPPONENT.

(B) THE COMMISSION MAY BY RULE, REGULATION OR ORDER, REQUIRE THE PRESENCE OF ANY MEDICAL EQUIPMENT AND PERSONNEL AT EACH PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION AS IS NECESSARY OR BENEFICIAL FOR THE SAFETY AND PROTECTION OF THE PARTICIPANTS; AND MAY ALSO REQUIRE THE PRESENCE OF AN AMBULANCE OR OTHER APPARATUS AT THE SITE OF ANY SUCH MATCH OR EXHIBITION OR THE PROMULGATION OF AN EMERGENCY MEDICAL PLAN IN LIEU THEREOF.

(C) THE COMMISSION SHALL PRESCRIBE BY RULE OR REGULATION THE RESPONSIBILITIES OF MANAGERS, TRAINERS AND CHIEF SECONDS PRIOR TO, DURING AND AFTER A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION IN ORDER TO PROMOTE THE SAFETY OF THE PARTICIPANTS AT ALL TIMES.

(D) THE COMMISSION SHALL REQUIRE BY RULE OR REGULATION THAT ANY PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT LICENSED UNDER THIS SECTION PRESENT TO A DESIGNATED COMMISSION OFFICIAL, BEFORE EACH MATCH OR EXHIBITION IN WHICH HE OR SHE FIGHTS IN THIS STATE, A LICENSE WHICH SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING INFORMATION: (1) THE PARTICIPANT'S NAME, PHOTOGRAPH, SOCIAL SECURITY NUMBER, DATE OF BIRTH, AND

OTHER IDENTIFYING INFORMATION; (2) THE PARTICIPANT'S PRIOR MATCH OR EXHIBITION HISTORY INCLUDING THE DATES, LOCATION, AND DECISION OF SUCH MATCHES OR EXHIBITIONS; AND (3) THE PARTICIPANT'S MEDICAL HISTORY, RELATING TO ANY PHYSICAL CONDITION, MEDICAL TEST OR PROCEDURE WHICH RELATES TO HIS OR HER ABILITY TO FIGHT, AND A RECORD OF ALL MEDICAL SUSPENSIONS.

20. EXAMINATION BY PHYSICIAN; COST. (A) ALL PARTICIPANTS MUST BE EXAMINED BY A PHYSICIAN DESIGNATED BY THE COMMISSION BEFORE ENTERING THE RING AND EACH SUCH PHYSICIAN SHALL IMMEDIATELY FILE WITH THE COMMISSION A WRITTEN REPORT OF SUCH EXAMINATION. THE COST OF ANY SUCH EXAMINATION, AS PRESCRIBED BY A SCHEDULE OF FEES ESTABLISHED BY THE COMMISSION, SHALL BE PAID BY THE PERSON OR ENTITY CONDUCTING THE MATCH OR EXHIBITION TO THE COMMISSION, WHICH SHALL THEN PAY THE FEE COVERING SUCH COST TO THE EXAMINING PHYSICIAN, IN ACCORDANCE WITH THE RULES OF THE COMMISSION.

(B) ANY PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT LICENSED OR PERMITTED UNDER THIS SECTION RENDERED UNCONSCIOUS OR SUFFERING HEAD TRAUMA AS DETERMINED BY THE ATTENDING PHYSICIAN SHALL BE IMMEDIATELY EXAMINED BY THE ATTENDING COMMISSION PHYSICIAN AND SHALL BE REQUIRED TO UNDERGO NEUROLOGICAL AND NEUROPSYCHOLOGICAL EXAMINATIONS BY A NEUROLOGIST INCLUDING BUT NOT LIMITED TO A COMPUTED TOMOGRAPHY OR MEDICALLY EQUIVALENT PROCEDURE. ANY PARTICIPANT SO INJURED SHALL NOT APPEAR IN ANY MATCH OR EXHIBITION UNTIL RESULTS OF SUCH EXAMINATIONS ARE REVIEWED BY THE COMMISSION. THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART OF THE PARTICIPANT'S PERMANENT MEDICAL RECORDS AS MAINTAINED BY THE COMMISSION AND SHALL BE USED BY THE COMMISSION TO DETERMINE WHETHER A PARTICIPANT SHALL BE PERMITTED TO APPEAR IN ANY FUTURE PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION. THE COSTS OF ALL SUCH EXAMINATIONS CALLED FOR IN THIS PARAGRAPH SHALL BE ASSUMED BY THE PERSON OR ENTITY OR PROMOTER IF SUCH EXAMINATIONS ARE PERFORMED BY A PHYSICIAN APPROVED BY THE COMMISSION.

(C) IN ADDITION TO ANY OTHER EXAMINATION PROVIDED FOR IN THIS SECTION, THE COMMISSION MAY AT ANY TIME REQUIRE A LICENSED OR PERMITTED PARTICIPANT TO UNDERGO A PHYSICAL EXAMINATION, INCLUDING ANY NEUROLOGICAL OR NEUROPSYCHOLOGICAL TEST OR PROCEDURE. THE COST OF AN EXAM PURSUANT TO THIS PARAGRAPH SHALL BE ASSUMED BY THE STATE.

21. PHYSICIAN TO BE IN ATTENDANCE; POWERS OF SUCH PHYSICIAN. (A) IT SHALL BE THE DUTY OF EVERY ENTITY LICENSED TO CONDUCT A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION, TO HAVE IN ATTENDANCE AT SUCH MATCH OR EXHIBITION AT LEAST ONE PHYSICIAN DESIGNATED BY THE COMMISSION AS THE RULES SHALL PROVIDE. THE COMMISSION MAY ESTABLISH A SCHEDULE OF FEES TO BE PAID BY THE LICENSEE TO COVER THE COST OF SUCH ATTENDANCE. SUCH FEES SHALL BE PAID TO THE COMMISSION, WHICH SHALL THEN PAY SUCH FEES TO THE PHYSICIANS ENTITLED THERETO, IN ACCORDANCE WITH THE RULES OF THE COMMISSION.

(B) THE PHYSICIAN SHALL TERMINATE ANY PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION IF IN THE OPINION OF SUCH PHYSICIAN ANY PARTICIPANT HAS RECEIVED SEVERE PUNISHMENT OR IS IN DANGER OF SERIOUS PHYSICAL INJURY. IN THE EVENT OF ANY SERIOUS PHYSICAL INJURY, SUCH PHYSICIAN SHALL IMMEDIATELY RENDER ANY EMERGENCY TREATMENT NECESSARY, RECOMMEND FURTHER TREATMENT OR HOSPITALIZATION IF REQUIRED, AND FULLY REPORT THE ENTIRE MATTER TO THE COMMISSION WITHIN TWENTY-FOUR HOURS AND IF NECESSARY, SUBSEQUENTLY THEREAFTER. SUCH PHYSICIAN MAY ALSO REQUIRE THAT THE INJURED PARTICIPANT AND HIS OR HER MANAGER OR CHIEF SECOND REMAIN IN THE RING OR ON THE PREMISES OR REPORT TO A HOSPITAL AFTER THE CONTEST FOR SUCH PERIOD OF TIME AS SUCH PHYSICIAN DEEMS ADVISABLE.

(C) SUCH PHYSICIAN MAY ENTER THE RING AT ANY TIME DURING A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION AND MAY TERMINATE THE MATCH OR EXHIBITION IF IN HIS OR HER OPINION THE SAME IS NECESSARY TO PREVENT SEVERE PUNISHMENT OR SERIOUS PHYSICAL INJURY TO A PARTICIPANT.

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

23. BOND FOR PURSES, SALARIES AND OTHER EXPENSES. IN ADDITION TO THE BOND REQUIRED BY SUBDIVISION 22 OF THIS SECTION, EACH APPLICANT FOR A LICENSE TO CONDUCT PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS SHALL EXECUTE AND FILE WITH THE STATE COMPTROLLER A BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE COMPTROLLER, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS' PURSES, SALARIES OF CLUB EMPLOYEES LICENSED BY THE COMMISSION, AND THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND ALL ADVERTISING MATERIAL AS WELL AS TAX LIABILITY UNDER ARTICLE 19 OF THE TAX LAW.

