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

S. 59 A. 159

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

(PREFILED)

January 7, 2009

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

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

AN ACT to amend chapter 279 of the laws of 1998 amending the transportation law relating to enabling the commissioner of transportation to establish a single audit pilot program, in relation to extending such provisions (Part A); to authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2009-10 (Part B); to amend chapter 312 of the laws of 1994, amending the vehicle and traffic law relating to suspensions of licenses pending prosecution of certain alcohol-related charges, and authorizations for probationary and conditional driver's licenses, in relation to the effectiveness thereof (Part C); to amend chapter 533 of the laws of 1993 amending the vehicle and traffic law and the correction law relating to suspension and revocation of driver's licenses upon conviction of certain drug-related offenses, in relation to the effectiveness thereof (Part D); to amend chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part E); to amend the vehicle and traffic law, in relation to license fees (Part F); to amend the vehicle and traffic law, in relation to motor vehicle registration fees (Part G); to amend the vehicle and traffic law, in relation to the fee for number plates (Part H); to amend the vehicle and traffic law, in relation to eliminating the cap on surcharges (Part I); to amend chapter 569 of the laws of 1981, amending the vehicle and traffic law relating to motor vehicle liability insurance, financial security, criminal acts and penalties for non-compliance, in relation to the effectiveness of certain provisions; to amend chapter 781 of the laws of 1983, amending the vehicle and traffic law and other laws relating to motor vehicle liability insurance, financial security, criminal acts and certain penalties for non-compliance, in relation to the effectiveness of

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

LBD12373-01-9

certain provisions (Part J); to amend the vehicle and traffic law and the transportation law, in relation to the disqualifications of commercial driver's license holders (Part K); to amend the vehicle and traffic law, in relation to authorizing the department of motor vehicles to charge certain entities a fee for course completion certificates (Part L); to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, and to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, in relation to the effectiveness of such chapters (Part M); to amend the vehicle and traffic law, in relation to the elimination of the written test for a learner's permit and providing for the repeal of paragraph (g) of subdivision 4 of section 502 of such law relating thereto (Part N); to amend the state finance law, in relation to reporting requirements for the dedicated highway and bridge trust fund; and to amend part Z of chapter 62 of the laws of 2006 amending the state finance law relating to the use of the dedicated highway and bridge trust fund, in relation to certain financial reporting requirements (Part O); to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, in relation to the effectiveness thereof (Part P); to amend the agriculture and markets law, in relation to increasing the penalty amounts for first, second and subsequent violations (Part Q); to amend the executive law, in relation to the community services block grant program 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 R); to amend the general business law, the executive law and the real property law, in relation to increasing certain fees related to the licensure of disciplines regulated by the department of state; and to repeal certain provisions of the executive law relating thereto (Part S); to amend the tax law, in relation to real estate transfer tax revenue deposits into the environmental protection fund (Part T); to authorize and direct the New York state energy research and development authority to make a payment to the general fund of up to $913,000 (Part U); to amend the racing, pari-mutuel wagering and breeding law, in relation to assessing a fee upon the entry of a horse in a New York state pari-mutuel race (Part V); to amend the insurance law in relation to increasing fines and penalties; authorizing the superintendent of insurance to issue cease and desist orders; and increasing the length of time that an insurance producer, consultant, or adjuster must wait to obtain a license after revocation (Part W); 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 X); to authorize the New York State Energy Research and Development Authority to finance a portion of its research, development and demonstration and policy and planning programs from assessments on gas and electric corporations (Part Y); to require appropriations in the executive budget to the New York Power Authority (Part Z); to amend the public authorities law, in relation to authorizing the battery park city authority to make contributions to the state treasury (Part AA); authorizing the New York state urban development corporation to make contributions to the

state treasury (Part BB); to amend the New York state urban development corporation act, in relation to establishing the New York growth, achievement and investment strategy fund (Part CC); to authorize and direct the governor, the temporary president of the senate and the speaker of the assembly to develop a $300 million economic development capital spending reduction plan (Part DD); to amend the New York state urban development corporation act, in relation to the abolition of the department of economic development and the New York state foundation for science, technology and innovation and the transfer of functions thereof to the New York state urban development corporation; and to repeal the provisions of sections 10 and 50 of the economic development law and sections 3151 and 3152 of the public authorities law relating thereto (Part EE); to amend the public authorities law, in relation to state cost recovery on the issuance of certain bonds (Part FF); to transfer the functions, powers, duties, obligations and assets of the State Northeastern Queens Nature and Historical Preserve Commission to the office of parks, recreation and historic preservation; and to repeal chapter 919 of the laws of 1973, relating to establishing the State Northeastern Queens Nature and Historical Preserve (Part GG); to amend the executive law, in relation to establishing the Hudson river valley greenway program and transferring certain functions, powers, duties, obligations and assets of the Hudson river valley greenway, the Hudson river valley greenway communities council and the Hudson river valley greenway heritage conservancy created under article 44 of the environmental conservation law to the secretary of state and the department of state; to amend the agriculture and markets law, the highway law and the navigation law, in relation to such transfer; to repeal section 97-n of the state finance law relating to the Hudson river valley greenway fund; to repeal article 44 of the environmental conservation law relating to the establishment of the Hudson river valley greenway; and providing for the repeal of certain provisions upon the expiration thereof (Part HH); to amend the agriculture and markets law, in relation to increasing tonnage fees, and requiring the licensure of seed labelers and distributors (Part II); to amend the environmental conservation law, in relation to fees for the state pollution discharge elimination system program (Part JJ); to amend the environmental conservation law, in relation to establishing a trout and salmon stamp (Part KK); to amend the environmental conservation law and the state finance law, in relation to establishing a recreational marine fishing license; and to repeal subdivision 6 of section 11-0707 of the environmental conservation law relating to the exemption from having a fishing license in the marine district and on the Hudson River, south of the Troy barrier dam (Part LL); to amend the public service law, in relation to authorizing the public service commission to forbear from applying telephone rate and financing provisions; service of commission orders; renewal and amendments of cable franchises; and shared meter conditions; and to repeal certain provisions of such law relating thereto (Part MM); to amend the public service law, in relation to financing the operations of the department of public service, the public service commission, department support and energy management services provided by other state agencies, to increase the utility assessment cap and the minimum threshold for collection thereunder, and to establish a state energy and utility service conservation assessment and provide for the collection thereof; to amend the state finance law in relation to authorizing the aggregate purchases of energy for state agencies,

institutions, public authorities and public benefit corporations; and providing for the repeal of certain provisions upon the expiration thereof (Part NN); to amend the vehicle and traffic law, in relation to fines for certain regulated businesses (Part OO); to amend the vehicle and traffic law, in relation to suspension, termination and license application fees (Part PP); to amend the state finance law, in relation to dedicating the local share of revenue generated by the gaming facility located in the city of Buffalo (Part QQ); to amend chapter 21 of the laws of 2003 amending the executive law, relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to the effectiveness thereof (Part RR); to amend the environmental conservation law, the economic development law and the state finance law, in relation to including additional beverage containers and providing for the return of unclaimed deposits on beverage containers to the state for deposit into the environmental protection fund; and to repeal certain provisions of the environmental conservation law relating thereto (Part SS); to amend the parks, recreation and historic preservation law, in relation to requiring that a written determination by the commissioner of parks, recreation and historic preservation be made prior to future sales of merchandise, goods, commodities and food service items by the office of parks, recreation and historic preservation (Part TT); to amend the public authorities law, in relation to the assessment and reimbursement of state expenditures (Part UU); and to amend the tax law, in relation to the imposition of fees on certain taxpayers, to prohibit tax return preparers and software companies from charging separately for electronic filing of New York tax documents, to require registration of tax return preparers with the New York state department of taxation and finance; to amend the general business law, in relation to administration of certain civil penalties; and to repeal paragraphs 1 and 2 of subsection (u) of section 685 of the tax law relating to penalties imposed on certain tax return preparers (Part VV)

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

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

PART A

Section 1. Section 2 of chapter 279 of the laws of 1998, amending the transportation law relating to enabling the commissioner of transportation to establish a single audit pilot program, as amended by section 1

of part D of chapter 59 of the laws of 2008, is amended to read as follows:

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

S 2. This act shall take effect immediately.

PART B

Section 1. The sum of two hundred ninety million five hundred fifty-five thousand dollars ($290,555,000), or so much thereof as shall be necessary, and in addition to amounts previously appropriated by law, is hereby made available, in accordance with subdivision 1 of section 380 of the public authorities law as amended, according to the following schedule. Payments pursuant to subdivision (a) of this section shall be made available as moneys become available for such payments. Payments pursuant to subdivisions (b) and (c) of this section shall be made available on the fifteenth day of June, September, December and March or as soon thereafter as moneys become available for such payments. No moneys of the state in the state treasury or any of its funds shall be available for payments pursuant to this section:

SCHEDULE

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

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

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

(b) One hundred ninety-two million fifty-eight thousand dollars ($192,058,000) 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 $111,014,000. The amount distributed pursuant to section 16-a of chapter 329 of the laws of 1991 shall be deemed to be $81,044,000. 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 76.561 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 76.561 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 $33,986,000. The amount distributed pursuant to section 16-a of chapter 329 of the laws of 1991 shall be deemed to be $24,811,000. 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 23.439 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 23.439 percent of the funding level to be deemed distributed to each municipality under this paragraph shall be reduced in equal proportion. To the extent that the total of remaining payment allocations calculated herein varies from $58,797,000, the payment amounts to each locality shall be adjusted by a uniform percentage so that the total payments equal $58,797,000.

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

State Fiscal Year	Amount
2009-10	$250,855,000

S 2. This act shall take effect immediately.

PART C

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

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

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

PART D

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

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

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

PART E

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

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

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

PART F

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

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

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

(iii) If an applicant fails to pass the road test required for issuance of a license in the number of times specified in subparagraph (i) or (ii) of this paragraph, an additional fee of forty dollars will be

required for each additional test applied for in order to obtain a commercial driver's license and an additional fee of ten dollars will be required for up to two tests applied for in order to obtain any license other than a commercial driver's license.

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

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

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

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

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

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

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

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

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

S 3. This act shall take effect August 1, 2009 and shall apply to applications for new licenses and renewals of existing licenses expiring on or after such date.

PART G

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

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

If such motor vehicle, fully equipped, weighs thirty-five hundred pounds or less, [sixty-four and one-half] EIGHTY-ONE cents for each one hundred pounds or major fraction thereof; if such motor vehicle, fully

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

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

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

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

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

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE BETWEEN THE REGISTRATION FEES PROVIDED FOR IN SCHEDULES A, B, C, D, E, F AND I OF SUBDIVISION SEVEN OF THIS SECTION AND IN SUBDIVISIONS EIGHT AND THIRTEEN OF THIS SECTION IN EFFECT ON OR AFTER AUGUST FIRST, TWO THOUSAND NINE AND THE REGISTRATION FEES IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS CHAPTER, THE DIFFERENCE BETWEEN THE REGISTRATION FEES COLLECTED PURSUANT TO SCHEDULE G OF SUBDIVISION SEVEN OF THIS SECTION ON AND AFTER AUGUST FIRST, TWO THOUSAND NINE AND SUCH FEES COLLECTED IMMEDIATELY PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE

TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

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

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

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

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

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

3. Fees. The triennial fee for registration of a vessel shall be: [eighteen] TWENTY-TWO dollars AND FIFTY CENTS and a vessel surcharge of three dollars AND SEVENTY-FIVE CENTS, if less than sixteen feet in length; [thirty-six] FORTY-FIVE dollars and a vessel surcharge of [ten] TWELVE dollars AND FIFTY CENTS, if sixteen feet or over but less than twenty-six feet in length; [sixty] SEVENTY-FIVE dollars and a vessel surcharge of [fifteen] EIGHTEEN dollars AND SEVENTY-FIVE CENTS, if twenty-six feet or over. All funds derived from the collection of the vessel access surcharge pursuant to this subdivision are to be deposited in a subaccount of the "I love NY waterways" [boating safety fund] VESSEL ACCESS ACCOUNT established pursuant to section ninety-seven-nn of the state finance law. The vessel access surcharge shall not be considered a registration fee for purposes of section seventy-nine-b of the navigation law. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE BETWEEN THE VESSEL SURCHARGE PROVIDED FOR IN THIS SUBDIVISION IN EFFECT ON OR AFTER AUGUST FIRST, TWO THOUSAND NINE AND THE VESSEL SURCHARGE IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

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

A. Schedule for buses.

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

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

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

For each such vehicle having a seating capacity for passengers of not less than eleven passengers, nor more than fourteen passengers, and meeting the requirements of subdivisions twenty and twenty-one, notwithstanding the capacity limitation of subdivision twenty-one, of section three hundred seventy-five of this chapter, the annual fee of [forty-nine] SIXTY-ONE dollars and [forty-five] EIGHTY-ONE cents.

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

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

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

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

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

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

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

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

The foregoing schedules shall not apply to omnibuses operated pursuant to a franchise or franchises over streets designated in said franchise or franchises wholly within a city or cities, provided the holder of the franchise or franchises pays for the same a percentage of its gross earnings or gross receipts and for any such omnibus, without regard to the seating capacity; nor shall the foregoing schedules apply to omnibuses operated pursuant to a certificate of public convenience and necessity granted under the transportation law and based upon the consent of the local authorities of any city, town or village, other than in the counties of Nassau, Suffolk and Westchester, as required by the transportation corporations law or, in the county of Nassau, based upon the consent of the board of supervisors of such county or of any city or village therein, or of both such county and any city or village

therein or, in the counties of Suffolk and Westchester, based upon the consent of the county board of legislators of such counties, as required by chapter eight hundred seventy-nine of the laws of nineteen hundred thirty-six, provided the holder of such local consent pays for the same an annual fee to any such county, city, town or village, and for any such omnibus, without regard to the seating capacity, the annual fee shall be [ten] TWELVE dollars AND FIFTY CENTS. The foregoing schedules shall not apply to trackless trolleys, but if such omnibus shall not be operated in local transit service pursuant to a certificate of convenience and necessity issued by the commissioner of transportation the foregoing schedule of fees shall apply.

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

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

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

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

C. Schedule for taxicabs and livery. For each taxicab or livery having a seating capacity for passengers, excluding the driver, of five persons or less, the annual fee of [twenty-five] THIRTY-ONE dollars and [thirty] SIXTY-THREE cents. For each such vehicle having a seating capacity for passengers, excluding the driver, of not less than six persons, nor more than seven persons, the annual fee of [forty-one] FIFTY-ONE dollars and [forty] SEVENTY-FIVE cents. For each such vehicle having a seating

capacity for passengers, excluding the driver, of at least eight persons, but not more than ten persons, the annual fee of [fifty-one] SIXTY-FOUR dollars and [seventy-five] SIXTY-NINE cents. For each such vehicle having a seating capacity for passengers, excluding the driver, of at least eleven persons, but not more than fourteen persons, the annual fee of [seventy-three] NINETY-TWO dollars [and sixty cents]. Any registration issued pursuant to this schedule shall be revoked upon receipt by the commissioner of a notice of revocation of any license or permit necessary for the issuance of such registration from the local authority which issued such license or permit, or upon receipt of evidence by the commissioner that the registrant has been convicted of a violation of any local law requiring the issuance of a license or permit in order to engage in for-hire operation. Provided, however, that upon surrender to the commissioner of any such revoked registration and number plates and upon payment of the proper registration fee, a registration may be issued for the vehicle for which such registration has been revoked pursuant to the provisions of subdivision six of this section.

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

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

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

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

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

2. For each rental vehicle of the passenger or suburban type having a seating capacity for passengers, including the driver, of five persons or less, the annual fee of [forty-two] FIFTY-THREE dollars and [fifty-five] NINETEEN cents. For each such vehicle having a seating capacity for passengers, including the driver, of not less than six persons, nor more than seven persons, the annual fee of [fifty-nine] SEVENTY-FOUR

dollars and [eighty] SEVENTY-FIVE cents. For each such vehicle having a seating capacity for passengers, including the driver, of at least eight persons, but not more than ten persons, the annual fee of [sixty-nine] EIGHTY-SIX dollars AND TWENTY-FIVE CENTS. For each such vehicle having a seating capacity for passengers, including the driver, of at least eleven persons, but not more than fifteen persons, the annual fee of [ninety] ONE HUNDRED THIRTEEN dollars and [eighty-five] FIFTY-SIX cents.

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

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

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

a. The provisions of this chapter in relation to registration books and registration, certificates of registration, number plates, duplicates of certificates and number plates, times of registration and reregistration and the duration thereof, for motor vehicles, shall apply also to trailers. The following fees shall be paid upon the registration or reregistration of a trailer, other than a coach or house trailer or a semitrailer, in accordance with the provisions of this article: The annual fee of [four] FIVE dollars and [thirty-one] THIRTY-NINE cents for

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

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

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

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

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

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

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

a fee of [ten] TWELVE dollars AND FIFTY CENTS assign to such vehicle a distinctive number and issue and deliver to the applicant an in-transit permit, valid for a period of thirty days from the date of issuance, in such form as the commissioner shall prescribe, indicating the extent to which the vehicle covered by such permit may be operated on the public highways and such vehicle may be operated only as so indicated.

S 16. Paragraph a of subdivision 5 of section 410 of the vehicle and traffic law, as amended by chapter 435 of the laws of 1997, is amended to read as follows:

a. The annual fee for registration or reregistration of a motorcycle shall be eleven dollars and fifty cents. Beginning April first, nineteen hundred ninety-eight the annual fee for registration or reregistration of a motorcycle shall be [fourteen] SEVENTEEN dollars AND FIFTY CENTS, of which two dollars and fifty cents shall be deposited into the motorcycle safety fund established pursuant to section ninety-two-g of the state finance law.

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

1. The commissioner may issue special number plates to applicants therefor in the same manner as other number plates are issued pursuant to this article. Such special number plates shall be issued only upon payment of an annual service charge of [fifteen] EIGHTEEN dollars AND SEVENTY-FIVE CENTS in addition to the regular fee prescribed by section four hundred ten of this [chapter] ARTICLE. Application for special number plates shall be made in accordance with regulations promulgated by the commissioner with respect to issuance of such number plates.

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

S 411-b. Registration fee schedule for historical motorcycles. For each motorcycle which is owned and operated as an exhibition piece or collectors item, and is used for participation in club activities, exhibit, tours, parades, occasional transportation and similar uses, but not used for general daily transportation, an annual fee of [twenty] TWENTY-FIVE dollars. For purposes of this section, a historical motorcycle shall mean any motorcycle manufactured more than twenty-five years prior to the current calendar year, and any other model, year and type motorcycle which has unique characteristics and which is determined by the commissioner to be of historical, classic or exhibition value. Registration plates for such motorcycles shall be of a type and design approved by the commissioner, but shall be of a distinctive nature, except that, with the approval of the commissioner, an owner of any such motorcycle may utilize registration plates of this state with the date of year corresponding to the model year date when the vehicle was manufactured, if the model year date registration plate is legible and serviceable, as determined by the department, in lieu of the registration plates otherwise required by this chapter. Such plates shall be used only for the operation of the motorcycle listed on the registration application and on other motorcycles which would qualify for registration under this schedule owned by persons other than the registrant for the purpose of test driving by the registrant or his agent in anticipation of possible purchase. No such registration will be issued unless evidence of financial security, in a form prescribed by the commissioner, is submitted which provides coverage for the motorcycle listed on the registration application and for non-owned motorcycles being operated with such plates.