24. DUTY TO PROVIDE INSURANCE FOR LICENSED PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS. (A) ALL ENTITIES HAVING LICENSES AS PROMOTERS SHALL CONTINUOUSLY PROVIDE INSURANCE FOR THE PROTECTION OF LICENSED PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS, APPEARING IN PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS. SUCH INSURANCE COVERAGE SHALL PROVIDE FOR REIMBURSEMENT TO THE LICENSED ATHLETE FOR MEDICAL, SURGICAL AND HOSPITAL CARE, WITH A MINIMUM LIMIT OF FIFTY THOUSAND DOLLARS FOR INJURIES SUSTAINED WHILE PARTICIPATING IN ANY PROGRAM OPERATED UNDER THE CONTROL OF SUCH LICENSED PROMOTER AND FOR A PAYMENT OF ONE HUNDRED THOUSAND DOLLARS TO THE ESTATE OF ANY DECEASED ATHLETE WHERE SUCH DEATH IS OCCASIONED BY INJURIES RECEIVED DURING THE COURSE OF A MATCH OR EXHIBITION IN WHICH SUCH LICENSED ATHLETE PARTICIPATED UNDER THE PROMOTION OR CONTROL OF ANY LICENSED PROMOTER. THE COMMISSION MAY FROM TIME TO TIME, IN ITS DISCRETION, INCREASE THE AMOUNT OF SUCH MINIMUM LIMITS.

(B) THE FAILURE TO PAY PREMIUMS ON SUCH INSURANCE AS IS REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE CAUSE FOR THE SUSPENSION OR THE REVOCATION OF THE LICENSE OF SUCH DEFAULTING PROMOTER.

25. NOTICE OF CONTEST; COLLECTION OF TAX. (A) EVERY PERSON OR ENTITY HOLDING ANY PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION FOR WHICH AN ADMISSION FEE IS CHARGED OR RECEIVED OR WHICH IS TO BE BROADCAST OR FOR WHICH A PARTICIPANT RECEIVES CONSIDERATION OF ANY KIND, SHALL NOTIFY THE ATHLETIC COMMISSION TEN DAYS IN ADVANCE OF THE HOLDING OF SUCH CONTEST. ALL TICKETS OF ADMISSION TO ANY SUCH MATCH OR EXHIBITION SHALL BE PROCURED FROM A PRINTER DULY AUTHORIZED BY THE STATE ATHLETIC COMMISSION TO PRINT SUCH TICKETS AND SHALL BEAR CLEARLY UPON

THE FACE THEREOF THE PURCHASE PRICE AND LOCATION OF SAME. AN ENTITY FAILING TO FULLY COMPLY WITH THIS SECTION SHALL BE SUBJECT TO A PENALTY OF FIVE HUNDRED DOLLARS TO BE COLLECTED BY AND PAID TO THE DEPARTMENT OF STATE, AS WELL AS ANY PENALTY IMPOSED BY THE TAX LAW. A PERSON OR ENTITY IS PROHIBITED FROM OPERATING ANY MATCHES OR EXHIBITIONS UNTIL ALL PENALTIES DUE PURSUANT TO THIS SUBDIVISION AND ALL TAXES, INTEREST AND PENALTIES DUE PURSUANT TO ARTICLES 19, 28 AND 29 OF THE TAX LAW HAVE BEEN PAID.

(B) THE ATHLETIC COMMISSION SHALL PROVIDE THE COMMISSIONER OF TAXATION AND FINANCE WITH SUCH INFORMATION AND TECHNICAL ASSISTANCE AS MAY BE NECESSARY FOR THE PROPER ADMINISTRATION OF ANY TAX ADMINISTERED BY SUCH COMMISSIONER.

26. REGULATION OF JUDGES. (A) JUDGES FOR ANY PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION UNDER THE JURISDICTION OF THE COMMISSION SHALL BE SELECTED BY THE COMMISSION FROM A LIST OF QUALIFIED LICENSED JUDGES MAINTAINED BY THE COMMISSION.

(B) ANY PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT, MANAGER OR CHIEF SECOND MAY PROTEST THE ASSIGNMENT OF A JUDGE TO A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION AND THE PROTESTING PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT, MANAGER OR CHIEF SECOND MAY BE HEARD BY THE COMMISSION OR ITS DESIGNEE IF SUCH PROTEST IS TIMELY. IF THE PROTEST IS UNTIMELY IT SHALL BE SUMMARILY REJECTED.

(C) EACH PERSON SEEKING TO BE LICENSED AS A JUDGE BY THE COMMISSION SHALL BE REQUIRED TO SUBMIT TO OR PROVIDE PROOF OF AN EYE EXAMINATION AND ANNUALLY THEREAFTER ON THE ANNIVERSARY OF THE ISSUANCE OF THE LICENSE. EACH PERSON SEEKING TO BE A PROFESSIONAL MIXED MARTIAL ARTS JUDGE IN THE STATE SHALL BE CERTIFIED AS HAVING COMPLETED A TRAINING PROGRAM AS APPROVED BY THE COMMISSION AND SHALL HAVE PASSED A WRITTEN EXAMINATION APPROVED BY THE COMMISSION COVERING ASPECTS OF PROFESSIONAL MIXED MARTIAL ARTS INCLUDING, BUT NOT LIMITED TO, THE RULES OF THE SPORT, THE LAW OF THE STATE RELATING TO THE COMMISSION, AND BASIC FIRST AID. THE COMMISSION SHALL ESTABLISH CONTINUING EDUCATION PROGRAMS TO KEEP LICENSEES CURRENT ON AREAS OF REQUIRED KNOWLEDGE.

(D) EACH PERSON SEEKING A LICENSE TO BE A PROFESSIONAL MIXED MARTIAL ARTS JUDGE IN THIS STATE SHALL BE REQUIRED TO FILL OUT A FINANCIAL QUESTIONNAIRE CERTIFYING UNDER PENALTY OF PERJURY FULL DISCLOSURE OF THE JUDGE'S FINANCIAL SITUATION ON A QUESTIONNAIRE TO BE PROMULGATED BY THE COMMISSION. SUCH QUESTIONNAIRE SHALL BE IN A FORM AND MANNER APPROVED BY THE COMMISSION AND SHALL PROVIDE INFORMATION AS TO AREAS OF ACTUAL OR POTENTIAL CONFLICTS OF INTEREST AS WELL AS APPEARANCES OF SUCH CONFLICTS, INCLUDING FINANCIAL RESPONSIBILITY. WITHIN FORTY-EIGHT HOURS OF ANY PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION, EACH MIXED MARTIAL ARTS JUDGE SHALL FILE WITH THE COMMISSION A FINANCIAL DISCLOSURE STATEMENT IN SUCH FORM AND MANNER AS SHALL BE ACCEPTABLE TO THE COMMISSION.

(E) ONLY A PERSON LICENSED BY THE COMMISSION MAY JUDGE A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION.

27. TRAINING FACILITIES. (A) THE COMMISSION MAY, IN ITS DISCRETION AND IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION TO PROTECT THE HEALTH AND SAFETY OF PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS IN TRAINING, ISSUE A LICENSE TO OPERATE A TRAINING FACILITY PROVIDING CONTACT SPARRING MAINTAINED EITHER EXCLUSIVELY OR IN PART FOR THE USE OF PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS. THE REGULATIONS OF THE COMMISSION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING SUBJECTS TO PROTECT THE HEALTH AND SAFETY OF PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS:

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

(2) PROMINENT POSTING ADJACENT TO AN ACCESSIBLE TELEPHONE OF THE TELEPHONE NUMBER FOR EMERGENCY MEDICAL SERVICES AT THE NEAREST HOSPITAL;

(3) CLEAN AND SANITARY BATHROOMS, SHOWER ROOMS, LOCKER ROOMS AND FOOD SERVING AND STORAGE AREAS;

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

(5) ESTABLISHMENT OF A POLICY CONCERNING THE RESTRICTION OF SMOKING IN TRAINING AREAS, INCLUDING PROVISIONS FOR ITS ENFORCEMENT BY THE FACILITY OPERATOR, SUCH POLICY TO BE IN CONFORMANCE WITH OTHER STATE LAWS AND REGULATIONS;

(6) COMPLIANCE WITH STATE AND LOCAL FIRE ORDINANCES;

(7) INSPECTION AND APPROVAL OF RINGS AS REQUIRED BY SUBDIVISION 30 OF THIS SECTION; AND

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

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

28. TEMPORARY TRAINING FACILITIES. ANY TRAINING FACILITY PROVIDING CONTACT SPARRING ESTABLISHED AND MAINTAINED ON A TEMPORARY BASIS FOR THE PURPOSE OF PREPARING A PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT FOR A SPECIFIC PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION TO BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE OF NEW YORK SHALL BE EXEMPT FROM THIS ACT INSOFAR AS IT CONCERNS THE LICENSING OF SUCH FACILITIES IF, IN THE JUDGMENT OF THE COMMISSION, ESTABLISHMENT AND MAINTENANCE OF SUCH FACILITY WILL BE CONSISTENT WITH THE PURPOSES AND PROVISIONS OF THIS CHAPTER, THE BEST INTERESTS OF PROFESSIONAL MIXED MARTIAL ARTS GENERALLY, AND THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY.

29. WEIGHTS; CLASSES AND RULES. THE WEIGHTS AND CLASSES OF PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS AND THE RULES AND REGULATIONS OF PROFESSIONAL MIXED MARTIAL ARTS SHALL BE PRESCRIBED BY THE COMMISSION.

30. RINGS OR FIGHTING AREAS. NO PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION OR TRAINING ACTIVITY SHALL BE PERMITTED IN ANY RING OR FIGHTING AREA UNLESS SUCH RING OR FIGHTING AREA HAS BEEN INSPECTED AND APPROVED BY THE COMMISSION. THE COMMISSION SHALL PRESCRIBE STANDARD ACCEPTABLE SIZE AND QUALITY REQUIREMENTS FOR RINGS OR FIGHTING AREAS AND APPURTENANCES THERETO.

31. MISDEMEANOR. ANY PERSON OR ENTITY WHO INTENTIONALLY, DIRECTLY OR INDIRECTLY CONDUCTS, HOLDS OR GIVES A PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION OR PARTICIPATES EITHER DIRECTLY OR INDIRECTLY IN ANY SUCH MATCH OR EXHIBITION AS A REFEREE, JUDGE, CORPORATION TREASURER, PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT, MANAGER, PROMOTER, TRAINER OR CHIEF SECOND, WITHOUT FIRST HAVING PROCURED AN APPROPRIATE LICENSE OR PERMIT AS PRESCRIBED IN THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

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

1. "Gross receipts from ticket sales" shall mean the total gross receipts of every person from the sale of tickets to any professional or amateur boxing, sparring or wrestling match or exhibition OR ANY PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION held in this state, and without any deduction whatsoever for commissions, brokerage, distribution fees, advertising or any other expenses, charges and recoupments in respect thereto.

S 4. Section 452 of the tax law, as amended by section 2 of part F of chapter 407 of the laws of 1999, is amended to read as follows:

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

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

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

2. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, A TAX IS HEREBY IMPOSED AND SHALL BE PAID UPON THE GROSS RECEIPTS OF EVERY PERSON HOLDING ANY PROFESSIONAL MIXED MARTIAL ARTS MATCH OR EXHIBITION IN THIS STATE. SUCH TAX SHALL BE IMPOSED ON SUCH GROSS RECEIPTS, EXCLUSIVE OF ANY FEDERAL TAXES, AS FOLLOWS:

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

(B) THREE PERCENT OF GROSS RECEIPTS FROM BROADCASTING RIGHTS, EXCEPT THAT IN NO EVENT SHALL THE TAX IMPOSED BY THIS PARAGRAPH EXCEED FIFTY THOUSAND DOLLARS FOR ANY MATCH OR EXHIBITION.

S 5. The article heading of article 19 of the tax law, as added by chapter 833 of the laws of 1987, is amended to read as follows:

BOXING [AND], WRESTLING AND PROFESSIONAL MIXED MARTIAL ARTS EXHIBITIONS TAX

S 6. Paragraph 1 of subdivision (f) of section 1105 of the tax law, as amended by section 100 of part A of chapter 389 of the laws of 1997, is amended to read as follows:

(1) Any admission charge where such admission charge is in excess of ten cents to or for the use of any place of amusement in the state, except charges for admission to race tracks, boxing, sparring or wrestling matches or exhibitions, OR PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS which charges are taxed under any other law of this state, or dramatic or musical arts performances, or live circus performances, or motion picture theaters, and except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or a lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

S 7. The section heading of section 1820 of the tax law, as amended by section 32 of subpart I of part V-1 of chapter 57 of the laws of 2009, is amended to read as follows:

Boxing [and], wrestling AND PROFESSIONAL MIXED MARTIAL ARTS exhibitions tax.

S 8. This act shall take effect on the first day of the first month next succeeding the one hundred twentieth day after it shall have become a law and shall apply to gross receipts from professional mixed martial arts matches or exhibitions held on or after that date, and shall expire and be deemed repealed on the last day of the month commencing 3 years after such effective date; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation of the state athletic commission necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

PART X

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 RR of chapter 59 of the laws of 2009, 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, [2010] 2011.

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, 2010.

PART Y

Section 1. Section 159-i of the executive law, as amended by section 4 of part R of chapter 59 of the laws of 2009, is amended to read as follows:

S 159-i. Distribution of funds. For federal fiscal year two thousand [ten] ELEVEN 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 eligible entities as defined in subdivision one of section one hundred fifty-nine-e of this article. Each such 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 under the federal community services block grant program as compared to the total amount received by all eligible entities in the state, under the federal community services block grant program.

For federal fiscal year two thousand [ten] ELEVEN 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 [ten] ELEVEN 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; 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 2. 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 6 of part R of chapter 59 of the laws of 2009, 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, [2010] 2011, 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 3. 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 7 of part R of chapter 59 of the laws of 2009, 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, [2010] 2011 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 4. This act shall take effect immediately; provided, however, that the amendments to section 159-i of the executive law made by section one 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 section 7 of chapter 710 of the laws of 1983, as amended, and shall be deemed to expire therewith.

PART Z

Section 1. Subparagraphs 7, 8 and 9 of paragraph (a) of section 112 of the not-for-profit corporation law, subparagraphs 7 and 9 as amended by chapter 1058 of the laws of 1971, are amended to read as follows:

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

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

(9)] Upon application, ex parte, for an order to the supreme court at a special term held within the judicial district where the office of the corporation is located, and if the court so orders, to enforce any right given under this chapter to members, a director or an officer of a Type A corporation. For such purpose, the attorney-general shall have the same status as such members, director or officer.

S 2. Subparagraph 4 of paragraph (a) of section 113 of the not-for-profit corporation law, as amended by chapter 415 of the laws of 1974, is amended to read as follows:

(4) That under section 201 (Purposes) it is a Type ..... (insert A, B[, C] or D) not-for-profit corporation as defined in this chapter.

S 3. Section 114 of the not-for-profit corporation law, as added by chapter 847 of the laws of 1970, is amended to read as follows:

S 114. Visitation of supreme court.

Type B [and Type C] corporations, whether formed under general or special laws, with their books and vouchers, shall be subject to the visitation and inspection of a justice of the supreme court, or of any person appointed by the court for that purpose. If it appears by the verified petition of a member or creditor of any such corporation, that it, or its directors, officers or agents, have misappropriated any of the funds or property of the corporation, or diverted them from the purpose of its incorporation, or that the corporation has acquired property in excess of the amount which it is authorized by law to hold, or has engaged in any business other than that stated in its certificate of incorporation, the court may order that notice of at least eight days, with a copy of the petition, be served on the corporation and the persons charged with misconduct, requiring them to show cause at a time and place specified, why they should not be required to make and file an inventory and account of the property, effects and liabilities of such corporation with a detailed statement of its transactions during the twelve months next preceding the granting of such order. On the hearing of such application, the court may make an order requiring such inventory, account and statement to be filed, and proceed to take and state an account of the property and liabilities of the corporation, or may appoint a referee for that purpose. When such account is taken and stated, after hearing all the parties to the application, the court may enter a final order determining the amount of property so held by the corporation, its annual income, whether any of the property or funds of the corporation have been misappropriated or diverted to any other purpose than that for which such corporation was incorporated, and whether such corporation has been engaged in any activity not covered by its certificate of incorporation. An appeal may be taken from the order by any party aggrieved to the appellate division of the supreme court, and to the court of appeals, as in a civil action. No corporation shall be required to make and file more than one inventory and account in any one year, nor to make a second account and inventory, while proceedings are pending for the statement of an account under this section.

S 4. Paragraphs (b) and (c) of section 201 of the not-for-profit corporation law, paragraph (b) as amended by chapter 847 of the laws of 1970 and paragraph (c) as amended by chapter 1058 of the laws of 1971, are amended and a new paragraph (d) is added to read as follows:

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

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

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

A] not-for-profit corporation of this type may be formed for any lawful business purpose to achieve a lawful public or quasi-public objective.

Type D - A not-for-profit corporation of this type may be formed under this chapter when such formation is authorized by any other corporate law of this state for any business or non-business, or pecuniary or non-pecuniary, purpose or purposes specified by such other law, whether such purpose or purposes are also within types A[,] OR B[, C] above or otherwise.