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

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

S 20. Paragraphs (a) and (b) of subdivision 4 of section 2222 of the vehicle and traffic law, as amended by section 2 of part I of chapter 59 of the laws of 2004, are amended to read as follows:

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

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

S 21. Subparagraph A of paragraph e of subdivision 6 of section 401 of the vehicle and traffic law, as added by chapter 793 of the laws of 1977, is amended to read as follows:

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

S 22. Subdivision 1 of section 404 of the vehicle and traffic law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

1. The commissioner may issue special number plates to applicants therefor in the same manner as other number plates are issued pursuant to this article. Such special number plates shall be issued only upon payment of an annual service charge of [twenty-five] THIRTY-ONE dollars AND TWENTY-FIVE CENTS in addition to the regular fee prescribed by section four hundred one of this [chapter] ARTICLE. Application for special number plates shall be made in accordance with regulations promulgated by the commissioner with respect to issuance of such number plates. Provided, however, in lieu of the annual fee specified herein, the commissioner may establish specific categories of plates for which an annual fee of not less than [fifteen] EIGHTEEN dollars AND SEVENTY-FIVE CENTS nor more than [twenty-five] THIRTY-ONE dollars AND TWENTY-FIVE CENTS may be charged subject to the approval of the director of the division of the budget. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE BETWEEN THE SPECIAL PLATES FEE OR SERVICE CHARGE PROVIDED FOR IN THIS SUBDIVISION IN EFFECT ON OR AFTER AUGUST FIRST, TWO THOUSAND NINE AND THE SPECIAL PLATES FEE OR SERVICE CHARGE IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 23. Subdivision 2 of section 404 of the vehicle and traffic law, as separately amended by chapters 158 and 190 of the laws of 1990, is amended to read as follows:

2. For purposes of this section, a special number plate shall be a plate which contains not more than eight letters, numerals or any combi-

nation thereof and which is reserved by the commissioner for issuance in accordance with the provisions of this section, or a plate reserved for issuance in a series for vehicles owned by public officers, physicians, visiting nurses, accredited representatives of the press or other groups. In issuing special number plates the commissioner shall give those applicants who held a special number plate at the time of the enactment of this section the right to retain such special number plate upon the payment of the annual service charge of [twenty-five] THIRTY-ONE dollars AND TWENTY-FIVE CENTS. Provided, however, that such right of retention shall apply only to the first renewal of the registration of such special number plate following the enactment of this section. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE DIFFERENCE BETWEEN THE ANNUAL SERVICE CHARGE PROVIDED FOR IN THIS SUBDIVISION IN EFFECT ON OR AFTER AUGUST FIRST, TWO THOUSAND NINE AND THE ANNUAL SERVICE CHARGE IN EFFECT PRIOR TO SUCH DATE SHALL BE DEPOSITED TO THE CREDIT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND.

S 24. Subdivision 2 of section 404-l of the vehicle and traffic law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

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

S 25. Paragraph b of subdivision 3 of section 401 of the vehicle and traffic law, as amended by chapter 548 of the laws of 1986, is amended to read as follows:

b. During a registration period the commissioner may, upon application by the owner of a registered motor vehicle and upon payment of a fee of three dollars AND SEVENTY-FIVE CENTS, change the distinctive number assigned to such motor vehicle and issue a new set of number plates provided the original registration and number plates are surrendered.

S 26. Schedule G of subdivision 7 of section 401 of the vehicle and traffic law, as amended by chapter 710 of the laws of 2004, is amended to read as follows:

G. Schedule for historical motor vehicles. For each motor vehicle which is owned and operated as an exhibition piece or collectors item, and is used for participation in club activities, exhibit, tours, parades, occasional transportation and similar uses, but not used for general daily transportation, an annual fee of [twenty-three] TWENTY-EIGHT dollars AND SEVENTY-FIVE CENTS. For purposes of this paragraph, a historical motor vehicle shall mean any vehicle manufactured

more than twenty-five years prior to the current calendar year, and any other model, year and type vehicle which has unique characteristics and which is determined by the commissioner to be of historical, classic or exhibition value. Registration plates for such vehicles shall be of a type and design approved by the commissioner, but shall be of a distinctive nature. Except that, with the approval of the commissioner, an owner of any such vehicle may utilize registration plates issued in the year corresponding to the model year date in which the vehicle was manufactured, if the registration plate is legible, durable, and serviceable, of this state, and accurate in color, as determined by the department. Nothing in this paragraph shall be construed to prohibit the use of previously issued registration plates that have been restored, without deviation from their original alphanumeric or pictorial content, to such condition as otherwise satisfies all applicable requirements. Such plates shall be used only for the operation of the motor vehicle listed on the registration application and on other motor vehicles which would qualify for registration under this schedule owned by persons other than the registrant for the purpose of test driving by the registrant or his or her agent in anticipation of possible purchase. No such registration will be issued unless evidence of financial security, in a form prescribed by the commissioner, is submitted which provides coverage for the motor vehicle listed on the registration application and for non-owned motor vehicles being operated with such plates.

S 27. Subdivisions 6 and 8 of section 420 of the vehicle and traffic law, as amended by chapter 190 of the laws of 1990, are amended to read as follows:

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

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

S 28. This act shall take effect August 1, 2009; provided, however, that sections one through fourteen of this act and section twenty-four

of this act shall apply to applications for new registrations and renewals of existing registrations required to be registered on or after such date; provided, further, that section sixteen of this act shall apply to applications for in-transit permits on or after such date.

PART H

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

a. Upon filing of such application and the payment of the fee hereinafter provided, the commissioner shall assign to such motor vehicle a distinctive number and, without expense to the applicant, issue and deliver in such manner as the commissioner may select to the owner a certificate of registration, in such form as the commissioner shall prescribe, and two number plates at a place within the state of New York named by the applicant in his OR HER application. A number plate, within the meaning of this chapter, may, in the discretion of the commissioner, be a plate of a permanent nature, treated with reflectorized material according to specifications prescribed by the commissioner, and with a date tag attached to such plate or to the vehicle as prescribed by regulations of the commissioner indicating the validity of the plate during a certain period and the issuance of such a number plate with such date tag to a person possessing such a number plate shall be deemed the issuance of a number plate. An additional fee, not to exceed [fifteen] TWENTY-FIVE dollars, shall be paid to the commissioner whenever a set of reflectorized number plates is issued for any vehicle for which a registration fee is normally charged except that, with respect to any number plate which is specifically requested by the applicant, such fee shall be paid to the commissioner upon approval of such request. In the event of the loss, mutilation or destruction of any certificate of registration, any number plate or set of number plates whether with or without a date tag or tags, or any date tag or set of date tags provided for in this article, the owner of a registered motor vehicle may file such statement and proof of the facts as the commissioner shall require, with a fee of three dollars, in the office of the commissioner, or, unless and until the commissioner shall otherwise direct, in the office of the agent who issued the certificate, plate, plates, tag or tags and the commissioner or his OR HER agent, as the case may be, shall issue a duplicate or substitute. It shall be the duty of every owner holding a certificate of registration to notify the commissioner in writing of any change of residence of such person within ten days after such change occurs, and to inscribe on such certificate, in the place provided by the commissioner, a record of such change of residence.

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

PART I

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

2. Where a person is convicted of two or more such crimes or traffic infractions committed through a single act or omission, or through an

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

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

PART J

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

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

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

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

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

PART K

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

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

S 2. Subparagraph (ii) of paragraph (b) of subdivision 2 of section 501 of the vehicle and traffic law, as amended by section 3 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(ii) H endorsement. Shall be required to transport hazardous materials as defined in section one hundred three of the hazardous materials transportation act, public law 93-633, title I, when the vehicle transporting such materials is required to be placarded under the hazardous materials regulation, 49 CFR part 172, subpart F or is transporting any quantity of material listed as a select agent or toxin in 42 CFR part 73. An applicant for a commercial driver's license in this state who wishes to transport hazardous materials must obtain a New York state hazardous materials endorsement even if such applicant holds a valid hazardous materials endorsement issued by another state. A farm vehicle shall be exempt from the requirement for such endorsement when transporting hazardous materials within one hundred fifty miles of the person's farm. However, a separate non-commercial endorsement shall be required for such exempted transportation. In order to obtain such endorsement, the license holder must submit fingerprints for purposes of a criminal history record check pursuant to subdivision six of this section. IN ADDITION TO THE PROVISIONS OF THIS SUBPARAGRAPH, NO PERSON SHALL BE ISSUED A HAZARDOUS MATERIALS ENDORSEMENT IF SUCH PERSON DOES NOT MEET THE QUALIFICATIONS FOR ISSUANCE OF SUCH ENDORSEMENT SET FORTH IN SECTIONS 383.71(A)(9) AND 383.141 AND PART 1572 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS.

S 3. Subparagraph (i) of paragraph (d) of subdivision 2 of section 501 of the vehicle and traffic law, as amended by section 6 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

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

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

(b) However, a commercial motor vehicle shall not include: (i) a personal use vehicle or a farm vehicle or a combination of such vehicles; (ii) any motor vehicle or combination of motor vehicles operated by a member of the armed forces for military purposes; (iii) a police or

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

S 5. Paragraphs (a) and (b) of subdivision 2 of section 510-a of the vehicle and traffic law, as amended by section 2 of part J of chapter 59 of the laws of 2006, are amended to read as follows:

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

(b) Where revocation is mandatory pursuant to paragraph (a), (C), (d) or (e) of subdivision one of this section and the commercial motor vehicle was transporting hazardous materials, no new commercial driver's license shall be issued for at least three years nor thereafter except in the discretion of the commissioner, except that if such person has previously been found to have refused a chemical test pursuant to section eleven hundred ninety-four of this chapter or has a prior conviction of any of the following offenses: any violation of section

eleven hundred ninety-two of this chapter, any violation of subdivision one or two of section six hundred of this chapter, or any felony involving the use of a motor vehicle pursuant to paragraph (a) of subdivision one of this section, or been convicted of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle, or has been convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide, then such commercial driver's license revocation shall be permanent.

S 6. Paragraphs (a) and (b) of subdivision 3 of section 510-a of the vehicle and traffic law, paragraph (a) as added by chapter 173 of the laws of 1990 and paragraph (b) as amended by chapter 251 of the laws of 2007, are amended to read as follows:

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

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

S 7. Subparagraphs (i) and (ii) of paragraph (d) of subdivision 3 of section 510-a of the vehicle and traffic law, as amended by chapter 569 of the laws of 2002, are amended to read as follows:

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

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

S 8. Subdivision 6 of section 510-a of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, is amended to read as follows:

6. Application of section to persons not holding a commercial driver's license. Whenever a person who is not the holder of a commercial driver's license issued by the commissioner is convicted of a violation ARISING OUT OF THE OPERATION OF A COMMERCIAL MOTOR VEHICLE which would require the mandatory revocation or suspension of a commercial driver's license pursuant to this [section] CHAPTER, the privilege of such person to operate a commercial motor vehicle and/or to obtain a commercial

driver's license issued by the commissioner will be suspended or revoked for the same periods of time and subject to the same conditions provided in this [section] CHAPTER which would be applicable to the holder of a commercial driver's license and in addition, the driver's license or privilege of operating a motor vehicle by such person shall be suspended or revoked for the same periods of time for which the privilege of operating a commercial motor vehicle or the privilege to obtain a commercial driver's license are suspended or revoked.

S 9. Subparagraphs (v) and (vi) of paragraph d of subdivision 2 of section 140 of the transportation law, subparagraph (v) as amended by section 2 of part K of chapter 412 of the laws of 1999 and subparagraph (vi) as added by chapter 173 of the laws of 1990, are amended to read as follows:

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

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

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

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

S 10. This act shall take effect immediately, provided however, sections seven and nine of this act shall take effect on the sixtieth day after it shall have become a law.

PART L

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

(H) COURSE COMPLETION CERTIFICATE FEE. THE FEE FOR A COURSE COMPLETION CERTIFICATE PROVIDED BY THE DEPARTMENT TO AN ENTITY THAT IS APPROVED BY THE COMMISSIONER TO OFFER THE PRE-LICENSING COURSE, REQUIRED BY THIS SUBDIVISION, FOR ISSUANCE BY SUCH ENTITY TO STUDENTS UPON THEIR COMPLETION OF SUCH PRE-LICENSING COURSE SHALL BE ONE DOLLAR. SUCH FEE SHALL BE PAID BY SUCH ENTITY AND SHALL NOT BE CHARGED TO A PERSON WHO TAKES THE COURSE IN ANY MANNER.

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

PART M

Section 1. Subdivision (p) of section 406 of chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, as amended by section 13 of part C of chapter 56 of the laws of 2007, is amended to read as follows:

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [2009] 2011, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [2009] 2011 and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-

seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the provisions of sections three hundred eighty-four and three hundred eighty-five of this act shall apply only to jury service commenced during a judicial term beginning on or after the effective date of this act; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration or repeal of any provision of law amended by any section of this act and such provisions shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law;

S 2. Section 17 of chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, as amended by chapter 667 of the laws of 2004, is amended to read as follows:

S 17. This act shall take effect on the thirtieth day after it shall have become a law and shall remain in full force and effect until [December] SEPTEMBER 1, [2009] 2011 when upon such date the amendments and provisions made by this act shall be deemed repealed; provided, however, any such local laws as may be enacted pursuant to this act shall remain in full force and effect only until the expiration on [December] SEPTEMBER 1, [2009] 2011.

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

PART N

Section 1. Subdivision 3 of section 502 of the vehicle and traffic law, as amended by chapter 692 of the laws of 1985, is amended to read as follows:

3. Application for learner's permit. An application for a learner's permit shall be included in the application for a license. A learner's permit shall be issued in such form as the commissioner shall determine but shall not be issued unless the applicant has successfully passed the vision test required by this section [and the test set forth in paragraph (a) of subdivision four of this section with respect to laws relating to traffic and ability to read and comprehend traffic signs and

symbols] and has satisfactorily completed any course required pursuant to paragraph (a) of subdivision four of this section OR A DRIVER EDUCATION COURSE APPROVED BY THE STATE EDUCATION DEPARTMENT AND THE COMMISSIONER IN A HIGH SCHOOL OR COLLEGE WITHIN THE SIX MONTHS PRECEDING THE APPLICATION FOR SUCH PERMIT. Upon acceptance of an application for a learner's permit the commissioner shall provide the applicant with a driver's manual which includes but is not limited to the laws relating to traffic, the laws relating to and physiological effects of driving while ability impaired and driving while intoxicated, explanations of traffic signs and symbols and such other matters as the commissioner may prescribe.

S 2. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502 of the vehicle and traffic law, as amended by chapter 585 of the laws of 2002, is amended to read as follows:

(i) Upon submission of an application for a driver's license, the applicant shall be required [to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated, under the overpowering influence of "Road Rage", or "Work Zone Safety" awareness as defined by the commissioner, the ability to read and comprehend traffic signs and symbols and such other matters as the commissioner may prescribe, and] to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof OR A DRIVER EDUCATION COURSE APPROVED BY THE STATE EDUCATION DEPARTMENT AND THE COMMISSIONER IN A HIGH SCHOOL OR COLLEGE. [Such test shall include at least seven written questions concerning the effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. Such test shall be administered by the commissioner.] THE COMMISSIONER MAY PRESCRIBE BY REGULATION THAT ANY PERSON WHO ENROLLS IN THE PRE-LICENSING COURSE, REQUIRED BY THIS PARAGRAPH, OR A DRIVER EDUCATION COURSE APPROVED BY THE STATE EDUCATION DEPARTMENT AND THE COMMISSIONER IN A HIGH SCHOOL OR COLLEGE MUST COMPLETE A WRITTEN TEST PRIOR TO RECEIVING A COURSE COMPLETION CERTIFICATE. The commissioner shall cause the applicant to take a vision test and a test for color blindness. Upon passage of the vision test, the application may be accepted and the application fee shall be payable. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE, AS DEFINED IN SUBDIVISION ONE OF SECTION FIVE HUNDRED ONE-A OF THIS ARTICLE, MUST PASS A WRITTEN TEST, THE FORM AND CONTENT OF WHICH IS PRESCRIBED BY THE COMMISSIONER, UNLESS SUCH APPLICANT IS THE HOLDER OF A VALID OR RENEWABLE COMMERCIAL DRIVER'S LICENSE ISSUED BY ANOTHER JURISDICTION.

S 3. Paragraph (g) of subdivision 4 of section 502 of the vehicle and traffic law is REPEALED.

S 4. Paragraph (a) of subdivision 2 of section 503 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

(a) Initial application fee. The fee required for the initiation of the licensing process by a person who does not hold a valid or renewable license issued by the commissioner shall be ten dollars.

(i) [If application is made for any license other than a commercial driver's license, such fee shall enable the applicant to take the knowledge test required for issuance of a learner's permit and driver's license no more than twice.

(ii) (A)] If application is made for a commercial driver's license, such fee shall enable the applicant to take the knowledge test required for issuance of a learner's permit and driver's license once and also take any knowledge test or tests required for any endorsement or endorsements applied for which are taken at the same time.

[(B)] (II) The knowledge tests for such learner's permit, driver's license or endorsements shall be available in both the English and Spanish language versions.

(iii) If an applicant FOR A COMMERCIAL DRIVER'S LICENSE fails [to pass] the knowledge test required for issuance of a learner's permit [in the number of times specified in subparagraph (i) or (ii) of this paragraph] OR ANY ENDORSEMENT OR ENDORSEMENTS, a new application fee shall be required.

S 5. Subparagraph (ii) of paragraph (b) of subdivision 2 of section 503 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

(ii) Upon [passage of the knowledge test required to obtain a learner's permit] COMPLETION OF THE PRE-LICENSING COURSE REQUIRED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED TWO OF THIS ARTICLE OR A DRIVER EDUCATION COURSE APPROVED BY THE STATE EDUCATION DEPARTMENT AND THE COMMISSIONER IN A HIGH SCHOOL OR COLLEGE, the applicant for a class C license which does not have an H, P or X endorsement or a class E license shall be required to pay five dollars for each six months or portion thereof of the period of validity of a learner's permit or license which is or may be issued, and an applicant for a class D, DJ, M or MJ license shall be required to pay two dollars and fifty cents for each six months or portion thereof of the period of validity of a learner's permit or license which is or may be issued. No additional fee shall be required of any such applicant to take up to two road tests. Such road test must be passed before a license will be issued.

S 6. This act shall take effect on the ninetieth day after it shall have become a law.

PART O

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

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

completed quarters of] the current fiscal year and the next five fiscal years UNLESS ANOTHER REPORT OR SUBMISSION DATE IS REQUIRED BY THIS SECTION:

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

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

(iii) a detailed description of each capital project supported by the dedicated highway and bridge trust fund for the completed prior year, and the capital projects anticipated or available to be performed in whole or in part in the next year including the information required by paragraph (d) of this subdivision [together with the probable life of the work as determined in accordance with section sixty-one of this chapter]. SUCH DETAILED DESCRIPTION OF PROJECTS FUNDED OR TO BE FUNDED BY THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND SHALL BE DEEMED SATISFIED BY PROVIDING TO THE STATE COMPTROLLER THOSE REPORTS ON SUCH PROGRAMS AND PROJECTS AS SHALL BE AGREED UPON BY THE GOVERNOR, THE MAJORITY LEADER OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY. SUCH REPORTS SHALL BE DELIVERED TO THE STATE COMPTROLLER IN SUCH FORM, AND AT SUCH TIMES, AS REQUIRED BY SUCH AGREEMENT;

(iv) [for prior periods,] the bond coverage ratio on [a biennial] AN ANNUAL basis, including the formula used to compute such ratio and the source of that formula;

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

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

(VII) an explanation of any actions proposed to be taken to achieve increased opportunity for meaningful participation in the performance of state contracts by minority and women-owned business enterprises in accordance with article fifteen-A of the executive law, including a compliance report to be submitted by July first of each year commencing with the two thousand five--two thousand six fiscal year and for each subsequent year thereafter that includes: all the items of information required in accordance with regulations promulgated by the director of

the division of minority and women's business development in the department of economic development under article fifteen-A of the executive law; goals for participation by certified minority or women-owned business enterprises for such fiscal year; and a description of the types of expenditures, projects or contracts; and

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

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

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

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

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

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

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

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

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

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

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

amount of the previous quarter's disbursements that will be financed with state or public authority bond proceeds, taxes, fees, transfers, or other available sources.]