(c) If a corporation is formed for purposes which are within both type A and type B above, it is a type B corporation. [If a corporation has among its purposes any purpose which is within type C, such corporation is a type C corporation.] A type D corporation is subject to all provisions of this chapter which are applicable to a type B corporation under this chapter unless provided to the contrary in, and subject to the contrary provisions of, the other corporate law authorizing formation under this chapter of the type D corporation.

(D) NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY OR ANY CORPORATION'S CURRENT DESIGNATION AS A TYPE C CORPORATION, ANY SUCH CORPORATION DESIGNATED AS TYPE C SHALL BE A TYPE B CORPORATION SUBJECT TO ALL PROVISIONS OF THIS CHAPTER WHICH ARE APPLICABLE TO A TYPE B CORPORATION UNDER THIS CHAPTER.

S 5. Subparagraphs 2 and 4 of paragraph (a) of section 402 of the not-for-profit corporation law, subparagraph 2 as amended by chapter 847 of the laws of 1970 and subparagraph 4 as amended by chapter 679 of the laws of 1985, are amended to read as follows:

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

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

S 6. Subparagraph 3 of paragraph (a) of section 510 of the not-for-profit corporation law, as amended by chapter 847 of the laws of 1970, is amended to read as follows:

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

S 7. Subparagraph (ii) of paragraph (a) of section 804 of the not-for-profit corporation law, as amended by chapter 139 of the laws of 1993, is amended to read as follows:

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

S 8. Paragraph (a) of section 907 of the not-for-profit corporation law is amended to read as follows:

(a) Where any constituent corporation or the consolidated corporation is, or would be if formed under this chapter, a Type B [or a Type C] corporation under section 201 (Purposes) of this chapter, no certificate shall be filed pursuant to section 904 (Certificate of merger or consolidation; contents) or section 906 (Merger or consolidation of domestic and foreign corporations) until an order approving the plan of merger or consolidation and authorizing the filing of the certificate has been made by the supreme court, as provided in this section. A certified copy of such order shall be annexed to the certificate of merger or consolidation. Application for the order may be made in the judicial district in which the principal office of the surviving or consolidated corporation is to be located, or in which the office of one of the domestic constituent corporations is located. The application shall be made by all the constituent corporations jointly and shall set forth by affidavit (1) the plan of merger or consolidation, (2) the approval required by section 903 (Approval of plan) or paragraph (b) of section 906 (Merger or consolidation of domestic and foreign corporations) for each constituent corporation, (3) the objects and purposes of each such corporation to be promoted by the consolidation, (4) a statement of all property, and the manner in which it is held, and of all liabilities and of the amount and sources of the annual income of each such corporation, (5) whether any votes against adoption of the resolution approving the plan of merger or consolidation were cast at the meeting at which the resolution as adopted by each constituent corporation, and (6) facts showing that the consolidation is authorized by the laws of the jurisdictions under which each of the constituent corporations is incorporated.

S 9. Paragraphs (a) and (f) of section 908 of the not-for-profit corporation law are amended to read as follows:

(a) One or more domestic or foreign corporations which is, or would be if formed under this chapter, a type A or type [C] B corporation under section 201 (Purposes) may be merged or consolidated into a domestic or foreign corporation which is, or would be if formed under the laws of this state, a corporation formed under the business corporation law of this state if such merger or consolidation is not contrary to the law of the state of incorporation of any constituent corporation. With respect to such merger or consolidation, any reference in paragraph (b) of section 901 of this article or paragraph (b) of section 901 of the business corporation law to a corporation shall, unless the context otherwise requires, include both domestic and foreign corporations.

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

S 10. Paragraphs (b) and (c) of section 1001 of the not-for-profit corporation law, as amended by chapter 434 of the laws of 2006, are amended to read as follows:

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

(c) If the corporation is a Type B[, C] or D corporation and has no assets to distribute, other than a reserve not to exceed twenty-five

thousand dollars for the purpose of paying ordinary and necessary expenses of winding up its affairs including attorney and accountant fees, and liabilities not in excess of ten thousand dollars at the time of adoption of the plan of dissolution, the plan of dissolution shall include a statement to that effect.

S 11. Paragraphs (a) and (d) of section 1002 of the not-for-profit corporation law, as amended by chapter 434 of the laws of 2006, are amended to read as follows:

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

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

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

(2) In the case of a vote by the members, (i) the number of members required under the certificate of incorporation, by-laws, this chapter and any other applicable law; or (ii) by the vote of members authorized by an order of the supreme court pursuant to section 608 of this chapter permitting the corporation to dispense with the applicable quorum requirement.

Notice of a special or regular meeting of the board of directors or of the members entitled to vote on adoption and authorization or approval of the plan of dissolution shall be sent to all the directors and members of record entitled to vote. Unless otherwise directed by order of the supreme court pursuant to section 608 of this chapter, the notice shall be sent by certified mail, return receipt requested, to the last known address of record of each director and member not fewer than thirty, and not more than sixty days before the date of each meeting provided, however, that if the last known address of record of any director or member is not within the United States, the notice to such director shall be sent by any other reasonable means.

(d) The plan of dissolution and distribution of assets shall have annexed thereto the approval of a justice of the supreme court in the judicial district in which the office of the corporation is located in the case of a Type B[, C] or D corporation, and in the case of any other corporation which holds assets at the time of dissolution legally required to be used for a particular purpose, except that no such approval shall be required with respect to the plan of dissolution of a corporation, other than a corporation incorporated pursuant to article 15 (Public cemetery corporations), which has no assets to distribute at

the time of dissolution, other than a reserve not to exceed twenty-five thousand dollars for the purpose of paying ordinary and necessary expenses of winding up its affairs including attorney and accountant fees, and liabilities not in excess of ten thousand dollars, and which has complied with the requirements of section 1001 (Plan of dissolution and distribution of assets) and this section applicable to such a corporation. Application to the supreme court for an order for such approval shall be by verified petition, with the plan of dissolution and distribution of assets and certified copies of the consents prescribed by this section annexed thereto, and upon ten days written notice to the attorney general accompanied by copies of such petition, plan and consents. In such case where approval of a justice of the supreme court is not required for a Type B[, C] or D corporation, a copy of such plan certified under penalties of perjury shall be filed with the attorney general within ten days after its authorization.

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

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

S 13. Subparagraph 6 of paragraph (a) of section 1012 of the not-for-profit corporation law, as amended by chapter 726 of the laws of 2005, is amended to read as follows:

(6) That, under section 201 (Purposes), it is a Type ..... (Insert A, B[, C] or D) not-for-profit corporation.

S 14. Subparagraph 4 of paragraph (a) of section 1304 of the not-for-profit corporation law, as amended by chapter 847 of the laws of 1970 and as renumbered by chapter 590 of the laws of 1982, is amended to read as follows:

(4) That the corporation is a foreign corporation as defined in subparagraph (a) (7) of section 102 (Definitions); the type of corporation it shall be under section 201 (Purposes); a statement of its purposes to be pursued in this state and of the activities which it proposes to conduct in this state; a statement that it is authorized to conduct those activities in the jurisdiction of its incorporation; and in the case of a Type [C] B corporation THAT WILL PURSUE ANY LAWFUL BUSINESS PURPOSE OR PURPOSES IN THIS STATE, the lawful public or quasi-public objective which each business purpose will achieve.

S 15. Subparagraph 3 of paragraph (a) of section 1321 of the not-for-profit corporation law, as amended by chapter 847 of the laws of 1970, is amended to read as follows:

(3) [The] NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (2) OF PARAGRAPH (A) OF THIS SECTION, THE corporation is a Type [C] B corporation under this chapter AUTHORIZED TO PURSUE ANY LAWFUL BUSINESS PURPOSE OR PURPOSES IN THIS STATE; its principal activities are conducted outside this state; the greater part of its property is located outside this state; and less than one half of its revenues for the preceding three fiscal years, or such portion thereof as the foreign corporation was in existence, was derived from sources within this state.

S 16. Paragraph (b) of section 1411 of the not-for-profit corporation law is amended to read as follows:

(b) Type of corporation. A local development corporation is a Type [C] B corporation under this chapter.

S 17. This act shall take effect immediately.

PART AA

Section 1. Subdivision 1 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:

1. Notwithstanding any other law to the contrary, public benefit corporations (which for purposes of this section shall include industrial development agencies created pursuant to title one of article eighteen-A of the general municipal law or any other provision of law AND THE NEW YORK CITY HOUSING DEVELOPMENT CORPORATION CREATED PURSUANT TO ARTICLE TWELVE OF THE PRIVATE HOUSING FINANCE LAW) which issue bonds, notes or other obligations shall pay to the state a bond issuance charge upon the issuance of such bonds in an amount determined pursuant to subdivision two of this section. Such charge shall be paid to the state department of taxation and finance, upon forms prescribed therefor, no later than fifteen days from the end of the month within which such bonds are issued.