S 4. This act shall take effect immediately.

PART P

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

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

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

PART Q

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

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

the period provided for by this chapter, shall constitute a separate violation. A right of action for the recovery of, or a liability for, penalties incurred as provided in this chapter, or in any other law the enforcement of which is within the jurisdiction of the department, may be released, settled or compromised before the matter is referred to the attorney general as provided in section forty-four of this article, and thereafter may be released, settled or compromised by the attorney general, either before or after an action is brought to recover such penalties.

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

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

S 3. This act shall take effect immediately.

PART R

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

S 159-i. Distribution of funds. For federal fiscal year two thousand [nine] TEN at least ninety percent of the community services block grant funds received by the state shall be distributed pursuant to a contract by the secretary to grantees as defined in subdivision one of section one hundred fifty-nine-e of this article. Each such grantee shall receive the same proportion of community services block grant funds as was the proportion of funds received in federal fiscal year nineteen hundred eighty-one by such grantee under the federal community services administration program account numbers 01 and 05 pursuant to section two hundred twenty-one of title II and for migrant and seasonal farm worker organizations pursuant to section two hundred twenty-two of title II of the economic opportunity act of 1964, as amended, as compared to the total amount received by all grantees in the state, under the federal community services administration program account numbers 01 and 05 pursuant to section two hundred twenty-one of title II and for migrant and seasonal farm worker organizations pursuant to section two hundred twenty-two of title II of such act in federal fiscal year nineteen hundred eighty-one.

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

For federal fiscal year two thousand [nine] TEN the remainder of the community services block grant funds received by the state shall be distributed pursuant to a contract by the secretary in the following

order of preference: a sum of up to one-half of one percent of the community services block grant funds received by the state to Indian tribes and tribal organizations as defined in this article, on the basis of need; community action agencies established in federal fiscal year nineteen hundred eighty-three; counties which do not have a community action agency in existence and seek to establish an organization which is consistent with the objectives of an eligible entity; limited purpose agencies which had received funding during federal fiscal year nineteen hundred eighty-one under section two hundred twenty-one, section two hundred twenty-two(a)(4) or section two hundred thirty-two of title II of the economic opportunity act of 1964, as amended; and community based organizations.

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

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

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

S 7. This act shall take effect September 30, 1983 and shall be in full force and effect only until September 30, [2009] 2010 at which time the amendments and additions made pursuant to the provisions of this act shall be deemed to be repealed, provided, however, that the distribution of funds pursuant to section 159-i of the executive law shall be limited to the federal fiscal year expressly set forth in such section.

S 4. This act shall take effect September 30, 2009; 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 S

Section 1. Subdivision 3 of section 409 of the general business law, as amended by section 9 of part B of chapter 411 of the laws of 1999, is amended to read as follows:

3. The secretary shall receive a non-refundable examination fee of [fifteen] SEVENTY-FIVE dollars from each person who takes a written OR PRACTICAL examination pursuant to this article. Fees collected pursuant to this article shall be deposited to the credit of the business and licensing services account established pursuant to the provisions of section ninety-seven-y of the state finance law.

S 2. Subdivision 5 of section 69-o of the general business law, as amended by chapter 575 of the laws of 1993, is amended to read as follows:

5. There shall be an examination fee of [fifteen] SEVENTY-FIVE dollars.

S 3. Subdivision 2 of section 69-r of the general business law, as amended by chapter 575 of the laws of 1993, is amended to read as follows:

2. The fee for taking an examination under this article shall be [fifteen] SEVENTY-FIVE dollars; provided, however, that if the applicant qualifies for a license as the result of such examination, the fee paid for the privilege of taking such examination shall be included in the license fee for the license issued to him thereon.

S 4. Paragraph b of subdivision 1 of section 160-f of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:

b. An examination fee of [fifty dollars] SUCH REASONABLE AMOUNT AS THE SECRETARY OF STATE SHALL PRESCRIBE.

S 5. Subdivision 3 of section 440 of the general business law, as amended by chapter 61 of the laws of 1989, is amended to read as follows:

3. The fee for taking a written or practical examination under this article shall be [fifteen] SEVENTY-FIVE dollars.

S 6. Subdivision 1 of section 797 of the general business law, as added by chapter 599 of the laws of 1998, is amended to read as follows:

1. a nonrefundable fee of [fifty] SEVENTY-FIVE dollars from each person who takes the required examination or any component thereof pursuant to this article;

S 7. Subdivision 2 of section 444-f of the real property law, as amended by chapter 225 of the laws of 2005, is amended to read as follows:

2. The secretary shall collect a fee of two hundred fifty dollars for the first application for a license and the license as a home inspector. The secretary shall collect a fee of one hundred dollars to renew a home inspector license. The secretary shall collect an examination fee of [fifty] SEVENTY-FIVE dollars. All fees and any fines imposed by the secretary pursuant to this article shall be deposited in the business and licensing services account established pursuant to section ninety-seven-y of the state finance law.

S 8. Paragraph (c) of subdivision 1 of section 74 of the general business law, as amended by chapter 562 of the laws of 2000, is amended to read as follows:

(c) The secretary of state shall receive a non-refundable examination fee of [fifteen] SEVENTY-FIVE dollars from each person who takes an examination to qualify for application for licensure pursuant to this article. Fees paid to the department of state pursuant to this article shall be deposited in the business and licensing services account established pursuant to section ninety-seven-y of the state finance law.

S 9. Subdivision 12 of section 131 of the executive law is REPEALED and a new subdivision 12 is added to read as follows:

12. THE SECRETARY OF STATE SHALL RECEIVE A NON-REFUNDABLE EXAMINATION FEE OF SEVENTY-FIVE DOLLARS FROM EACH PERSON WHO TAKES AN EXAMINATION TO QUALIFY FOR APPLICATION FOR A COMMISSION AS A NOTARY PUBLIC PURSUANT TO THIS ARTICLE.

S 10. Subdivision 1-A of section 441-b of the real property law, as amended by section 12 of part B of chapter 411 of the laws of 1999, is amended to read as follows:

1-A. The fee for a person to take an examination offered by the secretary of state pursuant to this article shall be [fifteen dollars] SEVEN-

TY-FIVE DOLLARS FOR REAL ESTATE SALESPERSONS AND ONE HUNDRED TWENTY-FIVE DOLLARS FOR REAL ESTATE BROKERS AND ASSOCIATE BROKERS. Fees collected by the department of state pursuant to this article shall be deposited to the credit of the business and licensing services account established pursuant to section ninety-seven-y of the state finance law.

S 11. This act shall take effect immediately.

PART T

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

S 1421. Deposit and dispositions of revenues. From the taxes, interest and penalties attributable to the tax imposed pursuant to section fourteen hundred two of this article, the amount of thirty-three and one-half million dollars shall be deposited by the comptroller in the environmental protection fund established pursuant to section ninety-two-s of the state finance law for the fiscal year beginning April first, nineteen hundred ninety-five; the amount of eighty-seven million dollars shall be deposited in such fund for the fiscal years beginning April first, nineteen hundred ninety-six and nineteen hundred ninety-seven; the amount of one hundred twelve million dollars shall be deposited in such fund for the fiscal years beginning April first, nineteen hundred ninety-eight, nineteen hundred ninety-nine, two thousand, two thousand one, two thousand two, two thousand three, two thousand four and two thousand five; the amount of one hundred thirty-seven million dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand six; the amount of two hundred twelve million dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand seven; the amount of two hundred thirty-seven million dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand eight; and the amount of [two hundred eighty-seven] EIGHTY million dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand nine and for each fiscal year thereafter; provided however that at the direction of the director of the budget, an additional amount of up to twenty-five million dollars may be deposited in such fund for the fiscal year beginning April first, two thousand seven and ending March thirty-first, two thousand eight, for disposition as provided under such section. On or before June twelfth, nineteen hundred ninety-five and on or before the twelfth day of each month thereafter (excepting the first and second months of each fiscal year), the comptroller shall deposit into such fund from the taxes, interest and penalties collected pursuant to such section fourteen hundred two of this article which have been deposited and remain to the comptroller's credit in the banks, banking houses or trust companies referred to in section one hundred seventy-one-a of this chapter at the close of business on the last day of the preceding month, an amount equal to one-tenth of the annual amount required to be deposited in such fund pursuant to this section for the fiscal year in which such deposit is required to be made. In the event such amount of taxes, interest and penalties so remaining to the comptroller's credit is less than the amount required to be deposited in such fund by the comptroller, an amount equal to the shortfall shall be deposited in such fund by the comptroller with subsequent deposits, as soon as the revenue is available. Beginning April first, nineteen hundred ninety-seven, the comptroller shall transfer monthly to the clean water/clean air fund established pursuant to section ninety-seven-bbb of the state finance

law, all moneys remaining from such taxes, interest and penalties collected that are not required for deposit in the environmental protection fund.

S 2. This act shall take effect immediately.

PART U

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

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

PART V

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

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

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

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

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

PART W

Section 1. Paragraph 1 of subsection (c) of section 109 of the insurance law is amended to read as follows:

(1) If the superintendent finds after notice and hearing that any authorized insurer, representative of [such] THE insurer, licensed insurance agent, licensed insurance broker [or], licensed adjuster, OR ANY OTHER PERSON OR ENTITY LICENSED, CERTIFIED, REGISTERED, OR AUTHORIZED PURSUANT TO THIS CHAPTER, has wilfully violated the provisions of this chapter[, he] OR ANY REGULATION PROMULGATED THEREUNDER, THEN THE SUPERINTENDENT may order [such insurer, representative, agent, broker, or adjuster, as the case may be,] THE PERSON OR ENTITY, EXCEPT FOR THOSE PERSONS OR ENTITIES LICENSED PURSUANT TO ARTICLES TWENTY-ONE OR SIXTY-EIGHT OF THIS CHAPTER, to pay to the people of this state a penalty in a sum not exceeding [five hundred] TEN THOUSAND dollars for each [such] offense. THE SUPERINTENDENT MAY ORDER ANY PERSON OR ENTITY LICENSED PURSUANT TO ARTICLES TWENTY-ONE OR SIXTY-EIGHT OF THIS CHAPTER TO PAY TO THE PEOPLE OF THIS STATE A PENALTY IN A SUM NOT EXCEEDING TWO THOUSAND FIVE HUNDRED DOLLARS FOR EACH OFFENSE.

S 2. Subsection (b) of section 304 of the insurance law, as amended by chapter 635 of the laws of 1996, is amended to read as follows:

(b) The person conducting such hearing shall have power to administer oaths, examine and cross-examine witnesses and receive documentary evidence, and shall report his OR HER findings, orally or in writing, to the superintendent with or without recommendation. [Such] THE report, if adopted by the superintendent or by [his] THE SUPERINTENDENT'S authority may be the basis of any determination made by the superintendent or by [his] THE SUPERINTENDENT'S authority. One hundred twenty days after the effective date of a determination of liability for a civil penalty pursuant to [section four hundred three, two thousand one hundred two or two thousand one hundred thirty-three of] this chapter, [such] THE determination of liability for a civil penalty may be entered as a judgment and enforced, without court proceedings, in the same manner as the enforcement of a money judgment in civil actions in any court of competent jurisdiction or any other place provided for the entry of civil judgment within the state of New York.

S 3. Section 304 of the insurance law is amended by adding a new subsection (f) to read as follows:

(F) THE SUPERINTENDENT MAY IMPOSE A PENALTY AFTER NOTICE AND A HEARING WHENEVER ANY PROVISION OF THIS CHAPTER SETS FORTH A CIVIL PENALTY.

S 4. Paragraph 4 of subsection (a) of section 307 of the insurance law is amended to read as follows:

(4) Every insurer and every fraternal benefit society [which] THAT is authorized to do an insurance business in this state, and every pension fund, retirement system or state fund [which] THAT is required by any

law of this state to report to the superintendent, [which] THAT willfully fails to file an annual statement as required in this section, or willfully fails to reply within thirty days to a written inquiry by the superintendent in connection therewith, shall, in addition to other penalties provided by this chapter, be subject, upon due notice and opportunity to be heard, to a penalty of up to [two hundred fifty] ONE THOUSAND dollars per day of delay[, not to exceed twenty-five thousand dollars in the aggregate,] for each such failure.

S 5. Subsection (a) of section 308 of the insurance law, as amended by chapter 11 of the laws of 2008, is amended to read as follows:

(a) The superintendent may also address to any health maintenance organization, any authorized insurer or rate service organization, or officers thereof, any inquiry in relation to its transactions or condition or any matter connected therewith. Every corporation or person so addressed shall reply in writing to [such] THE inquiry promptly and truthfully, and [such] THE reply shall be, if required by the superintendent, subscribed by [such] THE individual, or by [such] THE officer or officers of a corporation, as [he] THE INDIVIDUAL shall designate, and affirmed by them as true under the penalties of perjury. In the event any corporation or person does not provide a good faith response to an inquiry from the superintendent pursuant to this section [relating to accident insurance, health insurance, accident and health insurance or health maintenance organization coverage], within a time period specified by the superintendent of not less than fifteen business days, the superintendent is authorized to levy a civil penalty, after notice and hearing, against such corporation or person not to exceed [five hundred] ONE THOUSAND dollars per day for each day beyond the date specified by the superintendent for response[, but in no event shall such penalty exceed seven thousand five hundred dollars].

S 6. Section 317 of the insurance law, as amended by chapter 509 of the laws of 1998, is amended to read as follows:

S 317. Compliance with reporting requirements of the financial security act. Insurers licensed to write personal injury liability insurance in connection with the ownership, maintenance or use of motor vehicles, as authorized pursuant to paragraph thirteen of subsection (a) of section one thousand one hundred thirteen of this chapter, shall fully comply with the reporting requirements of article six of the vehicle and traffic law. In the event that an insurer fails to timely and properly report any of the information required by [such] THE article or the regulations of the commissioner of motor vehicles promulgated thereunder, the superintendent, upon notice and an opportunity to be heard, is authorized to impose a fine on [such] THE insurer in an amount not to exceed [five hundred] ONE THOUSAND dollars for each failure to timely and properly report. In the event of a persistent and willful violation of the reporting requirements, the superintendent, upon notice and an opportunity to be heard, is authorized to impose a fine on [such] THE insurer, in an amount not to exceed [five] TEN thousand dollars per day for each day [such] THAT THE violation continues.

S 7. Subsection (a) of section 1102 of the insurance law is amended to read as follows:

(a) No person, firm, association, corporation or joint-stock company shall do an insurance business in this state unless authorized by a license in force pursuant to the provisions of this chapter, or exempted by the provisions of this chapter from such requirement. Any person, firm, association, corporation or joint-stock company [which] THAT transacts any insurance business in this state while not authorized to do so

by a license issued and in force pursuant to this chapter, or exempted by this chapter from the requirement of having such license, shall, in addition to any other penalty provided by law, forfeit to the people of this state [the] A sum [of one] NOT EXCEEDING TEN thousand dollars for the first violation and [two] TWENTY-FIVE thousand [five hundred] dollars for each subsequent violation.

S 8. Paragraph 4 of subsection (a) of section 1510 of the insurance law, as amended by chapter 805 of the laws of 1984, is amended to read as follows:

(4) direct that, in addition to any other penalty provided by law, such person forfeit to the people of this state a sum not exceeding five [hundred] THOUSAND dollars for a first violation and [two] TWELVE thousand five hundred dollars for any subsequent violation. An additional sum not exceeding [two] TWELVE thousand five hundred dollars shall be imposed for each month during which any such violation shall continue.

S 9. Paragraph 2 of subsection (a) of section 2102 of the insurance law is amended to read as follows:

(2) Any person, firm, association or corporation who or [which] THAT acts [as a reinsurance intermediary] WITHOUT A LICENSE in violation of paragraph one [hereof] OF THIS SUBSECTION, OR OF SUBSECTION (B) OR (C) OF THIS SECTION, shall, in addition to other penalties prescribed by law, be subject to a penalty not to exceed [five] TEN thousand dollars for each transaction.

S 10. Paragraph 9 of subsection (a) of section 2110 of the insurance law, as amended by chapter 687 of the laws of 2003, is amended to read as follows:

(9) had an insurance producer license, or its equivalent, denied, suspended or revoked in any other [state, province, district or territory] JURISDICTION;

S 11. Paragraph 1 of subsection (e) of section 2110 of the insurance law, as amended by chapter 687 of the laws of 2003, is amended to read as follows:

(1) No individual, corporation, firm or association whose license as an insurance producer or other licensee subject to subsection (a) of this section has been revoked, and no firm or association of which [such] THE individual is a member, and no corporation of which [such] THE individual is an officer or director, shall be entitled to obtain any license under the provisions of this chapter for a period of [one year] THREE YEARS after [such] THE revocation, or, if [such] THE revocation [be] IS judicially reviewed, for [one year] THREE YEARS after the final determination thereof affirming the action of the superintendent in revoking [such] THE license.

S 12. Subsection (g) of section 2117 of the insurance law is amended to read as follows:

(g) Any person, firm, association or corporation violating any provision of this section shall, in addition to any other penalty provided by law, forfeit to the people of the state [the] A sum [of five hundred] NOT EXCEEDING TEN THOUSAND dollars for the first offense, and [an additional sum of five hundred] TEN THOUSAND dollars for each [month during which any such person, firm, association or corporation shall continue to act in violation of this section] SUBSEQUENT OFFENSE.

S 13. Subsection (a) of section 2127 of the insurance law is amended to read as follows:

(a) The superintendent, in lieu of revoking or suspending the license of a licensee in accordance with the provisions of this article, may in any one proceeding by order, require the licensee to pay to the people

of this state a penalty in a sum not exceeding TWO THOUSAND five hundred dollars for each offense, and a penalty in a sum not exceeding [twenty-five hundred] FIVE THOUSAND dollars in the aggregate for all offenses.

S 14. Subsection (c) of section 2320 of the insurance law is amended to read as follows:

(c) If the superintendent, after notice and hearing, finds that any insurer, rate service organization or other person has violated the applicable provisions of this article, [he] THE SUPERINTENDENT shall order the payment of a penalty. The issuance, procurement or negotiation of a single policy of insurance shall be deemed a separate offense. A penalty not to exceed [one] FIVE thousand dollars may be imposed for each such offense. A further penalty not to exceed [two] TEN thousand [five hundred] dollars may be imposed for each offense in which the superintendent finds that there was a knowing violation, provided that a [minumum] MINIMUM penalty of at least [twenty-five] FIFTY thousand dollars shall be imposed regardless of the number of [such] knowing offenses.

S 15. Subsection (e) of section 2321 of the insurance law is amended to read as follows:

(e) Any person, association, corporation or rate service organization wilfully violating the applicable provisions of this article shall, in addition to any other penalty provided by law, be liable to the people of this state for a penalty in an amount not less than [twenty-five] ONE HUNDRED dollars nor more than [one] FIVE thousand dollars for each offense. If the superintendent finds after notice and hearing, that any authorized insurer, licensed agent or licensed insurance broker has wilfully violated any of the provisions of this article, [he] THE SUPERINTENDENT may, in lieu of any other penalty provided by law, order the insurer, agent or broker, as the case may be, to pay to the people of this state a penalty in the sum of one [hundred] THOUSAND dollars, for each offense, and the failure of any [such] person to pay the penalty within thirty days after the making of the order, unless the order is suspended by a court of competent jurisdiction, shall constitute a violation of the provisions of this chapter. Within the meaning of this subsection, the issuance, procurement or negotiation of each policy of insurance, by an insurer, agent or broker, as the case may be, in wilful violation of the provisions of this article shall be deemed a separate offense.