S 2. This act shall take effect immediately.

PART BB

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, 2010.

PART CC

Section 1. Expenditures of moneys appropriated in a chapter of the laws of 2010 to the energy research and development authority, under the research, development and demonstration program, 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 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 2008. 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, 2010.

PART DD

Section 1. Subdivisions 1 and 2 of section 27-1905 of the environmental conservation law, subdivision 1 as amended by section 1 of part E1 of chapter 63 of the laws of 2003 and subdivision 2 as amended by chapter 200 of the laws of 2008, are amended to read as follows:

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

2. [Until December thirty-first, two thousand ten, post] POST written notice in a prominent location, which must be at least eight and one-half inches by fourteen inches in size and contain the following language:

"New York State law requires us to accept and manage waste tires from vehicles in exchange for an equal number of new tires that we sell or install. Tire retailers are required to charge a separate and distinct waste tire management and recycling fee of $2.50 for each new tire sold.

The retailers in addition are authorized, at their sole discretion, to pass on waste tire management and recycling costs to tire purchasers. Such costs may be included as part of the advertised price of the new tire, or charged as a separate per-tire charge in an amount not to exceed $2.50 on each new tire sold."

The written notice shall also contain one of the following statements at the end of the aforementioned language and as part of the notice, which shall accurately indicate the manner in which the tire service charges for waste tire management and recycling costs, and the amount of any charges that are separately invoiced for such costs:

"Our waste tire management and recycling costs are included in the advertised price of each new tire.", or

"We charge a separate per-tire charge of $____ on each new tire sold that will be listed on your invoice to cover our waste tire management and recycling costs."

S 2. Subdivisions 2, 3 and 5 of section 27-1907 of the environmental conservation law, as added by section 3 of part V1 of chapter 62 of the laws of 2003, are amended to read as follows:

2. The owner or operator of a noncompliant waste tire stockpile shall, at the department's request, submit to and/or cooperate with any and all remedial measures necessary for the abatement of noncompliant waste tire stockpiles with funds from the waste [tire] management and [recycling] CLEANUP fund pursuant to section ninety-two-bb of the state finance law.

3. No later than two years from the effective date of this title, the department shall publish requests for proposals to seek contractors to prepare whole and mechanically processed waste tires situated at noncompliant waste tire stockpiles for arrangement in accordance with fire safety requirements and for removal for appropriate processing, recycling or beneficial use. Disposal will be considered only as a last option. The expenses of remedial and fire safety activities at a noncompliant waste tire stockpile shall be paid by the person or persons who

owned, operated or maintained the noncompliant waste tire stockpile, or from the waste [tire] management and [recycling] CLEANUP fund and shall be a debt recoverable by the state from all persons who owned, operated or maintained the noncompliant waste tire stockpile, and a lien and charge may be placed on the premises upon which the noncompliant waste tire stockpile is maintained and upon any real or personal property, equipment, vehicles, and inventory controlled by such person or persons. Moneys recovered shall be paid to the waste [tire] management and [recycling] CLEANUP fund established pursuant to section ninety-two-bb of the state finance law.

5. The department shall make all reasonable efforts to recover the full amount of any funds expended from the waste [tire] management and [recycling] CLEANUP fund for abatement or remediation through litigation or cooperative agreements. Any and all moneys recovered, repaid or reimbursed pursuant to this section shall be deposited with the comptroller and credited to such fund.

S 3. Subdivision 2 of section 27-1911 of the environmental conservation law, as added by section 3 of part V1 of chapter 62 of the laws of 2003, is amended to read as follows:

2. No moneys from the waste [tire] management and [recycling] CLEANUP fund shall be used to dispose of waste tires in a landfill unless the department has determined that it is not feasible to convert the waste tires to a beneficial use. Department-approved beneficial uses of scrap-tire-derived material for leachate collection systems, or gas collection systems in the construction or operation of a landfill are not considered disposal.

S 4. Subdivisions 1, 2 and 4, the opening paragraph of subdivision 3 and paragraph (a) of subdivision 6 of section 27-1913 of the environmental conservation law, subdivisions 1, 2 and 4 as amended by section 2 of part E1 of chapter 63 of the laws of 2003, the opening paragraph of subdivision 3 as amended by section 1 of part E of chapter 686 of the laws of 2003 and paragraph (a) of subdivision 6 as added by chapter 200 of the laws of 2008, are amended to read as follows:

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

The waste tire management and recycling fee does not apply to:

(a) recapped or resold tires;

(b) mail-order sales; or

(c) the sale of new motor vehicle tires to a person solely for the purpose of resale provided the subsequent retail sale in this state is subject to such fee.

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

(a) The fee imposed shall be stated as an invoice item separate and distinct from the selling price of the tire.

(b) The tire service shall be entitled to retain an allowance of twenty-five cents per tire from fees collected.

[Until March thirty-first, two thousand eleven, each] EACH tire service maintaining a place of business in this state shall make a return to the department of taxation and finance on a quarterly basis,

with the return for December, January, and February being due on or before the immediately following March thirty-first; the return for March, April, and May being due on or before the immediately following June thirtieth; the return for June, July, and August being due on or before the immediately following September thirtieth; and the return for September, October, and November being due on or before the immediately following December thirty-first.

4. All waste tire management and recycling fees collected by the department of taxation and finance shall be transferred to the waste [tire] management and [recycling] CLEANUP fund pursuant to section ninety-two-bb of the state finance law.

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

S 5. The opening paragraph and subdivision 1 of section 27-1915 of the environmental conservation law, as added by section 3 of part V1 of chapter 62 of the laws of 2003, are amended to read as follows:

[Funds from the waste] WASTE tire management and recycling FEES SHALL BE DEPOSITED IN THE WASTE MANAGEMENT AND CLEANUP fund established in section ninety-two-bb of the state finance law, AND shall be made AVAILABLE for the following purposes:

1. costs of the department for the following:

(a) first-year costs:

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

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

(b) abatement of noncompliant waste tire stockpiles; and

(c) administration AND ENFORCEMENT of THE requirements of this [section] ARTICLE, EXCLUSIVE OF TITLES THIRTEEN AND FOURTEEN.

S 6. Section 92-bb of the state finance law, as added by section 4 of part V1 of chapter 62 of the laws of 2003, is amended to read as follows:

S 92-bb. Waste [tire] management and [recycling] CLEANUP fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of the department of taxation and finance a special fund to be known as the "waste [tire] management and [recycling] CLEANUP fund".

2. The waste [tire] management and [recycling] CLEANUP fund shall consist of all revenue collected from waste tire management and recycling fees pursuant to section 27-1913 of the environmental conservation law and any cost recoveries or other revenues collected pursuant to title nineteen of article twenty-seven of the environmental conservation law, AND ANY OTHER MONIES DEPOSITED INTO THE FUND PURSUANT TO LAW.

3. Moneys of the fund, following appropriation by the legislature, shall be used for execution of waste tire management and recycling pursuant to title nineteen of article twenty-seven of the environmental conservation law, and expended for the purposes as set forth in section 27-1915 of the environmental conservation law.

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, 2010.

PART EE

Section 1. Article 3 of the environmental conservation law is amended by adding a new title 5 to read as follows:

TITLE 5

UNIFORM REQUIREMENTS FOR PUBLIC NOTICES

SECTION 3-0501. DEFINITION.
3-0503. PUBLIC NOTICE REQUIREMENTS.

S 3-0501. DEFINITION.

FOR PURPOSES OF THIS TITLE "NEWSPAPER" SHALL HAVE THE SAME MEANING AS THAT TERM IS DEFINED IN SECTION SIXTY OF THE GENERAL CONSTRUCTION LAW.

S 3-0503. PUBLIC NOTICE REQUIREMENTS.

1. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS CHAPTER, WHEN PUBLICATION OF A NOTICE IN A NEWSPAPER IS REQUIRED BY ANY PROVISION OF THIS CHAPTER, IT SHALL BE BY PUBLICATION NOT MORE THAN ONCE IN A NEWSPAPER COVERING THE AREA WHICH WILL BE AFFECTED BY THE ACTION.

2. IF A NOTICE IS REQUIRED UNDER ANY PROVISION OF THIS CHAPTER TO BE PUBLISHED BOTH IN A NEWSPAPER AND IN THE ENVIRONMENTAL NOTICE BULLETIN, THE STATE REGISTER, OR THE PROCUREMENT OPPORTUNITIES NEWSLETTER PUBLISHED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT PURSUANT TO ARTICLE FOUR-C OF THE ECONOMIC DEVELOPMENT LAW, AN ABBREVIATED NOTICE MAY BE PUBLISHED IN THE NEWSPAPER. THE ABBREVIATED NOTICE SHALL INCLUDE THE INTERNET ADDRESS AND DATE OF PUBLICATION OF THE ENVIRONMENTAL NOTICE BULLETIN, STATE REGISTER OR PROCUREMENT OPPORTUNITIES NEWSLETTER IN WHICH THE FULL NOTICE APPEARS AND A SUMMARY DESCRIPTION OF THE ACTION SUBJECT TO THE NOTICE. THE SUMMARY DESCRIPTION SHALL BE REASONABLY CALCULATED TO PROVIDE THE GENERAL PUBLIC NOTICE OF THE NATURE OF THE ACTION UNDER CONSIDERATION.

S 2. Paragraph b of subdivision 4 of section 9-0505 of the environmental conservation law, as amended by chapter 322 of the laws of 1999, is amended and a new subdivision 5 is added to read as follows:

b. The public notice of the sale of such materials shall be a notice describing the materials and location thereof, the date when and place where bids will be opened and the address at which said forms and specific details of the sale may be obtained. Such notice shall be printed in the [Procurement Opportunity Newsletter] PROCUREMENT OPPORTUNITIES NEWSLETTER, and in [such other newspapers as will be most likely to give adequate notice of the sale of such materials, for such time and in such manner as shall be determined by the commissioner] A NEWSPAPER IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE FIVE OF ARTICLE THREE OF THIS CHAPTER.

5. NOTWITHSTANDING SUBDIVISION THREE OF SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW, IF THE VALUE OR ESTIMATED VALUE OF THE TREES, TIMBER OR OTHER FOREST PRODUCTS DOES NOT EXCEED FIFTY THOUSAND DOLLARS, THE CONTRACT MAY BE EXECUTED BY THE DEPARTMENT AND SHALL BE VALID AND ENFORCEABLE WITHOUT FIRST BEING APPROVED BY THE STATE COMPTROLLER AND FILED IN HIS OR HER OFFICE.

S 3. Paragraph b of subdivision 3 of section 15-0514 of the environmental conservation law, as amended by chapter 968 of the laws of 1984, is amended to read as follows:

b. Notice of each public hearing shall be by publication in a newspaper most likely to give notice to the people residing within the primary water supply aquifer. Notice of [such] EACH hearing shall be printed [at least once in each of three successive weeks, but the] IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE FIVE OF ARTICLE THREE OF THIS CHAPTER. A hearing shall not be conducted less than thirty days following the date of [first] publication of notice of [such] THE hearing.

S 4. Subdivision 2 of section 15-0903 of the environmental conservation law, as amended by chapter 381 of the laws of 1982, is amended to read as follows:

2. Whenever a public hearing is to be held pursuant to this article, the notice of [such] THE hearing shall be published in [such newspaper or newspapers as the department shall deem appropriate, once in each week for not more than four weeks. At least one publication shall be in a newspaper of general circulation in the area affected.] ACCORDANCE WITH THE REQUIREMENTS OF TITLE FIVE OF ARTICLE THREE OF THIS CHAPTER. Notice [thereof] OF THE PUBLIC HEARING shall specify THE SUBJECT MATTER OF THE HEARING AND STATE that on [a] THE date [therein named] AND AT THE PLACE AND TIME SPECIFIED IN THE NOTICE, the department will [cause such] HOLD A hearing [to be held at such place and time as it may specify therein,] for the purpose of receiving evidence and arguments from all persons and public corporations that may be affected by the proposed permit or project and shall have filed timely notices of appearance. The public notice shall specify the last day, not more than ten days prior to the day specified for the public hearing, on which notices of appearance may be filed with the department. Notices of appearance in opposition to the permit or project shall recite in the notice the interest of the person or public corporation filing such notice, and the specific grounds of objection to the permit or project. In the event that no notice of appearance in opposition to the proposed permit or project is filed within the time specified, the department may dispense with the public hearing and shall proceed to consider and examine the application, petition, maps, plans, proofs, arguments and other matters submitted in support of the proposed permit or project; provided, however, that nothing herein contained shall authorize the denial of an application unless and until the applicant or petitioner has been afforded an opportunity to present proof and argument in support of the application. [The notice of hearing shall also specify the subject matter of the hearing in such detail as the department shall deem necessary.]

S 5. Subdivision 2 of section 15-1935 of the environmental conservation law is amended to read as follows:

2. Bids or proposals for any such contract work shall be called for by publishing a notice thereof [once a week for two successive weeks in a newspaper published in each county affected by the proposed works, which the department shall select, and in such other papers as the department shall direct. The advertisements shall be limited to a brief description of the work proposed to be let with an announcement stating where the maps, plans and specifications are on exhibition, of the terms and conditions under which bids will be received, the time and place when the same will be opened and such other matters as may be necessary to carry out the provisions of title 19 of this article] IN THE PROCURE-

MENT OPPORTUNITIES NEWSLETTER PUBLISHED PURSUANT TO ARTICLE FOUR-C OF THE ECONOMIC DEVELOPMENT LAW.

S 6. Subdivision 2 of section 15-2307 of the environmental conservation law is amended to read as follows:

2. Bids or proposals for any such work shall be called for by publishing a notice thereof [once a week for two successive weeks in a newspaper published in each county affected by the proposed works which the department shall select and in such other papers as the department shall direct. The advertisements shall be limited to a brief description of the work proposed to be let with an anonuncement stating where the maps, plans and specifications are on exhibition, of the terms and conditions under which bids will be received, the time and place when the same will be opened and such other matters as may be necessary to carry out the provisions of title 23 of this article] IN THE PROCUREMENT OPPORTUNITIES NEWSLETTER PUBLISHED PURSUANT TO ARTICLE FOUR-C OF THE ECONOMIC DEVELOPMENT LAW. The department is authorized to furnish copies of such contract plans and specifications to prospective bidders at a price which it shall find to be reasonable and to pay the funds so received into the river improvement district fund. Every bid or proposal must be in writing and be accompanied by a money deposit in the form of a draft or certified check upon some national or state bank or trust company within the state in good credit and payable at sight to the department for five per cent of the total amount of the proposal. In case the proposer to whom such contract shall be awarded shall fail or refuse to enter into such contract within the time fixed by the department, such deposit shall be forfeited to the department and paid by it into the river improvement district fund; otherwise such deposits shall be returned. The proposals received pursuant to the advertisement shall be publicly opened and read at the time and place designated. The department may reject any and all bids and re-advertise and award the contract in the manner herein provided whenever in its judgment the interests of the district will be enhanced thereby.

S 7. Subdivision 4 of section 23-0305 of the environmental conservation law is amended to read as follows:

4. Any notice required by this article shall be given by the department by any one or more of the following methods: (a) personal service, (b) publication in [one or more issues of] a newspaper [of general circulation in the county where the land affected or some part thereof is situated] IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE FIVE OF ARTICLE THREE OF THIS CHAPTER, or (c) by registered or certified mail addressed, postage prepaid, to the last known mailing address of the person or persons affected. The date of service shall be the date on which service was made in the case of personal service, the date of first publication in the case of notice by publication, and the date of mailing in the case of notice by mail. The notice shall specify the style and number of the proceeding, the time and place of the hearing, and shall briefly state the purpose of the proceeding. Should the department elect to give notice by personal service, such service may be made by any officer authorized to serve process, or by any agent of the department in the same manner as is provided by law for the service of process in civil actions in the courts of the state.

S 8. Section 27-0307 of the environmental conservation law, as added by chapter 726 of the laws of 1990, is amended to read as follows:

S 27-0307. Waste transporter permit revocation notifications.

After the issuance of an order of suspension or revocation of the permit of a waste transporter, the department shall publish notice of

[such] THE suspension or revocation in a newspaper [or newspapers having a general circulation in the area or areas served by the permittee] IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE FIVE OF ARTICLE THREE OF THIS CHAPTER and in the environmental notice bulletin published by the department. [Such] THE notice shall include a statement that the permittee is no longer licensed or permitted to handle such waste. The department shall publish [such] THE notice [once each week for two consecutive weeks with the first publication to be completed] on or before the fifteenth day following [such] THE revocation or suspension.