S 16. Subsection (f) of section 2324 of the insurance law is amended to read as follows:

(f) Any person or corporation violating the provisions of this section shall, in addition to all other penalties provided by law, pay to the people of this state as a penalty [the] A sum [of] NOT EXCEEDING five [hundred] THOUSAND dollars for each [such] violation.

S 17. Subsection (b) of section 2402 of the insurance law, as amended by chapter 631 of the laws of 2007, is amended to read as follows:

(b) "Defined violation" means the commission by a person of an act prohibited by[: section one thousand two hundred fourteen, one thousand two hundred seventeen, one thousand two hundred twenty, one thousand three hundred thirteen, subparagraph (B) of paragraph two of subsection (i) of section one thousand three hundred twenty-two, subparagraph (B) of paragraph two of subsection (i) of section one thousand three hundred twenty-four, two thousand one hundred twenty-two, two thousand one hundred twenty-three, subsection (p) of section two thousand three hundred thirteen, section two thousand three hundred twenty-four, two thousand five hundred two, two thousand five hundred three, two thousand

five hundred four, two thousand six hundred one, two thousand six hundred two, two thousand six hundred three, two thousand six hundred four, two thousand six hundred six, two thousand seven hundred three, three thousand one hundred nine, three thousand two hundred twenty-four-a, three thousand four hundred twenty-nine, three thousand four hundred thirty-three, paragraph seven of subsection (e) of section three thousand four hundred twenty-six, four thousand two hundred twenty-four, four thousand two hundred twenty-five or four thousand two hundred twenty-six of] this chapter[;] or BY ANY REGULATION PROMULGATED THEREUNDER, OR section 135.60, 135.65, 175.05, 175.45, or 190.20, or article one hundred five of the penal law.

S 18. Section 2404 of the insurance law, as amended by chapter 666 of the laws of 1997, is amended to read as follows:

S 2404. Power of superintendent. The superintendent is empowered to examine and investigate into the affairs of any person in order to determine whether the person has violated or is violating section two thousand four hundred three of this article. In the event any person does not provide a good faith response to a request for information from the superintendent, within a time period specified by the superintendent of not less than fifteen business days, [as part of an examination or investigation initiated by the superintendent pursuant to this section relating to accident insurance, health insurance, accident and health insurance or health maintenance organization coverage,] the superintendent is authorized, after notice and hearing, to levy a civil penalty against [such] THE person in an amount not to exceed [five hundred] ONE THOUSAND dollars per day for each day beyond the date specified by the superintendent for response[, but in no event shall such penalty exceed ten thousand dollars. In the event the superintendent levies five separate civil penalties against any one person within five years for failure to comply with this section, the superintendent is authorized, after notice and hearing, to levy an additional civil penalty against such person in an amount not to exceed fifty thousand dollars. The superintendent is also authorized to levy additional civil penalties not to exceed fifty thousand dollars, after notice and hearing, against such person for every five subsequent violations of this section within a five year period]. Any person licensed pursuant to article twenty-one of this chapter may surrender such license in lieu of payment of any civil penalty imposed by the superintendent pursuant to this section.

S 19. Section 2406 of the insurance law, subsection (a) as amended by chapter 666 of the laws of 1997, is amended to read as follows:

S 2406. Procedure after report; defined violation. (a) If the hearing was on a charge of a defined violation, THEN the superintendent shall make an order on [his] THE SUPERINTENDENT'S report and serve a copy of the findings and order upon the person charged with the violation and any intervenor. If the superintendent finds that the person complained of has engaged in a defined violation, THEN the order shall require the person to cease and desist from engaging in [such] THE defined violation. [Furthermore, if the superintendent finds, after notice and hearing, that the person complained of has engaged in an act prohibited by section three thousand two hundred twenty-four-a of this chapter, the superintendent is authorized to levy a civil penalty against such person in an amount up to five hundred dollars per day for each day beyond the date that a bill or claim was to be processed in accordance with section three thousand two hundred twenty-four-a of this chapter, but in no event shall such penalty exceed five thousand dollars.]

(B) (1) THE SUPERINTENDENT MAY ISSUE AN EMERGENCY CEASE AND DESIST ORDER UNDER THIS SECTION WITHOUT PRIOR NOTICE AND HEARING IF THE SUPERINTENDENT FINDS THAT A PERSON IS ENGAGING IN UNLICENSED ACTIVITIES OR IN CONDUCT THAT CREATES AN IMMEDIATE DANGER TO THE PUBLIC SAFETY, OR IS CAUSING, OR IS REASONABLY EXPECTED TO CAUSE, SIGNIFICANT, IMMINENT, AND IRREPARABLE PUBLIC INJURY.

(2) AN EMERGENCY CEASE AND DESIST ORDER UNDER THIS SECTION IS EFFECTIVE IMMEDIATELY, AND WILL CONTINUE IN FULL FORCE AND EFFECT UNTIL FURTHER ORDER BY THE SUPERINTENDENT, OR UNLESS STAYED BY THE SUPERINTENDENT OR BY A COURT OF COMPETENT JURISDICTION.

(3) UPON ISSUANCE OF AN EMERGENCY CEASE AND DESIST ORDER UNDER THIS SECTION, THE SUPERINTENDENT SHALL SERVE ON THE PERSON AFFECTED BY THE ORDER, BY REGISTERED OR CERTIFIED MAIL TO THE PERSON'S LAST KNOWN ADDRESS, AN ORDER THAT SETS FORTH A STATEMENT OF THE CHARGES AND A NOTICE OF HEARING. THE SUPERINTENDENT SHALL HOLD THE HEARING WITHIN TEN DAYS OF THE EFFECTIVE DATE OF THE EMERGENCY ORDER, UNLESS ALL PARTIES AGREE UPON A LATER TIME.

(4) AT THE HEARING, THE SUPERINTENDENT SHALL AFFIRM, MODIFY, OR SET ASIDE, IN WHOLE OR IN PART, THE EMERGENCY CEASE AND DESIST ORDER, AND MAY COMBINE AND EMPLOY ANY OTHER ENFORCEMENT OR PENALTY PROVISIONS AVAILABLE TO THE SUPERINTENDENT TO ARRIVE AT A FINAL ORDER.

(5) THE SUPERINTENDENT'S ORDER AFTER HEARING IS A FINAL ORDER IN ALL RESPECTS.

[(b)] (C) Until a proceeding for judicial review has been commenced, or the time to commence the proceeding has expired, the superintendent may, upon notice and in the manner [he] THAT THE SUPERINTENDENT deems proper, modify or set aside all or part of any order issued by [him] THE SUPERINTENDENT under this section.

[(c)] (D) If a proceeding for judicial review has not been commenced within the time allowed, the superintendent may, after notice and opportunity for hearing, modify or set aside, all or part, of any order issued by [him] THE SUPERINTENDENT under this section, whenever in [his] THE SUPERINTENDENT'S opinion changed conditions of fact or law or the public interest require.

[(d)] (E) A cease and desist order issued under this section is final upon the expiration of the time allowed for commencing a proceeding for judicial review if no proceeding has been commenced within such time, or upon the final decision of the court affirming the order or dismissing the proceeding.

[(e)] (F) Any person who violates a cease and desist order issued by the superintendent under this section after it has become final, and while it is in effect, shall be liable to the people of this state for a penalty in an amount not to exceed [five] TEN thousand dollars for each violation. In determining the amount of the penalty, the question of whether the violation was wilful shall be taken into consideration. Nothing herein shall limit a court in enforcing its own orders.

S 20. Section 2605 of the insurance law is amended to read as follows:

S 2605. Penalty for violating workers' compensation law. The superintendent may impose a penalty not to exceed [twenty-five hundred] TEN THOUSAND dollars upon any insurer required to be licensed under the provisions of this chapter, if, after notice to and a hearing of [such] THE insurer, [he] THE SUPERINTENDENT finds [it] THAT THE INSURER has unreasonably failed to comply with the workers' compensation law.

S 21. Subsection (j) of section 2615 of the insurance law, as added by chapter 497 of the laws of 1996 and renumbered by chapter 246 of the laws of 2005, is amended to read as follows:

(j) If the superintendent determines after notice and a hearing that an authorized insurer or a person acting on behalf of an authorized insurer has violated this section, then the superintendent shall levy a fine OF up to five thousand dollars. [Also, any authorized insurer or person acting on behalf of an authorized insurer who violates the provisions of this section shall be subject to the provisions of article twenty-four of this chapter. Violations of this section shall also be subject to the provisions of section one hundred nine of this chapter, except paragraph one of subsection (c) of such section.]

S 22. Subsection (k) of section 3216 of the insurance law, as amended by chapter 13 of the laws of 2002, is amended to read as follows:

(k) Any person, partnership or corporation willfully violating any provision of this section, regulation or order of the superintendent made in accordance with this section, shall forfeit to the people of the state a sum not to exceed [one hundred] FIVE THOUSAND dollars for each [such] violation. The superintendent may also suspend or revoke the license of an insurer or agent or broker for any [such] willful violation.

S 23. Section 3224-a of the insurance law is amended by adding a new subsection (g) to read as follows:

(G) IF THE SUPERINTENDENT FINDS, AFTER NOTICE AND HEARING, THAT THE PERSON COMPLAINED OF HAS ENGAGED IN AN ACT PROHIBITED BY THIS SECTION, THEN THE SUPERINTENDENT IS AUTHORIZED TO LEVY A CIVIL PENALTY AGAINST THE PERSON IN AN AMOUNT UP TO ONE THOUSAND DOLLARS PER DAY FOR EACH DAY BEYOND THE DATE THAT A BILL OR CLAIM WAS TO BE PROCESSED IN ACCORDANCE WITH THIS SECTION.

S 24. Subsection (n) of section 3411 of the insurance law is amended to read as follows:

(n) If the superintendent, after notice and hearing, finds that any insurer or its authorized representative has violated any provision of this section, [he] THE SUPERINTENDENT shall order the payment of a penalty, not to exceed [five hundred] FIVE THOUSAND dollars for each [such] offense. Each issuance, procurement or negotiation of a policy of insurance in violation of this section shall be a separate offense.

S 25. Subsection (i) of section 3427 of the insurance law, as amended by chapter 111 of the laws of 1995, is amended to read as follows:

(i) If a lessor, creditor or assignee charges the lessee or debtor for the waiver of the gap amount, the lessor or creditor, or, in the absence of a waiver by the creditor or lessor, the assignee, as part of the waiver offer, shall provide the lessee or debtor with a notice specifying the name of the insurer that has issued the lessor or creditor gap insurance policy, the cost of the lessor or creditor gap insurance coverage, and the charge for the waiver. Any person having been found, after notice and hearing, to have wilfully violated this subsection shall be liable to the people of this state for a civil penalty in a sum not exceeding [five hundred] ONE THOUSAND dollars for each violation.

S 26. Section 4224 of the insurance law is amended by adding a new subsection (f) to read as follows:

(F) ANY PERSON OR CORPORATION VIOLATING THE PROVISIONS OF THIS SECTION SHALL, IN ADDITION TO ALL OTHER PENALTIES PROVIDED BY LAW, PAY TO THE PEOPLE OF THIS STATE AS A PENALTY A SUM NOT EXCEEDING FIVE THOUSAND DOLLARS FOR EACH VIOLATION.

S 27. Subparagraph (B) of paragraph 5 of subsection (f) of section 4228 of the insurance law, as added by chapter 616 of the laws of 1997, is amended to read as follows:

(B) In addition to the actions set forth in the preceding subparagraph, and upon finding that a company's actions constitute a willful violation of the provisions of subsection (d) of this section, the superintendent is authorized to impose a fine on the company in an amount not to exceed the lesser of [one] TEN thousand dollars per violation or three times the amount of any overpayments that are found to constitute a willful violation.

S 28. Subsection (b) of section 4241 of the insurance law is amended to read as follows:

(b) If the superintendent finds after notice and hearing, that any authorized insurer, representative of such insurer, licensed insurance agent or licensed insurance broker has wilfully violated the provisions of subsection (d) hereof or this article relating to such filings, [he] THEN THE SUPERINTENDENT may, in lieu of any other penalty provided by law, order such insurer, or person to pay to the people of this state a penalty not exceeding [one] FIVE thousand dollars for each [such] offense.

S 29. Subsection (e) of section 4413 of the insurance law is amended to read as follows:

(e) The superintendent may impose a penalty of not to exceed [twenty-five hundred] FIVE THOUSAND dollars upon any trustee or other officer, agent or employee of any employee welfare fund subject to this article or may remove [such] THE trustee, officer, agent or employee from office or employment, or both [such] penalty and removal, if after notice and a hearing [he] THE SUPERINTENDENT shall find that [he] THE TRUSTEE, OFFICER, AGENT OR EMPLOYEE has wilfully failed to comply with the requirements of this article.

S 30. Subsection (e) of section 4504 of the insurance law is amended to read as follows:

(e) If the superintendent finds after notice and hearing, that any authorized society has wilfully violated any of the foregoing provisions of this section relating to the filing of amendments to its charter, constitution, and by-laws, [he] THE SUPERINTENDENT may, in lieu of any other penalty provided by law, order [such] THE society to pay to the people of this state a penalty in a sum not exceeding [five hundred] TEN THOUSAND dollars for each [such] offense, and failure of any [such] society to pay [such] THE penalty within thirty days after the making of [such] THE order, unless [such] THE order is suspended by an order of a court of competent jurisdiction, shall constitute a violation of the provisions of this chapter.

S 31. Subsection (a) of section 4523 of the insurance law is amended to read as follows:

(a) Any person, firm, association or corporation who or [which] THAT shall solicit a member or members for, or in any way assist in procuring a member or members for, or collect payments or dues for or in connection with the membership of, any fraternal benefit society [which] THAT is not licensed to do business in this state and [which] THAT is not exempted under the provisions of section four thousand five hundred twenty-two of this article, shall be guilty of a misdemeanor, and in addition, [such] THE person, firm, association or corporation shall be liable to a penalty of one [hundred] THOUSAND dollars for each person so solicited or so procured to become a member in [such] THE unauthorized society, and may in addition to either of the foregoing, be enjoined from doing any [such] unlawful acts, in the manner specified in section three hundred twenty-seven of this chapter.

S 32. Section 5224 of the insurance law is amended to read as follows:

S 5224. Penalty for false statements. Any person and any agent or employee of a person, who knowingly files with the corporation any document required under this article[, which] THAT is false or contains any material misstatement of fact, shall be guilty of a misdemeanor and upon conviction [therof] THEREOF shall be subject to a fine of not less than [five hundred] ONE THOUSAND dollars, nor more than [twenty-five hundred] FIVE THOUSAND dollars, or imprisonment for not more than thirty days.

S 33. Subsection (d) of section 6409 of the insurance law is amended to read as follows:

(d) No title insurance corporation or any other person acting for or on behalf of it, shall make any rebate of any portion of the fee, premium or charge made, or pay or give to any applicant for insurance, or to any person, firm, or corporation acting as agent, representative, attorney, or employee of the owner, lessee, mortgagee or the prospective owner, lessee, or mortgagee of the real property or any interest therein, either directly or indirectly, any commission, any part of its fees or charges, or any other consideration or valuable thing, as an inducement for, or as compensation for, any title insurance business. Any person or entity who accepts or receives [such] a commission or rebate shall be subject to a penalty equal to the greater of [one] FIVE thousand dollars or five times the amount thereof.

S 34. Subsection (a) of section 7711 of the insurance law, as added by chapter 802 of the laws of 1985, is amended to read as follows:

(a) The superintendent may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer [which] THAT fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the superintendent may levy a penalty to be paid to the people of this state, after notice and hearing, on any member insurer [which] THAT fails to pay an assessment when due. [Such] THE penalty shall not exceed five percent of the unpaid assessment per month, [but no penalty] AND shall NOT be less than one [hundred] THOUSAND dollars per month.

S 35. Subparagraph (A) of paragraph 1 of subsection (b) of section 9109 of the insurance law is amended to read as follows:

(A) not less than [one] FIVE hundred nor more than five [hundred] THOUSAND dollars for each and every failure to file a report or statement within the time prescribed;

S 36. This act shall take effect immediately, provided that:

a. the amendments to section 317 of the insurance law made by section six of this act shall not affect the expiration of such section and shall be deemed repealed therewith; and

b. the amendments to section 2320 of the insurance law made by section fourteen of this act shall expire on the same date as such section expires and shall not affect the expiration of such section.

PART X

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part W of chapter 59 of the laws of 2008, is amended to read as follows:

S 2. This act shall take effect immediately [provided, however, that section one of this act shall expire on July 1, 2009, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however,

that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal].

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

PART Y

Section 1. Expenditures of moneys appropriated in a chapter of the laws of 2009 to the energy research and development authority from the special revenue funds - other/state operations, miscellaneous special revenue fund-339, energy research and planning account, and special revenue funds - other/aid to localities, miscellaneous special revenue fund - 339, energy research and planning account under the research, development and demonstration and policy and planning programs for services and expenses for the research, development and demonstration and policy and planning programs shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended shall be reimbursed by assessment against gas corporations and electric corporations as defined in section 2 of the public service law, and the total amount which may be charged to any gas corporation and any electric corporation shall not exceed one cent per one thousand cubic feet of gas sold and .010 cent per kilowatt-hour of electricity sold by such corporations in their intrastate utility operations in calendar year 2007. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law, but shall be billed and paid in the manner set forth in such subdivision and upon receipt shall be paid to the state comptroller for deposit in the state treasury for credit to the miscellaneous special revenue fund. The director of the budget shall not issue a certificate of approval with respect to the commitment and expenditure of moneys hereby appropriated until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the director of the budget to the chairs and secretaries of the legislative fiscal committees.

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

PART Z

Section 1. Notwithstanding any other provision of law, the Governor shall include an appropriation in a budget bill for each state fiscal year that reflects the value of the assets transferred from the power authority of the state of New York to the state of New York pursuant to a memorandum of understanding between the power authority of the state of New York and the state of New York relating to the transfer to the state of New York of assets aggregating $318,000,000 presently held in certain accounts of the power authority of the state of New York. The state comptroller shall encumber the amount so appropriated before the end of the fiscal year for which such appropriation is made. If for any of the fiscal years commencing during the period from April 1, 2009

until such time as the assets have been returned by the state of New York to the power authority of the state of New York the Governor fails to submit a budget bill containing an appropriation of such amount, such amount appropriated to and encumbered during the preceding fiscal year shall be payable to the authority on the last day of June of such year.

S 2. This act shall take effect immediately.

PART AA

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

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

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

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

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

PART BB

Section 1. Notwithstanding any provisions of law to the contrary, the New York state urban development corporation is authorized to make contributions to the state treasury to the credit of the general fund of any excess receipts which are authorized to be paid to the urban development corporation under certain provisions of the public authorities control board resolutions, 04-UD-838A and 06-UD-900. Pursuant to a plan approved by the director of the division of budget, the urban development corporation shall also remit any additional payments received on or after March 1, 2009 and which are authorized to be paid to the urban development corporation under certain provisions of the public authorities control board resolutions, 04-UD-838A and 06-UD-900, to the state treasury to the credit of the general fund.

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

PART CC

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. THE NEW YORK GROWTH, ACHIEVEMENT AND INVESTMENT STRATEGY FUND. 1. THE NEW YORK GROWTH, ACHIEVEMENT AND INVESTMENT STRATEGY FUND IS HEREBY CREATED. THE CORPORATION IS AUTHORIZED, WITHIN AVAILABLE APPROPRIATIONS, TO PROVIDE FINANCIAL, TECHNICAL OR OTHER ASSISTANCE FROM

SUCH FUND FOR THE FOLLOWING: LOANS, LOAN GUARANTEES AND GRANTS INCLUDING INTEREST SUBSIDY GRANTS TO ANY ELIGIBLE BUSINESS EXPANSION OR ATTRACTION PROJECT ASSOCIATED WITH THE CREATION OF NET NEW, PERMANENT, FULL-TIME PRIVATE SECTOR JOBS IN NEW YORK STATE. ELIGIBLE FIRMS MAY INCLUDE, BUT ARE NOT LIMITED TO, THOSE IN INDUSTRIES CATEGORIZED AS MANUFACTURING, FINANCIAL SERVICES, AGRIBUSINESS, HIGH TECHNOLOGY AND BIOTECHNOLOGY. LOANS, LOAN GUARANTEES AND INTEREST SUBSIDY GRANTS MAY BE USED TO FINANCE NEW CONSTRUCTION, RENOVATION OR LEASEHOLD IMPROVEMENTS AND THE ACQUISITION OF LAND, BUILDINGS, MACHINERY AND EQUIPMENT. THE PROCEEDS OF SUCH LOANS, LOAN GUARANTEES AND INTEREST SUBSIDY GRANTS MAY ALSO BE USED TO FINANCE WORKING CAPITAL.

2. APPLICATIONS FOR ASSISTANCE PURSUANT TO THIS SECTION SHALL BE REVIEWED AND EVALUATED PURSUANT TO ELIGIBILITY REQUIREMENTS AND CRITERIA SET FORTH IN RULES AND REGULATIONS PROMULGATED BY THE CORPORATION.

3. FINANCIAL ASSISTANCE SHALL BE DETERMINED PURSUANT TO CRITERIA SET FORTH IN RULES AND REGULATIONS PROMULGATED BY THE CORPORATION.

4. APPROVAL OF PROJECT APPLICATIONS SHALL BE MADE ONLY UPON A DETERMINATION BY THE CORPORATION: (A) THAT THE PROPOSED PROJECT WOULD PROMOTE THE ECONOMIC HEALTH OF NEW YORK STATE BY FACILITATING THE CREATION OR RETENTION OF JOBS; (B) THAT THE PROJECT WOULD BE UNLIKELY TO TAKE PLACE IN NEW YORK STATE WITHOUT THE REQUESTED ASSISTANCE; (C) THAT THE PROJECT IS REASONABLY LIKELY TO ACCOMPLISH ITS STATED OBJECTIVES AND THAT THE LIKELY BENEFITS OF THE PROJECT EXCEED COSTS; AND (D) THAT, SHOULD THE PROJECT ONLY INCLUDE THE RETENTION OF JOBS, IT SHALL BE DEMONSTRATED UPON CERTIFICATION THAT WITHOUT FINANCIAL ASSISTANCE, THE JOBS WOULD OTHERWISE LOCATE OUTSIDE OF THE STATE OF NEW YORK.

5. THE CORPORATION SHALL SUBMIT A REPORT TO THE DIRECTOR OF THE BUDGET, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY ON THE INVESTMENTS AND ACCOMPLISHMENTS OF THE NEW YORK GROWTH, ACHIEVEMENT AND INVESTMENT STRATEGY FUND. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, INFORMATION ON THE NUMBER OF JOBS CREATED AND RETAINED, LEVELS OF PRIVATE SECTOR INVESTMENT, ECONOMIC BENEFIT TO THE STATE AND LOCAL ECONOMIES AND TYPES OF INDUSTRIES INVESTED IN. SUCH REPORT SHALL BE SUBMITTED BY JULY FIRST, TWO THOUSAND TEN AND JULY FIRST EVERY YEAR THEREAFTER.

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

PART DD

Section 1. Notwithstanding any provision of law to the contrary, the New York state urban development corporation, the dormitory authority of the state of New York, and any other department, agency or public authority shall not be authorized to approve funding by its board of directors or by other similar administrative action pursuant to the following capital appropriations:

$425,000,000 authorized by chapter 55 of the laws of 1997 to all state agencies for payment of costs related to the community enhancement facilities assistance projects established pursuant to chapter 432 of the laws of 1997;

$50,000,000 authorized by chapter 55 of the laws of 2000 to the urban development corporation for payment of costs related to economic development projects in the downtown Buffalo, the Buffalo inner harbor area, or surrounding environs;

$225,000,000 authorized by chapter 55 of the laws of 2000 to all state agencies for payment of costs related to the strategic investment program;

$1,200,000,000 authorized by chapter 55 of the laws of 2002 for payment of costs related to economic development projects established pursuant to chapter 84 of the laws of 2002;

$250,000,000 authorized by chapter 55 of the laws of 2004 for payment of costs related to economic development projects established pursuant to chapter 84 of the laws of 2002;

$350,000,000 authorized by chapter 3 of the laws of 2004 for the New York state economic development program;

$90,000,000 authorized by chapter 62 of the laws of 2005 for regional development;

$250,000,000 authorized by chapter 62 of the laws of 2005 for technology and development;

$75,000,000 authorized by chapter 162 of the laws of 2005 for the New York state economic development program;

capital appropriations of $603,050,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for economic development/other projects;

$269,500,000 authorized by chapter 108 of the laws of 2006 to the dormitory authority or the urban development corporation for economic development projects;

$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for university development projects;

$143,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for cultural facilities projects;

capital appropriations totaling $60,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for energy/environmental projects;

$20,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for a competitive solicitation for construction of a pilot cellulosic ethanol refinery;

$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban development corporation for services and expenses related to infrastructure for a new stadium in Queens county;

$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban development corporation for services and expenses related to infrastructure improvements to construct a new parking facility at a new stadium in Bronx county;

capital disbursements of up to $500,000,000 from an appropriation authorized by chapter 108 of the laws of 2006 to the urban development corporation for development of a semiconductor manufacturing facility, and up to $150,000,000 from an appropriation authorized by chapter 108 of the laws of 2006 to the urban development corporation for research and development activities of a semiconductor manufacturer;

$300,000,000 from an appropriation to the urban development corporation authorized by chapter 108 of the laws of 2006 for community revitalization projects;

$15,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for the Roosevelt Island Operating Corporation aerial tramway;

$20,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Governor's Island;

$7,500,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Harriman research and technology park;

$7,950,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for USA Niagara;

$300,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2007 for the development and/or expansion of an international computer chip research and development center;

$50,000,000 authorized by a chapter of the laws of 2008 to the urban development corporation for services and expenses related to the investment opportunity fund;

$140,000,000 authorized by a chapter of the laws of 2008 to the urban development corporation for services and expenses related to economic development and community development initiatives;

$35,000,000 authorized by a chapter of the laws of 2008 to the urban development corporation for services and expenses related to downstate regional projects;

$145,000,000 authorized by a chapter of the laws of 2008 to the urban development corporation for services and expenses related to upstate city-by-city projects;

$35,000,000 authorized by a chapter of the laws of 2008 to the urban development corporation for services and expenses related to the downstate revitalization projects;

$120,000,000 authorized by a chapter of the laws of 2008 to the urban development corporation for services and expenses related to the upstate regional blueprint fund;

$40,000,000 authorized by a chapter of the laws of 2008 to the urban development corporation for services and expenses related to the upstate agricultural economic development fund;

$350,000,000 authorized by a chapter of the laws of 2008 to the urban development corporation for services and expenses related to the New York state capital assistance program; and

$350,000,000 authorized by a chapter of the laws of 2008 to the urban development corporation for services and expenses related to the New York state economic development assistance program;

until the governor, the temporary president of the senate and the speaker of the assembly execute a capital spending reduction and strategic re-investment plan; provided, however, that such plan must achieve reductions in capital authorizations from the programs listed in this section in an amount equal to or exceeding $375 million, of which (a) no more than $200 million shall be reprogrammed for initiatives that will facilitate the creation or retention of jobs; (b) no more than $50 million shall be reprogrammed for the development of a semiconductor packaging facility; and (c) no more than $25 million shall be reprogrammed for the purchase of machinery and equipment at Albany nanotech.

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

PART EE

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 44 to read as follows:

S 44. ABOLITION OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION. 1. ECONOMIC DEVELOPMENT EFFICIENCY. IN ORDER TO PROMOTE ECONOMIC DEVELOP-

MENT EFFICIENCY IN THE STATE, THE TRANSFER OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION TO THE CORPORATION IS HEREBY AUTHORIZED.

2. 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 110 OF THE LAWS OF 2008 SHALL BE TRANSFERRED AND ASSIGNED TO, AND ASSUMED BY AND DEVOLVED UPON THE CORPORATION. NOTWITHSTANDING THE FOREGOING, ANY PROGRAMS SPECIFIED IN LAW TO BE ADMINISTERED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT SHALL BE ADMINISTERED BY THE CORPORATION ONLY TO THE EXTENT OF AVAILABLE APPROPRIATIONS.

3. ABOLITION OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT. UPON THE TRANSFER PURSUANT TO SUBDIVISION 2 OF THIS SECTION 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 110 OF THE LAWS OF 2008, THE DEPARTMENT OF ECONOMIC DEVELOPMENT SHALL BE ABOLISHED.

4. CONTINUITY OF AUTHORITY OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT. EXCEPT AS HEREIN OTHERWISE PROVIDED, UPON THE TRANSFER PURSUANT TO SUBDIVISION 2 OF THIS SECTION 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 110 OF THE LAWS OF 2008 TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 2 OF THIS SECTION FOR THE PURPOSE OF SUCCESSION OF ALL FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT, THE CORPORATION SHALL BE DEEMED AND BE HELD TO CONSTITUTE THE CONTINUATION OF SUCH AUTHORITY AND NOT A DIFFERENT AGENCY OR AUTHORITY.

5. TRANSFER OF RECORDS OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT. UPON THE TRANSFER PURSUANT TO SUBDIVISION 2 OF THIS SECTION 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 110 OF THE LAWS OF 2008 TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 2 OF THIS SECTION, ALL BOOKS, PAPERS, RECORDS AND PROPERTY PERTAINING TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT SHALL BE TRANSFERRED TO AND MAINTAINED BY THE CORPORATION.

6. COMPLETION OF UNFINISHED BUSINESS OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT. UPON THE TRANSFER PURSUANT TO SUBDIVISION 2 OF THIS SECTION 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 110 OF THE LAWS OF 2008 TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 2 OF THIS SECTION, 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 CORPORATION MAY BE CONDUCTED OR COMPLETED BY THE CORPORATION.

7. TERMS OCCURRING IN LAWS, CONTRACTS OR OTHER DOCUMENTS. UPON THE TRANSFER PURSUANT TO SUBDIVISION 2 OF THIS SECTION 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 110 OF THE LAWS OF 2008 AS PRESCRIBED BY SUBDIVISION 2 OF THIS SECTION, WHENEVER THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND THE COMMISSIONER THEREOF, THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES OF WHICH ARE TRANSFERRED TO THE 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 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 CORPORATION, SHALL BE PRESERVED AND PROTECTED UNDER THE TRANSFER, AND ALL TRANSFERRED EMPLOYEES SHALL BE CONSIDERED FOR ALL PURPOSES OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW PUBLIC EMPLOYEES AND EMPLOYEES WHO ARE TRANSFERRED SHALL REMAIN IN THE SAME COLLECTIVE BARGAINING UNIT.

8. EXISTING RIGHTS AND REMEDIES PRESERVED. UPON THE TRANSFER PURSUANT TO SUBDIVISION 2 OF THIS SECTION 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 110 OF THE LAWS OF 2008 TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 2 OF THIS SECTION, NO EXISTING RIGHT OR REMEDY OF THE STATE, INCLUDING THE DEPARTMENT OF ECONOMIC DEVELOPMENT, SHALL BE LOST, IMPAIRED OR AFFECTED BY REASON OF THIS TITLE.

9. PENDING ACTIONS AND PROCEEDINGS. UPON THE TRANSFER PURSUANT TO SUBDIVISION 2 OF THIS SECTION 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 110 OF THE LAWS OF 2008 TRANSFER TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 2 OF THIS SECTION, NO ACTION OR PROCEEDING PENDING ON THE EFFECTIVE DATE OF THIS SECTION, BROUGHT BY OR AGAINST THE DEPARTMENT OF ECONOMIC DEVELOPMENT OR COMMISSIONER THEREOF SHALL BE AFFECTED BY ANY PROVISION OF THIS SECTION, BUT THE SAME MAY BE PROSECUTED OR DEFENDED IN THE NAME OF THE CORPORATION. IN ALL SUCH ACTIONS AND PROCEEDINGS, THE CORPORATION, UPON APPLICATION TO THE COURT, SHALL BE SUBSTITUTED AS A PARTY.

10. CONTINUATION OF RULES AND REGULATIONS. UPON THE TRANSFER PURSUANT TO SUBDIVISION 2 OF THIS SECTION 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 110 OF THE LAWS OF 2008, TRANSFER TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 2 OF THIS SECTION, ALL RULES, REGULATIONS, ACTS, DETERMINATIONS AND DECISIONS OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT, PERTAINING TO THE FUNCTIONS TRANSFERRED AND ASSIGNED BY THIS SECTION TO THE 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 CORPORATION UNTIL DULY MODIFIED OR REPEALED.

11. TRANSFER OF APPROPRIATION. TRANSFER OF APPROPRIATIONS HERETOFORE MADE TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT. UPON THE TRANSFER PURSUANT TO SUBDIVISION 2 OF THIS SECTION 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 110 OF THE LAWS OF 2008 TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 2 OF THIS SECTION, 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 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 CORPORATION, ON AUDIT AND WARRANT OF THE COMPTROLLER.

12. TRANSFER OF POWERS OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION. THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION, EXCEPT AS OTHERWISE HEREIN PROVIDED, AS ESTABLISHED PURSUANT TO ARTICLE TEN-A OF THE PUBLIC AUTHORITIES LAW AND ARTICLE TEN-B OF THE EXECUTIVE LAW SHALL BE TRANSFERRED AND ASSIGNED TO, AND ASSUMED BY AND DEVOLVED UPON THE CORPORATION.

13. ABOLITION OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION. UPON THE TRANSFER PURSUANT TO SUBDIVISION 12 OF THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION, AS ESTABLISHED PURSUANT TO ARTICLE TEN-A OF THE PUBLIC AUTHORITIES LAW AND ARTICLE TEN-B OF THE EXECUTIVE LAW, THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION SHALL BE ABOLISHED.

14. CONTINUITY OF AUTHORITY. EXCEPT AS HEREIN OTHERWISE PROVIDED, UPON THE TRANSFER PURSUANT TO SUBDIVISION 12 OF THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTABLISHED PURSUANT TO THE EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 12 OF THIS SECTION FOR THE PURPOSE OF SUCCESSION OF ALL FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION, THE CORPORATION SHALL BE DEEMED AND BE HELD TO CONSTITUTE THE CONTINUATION OF SUCH AUTHORITY AND NOT A DIFFERENT AGENCY OR AUTHORITY.

15. TRANSFER OF RECORDS OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION. UPON THE TRANSFER PURSUANT TO SUBDIVISION 12 OF THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTABLISHED PURSUANT TO THE EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW TO THE CORPORATION AS PRESCRIBED BY

SUBDIVISION 12 OF THIS SECTION, ALL BOOKS, PAPERS, RECORDS AND PROPERTY PERTAINING TO THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION SHALL BE TRANSFERRED TO AND MAINTAINED BY THE CORPORATION.

16. COMPLETION OF UNFINISHED BUSINESS OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION. UPON THE TRANSFER PURSUANT TO SUBDIVISION 12 OF THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTABLISHED PURSUANT TO THE EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 12 OF THIS SECTION, ANY BUSINESS OR OTHER MATTER UNDERTAKEN OR COMMENCED BY THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION PERTAINING TO OR CONNECTED WITH THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES SO TRANSFERRED AND ASSIGNED TO THE CORPORATION MAY BE CONDUCTED OR COMPLETED BY THE CORPORATION.

17. TERMS OCCURRING IN LAWS, CONTRACTS OR OTHER DOCUMENTS. UPON THE TRANSFER PURSUANT TO SUBDIVISION 12 OF THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTABLISHED PURSUANT TO THE EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW AS PRESCRIBED BY SUBDIVISION 12 OF THIS SECTION, WHENEVER THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AND THE EXECUTIVE DIRECTOR THEREOF, THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES OF WHICH ARE TRANSFERRED TO THE 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 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 NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION TO THE CORPORATION, SHALL BE PRESERVED AND PROTECTED UNDER THE TRANSFER, AND ALL TRANSFERRED EMPLOYEES SHALL BE PRESERVED AND PROTECTED UNDER THE TRANSFER, AND ALL TRANSFERRED EMPLOYEES SHALL BE CONSIDERED FOR ALL PURPOSES OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW PUBLIC EMPLOYEES AND EMPLOYEES WHO ARE TRANSFERRED SHALL REMAIN IN THE SAME COLLECTIVE BARGAINING UNIT AND ANY NEWLY CREATED POSITIONS SHALL BE ASSIGNED TO THE APPROPRIATE COLLECTIVE BARGAINING UNIT.

18. EXISTING RIGHTS AND REMEDIES PRESERVED. UPON THE TRANSFER PURSUANT TO SUBDIVISION 12 OF THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTABLISHED PURSUANT TO THE EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 12 OF THIS SECTION, NO EXISTING RIGHT OR REMEDY OF THE STATE, INCLUDING THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION, SHALL BE LOST, IMPAIRED OR AFFECTED BY REASON OF THIS SECTION.

19. PENDING ACTIONS AND PROCEEDINGS. UPON THE TRANSFER PURSUANT TO SUBDIVISION 12 OF THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTABLISHED PURSUANT TO THE EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW TRANSFER TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 12 OF THIS SECTION, NO ACTION OR PROCEEDING PENDING ON THE EFFECTIVE DATE OF THIS SECTION, BROUGHT BY OR AGAINST THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION OR EXECUTIVE DIRECTOR THEREOF SHALL BE AFFECTED BY ANY PROVISION OF THIS

SECTION, BUT THE SAME MAY BE PROSECUTED OR DEFENDED IN THE NAME OF THE CORPORATION. IN ALL SUCH ACTIONS AND PROCEEDINGS, THE CORPORATION, UPON APPLICATION TO THE COURT, SHALL BE SUBSTITUTED AS A PARTY.

20. CONTINUATION OF RULES AND REGULATIONS. UPON THE TRANSFER PURSUANT TO SUBDIVISION 12 OF THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTABLISHED PURSUANT TO THE EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW TRANSFER TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 12 OF THIS SECTION, ALL RULES, REGULATIONS, ACTS, DETERMINATIONS AND DECISIONS OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION, PERTAINING TO THE FUNCTIONS TRANSFERRED AND ASSIGNED BY THIS SECTION TO THE 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 CORPORATION UNTIL DULY MODIFIED OR REPEALED.

21. TRANSFER OF APPROPRIATION. TRANSFER OF APPROPRIATIONS HERETOFORE MADE TO THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION. UPON THE TRANSFER PURSUANT TO SUBDIVISION 12 OF THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTABLISHED PURSUANT TO THE EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION 12 OF THIS SECTION, ALL APPROPRIATIONS AND REAPPROPRIATIONS WHICH SHALL HAVE BEEN MADE AVAILABLE AS OF THE DATE OF SUCH TRANSFER TO THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION 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 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 FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION, 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 CORPORATION, ON AUDIT AND WARRANT OF THE COMPTROLLER.

22. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, OR SUBDIVISION OF THIS SECTION 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, OR SUBDIVISION THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

S 2. Section 10 of the economic development law is REPEALED.

S 3. Section 50 of the economic development law is REPEALED.