S 9. Subdivisions 2 and 4 of section 33-1105 of the environmental conservation law are amended to read as follows:

2. The order shall continue in effect from year to year unless modified or rescinded by the commissioner. Not later than February [15] FIFTEENTH of each year, the commissioner shall give notice of the order by [publication in a newspaper of general circulation in the area affected] POSTING IT ON THE DEPARTMENT'S PUBLIC WEBSITE. The notice shall state the terms of the order in general language and that the order will continue in effect for the period of time specified in the order, unless a petition for modification or rescission of the order, signed by ten or more grape growers or fifty or more persons not grape growers in the affected area, is filed with the commissioner on or before March [1] FIRST of such year.

4. All orders shall be effected upon posting the same[prominently in at least five of the most public places within the affected area. They shall also be published in a newspaper having general circulation in the areas affected but such publication shall not be a condition precedent to their effectiveness] ON THE DEPARTMENT'S PUBLIC WEBSITE. THE ORDERS SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION IN THE REGIONAL OFFICE OF THE COUNTIES AFFECTED BY THE ORDERS. A COPY OF AN ORDER SHALL BE PROVIDED TO AN INDIVIDUAL UPON REQUEST TO THE DEPARTMENT.

S 10. Paragraph h of subdivision 2 of section 3-0301 of the environmental conservation law, as amended by chapter 274 of the laws of 1975, is amended to read as follows:

h. Conduct investigations and hold hearings and compel the attendance of witnesses and the production of accounts, books, documents, and nondocumentary evidence by the issuance of a subpoena. IN ANY HEARING REQUIRED BY THIS CHAPTER ON ANY PERMIT, CERTIFICATE, LICENSE OR OTHER FORM OF DEPARTMENT APPROVAL ISSUED IN CONNECTION WITH ANY REGULATORY PROGRAM ADMINISTERED BY THE DEPARTMENT, OTHER THAN AN ENFORCEMENT ORDER, THE DEPARTMENT MAY REQUIRE AN APPLICANT TO PUBLISH A NOTICE, RENT A HEARING ROOM AND PREPARE A TRANSCRIPT ASSOCIATED WITH THE PROCEEDING OR PAY THE COST OF SUCH NOTICE PUBLICATION, ROOM RENTAL AND TRANSCRIPT PREPARATION. PRIOR TO COMMENCING A HEARING, THE DEPARTMENT MAY REQUIRE AN APPLICANT TO POST A BOND OR OTHER SUITABLE UNDERTAKING TO ASSURE PAYMENT OF SUCH COSTS.

S 11. Subdivision 3 of section 70-0119 of the environmental conservation law, as added by chapter 723 of the laws of 1977, is amended to read as follows:

3. The department may require an applicant to [pay the cost of renting] PUBLISH A NOTICE, RENT a hearing room and [of preparing] PREPARE a transcript, OR PAY THE COST OF SUCH NOTICE PUBLICATION, ROOM RENTAL AND TRANSCRIPT PREPARATION, associated with a public hearing conducted pursuant to this article. Prior to commencing a public hearing pursuant to this article, the department may require an applicant to post a bond or other suitable undertaking to assure payment of such costs.

S 12. Paragraph k of subdivision 2 of section 3-0301 of the environmental conservation law is amended to read as follows:

k. Report from time to time to the Governor [and make an annual report to the Governor] and the Legislature AS THE COMMISSIONER DEEMS ADVISABLE.

S 13. Section 19-0317 of the environmental conservation law is REPEALED.

S 14. Section 23-2311 of the environmental conservation law is REPEALED.

S 15. Subdivision 11 of section 27-0305 of the environmental conservation law is REPEALED.

S 16. Subdivisions 5 and 6 of section 27-0715 of the environmental conservation law are REPEALED.

S 17. Section 27-0920 of the environmental conservation law is REPEALED.

S 18. Subdivision 2 of section 33-1201 of the environmental conservation law, as added by chapter 279 of the laws of 1996, is amended to read as follows:

2. The commissioner shall prepare an annual [report summarizing] SUMMARY OF pesticide sales, quantity of pesticides used, category of applicator and region of application. The commissioner shall not provide the name, address, or any other information which would otherwise identify a commercial or private applicator, or any person who sells or offers for sale restricted use or general use pesticides to a private applicator, or any person who received the services of a commercial applicator. In accordance with article six of the public officers law, proprietary information contained within such record, including price charged per product, shall not be disclosed. The [report] ANNUAL SUMMARY shall be [submitted to the governor, the temporary president of the senate and the speaker of the assembly, and shall be made available to all interested parties. The first report shall be submitted on July first, nineteen hundred ninety-eight and] PUBLISHED ANNUALLY ON THE DEPARTMENT'S PUBLIC WEBSITE on OR BEFORE July first [annually thereafter].

S 19. Section 47-0117 of the environmental conservation law is REPEALED.

S 20. Section 49-0109 of the environmental conservation law is REPEALED.

S 21. Section 53-0105 of the environmental conservation law is REPEALED.

S 22. Subdivisions 4, 5 and 6 of section 24-0301 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

4. Upon completion of the tentative freshwater wetlands map for a particular area, the commissioner or his designated hearing officer shall hold a public hearing in that area in order to afford an opportunity for any person to propose additions or deletions from such map. The commissioner shall give notice of such hearing to each owner of record as shown on the latest completed tax assessment rolls, of lands designated as such wetlands as shown on said map and also to the chief administrative officer and clerk of each local government within the boundaries of which any such wetland or a portion thereof is located and, in the case of a tentative freshwater wetlands map for any area within the Adirondack park, to the Adirondack park agency, [by certified mail] not less than thirty days prior to the date set for such hearing and shall assure that a copy of the relevant map is available for public

inspection at a convenient location [in such local government]. The commissioner shall also cause notice of such hearing to be published [at least once] IN THE ENVIRONMENTAL NOTICE BULLETIN AND POSTED ON THE DEPARTMENT'S WEBSITE, not more than thirty days nor fewer than ten days before the date set for such hearing[, in at least two newspapers having general circulation in the area where such wetlands are located].

5. After considering the testimony given at such hearing and any other facts which may be deemed pertinent, after considering the rights of affected property owners and the ecological balance in accordance with the policy and purposes of this article, and, in the case of wetlands or portions thereof within the Adirondack park, after consulting with the Adirondack park agency, the commissioner shall promulgate by order the final freshwater wetlands map. Such order shall not be promulgated less than sixty days from the date of the hearing required by subdivision four [hereof] OF THIS SECTION. A copy of the order, together with a copy of such map or relevant portion thereof shall be filed in the DEPARTMENT'S REGIONAL office [of the clerk of each local government] in THE REGION IN which each such wetland or a portion thereof is located AND POSTED ON THE DEPARTMENT'S WEBSITE and, in the case of a map for any area within the Adirondack park, with the Adirondack park agency. AT THE REQUEST OF A LOCAL GOVERNMENT, THE DEPARTMENT SHALL SEND THE MAP, EITHER AS PHYSICAL COPY OF THE FINAL FRESHWATER WETLANDS MAP, OR, IF THE LOCAL GOVERNMENT PREFERS AND IT IS AVAILABLE, A DIGITAL FILE THAT REPRESENTS IT. The commissioner shall simultaneously give notice of [such] THE order to each owner of lands, as shown on the latest completed tax assessment rolls, designated as such wetlands by mailing a copy of such order to such owner [by certified mail in any case where a notice by certified mail was not sent pursuant to subdivision four hereof, and in all other cases by first class mail]. The commissioner shall also give notice of such order at such time to the chief administrative officer of each local government within the boundaries of which any such wetland or a portion thereof is located. [At the time of filing with such clerk or clerks, the] THE commissioner shall also cause a copy of such order to be published in [at least two newspapers having general circulation in the area where such wetlands are located] THE ENVIRONMENTAL NOTICE BULLETIN.

6. Except as provided in subdivision eight of this section, the commissioner shall supervise the maintenance of such boundary maps, which shall be available to the public for inspection and examination at the regional office of the department in which the wetlands are wholly or partly located and [in the office of the clerk of each county in which each such wetland or a portion thereof is located] ON THE DEPARTMENT'S WEBSITE. The commissioner may readjust the map thereafter to clarify the boundaries of the wetlands, to correct any errors on the map, to effect any additions, deletions or technical changes on the map, and to reflect changes as have occurred as a result of the granting of permits pursuant to section 24-0703 of this article, or natural changes which may have occurred through erosion, accretion, or otherwise. Notice of such readjustment shall be given in the same manner as set forth in subdivision five of this section for the promulgation of final freshwater wetlands maps.