S 4. Section 3151 of the public authorities law is REPEALED.

S 5. Section 3152 of the public authorities law is REPEALED.

S 6. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 1, 2009; provided that the provisions of sections two and three of this act shall take effect upon the transfer of the functions and powers of the department of economic development to the urban development corporation as provided in section one of this act; and the provisions of sections four and five of this act shall take effect upon the transfer of the functions and powers of the New York state foundation for science, technology and

innovation to the urban development corporation as provided in section one of this act.

PART FF

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

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

SCHEDULE

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

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

PART GG

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

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

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

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

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

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

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

S 8. This act shall take effect immediately.

PART HH

Section 1. Legislative findings and declaration. The Hudson valley region plays a role of prime importance to the economy, the history and the character of New York. In 1991, the legislature established the Hudson river valley greenway program to further the protection of natural and cultural resources, the conservation and management of renewable natural resources, regional planning, economic development, public access and heritage education. Since the inception of the Hudson river valley greenway, new challenges and important issues have arisen that can be addressed through government action, including smart growth, water quality, sea level rise, and climate change. The department of state's local waterfront revitalization program has evolved to address these and other issues through progressive new plans and planning approaches that will help communities respond to these challenges. In view of the changing dynamics in the Hudson river valley, and the resources and expertise of the department of state, a transfer of the functions, powers, duties, obligations and assets of the Hudson river valley greenway, Hudson river valley greenway communities council and Hudson river valley greenway heritage conservancy to the department of state will allow New York state to more efficiently and effectively advance the greenway program, assuring that the character and values that make the region a vibrant place to live and work continue to be protected.

S 2. The executive law is amended by adding a new article 42-A to read as follows:

ARTICLE 42-A

HUDSON RIVER VALLEY GREENWAY

SECTION 925. DEFINITIONS.
927. POWERS AND DUTIES OF THE SECRETARY.
929. STATE AGENCY CONSISTENCY.
931. HUDSON RIVER VALLEY GEOGRAPHIC INFORMATION SYSTEMS.
933. GREENWAY COMPACT.
935. GREENWAY TRAIL.
937. PLANS DEVELOPED UNDER ARTICLE FORTY-FOUR OF THE ENVIRONMENTAL CONSERVATION LAW.

S 925. DEFINITIONS. UNLESS OTHERWISE SPECIFIED WITHIN THIS ARTICLE, AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "CHIEF ELECTED OFFICIAL OF A COUNTY" MEANS THE COUNTY EXECUTIVE OR, IF THERE IS NONE, THE CHAIR OF THE BOARD OF SUPERVISORS OR, IF THERE IS NEITHER, ANY OTHER OFFICERS POSSESSING SIMILAR POWERS AND DUTIES.

2. "COMPACT" OR "GREENWAY COMPACT" MEANS A REGIONAL PLAN FOR THE OVERALL GREENWAY AREA ADOPTED PURSUANT TO SECTION NINE HUNDRED THIRTY-THREE OF THIS ARTICLE.

3. "COUNTRYSIDE" MEANS THE CITIES, TOWNS AND VILLAGES WITHIN THE GREENWAY WHICH DO NOT BORDER THE HUDSON RIVER.

4. "FUND" MEANS THE HUDSON RIVER VALLEY GREENWAY FUND ESTABLISHED IN SECTION NINETY-SEVEN-N OF THE STATE FINANCE LAW.

5. "GREENWAY CRITERIA" MEANS NATURAL AND CULTURAL RESOURCE PROTECTION, REGIONAL SUSTAINABLE DEVELOPMENT PLANNING, ECONOMIC DEVELOPMENT, PUBLIC ACCESS, HERITAGE ENVIRONMENTAL EDUCATION AND SMART GROWTH, IDENTIFIED AS THE BASIS FOR ATTAINING THE GOAL OF A HUDSON RIVER VALLEY GREENWAY AND SMART GROWTH.

6. "GREENWAY" OR "HUDSON RIVER VALLEY GREENWAY" MEANS THE COUNTIES, INCLUDING ALL CITIES, TOWNS AND VILLAGES THEREIN, OF WESTCHESTER, ROCKLAND, ORANGE, PUTNAM, DUTCHESS, ULSTER, COLUMBIA, GREENE, ALBANY, RENSSELAER, SARATOGA AND WASHINGTON; PROVIDED THE GREENWAY SHALL NOT INCLUDE ANY AREA OF GREENE AND ULSTER COUNTIES WITHIN THE CATSKILL PARK AS DEFINED IN SUBDIVISION TWO OF SECTION 9-0101 OF THE ENVIRONMENTAL CONSERVATION LAW. IN ADDITION, IN THE CITY OF NEW YORK THE GREENWAY SHALL INCLUDE THE AREAS OF BRONX AND NEW YORK COUNTIES THAT ARE BOTH ADJACENT TO THE HUDSON RIVER AND INCLUDED AS OF THE EFFECTIVE DATE OF THIS SECTION WITHIN THE BOUNDARIES OF SUCH CITY'S WATERFRONT REVITALIZATION PROGRAM PREPARED PURSUANT TO ARTICLE FORTY-TWO OF THIS CHAPTER.

7. "GREENWAY TRAIL" OR "TRAIL" MEANS THE TRAIL ESTABLISHED PURSUANT TO SECTION NINE HUNDRED THIRTY-FIVE OF THIS ARTICLE.

8. "PARTICIPATING COMMUNITY" MEANS A COUNTY, CITY, TOWN OR VILLAGE WHICH HAS ADOPTED THE REGIONAL PLAN FOR ITS DISTRICT PURSUANT TO SECTION NINE HUNDRED THIRTY-THREE OF THIS ARTICLE.

9. "RIVERSIDE" MEANS THE CITIES, TOWNS AND VILLAGES WITHIN THE GREENWAY WHICH BORDER THE HUDSON RIVER AND SHALL INCLUDE THE CITY OF NEW YORK, WITH RESPECT TO AREAS OF BRONX AND NEW YORK COUNTIES DESIGNATED IN SUBDIVISION SIX OF THIS SECTION.

10. "SECRETARY" MEANS THE SECRETARY OF STATE OF THE STATE OF NEW YORK.

11. "SMART GROWTH" MEANS DEVELOPMENT THAT PRIORITIZES THE USE OF EXISTING INFRASTRUCTURE, PARTICULARLY IN DEVELOPED AREAS, PROTECTION OF OPEN SPACE, PROTECTION OF NATURAL RESOURCES AND AVOIDANCE OF SPRAWL.

S 927. POWERS AND DUTIES OF THE SECRETARY. THE SECRETARY SHALL HAVE THE POWER:

1. TO MAKE AND EXECUTE CONTRACTS AND ALL OTHER INSTRUMENTS NECESSARY OR CONVENIENT FOR THE EXERCISE OF THE SECRETARY'S POWERS AND FUNCTIONS UNDER THIS ARTICLE.

2. TO CONTRACT FOR AND TO ACCEPT ASSISTANCE, INCLUDING BUT NOT LIMITED TO GIFTS, GRANTS, OR LOANS OF FUNDS OR PERSONAL PROPERTY FROM THE FEDERAL GOVERNMENT OR ANY AGENCY OR INSTRUMENTALITY THEREOF, OR FROM ANY AGENCY OR INSTRUMENTALITY OF THE STATE, OR FROM ANY OTHER PUBLIC OR PRIVATE SOURCE AND TO COMPLY, SUBJECT TO THE PROVISIONS OF THIS ARTICLE, WITH THE TERMS AND CONDITIONS THEREOF. NOTWITHSTANDING THE PROVISION OF SECTION ELEVEN OF THE STATE FINANCE LAW, THE SECRETARY MAY ACCEPT GIFTS, GRANTS, DEVISES AND BEQUESTS, WHETHER CONDITIONAL OR UNCONDITIONAL PROVIDING THAT ANY GIFTS, GRANTS, DEVISES AND BEQUESTS BE CONSISTENT WITH GREENWAY CRITERIA.

3. TO CONTRACT FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE.

4. TO CONDUCT SCIENTIFIC, ENVIRONMENTAL, ECONOMIC, TOURISM AND CULTURAL STUDIES THAT ARE GERMANE TO THE GREENWAY CRITERIA AND COMPREHENSIVE INVENTORIES OF THE NATURAL, SCENIC, HISTORIC, CULTURAL AND

RECREATIONAL RESOURCES OF THE HUDSON RIVER VALLEY, OR TO CONTRACT FOR SUCH STUDIES AND SERVICES.

5. TO PREPARE PLANS TO ADVANCE THE SIX GREENWAY CRITERIA.

6. TO REVIEW AND COMMENT AS AN INTERESTED AGENCY DURING THE ENVIRONMENTAL REVIEW PROCESS PURSUANT TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW ON PROPOSED ACTIONS WITHIN THE GREENWAY, AND UPON THE FILING OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR ANY SUCH ACTION TO REQUIRE THE LEAD AGENCY TO CONDUCT A HEARING UNDER ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW.

7. TO REVIEW AND COMMENT ON CAPITAL AND LONG RANGE PLANS OF STATE AGENCIES AS THEY AFFECT THE CRITERIA, OBJECTIVES AND PLANS OF THE GREENWAY.

8. TO REVIEW AND COMMENT ON ACTIONS PURSUANT TO SECTION SEVENTY-FIVE OF THE PUBLIC LANDS LAW WITHIN THE GREENWAY FOR THEIR CONSISTENCY WITH THE PUBLIC'S RIGHT AND INTEREST IN LAND UNDER WATER FOR THE PURPOSES OF NAVIGATION AND COMMERCE, FISHING, BATHING, NATURAL RESOURCE CONSERVATION, RECREATION AND ACCESS TO THE WATERS AND LANDS UNDER WATER OF THE STATE.

9. TO DESIGNATE AND DEVELOP MODEL GREENWAY PROJECTS TO DEMONSTRATE THE IMPLEMENTATION OF GREENWAY PLANNING AND MAKE CONTRACTS FOR ASSISTANCE TO MUNICIPALITIES AND NONPROFIT ENTITIES WITHIN THE GREENWAY THEREFOR.

10. TO DESIGNATE MULTI-COUNTY PLANNING DISTRICTS OR SUBREGIONS BASED ON ENVIRONMENTAL, ECONOMIC AND SOCIAL FACTORS LINKING COUNTIES, CITIES, TOWNS AND VILLAGES AND THE RECOMMENDATIONS OF MUNICIPAL OFFICIALS FROM SUCH COUNTIES AND THEIR POLITICAL SUBDIVISIONS FOR THE PURPOSE OF DEVELOPMENT OF THE GREENWAY COMPACT, PROVIDED THAT THE AREAS OF BRONX AND NEW YORK COUNTIES DESIGNATED IN SUBDIVISION SIX OF SECTION NINE HUNDRED TWENTY-FIVE OF THIS ARTICLE SHALL BE DEEMED TO BE A MULTI-COUNTY PLANNING DISTRICT AND REGION AND SHALL NOT BE LINKED WITH ANY OTHER COUNTY, CITY, TOWN OR VILLAGE IN A MULTI-COUNTY PLANNING DISTRICT OR REGION.

11. TO ENCOURAGE INDIVIDUALS, CORPORATIONS, ASSOCIATIONS AND PUBLIC ENTITIES TO PROTECT AND PRESERVE THE UNIQUE RESOURCES OF THE GREENWAY AND MAKE GRANTS TO MUNICIPALITIES AND NONPROFIT ENTITIES WITHIN THE GREENWAY THEREFOR.

12. TO MAKE AVAILABLE OR TO CAUSE TO MAKE AVAILABLE DISPUTE RESOLUTION SERVICES FOR CONFLICTS OVER LAND USE REGULATION BETWEEN UNITS OF GOVERNMENT AND/OR BETWEEN INTERESTS INCLUDING DEVELOPMENT, CONSERVATION AND NEIGHBORHOOD INTERESTS UPON REQUEST OF ALL PARTIES IN DISPUTE.

13. TO ORGANIZE AND MEET WITH A COMMITTEE OF COUNTY PLANNERS WITHIN THE GREENWAY REGARDING REGIONAL PROJECTS AND THE PROVISION OF PLANNING SERVICES.

14. TO EXERCISE AND PERFORM SUCH OTHER POWERS AND DUTIES AS SHALL HAVE BEEN OR MAY BE FROM TIME TO TIME CONFERRED BY LAW.

15. TO SUE ON CAUSES OF ACTION CONSISTENT WITH THE PURPOSES AND ITS RESPONSIBILITIES UNDER THIS ARTICLE AND WITH RESPECT TO CONTRACTS TO WHICH THE SECRETARY IS A PARTY ARISING WITHIN THE BOUNDARIES OF THE GREENWAY; AND TO BE SUED.

16. TO ACQUIRE, IN THE NAME OF THE STATE, INTERESTS OR RIGHTS IN REAL PROPERTY INCLUDING TITLE BY GIFT OR DEVISE ANYWHERE WITHIN THE GREENWAY, OR BY PURCHASE SOLELY FOR THE PURPOSES OF A RIVERSIDE PARK OR DEVELOPMENT OF THE GREENWAY TRAIL, OR BY EASEMENT FOR THE CONSERVATION, MANAGEMENT AND PRESERVATION OF OPEN SPACE CHARACTERIZED BY NATURAL SCENIC BEAUTY, HERITAGE, NATURAL RESOURCE VALUES OR CONDITIONS ENHANCING REGIONAL QUALITIES OF THE HUDSON RIVER VALLEY PROVIDED, HOWEVER, THAT NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TRANSFERS OF SUCH INTERESTS OR RIGHTS IN REAL PROPERTY MAY BE MADE TO MUNICIPALITIES OR NOT-FOR-PRO-

FIT CORPORATIONS WHICH CONTRACT TO HOLD SUCH PROPERTY FOR THE BENEFICIAL ENJOYMENT OF THE PEOPLE OF THE STATE AND IN NO EVENT SHALL SUCH LAND BE SOLD BY ANY SUCH MUNICIPALITY OR NOT-FOR-PROFIT CORPORATION EXCEPT FOR PURPOSES CONSISTENT WITH THE BENEFICIAL ENJOYMENT OF THE PEOPLE OF THE STATE.

17. TO CREATE COMMITTEES AND APPOINT MEMBERS THERETO TO ASSIST AND ADVISE THE SECRETARY IN CARRYING OUT HIS OR HER FUNCTIONS, POWERS AND DUTIES PURSUANT TO THIS ARTICLE AND IN COORDINATING THE ACTIVITIES OF THE SECRETARY WITH STATE AND LOCAL AGENCIES FUNCTIONING WITHIN THE HUDSON RIVER VALLEY.

18. TO INTERVENE IN PROCEEDINGS BEFORE FEDERAL AND STATE AGENCIES ON MATTERS AFFECTING THE HUDSON RIVER VALLEY.

19. TO ENCOURAGE AND ASSIST IN THE CREATION OF SPECIAL LOCAL IMPROVEMENT DISTRICTS CONSISTENT WITH THE PURPOSES OF THIS ARTICLE.

20. TO IDENTIFY LAND AND WATER AREAS IN THE HUDSON RIVER VALLEY THAT ARE SUITABLE FOR DESIGNATION AS SCENIC AREAS, DEVELOP RESOURCE MANAGEMENT PLANS FOR SUCH SCENIC AREAS, AND PROVIDE SUPPORT FOR UTILIZATION OF SCENIC IMPACT PROJECT REVIEW GUIDELINES FOR PROJECTS OR ACTIONS WITHIN SUCH AREA.

21. TO HELP TO ADVANCE, GUIDE AND COORDINATE ON A PRIORITY BASIS THE ACQUISITION OF LAND AND WATER AREAS POSSESSED OF SCENIC, NATURAL, HISTORICAL, RECREATIONAL OR CULTURAL SIGNIFICANCE, FOR THE PURPOSE OF PRESERVING OR ENHANCING SUCH AREAS; AND TO DO SO IN COOPERATION WITH APPROPRIATE PUBLIC AND PRIVATE AGENCIES.

22. TO PROVIDE LOCAL GOVERNMENTS AND THE PRIVATE SECTOR WITH IMPROVED LIAISON, INTERPRETATION AND FOCUS RELATIVE TO A VARIETY OF STATE AND FEDERAL PROGRAMS WHICH BEAR ON THE HUDSON RIVER VALLEY AND ITS SHORELANDS, INCLUDING COASTAL MANAGEMENT; BASIN LEVEL B STUDY; WILD, SCENIC AND RECREATIONAL RIVERS; HERITAGE AREAS; SCENIC BYWAYS; FISHERIES MANAGEMENT; ESTUARINE SANCTUARIES; AREAS OF NATIONAL CONCERN; HISTORIC PRESERVATION; TOURISM AND OUTDOOR RECREATION; AND GRANTS-IN-AID.

23. TO HELP DEVELOP AND IMPLEMENT PLANS AT THE STATE, COUNTY AND LOCAL LEVELS FOR RESOURCE PROTECTION, RENEWABLE NATURAL RESOURCE MANAGEMENT, SEA LEVEL RISE, CLIMATE CHANGE, AND ENHANCEMENT IN SCENIC HIGHWAY CORRIDORS IN ACCORDANCE WITH THE GREENWAY CRITERIA.

24. TO PREPARE A WORK PLAN OF INTENDED PROJECTS AND ACTIVITIES IN THE GREENWAY, PERIODICALLY REPORT TO THE GOVERNOR AND THE LEGISLATURE ON THE CONDUCT OF ITS ACTIVITIES, MAKE SUCH REPORTS AVAILABLE TO THE PUBLIC, AND ESTABLISH A PROCESS TO RECEIVE PUBLIC COMMENTS ON SUCH REPORTS AND ON SUGGESTIONS FOR PROPOSED PROJECTS AND ACTIVITIES IN THE GREENWAY.

25. TO PROMOTE THE GREENWAY AS A SINGLE, TOURISM DESTINATION SITE IN CONJUNCTION WITH THE DESIGNATION AND DEVELOPMENT OF THE GREENWAY TRAIL.

26. TO ASSIST IN THE PRESERVATION OF FARMLANDS WITHIN THE GREENWAY FOR CONTINUED AGRICULTURAL USE.

27. NOTWITHSTANDING ANY OTHER SECTION OF LAW, THE SECRETARY MAY EXERCISE ITS POWERS UNDER THIS ARTICLE WITHIN THE COUNTY OF NEW YORK ONLY FOR THE PURPOSES OF DESIGNATING, DEVELOPING, OR CAUSING TO BE DEVELOPED A TRAIL PURSUANT TO SECTION NINE HUNDRED THIRTY-FIVE OF THIS ARTICLE. FOR THE PURPOSES OF THIS SUBDIVISION, "TRAIL" MEANS A LINEAR CORRIDOR OR PATHWAY, WALKWAY OR BIKEWAY USED SOLELY FOR PUBLIC TRANSPORTATION AND RECREATION. THE SECRETARY SHALL NOT DEVELOP, CONSTRUCT OR CAUSE TO BE DEVELOPED OR CONSTRUCTED ANY LANDFILL, PIER OR STRUCTURE OVER WATER LOCATED WEST OF THE EXISTING BULKHEAD OR SHORELINE; NOR SHALL THE SECRETARY DEVELOP, CONSTRUCT OR CAUSE TO BE DEVELOPED OR CONSTRUCTED ANY COMMERCIAL OR RESIDENTIAL USES ON ANY TRAIL DEVELOPED PURSUANT TO THIS SUBDIVISION.

28. WITHIN THE AMOUNT OF APPROPRIATIONS EXPRESSLY THEREFOR, TO PURCHASE THE MAXIMUM INSURANCE COVERAGE PRACTICABLE AND AFFORDABLE FROM REVENUES IN THE FUND, TO BE EFFECTIVE UPON THE ADOPTION BY A COMMUNITY OF A REGIONAL SUSTAINABLE DEVELOPMENT PLAN, FROM ANY DULY AUTHORIZED INSURER IN THIS STATE, AGAINST ANY LIABILITY OF ANY PARTICIPATING COMMUNITY OR ITS AGENTS THAT MAY RESULT FROM ITS ACQUISITION OF LAND, CONSISTENT WITH ITS REGIONAL SUSTAINABLE DEVELOPMENT PLAN, OR THE ADOPTION OR IMPLEMENTATION OF ANY LAND USE CONTROL INCLUDING, BUT NOT LIMITED TO, A ZONING LAW OR ORDINANCE; PROVIDED, HOWEVER, SUCH INSURANCE SHALL NOT APPLY TO ANY SUCH CLAIM THAT RESULTS FROM THE INTENTIONAL WRONGDOING, RECKLESSNESS, GROSS NEGLIGENCE OR AN UNLAWFUL DISCRIMINATORY PRACTICE AS PROVIDED IN SUBDIVISIONS TWO, TWO-A, THREE-B, FOUR, PARAGRAPHS (A) AND (B) OF SUBDIVISION FIVE AND SUBDIVISIONS SIX, SEVEN, FOURTEEN AND EIGHTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THIS CHAPTER AND 42 U.S.C. SS 1981, 1983 BY SUCH COMMUNITY OR ITS AGENTS. EXCEPT WITH RESPECT TO NEW YORK CITY, THE SECRETARY SHALL PURCHASE SUCH INSURANCE AND BEGIN COVERAGE UPON THE ADOPTION BY A COMMUNITY OF A REGIONAL SUSTAINABLE DEVELOPMENT PLAN, AND MAINTAIN SUCH INSURANCE FOR ALL PARTICIPATING COMMUNITIES. NOTHING IN THIS SUBDIVISION SHALL REQUIRE THE SECRETARY TO PURCHASE OR PROVIDE COVERAGE FOR NEW YORK CITY.

29. TO TAKE ANY ACTIONS NECESSARY TO CARRY OUT THE FUNCTIONS, POWERS AND DUTIES IMPOSED BY THIS ARTICLE.

30. TO PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THIS ARTICLE, INCLUDING FOR PURPOSES OF MAINTAINING AND UPDATING THE COMPACT PRODUCED PURSUANT TO SECTION NINE HUNDRED THIRTY-THREE OF THIS ARTICLE.

S 929. STATE AGENCY CONSISTENCY. 1. THE SECRETARY, IN CARRYING OUT HIS OR HER FUNCTIONS AND RESPONSIBILITIES UNDER THIS ARTICLE, SHALL CONSULT WITH, COOPERATE WITH, AND, TO THE MAXIMUM EXTENT PRACTICABLE, COORDINATE HIS OR HER ACTIVITIES WITH OTHER INTERESTED STATE AGENCIES.

2. AFTER THE COMPACT IS IN EFFECT, ANY STATE AGENCY CONDUCTING, FUNDING OR APPROVING ACTIVITIES DIRECTLY AFFECTING GREENWAY RESOURCES SHALL, TO THE FULLEST EXTENT PRACTICABLE, CONSULT WITH, COOPERATE WITH, AND COORDINATE ITS ACTIVITIES WITH THE SECRETARY AND THE APPROPRIATE PARTICIPATING COMMUNITY. ANY SUCH STATE AGENCY SHALL CONDUCT OR SUPPORT SUCH ACTIVITIES IN A MANNER WHICH IS, TO THE MAXIMUM EXTENT PRACTICABLE, CONSISTENT WITH THE COMPACT IN ADDITION TO REQUIREMENTS OF OTHER LAWS, INCLUDING THOSE OF ARTICLE FORTY-TWO OF THIS CHAPTER. THE COMPACT SHALL BE INCORPORATED AS PART OF THE REVIEWS OF ACTIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS PROVIDED IN ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND THE NEW YORK STATE HISTORIC PRESERVATION ACT OF 1980. FOR PURPOSES OF SECTION 8-0113 OF THE ENVIRONMENTAL CONSERVATION LAW, THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION SHALL INCORPORATE CONSIDERATION OF THE GREENWAY INTO RULES AND REGULATIONS ADOPTED PURSUANT TO SUCH SECTION.

3. NOTHING IN THIS ARTICLE SHALL PREEMPT THE AUTHORITY AND RESPONSIBILITIES OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVATION LAW.

S 931. HUDSON RIVER VALLEY GEOGRAPHIC INFORMATION SYSTEMS. THE SECRETARY SHALL CONTINUE, UPDATE AND MAINTAIN THE HUDSON RIVER VALLEY GEOGRAPHIC INFORMATION SYSTEM AND MAKE AVAILABLE INFORMATION THEREFROM TO COUNTIES, CITIES, TOWNS AND VILLAGES WITHIN THE GREENWAY. THE SECRETARY MAY CHARGE A FEE FOR SUCH INFORMATION TO COVER THE COST OF PROVIDING THE INFORMATION.

S 933. GREENWAY COMPACT. 1. THE SECRETARY SHALL GUIDE AND SUPPORT A COOPERATIVE DEVELOPMENT PLANNING PROCESS TO ESTABLISH A VOLUNTARY REGIONAL COMPACT AMONG THE COUNTIES, CITIES, TOWNS AND VILLAGES OF THE

GREENWAY TO FURTHER THE RECOMMENDED CRITERIA OF NATURAL AND CULTURAL RESOURCE PROTECTION, CONSERVATION AND MANAGEMENT OF RENEWABLE NATURAL RESOURCES, SUSTAINABLE PLANNING, ECONOMIC DEVELOPMENT, PUBLIC ACCESS AND HERITAGE EDUCATION AND SMART GROWTH.

2. THE SECRETARY SHALL OFFER TECHNICAL ASSISTANCE TO COMMUNITIES IN THE GREENWAY IN COMPREHENSIVELY PLANNING FOR AND ATTAINING THE GOAL OF ESTABLISHING AND HAVING MAXIMUM EFFECTIVE IMPLEMENTATION OF LOCAL PLANNING AND ZONING THROUGH NATURAL AND CULTURAL RESOURCES INVENTORIES, THE ADOPTION OF A COMPREHENSIVE ZONING ORDINANCE OR LOCAL LAW, COMPREHENSIVE PLAN, SITE PLAN AND SUBDIVISION PLAT REVIEW CONSISTENT WITH THE GREENWAY CRITERIA. THE SECRETARY SHALL ALSO ENCOURAGE THE USE OF CLUSTER SUBDIVISION, LOCAL HISTORIC PRESERVATION REGULATIONS, TRANSFER OF DEVELOPMENT RIGHTS, CONSERVATION EASEMENTS, DESIGNATION OF CRITICAL ENVIRONMENTAL AREAS AND OTHER ZONING TECHNIQUES WHERE APPROPRIATE TO ATTAIN LOCAL PLANNING AND ENVIRONMENTAL OBJECTIVES AND PARTICIPATION IN THE COASTAL MANAGEMENT PROGRAM AND THE STATE SYSTEM OF HERITAGE AREAS. THE SECRETARY MAY ENTER INTO CONTRACTS NOT TO EXCEED FIFTY PERCENT OF PROJECT COST WITH COMMUNITIES IN THE GREENWAY AND IN CONSULTATION WITH APPROPRIATE STATE AGENCIES FOR PURPOSES OF ADMINISTRATING GRANTS PURSUANT TO THIS SUBDIVISION INCLUDING, BUT NOT LIMITED TO, GRANTS TO CONDUCT NATURAL AND CULTURAL RESOURCES INVENTORIES, PREPARE OR UPDATE A COMPREHENSIVE PLAN, A ZONING LOCAL LAW OR ORDINANCE, A TRANSFER OF DEVELOPMENT RIGHTS LOCAL LAW OR ORDINANCE, A LOCAL GOVERNMENT WATERFRONT REVITALIZATION PROGRAM, A HERITAGE AREA FEASIBILITY STUDY OR MANAGEMENT PLAN OR A TOURISM DEVELOPMENT FEASIBILITY STUDY OR PLAN. ANY COMMUNITY WHICH RECEIVES A GRANT PURSUANT TO THIS SUBDIVISION MAY, AT THE DISCRETION OF THE SECRETARY, CONTRIBUTE ITS FIFTY PERCENT OF THE PROJECT COST IN THE FORM OF AN IN-KIND OR OTHER NON-MONETARY CONTRIBUTION AS APPROVED BY THE SECRETARY.

3. THE SECRETARY SHALL PERIODICALLY CONVENE MEETINGS OF THE CHIEF ELECTED OFFICIALS OF COUNTIES, CITIES, TOWNS AND VILLAGES OR THEIR DESIGNATED REPRESENTATIVES FOR EACH OF THE SUBREGIONAL DISTRICTS DESIGNATED BY THE SECRETARY. SUCH OFFICIALS IN EACH DISTRICT SHALL ORGANIZE TO PREPARE, OR CAUSE TO BE PREPARED PURSUANT TO SCHEDULES ESTABLISHED BY THE SECRETARY A COMPREHENSIVE REGIONAL SUSTAINABLE DEVELOPMENT PLAN FOR THEIR DISTRICT TO BE SUBMITTED TO THE SECRETARY. THE SECRETARY SHALL OFFER TECHNICAL ASSISTANCE IN PREPARATION OF SUCH PLANS AND AMENDMENTS THEREOF. WITHIN FUNDS AVAILABLE THEREFOR, THE SECRETARY SHALL GRANT FUNDS TO MEET THE COST OF EACH REGIONAL SUSTAINABLE DEVELOPMENT PLAN AND AMENDMENTS THEREOF. EACH SUCH REGIONAL SUSTAINABLE DEVELOPMENT PLAN SHALL ADDRESS THE GREENWAY CRITERIA AND THE OBJECTIVES ADOPTED BY THE SECRETARY BY PROVISIONS INCLUDING, BUT NOT LIMITED TO, IDENTIFYING DEVELOPMENTS OF REGIONAL IMPACT AND AREAS OF REGIONAL CONCERN INCLUDING, BUT NOT LIMITED TO IDENTIFYING NECESSARY PUBLIC FACILITIES AND INFRASTRUCTURE CONSISTENT WITH SUCH CRITERIA AND OBJECTIVES AND PROVIDING FOR THE VOLUNTARY ADOPTION BY ACTION OF A LOCAL LEGISLATIVE BODY AND IMPLEMENTATION OF RELEVANT PROVISIONS BY EACH PARTICIPATING COUNTY, CITY, TOWN AND VILLAGE. THE SECRETARY SHALL REVIEW EACH REGIONAL SUSTAINABLE DEVELOPMENT PLAN FOR ITS CONSISTENCY WITH THE GREENWAY CRITERIA AND OBJECTIVES AND TO ASSURE THAT THE REGIONAL SUSTAINABLE DEVELOPMENT PLANS CONFORM TO ESTABLISH AN OVERALL GREENWAY COMPACT. UPON FINDING SUCH CONSISTENCY AND CONFORMANCE, THE SECRETARY SHALL APPROVE THE REGIONAL SUSTAINABLE DEVELOPMENT PLAN AND, UPON APPROVING ALL THE REGIONAL SUSTAINABLE DEVELOPMENT PLANS, SHALL PRODUCE AN OVERALL GREENWAY PLAN TO BE KNOWN AS THE COMPACT. IF THE LOCAL OFFICIALS IN ANY DISTRICT FAIL TO PRODUCE A REGIONAL SUSTAINABLE DEVELOPMENT PLAN FOR THEIR DISTRICT OR SUBMIT SUCH PLAN WHICH THE SECRETARY CANNOT APPROVE, THE SECRETARY MAY

PREPARE OR CAUSE TO BE PREPARED A REGIONAL SUSTAINABLE DEVELOPMENT PLAN WHICH CITIES, TOWNS AND VILLAGES IN SUCH DISTRICT MAY VOLUNTARILY ADOPT BY LOCAL LAW TO BECOME PARTICIPATING COMMUNITIES. THE SECRETARY'S ACTIONS SHALL NOT BE INCONSISTENT WITH THE REQUIREMENTS OF ARTICLE FORTY-TWO OF THIS CHAPTER IN APPROVING ANY REGIONAL SUSTAINABLE DEVELOPMENT PLAN.

4. UPON APPROVAL BY THE SECRETARY OF A REGIONAL SUSTAINABLE DEVELOPMENT PLAN, EACH COUNTY, CITY, TOWN OR VILLAGE WITHIN THE DISTRICT FOR WHICH THE PLAN WAS PREPARED AND THAT ADOPTED THE PLAN BY ITS LOCAL LEGISLATIVE BODY SHALL BECOME A PARTICIPATING COMMUNITY IN THE GREENWAY COMPACT BY ADOPTING THE REGIONAL SUSTAINABLE DEVELOPMENT PLAN AS PROVIDED IN SUCH PLAN.

5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE MAYOR OF THE CITY OF NEW YORK MAY SUBMIT THOSE PORTIONS OF SUCH CITY'S WATERFRONT REVITALIZATION PROGRAM, PREPARED PURSUANT TO ARTICLE FORTY-TWO OF THIS CHAPTER AND ADOPTED THROUGH THE PROCESS FOR THE ADOPTION AND AMENDMENT OF PLANS CONTAINED IN THE CHARTER OF SUCH CITY, AS SUCH PROGRAM APPLIES TO AREAS WITHIN THE GREENWAY, AS THE REGIONAL SUSTAINABLE DEVELOPMENT PLAN FOR THE REGION COMPRISED OF THE AREAS OF BRONX AND NEW YORK COUNTIES DESCRIBED IN SUBDIVISION SIX OF SECTION NINE HUNDRED TWENTY-FIVE OF THIS ARTICLE. THE MAYOR OF SUCH CITY MAY SUBMIT AMENDMENTS TO SUCH REGIONAL SUSTAINABLE DEVELOPMENT PLAN ADOPTED THROUGH THE PROCESS FOR THE ADOPTION AND AMENDMENT OF PLANS CONTAINED IN THE CHARTER OF SUCH CITY. ANY SUCH PLAN OR AMENDMENT THEREOF SUBMITTED PURSUANT TO THIS SUBDIVISION SHALL BE DEEMED TO HAVE BEEN APPROVED PURSUANT TO THIS SECTION AND, UPON SUBMISSION OF SUCH PLAN, THE AREAS OF THE CITY OF NEW YORK DESIGNATED IN SUBDIVISION SIX OF SECTION NINE HUNDRED TWENTY-FIVE OF THIS ARTICLE AND WHICH ARE ALSO INCLUDED WITHIN SUCH PLAN SHALL BE DEEMED TO BE A PARTICIPATING COMMUNITY AND, UNLESS OTHERWISE SPECIFIED, THE MAYOR OF SUCH CITY SHALL EXERCISE THE AUTHORITY GRANTED TO SUCH PARTICIPATING COMMUNITY. SOLELY FOR PURPOSES OF THIS SUBDIVISION THE PLAN SUBMITTED BY THE CITY OF NEW YORK PURSUANT TO THIS SECTION AND ANY AMENDMENTS THERETO SHALL NOT BE DEEMED A GENERIC ENVIRONMENTAL IMPACT STATEMENT OR REGIONAL SUSTAINABLE DEVELOPMENT PLAN.

6. NOTHING CONTAINED IN THIS ARTICLE SHALL BE DEEMED TO AFFECT, IMPAIR OR SUPERSEDE THE PROVISIONS OF ANY CITY CHARTER, LOCAL LAW, RULE OR OTHER LOCAL REQUIREMENTS AND PROCEDURES HERETOFORE OR HEREAFTER ADOPTED, INCLUDING, BUT NOT LIMITED TO, ANY SUCH PROVISIONS RELATING TO THE ZONING AND USE OF LAND.

7. A REGIONAL SUSTAINABLE DEVELOPMENT PLAN PREPARED CONSISTENT WITH THE PROCEDURES OF SECTION 8-0109 OF THE ENVIRONMENTAL CONSERVATION LAW RELATING TO THE PREPARATION AND CONTENTS OF AN ENVIRONMENTAL IMPACT STATEMENT SHALL BE CONSIDERED A GENERIC ENVIRONMENTAL IMPACT STATEMENT. ACTIONS PROPOSED IN CONFORMANCE WITH THE CONDITIONS AND THRESHOLDS ESTABLISHED IN SUCH REGIONAL SUSTAINABLE DEVELOPMENT PLAN WILL REQUIRE NO FURTHER COMPLIANCE WITH ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW.

8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY STATE AGENCY MAY PROVIDE IN IMPLEMENTING A RANKING SYSTEM FOR ALLOCATING FUNDS FOR INFRASTRUCTURE, LAND ACQUISITION OR PARK ASSISTANCE PROJECTS A PREFERENCE NOT TO EXCEED THE EQUIVALENT OF AN ADVANTAGE OF FIVE PERCENT FOR SUCH PROJECTS WHICH ARE IDENTIFIED IN A REGIONAL SUSTAINABLE DEVELOPMENT PLAN APPROVED PURSUANT TO THIS SECTION.

9. FOR EACH SUCH PARTICIPATING COMMUNITY THERE SHALL BE INDEMNITY FROM THE STATE IN THE EVENT OF LEGAL ACTIONS BROUGHT AGAINST THE COMMUNITY OR ITS AGENTS THAT MAY RESULT FROM THE COMMUNITY'S ACQUISITION OF LAND

CONSISTENT WITH ITS REGIONAL SUSTAINABLE DEVELOPMENT PLAN OR THE ADOPTION OR IMPLEMENTATION OF ANY LAND USE CONTROL INCLUDING, BUT NOT LIMITED TO, A ZONING LAW OR ORDINANCE. SUCH INDEMNITY SHALL NOT APPLY TO THE COUNTIES OF NEW YORK AND BRONX FOR SUCH LEGAL ACTIONS BROUGHT AS A RESULT OF NEW YORK CITY'S ADOPTION OF A REGIONAL SUSTAINABLE DEVELOPMENT PLAN OR AMENDMENTS THERETO PURSUANT TO SUBDIVISION FIVE OF THIS SECTION. SUCH INDEMNITY SHALL APPLY TO THE EXTENT THAT ANY SUCH CLAIM EXCEEDS THE INSURANCE COVERAGE OBTAINED BY THE SECRETARY PURSUANT TO THIS ARTICLE; PROVIDED, HOWEVER, SUCH INDEMNITY SHALL NOT APPLY TO ANY SUCH CLAIM THAT RESULTS FROM INTENTIONAL WRONGDOING, RECKLESSNESS, GROSS NEGLIGENCE OR AN UNLAWFUL DISCRIMINATORY PRACTICE AS PROVIDED IN SUBDIVISIONS TWO, TWO-A, THREE-B, FOUR, PARAGRAPHS (A) AND (B) OF SUBDIVISION FIVE AND SUBDIVISIONS SIX, SEVEN, FOURTEEN AND EIGHTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THIS CHAPTER AND 42 U.S.C. SS 1981, 1983 BY SUCH COMMUNITY OR ITS AGENTS. IN ANY CLAIM AGAINST A PARTICIPATING COMMUNITY OF UNLAWFUL DISCRIMINATORY PRACTICE, THE ATTORNEY GENERAL SHALL NOT REPRESENT THE DEFENDANT OR DEFENDANTS; PROVIDED, HOWEVER, THAT IF THE PLAINTIFF IS NOT THE PREVAILING PARTY, THE DEFENDANT OR DEFENDANTS SHALL BE REIMBURSED BY THE STATE FOR ALL REASONABLE ATTORNEYS' FEES AND LITIGATION EXPENSES INCURRED IN THE DEFENSE OF THE ACTION.