S 23. Subdivisions 3, 4 and 5 of section 25-0201 of the environmental conservation law, subdivisions 3 and 4 as amended by chapter 598 of the laws of 1976, and subdivision 5 as added by chapter 790 of the laws of 1973, are amended to read as follows:

3. Upon completion of a tentative tidal wetlands boundary map for a particular area, the commissioner or his designated hearing officer shall hold a public hearing in order to afford an opportunity for any person to propose additions or deletions from such map. The commissioner shall give notice of such hearing to each owner of record of all lands designated as such wetland as shown on such maps, and also to the chief administrative officer of each municipality within whose boundary any such wetland or portion thereof is located[, by certified mail, return receipt requested,] not less than thirty days prior to the date set for such hearing. The commissioner shall also cause notice of such hearing to be published [at least once] IN THE ENVIRONMENTAL NOTICE BULLETIN AND POSTED ON THE DEPARTMENT'S WEBSITE, not more than thirty days nor fewer than ten days before the date set for such hearing[, in at least two newspapers having a general circulation in the area where such wetlands are located].

4. After considering the testimony given at such hearing and any other facts which may be deemed pertinent and after considering the rights of affected property owners and the policy and purposes of this act, the commissioner shall establish by order the final bounds of each such wetland. A copy of the order, together with a copy of the map depicting such final boundary lines, shall be filed in the DEPARTMENT'S REGIONAL office [of the clerk of the county] in THE REGION IN which each such wetland is located AND POSTED ON THE DEPARTMENT'S WEBSITE. AT THE REQUEST OF A LOCAL GOVERNMENT, THE DEPARTMENT SHALL SEND THE MAP, EITHER AS PHYSICAL COPY OF THE FINAL TIDAL WETLANDS MAP, OR, IF THE LOCAL GOVERNMENT PREFERS AND IT IS AVAILABLE A DIGITAL FILE THAT REPRESENTS IT. The commissioner shall simultaneously give notice of [such] THE order to each owner of all lands designated as such wetlands by mailing a copy of such order to such owner. The commissioner shall also simultaneously give notice of such order [by certified mail] to the chief administrative officer of each municipality within whose boundary any such wetland or portion thereof is located. The commissioner shall also cause a copy of such order to be published in [at least two newspapers having a general circulation in the area where such wetlands are located] THE ENVIRONMENTAL NEWS BULLETIN.

5. Any person aggrieved by such order may seek judicial review pursuant to article seventy-eight of the civil practice law and rules in the supreme court for the county in which the tidal wetlands are located, within thirty days after the date of the filing of the order [with the clerk of the county in which such wetlands are located] IN THE DEPARTMENT'S REGIONAL OFFICE.

S 24. Subdivision 8 of section 27-0305 of the environmental conservation law, as amended by chapter 739 of the laws of 1989, is amended to read as follows:

8. Such permit shall be renewed [annually] AT LEAST EVERY FIVE YEARS. The fees for such permit or renewal shall be those established by [regulation promulgated pursuant to] TITLE FIVE OF article [70] SEVENTY-TWO of this chapter AND SHALL BE PAID ANNUALLY. A renewal may be denied by the department for failure of the applicant to properly report as provided in subdivision [7] SEVEN of this section.

S 25. Subdivision 4 of section 72-0402 of the environmental conservation law, as added by chapter 471 of the laws of 1985 and renumbered by chapter 62 of the laws of 1989, is amended to read as follows:

4. Bills issued for annual hazardous waste program fees shall be [estimated bills] based [either:

a. upon the actual activity of the preceding calendar year, as reported to the department, or as adjusted by the department to reflect non-recurring events or reporting errors, or

b. in those instances where actual activity cannot be determined or where the status of a person subject to the provisions of this title has changed since the issuance of the bill for the preceding year so that a different fee category is applicable, upon estimated activity for the current calendar year, as determined by the department] UPON ACTUAL HAZARDOUS WASTE GENERATED FOR THE PRIOR CALENDAR YEAR, AS DEMONSTRATED TO THE DEPARTMENT'S SATISFACTION. DURING THE FIRST YEAR OF IMPLEMENTATION OF THIS SUBDIVISION, BILLS WILL BE BASED ON THE AVERAGE QUANTITY OF HAZARDOUS WASTE GENERATED FOR THE PREVIOUS THREE CALENDAR YEARS.

S 26. Subdivision 11 of section 9-1103 of the environmental conservation law is REPEALED.

S 27. Subdivision 5 of section 9-1105 of the environmental conservation law is REPEALED.

S 28. Section 9-1123 of the environmental conservation law is amended by adding a new article XV to read as follows:

ARTICLE XV

THE PROVISIONS OF ARTICLE IX OF THIS COMPACT WHICH RELATE TO MUTUAL AID IN COMBATING, CONTROLLING OR PREVENTING FOREST FIRES SHALL BE OPERATIVE AS BETWEEN ANY STATE PARTY TO THIS COMPACT AND ANY OTHER STATE WHICH IS PARTY TO A REGIONAL FOREST FIRE PROTECTION COMPACT IN ANOTHER REGION; PROVIDED THAT THE LEGISLATURE OF SUCH OTHER STATE SHALL HAVE GIVEN ITS CONSENT TO SUCH MUTUAL AID PROVISIONS OF THIS COMPACT.

S 29. This act shall take effect immediately.

PART FF

Section 1. Section 1421 of the tax law, as amended by section 1 of part T of chapter 59 of the laws of 2009, 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] ONE HUNDRED NINETY-NINE MILLION THREE HUNDRED THOUSAND 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] TWO THOUSAND NINE; 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; 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;] ONE HUNDRED THIRTY-TWO MILLION THREE HUNDRED THOUSAND DOLLARS SHALL BE DEPOSITED IN SUCH FUND FOR THE FISCAL YEAR BEGINNING

APRIL FIRST, TWO THOUSAND TEN; 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. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.

PART GG

Section 1. Subdivision 3 of section 79-b of the navigation law, as separately amended by chapters 768 and 805 of the laws of 1992, is amended to read as follows:

3. The amount of state aid to be allocated to eligible governmental entities pursuant to this article shall be determined by the commissioner as hereinafter provided. [He] THE COMMISSIONER shall determine the percentage proportion which the authorized expenditures of each individual entity, not exceeding four hundred thousand dollars for each county including municipalities therein, shall bear to the total authorized expenditures of all entities. Such percentage proportion shall then be applied against an amount equal to [three-quarters] ONE-HALF of the total of the amount received by the state in each preceding program year in [fees] VESSEL REGISTRATION FEES AS PROVIDED IN SECTION TWENTY-TWO HUNDRED FIFTY-ONE OF THE VEHICLE AND TRAFFIC LAW, less no more than thirty percent, subject to appropriation, which may be used by the commissioner and the commissioner of motor vehicles for administrative costs of the program, including training and equipment, and by the department of environmental conservation, the division of state police and other state agencies, subject to the approval of the commissioner, for the purposes of this article [for the registration of vessels], plus the entire amount received pursuant to subdivision nine of section forty-four of this chapter. The amount thus determined shall constitute the maximum amount of state aid to which each such entity shall be entitled; provided, however, that no entity shall receive state aid in an amount in excess of [seventy-five] FIFTY percent of its authorized

expenditures as approved by the commissioner for such program year. The commissioner shall certify to the comptroller the amount thus determined for each eligible local governmental entity as the amount of state aid to be apportioned to such eligible local governmental entity. The allocation of state aid to any county, town or village within the Lake George park shall not be reduced because of the allocation of state aid to the Lake George park commission. Of the remaining funds received by the state for the registration of vessels AS PROVIDED IN SECTION TWENTY-TWO HUNDRED FIFTY-ONE OF THE VEHICLE AND TRAFFIC LAW, no less than six percent shall be made available to the commissioner for the expenses of the office in providing navigation law enforcement training and administering the provisions of this section.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.

PART HH

Section 1. Subdivision 4 of section 27.17 of the parks, recreation and historic preservation law, as amended by chapter 88 of the laws of 1988, is amended to read as follows:

4. Not more than thirty percent of the snowmobile trail development and maintenance fund, as determined by the commissioner, shall be made available to the commissioner and the commissioner of environmental conservation for snowmobile trail development and maintenance AND OTHER RECREATIONAL ACTIVITIES on state owned lands; provided, however, that any such maintenance and development on forest preserve lands shall be undertaken in accordance with the master plan for the management of state lands pursuant to section eight hundred sixteen of the executive law.

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, 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 HH of this act shall be as specifically set forth in the last section of such Parts.