10. IN ADDITION TO ANY OTHER FUNDS AVAILABLE FROM THE STATE, PARTICIPATING COMMUNITIES AND NONPROFIT ENTITIES DESIGNATED BY SUCH COMMUNITIES SHALL BE ELIGIBLE FOR CAPITAL, PROGRAM AND PLANNING MATCHING GRANTS FROM THE SECRETARY TO THE EXTENT APPROPRIATIONS HAVE BEEN MADE THEREFOR, INCLUDING, BUT NOT LIMITED TO GRANTS FOR MUNICIPAL HISTORIC PRESERVATION PROJECTS TO ACQUIRE, RESTORE OR REHABILITATE PROPERTY LISTED ON THE STATE OR NATIONAL REGISTERS OF HISTORIC PLACES OR FOR EDUCATIONAL PROGRAMS RELATED TO SUCH HISTORIC PLACES, MUNICIPAL PARK PROJECTS FOR THE ACQUISITION, DEVELOPMENT OR IMPROVEMENT OF RECREATIONAL FACILITIES OR THE ACQUISITION OF LAND FOR OPEN SPACE CONSERVATION AND MANAGEMENT OF RENEWABLE NATURAL RESOURCES AND NATURAL RESOURCE PROTECTION INCLUDING THE PRESERVATION OF ENDANGERED SPECIES AND THEIR NATURAL COMMUNITIES, WATERFRONT REVITALIZATION PROJECTS TO ACQUIRE LAND FOR PUBLIC ACCESS TO THE HUDSON RIVER OR TO PROTECT RIVER RESOURCES OR TO CLEAR WATERFRONT SITES FOR PUBLIC OR PRIVATE WATER DEPENDENT USES OR TO DEVELOP, IMPROVE OR REHABILITATE WATER DEPENDENT OR WATERFRONT FACILITIES INCLUDING WHARFS AND PIERS, CONSISTENT WITH A LOCAL WATERFRONT REVITALIZATION PROGRAM, HERITAGE AREA PROJECTS FOR PLANNING, PROGRAM, ACQUISITION OR DEVELOPMENT CONSISTENT WITH THE PURPOSES OF ARTICLE THIRTY-FIVE OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW, TOURISM MARKETING PROJECTS, DEVELOPMENT AND COMMERCIAL REVITALIZATION AND COMMUNITY DEVELOPMENT PROGRAMS AND PROJECTS, NATURAL RESOURCES INVENTORIES, AGRICULTURE PRESERVATION PROJECTS AND PUBLIC AND PRIVATE INFRASTRUCTURE IMPROVEMENT RELATED TO THE DEVELOPMENT OF THE GREENWAY TRAIL. THE STATE SHARE OF THE COST OF SUCH PROJECTS SHALL NOT EXCEED FIFTY PERCENT OF THE TOTAL PROJECT COST. THE SECRETARY SHALL ENTER INTO CONTRACTS WITH PARTICIPATING COMMUNITIES AND IN CONSULTATION WITH APPROPRIATE STATE AGENCIES FOR THE PURPOSE OF ADMINISTERING THESE GRANTS.

11. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, PARTICIPATING COMMUNITIES SHALL BE ELIGIBLE TO TAKE PART IN AND RECEIVE GRANTS AND LOANS FROM THE URBAN DEVELOPMENT CORPORATION'S URBAN AND COMMUNITY DEVELOPMENT PROGRAM AND REGIONAL ECONOMIC DEVELOPMENT PROGRAM.

12. THE SECRETARY MAY, AFTER HOLDING A PUBLIC HEARING IN THE APPROPRIATE DISTRICT, WITHDRAW ITS APPROVAL OF A REGIONAL SUSTAINABLE DEVELOPMENT PLAN WHERE IT FINDS THAT THERE HAS BEEN A SIGNIFICANT FAILURE TO IMPLEMENT SUCH PLAN BY A MAJORITY OF THE PARTICIPATING COUNTIES, CITIES,

TOWNS AND VILLAGES WITHIN THE DISTRICT. WHEN APPROVAL HAS BEEN WITHDRAWN FROM A REGIONAL SUSTAINABLE DEVELOPMENT PLAN, THE COMMUNITIES THEREIN MAY NOT HAVE THE BENEFITS OF PARTICIPATING COMMUNITIES PURSUANT TO SUBDIVISIONS SEVEN THROUGH TEN OF THIS SECTION. THE SECRETARY SHALL REPORT SUCH WITHDRAWAL OF APPROVAL TO THE GOVERNOR AND THE LEGISLATURE STATING THE REASONS FOR SUCH ACTION CONSISTENT WITH SUBDIVISIONS ONE THROUGH EIGHT OF THIS SECTION.

S 935. GREENWAY TRAIL. 1. THE SECRETARY SHALL DESIGNATE AND DEVELOP OR CAUSE TO BE DEVELOPED A TRAIL OR PATHWAY SYSTEM CONSISTENT WITH THE GREENWAY CRITERIA CONNECTING THE CITY OF NEW YORK FROM THE SOUTHERNMOST BOUNDARY OF THE AREA DESIGNATED AS THE GREENWAY TO THE ERIE CANAL LOCK TWO PARK IN THE TOWN OF WATERFORD, SARATOGA COUNTY TO BE KNOWN AS THE HUDSON RIVER VALLEY GREENWAY TRAIL. TO THE FULLEST EXTENT PRACTICABLE, THE TRAIL SHALL:

A. BE LOCATED WITH DIRECT PHYSICAL OR, IF NOT PHYSICAL, VISUAL ACCESS TO THE HUDSON RIVER;

B. BE PLANNED FOR BOTH SIDES OF THE HUDSON RIVER;

C. HAVE SEGMENTS THAT CAN BE RESTRICTED TO NON-MOTORIZED USE;

D. UTILIZE EXISTING HERITAGE TRAILS, BIKEWAYS, SCENIC HIGHWAYS, RAILROAD RIGHTS OF WAY AND ESPLANADES AND MAKE CONNECTIONS WITH OTHER TRAILS INCLUDING TRAILS ALONG TRIBUTARIES OF THE HUDSON RIVER;

E. HIGHLIGHT AND LINK EXISTING PARKS, HERITAGE AREAS AND HISTORIC SITES;

F. PROVIDE FOR INTERPRETIVE SIGNAGE AND OPPORTUNITIES TO EXPERIENCE THE UNIQUE NATURAL AND CULTURAL HERITAGE OF THE VALLEY;

G. REFLECT THE NATURAL AND CULTURAL DIVERSITY;

H. INVOLVE STATE AND LOCAL AGENCIES AND PRIVATE ORGANIZATIONS IN THE PLANNING, DEVELOPMENT AND MAINTENANCE OF THE TRAIL OF THE GREENWAY;

I. USE THE SERVICES OF LOCAL SCHOOL DISTRICTS AND THE YOUTH CONSERVATION CORPS TO PARTICIPATE IN TRAIL DEVELOPMENT AND MAINTENANCE;

J. HAVE SEGMENT MANAGEMENT PLANS PREPARED FOR EACH SEGMENT OF THE TRAIL TO ASSURE UNIFORM MAINTENANCE AND UPKEEP; AND

K. HAVE CONNECTIONS TO PATHWAYS THAT HIGHLIGHT THE CHARACTER AND RESOURCES OF THE COUNTRYSIDE COMMUNITIES.

2. THE GREENWAY TRAIL TO THE EXTENT PRACTICABLE SHALL BE COMPLETED ON OR BEFORE JUNE FIRST, TWO THOUSAND FIFTEEN.

3. THE DEPARTMENT, THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE OFFICE OF GENERAL SERVICES ARE HEREBY AUTHORIZED AND DIRECTED TO SUPPORT AND ASSIST IN THE PLANNING AND DEVELOPMENT OF THE TRAIL.

S 937. PLANS DEVELOPED UNDER ARTICLE FORTY-FOUR OF THE ENVIRONMENTAL CONSERVATION LAW. ALL PLANS PREPARED BY PARTICIPATING COMMUNITIES AND COUNTIES, INCLUDING REGIONAL AND COMPACT PLANS, UNDER ARTICLE FORTY-FOUR OF THE ENVIRONMENTAL CONSERVATION LAW SHALL HAVE THE SAME FORCE, VALIDITY AND EFFECT AS IF THEY WERE PREPARED UNDER THIS ARTICLE.

S 3. Subdivisions 2 and 3 of section 285-b of the agriculture and markets law, as amended by section 2 of part Z of chapter 383 of the laws of 2001, are amended to read as follows:

2. The advisory council, in consultation with the [Hudson river valley greenway communities council] SECRETARY OF STATE, the upstate New York tourism council and the downstate New York tourism council, may recommend programs and promotional activities designed to preserve and enhance Hudson valley region tourism and agricultural open space, address issues affecting the viability of agriculture including real property tax policies and promote greater agricultural marketing and

promotional opportunities for the region's agricultural producers to the department.

3. From time to time, but at least every two years, the advisory council shall issue a report evaluating such programs and promotional activities to be transmitted to the commissioner, the [chairperson of the Hudson river valley greenway communities council] SECRETARY OF STATE, the chairperson of the upstate New York tourism council, and the chairperson of the downstate New York tourism council and, upon request, any other interested party. The advisory council shall also do all other things necessary and proper for the completion of a feasibility study of developing a tour of the Hudson valley to be known as "The Hudson Valley Ag Trail" to highlight the unique and significant agricultural and natural resources of the Hudson valley region.

S 4. Subdivision 2 of section 285-b of the agriculture and markets law, as amended by chapter 571 of the laws of 2008, is amended to read as follows:

2. The advisory council, in consultation with the [Hudson river valley greenway communities council] SECRETARY OF STATE, the upstate New York tourism council, and the downstate New York tourism council, may recommend programs and promotional activities designed to preserve and enhance Hudson valley region tourism and agricultural open space, address issues affecting the viability of agriculture, including real property tax policies and municipal land use issues, and promote greater agricultural marketing and promotional opportunities for the region's agricultural producers to the department.

S 5. Subdivision 1 of section 349-cc of the highway law, as amended by chapter 399 of the laws of 2005, is amended to read as follows:

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

defined in article [forty-four of the environmental conservation law] FORTY-TWO-A OF THE EXECUTIVE LAW. The advisory board shall consult with the Niagara River Greenway Commission regarding scenic byways within the Niagara River Greenway as defined in article thirty-nine of the parks, recreation and historic preservation law. The advisory board shall consult with the upstate New York tourism council regarding scenic byways in the upstate New York region, and with the downstate New York tourism council regarding scenic byways in the downstate New York region.

S 6. Subdivision 5 of section 46-a of the navigation law, as amended by chapter 225 of the laws of 1995, is amended to read as follows:

(5) The local legislative body of any city, town or village which is a participating community as defined in [subdivision ten of section 44-0103 of the environmental conservation law] SUBDIVISION EIGHT OF SECTION NINE HUNDRED TWENTY-FIVE OF THE EXECUTIVE LAW may adopt, amend and enforce local laws, rules and regulations not inconsistent with the laws of this state or the United States or with the Hudson river valley greenway compact, with respect to the restriction and regulation of the manner of construction and location of boathouses, moorings and docks in any waters within or bounding the respective municipality to a distance of fifteen hundred feet from the shoreline. Nothing in this subdivision or in article [forty-four of the environmental conservation law] FORTY-TWO-A OF THE EXECUTIVE LAW or in the Hudson river valley greenway compact produced pursuant to such article, shall be deemed to affect, impair or supersede the provisions of any charter, local law, rule or other local requirements and procedures heretofore or hereafter adopted by such participating community, including, but not limited to, any such provisions relating to the zoning and use of land or any waters within or bounding such participating community to a distance of fifteen hundred feet from the shoreline.

S 7. Transfer of appropriations. As approved by the director of the budget, appropriations made to the Hudson river valley greenway, the Hudson river valley greenway communities council or the Hudson river valley greenway heritage conservancy, to the extent of remaining unexpended balances, shall be transferred by the comptroller to and made available for use by the secretary of state for the payment of liabilities heretofore incurred by the Hudson river valley greenway, the Hudson river valley greenway communities council or the Hudson river valley greenway heritage conservancy. Payments for liabilities for expenses of personal service, maintenance and operation heretofore incurred by the Hudson river valley greenway, the Hudson river valley greenway communities council or the Hudson river valley greenway heritage conservancy and for liabilities incurred and to be incurred shall be made on vouchers or certificates approved by the director of administration and management of the department of state on audit and warrant of the comptroller.

S 8. Transfer of assets and liabilities. All assets and liabilities of the Hudson river valley greenway, the Hudson river valley greenway communities council and the Hudson river valley greenway heritage conservancy, are hereby transferred and assigned to, assumed by and devolved upon the department of state.

S 9. Transfer of records. All books, papers, records and property of the Hudson river valley greenway, the Hudson river valley greenway communities council and the Hudson river valley greenway heritage conservancy are transferred and assigned to the department of state.

S 10. Completion of unfinished business. Any business or other matter undertaken or commenced by the Hudson river valley greenway, the Hudson river valley greenway communities council and the Hudson river valley greenway heritage conservancy and pending on the effective date of this act may be conducted and completed by the department of state, and/or the secretary of state, as appropriate, in the same manner and under the same terms and conditions and with the same effect as if conducted by the Hudson river valley greenway, the Hudson river valley greenway communities council or the Hudson river valley greenway heritage conservancy, as appropriate.

S 11. Continuity of authority. For the purpose of succession to all functions, powers, duties and obligations transferred and assigned to, devolved upon and assumed by it pursuant to this act, the department of state, and/or the secretary of state, as appropriate, shall be deemed and held to constitute the continuation of the Hudson river valley greenway, the Hudson river valley greenway communities council and the Hudson river valley greenway heritage conservancy pertaining to the powers and functions herein transferred.

S 12. Terms occurring in laws, contracts and documents. Whenever the Hudson river valley greenway, the Hudson river valley greenway communities council or the Hudson river valley greenway heritage conservancy, or the chairman or the executive director thereof, is referred to or designated in laws, contracts or documents, the department of state or the secretary of state, as appropriate, shall be substituted.

S 13. Transfer of employees. Upon the transfer of the functions, powers, duties, obligations and assets of the Hudson river valley greenway, the Hudson river valley greenway communities council and the Hudson river valley greenway heritage conservancy to the secretary of state and the department of state pursuant to this act, employees transferred therefrom to the department of state, if any, as determined by the director of the budget in consultation with the secretary of state, shall be transferred in accordance with the provisions of section 70 of the civil service law without further examination or qualification and shall retain their respective civil service classifications and status.

S 14. Existing rights and remedies provided. No existing right or remedy of any character shall be lost, impaired or affected by reason of this act.

S 15. Pending actions and proceedings. No action pending at the time this act takes effect, brought by or against the Hudson river valley greenway, the Hudson river valley greenway communities council or the Hudson river valley greenway heritage conservancy, or the chairman or executive director thereof, shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the secretary of state or department of state as appropriate, and the proper party shall, upon application to the court, be substituted as a party.

S 16. Continuation of rules and regulations. All rules, regulations, acts, determinations and decisions of the Hudson river valley greenway, the Hudson river valley greenway communities council and the Hudson river valley greenway heritage conservancy pertaining to the functions herein transferred and assigned, 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 secretary of state in accordance with the context therefor, until duly modified or abrogated by the secretary of state.

S 17. Severability clause. If any clause, sentence, paragraph, section or part of this act shall be adjudged by a court of competent jurisdic-

tion 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 18. Section 97-n of the state finance law is REPEALED.

S 19. Article 44 of the environmental conservation law is REPEALED.

S 20. This act shall take effect on March 1, 2009, provided, however, that subdivision 9 of section 933 of the executive law added by section two of this act shall expire and be deemed repealed on December 31, 2012; and provided further that section four of this act shall take effect on the same date and in the same manner as chapter 571 of the laws of 2008 takes effect.

PART II

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

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

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

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

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

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

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

until the last day of the applicable license period set forth in this section.

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

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

S 4. The agriculture and markets law is amended by adding three new sections 137-b, 137-c, and 142-a to read as follows:

S 137-B. LICENSING. A. NO PERSON WHOSE LABEL IS APPLIED TO ANY KIND OR VARIETY OF SEED SHALL SELL OR OFFER FOR SALE SUCH SEED IN THE STATE WITHOUT FIRST RECEIVING FROM THE COMMISSIONER A LICENSE TO CONDUCT SUCH ACTIVITY. NO PERSON SHALL SELL OR OFFER FOR SALE ANY KIND OR VARIETY OF SEED FOR RESALE IN THE STATE WITHOUT FIRST RECEIVING A LICENSE FROM THE COMMISSIONER TO CONDUCT SUCH ACTIVITY, PROVIDED HOWEVER, THAT A LICENSE SHALL NOT BE REQUIRED IF THE LABELER OF SUCH SEED IS LICENSED PURSUANT TO THIS SECTION. APPLICATION FOR A LICENSE, UPON A FORM PRESCRIBED BY THE COMMISSIONER, SHALL BE MADE ON OR BEFORE JULY FIRST FOR THE LICENSE YEAR BEGINNING THE FOLLOWING AUGUST FIRST, AND BIENNIALLY THEREAFTER, AND SHALL BE ACCOMPANIED BY A BIENNIAL LICENSE FEE OF ONE HUNDRED DOLLARS.

B. THE COMMISSIONER IS AUTHORIZED AND EMPOWERED TO SUSPEND OR REVOKE ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE, OR TO REFUSE TO GRANT OR RENEW ANY LICENSE UPON FINDING, AFTER NOTICE AND OPPORTUNITY FOR HEARING, THAT:

1. THE LICENSEE OR APPLICANT HAS USED FRAUDULENT OR DECEPTIVE PRACTICES IN THE EVASION OR ATTEMPTED EVASION OF THE PROVISIONS OF THIS ARTICLE OR OF ANY RULES OR REGULATIONS PROMULGATED HEREUNDER;

2. INFORMATION FURNISHED IN THE LICENSE APPLICATION IS FALSE OR MISLEADING;

3. INFORMATION FURNISHED IN CONNECTION WITH THE SALE OF SEEDS COVERED BY THIS ARTICLE IS MISLEADING OR DECEPTIVE OR TENDS TO MISLEAD OR DECEIVE AS TO THE QUALITY OF SUCH SEEDS, OR THE CONSTITUENTS OR MATERIALS OF WHICH SUCH SEEDS ARE COMPOSED;

4. THE COMMISSIONER HAS DETERMINED THAT THE LICENSEE OR APPLICANT HAS FAILED TO PAY THE FEES SET FORTH IN THIS SECTION AND SECTION ONE HUNDRED THIRTY-SEVEN-C OF THIS ARTICLE; OR

5. THE LICENSEE OR APPLICANT HAS VIOLATED ANY PROVISIONS OF THIS CHAPTER.

S 137-C. REPORTS AND FEES. A. EACH LICENSEE SHALL PROVIDE THE COMMISSIONER WITH A REPORT OF THE VOLUME OF SALES OF SEEDS SOLD IN THIS STATE TO PERSONS NOT REQUIRED TO BE LICENSED UNDER THIS ARTICLE. THE LICENSEE SHALL PAY TO THE COMMISSIONER A FEE OF TWENTY-FIVE CENTS PER ONE HUNDRED DOLLARS OF GROSS ANNUAL DOLLAR VOLUME SALES. THE REPORT AND FEE SHALL BE REMITTED ON OR BEFORE SEPTEMBER FIRST OF EACH YEAR. THE FEE SHALL BE CALCULATED BASED UPON SALES IN NEW YORK DURING THE CALENDAR YEAR IMMEDIATELY PRECEDING.

B. INFORMATION FURNISHED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE EXEMPT FROM DISCLOSURE TO THE EXTENT AUTHORIZED BY ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

C. THE LICENSEE SHALL MAKE SUCH REPORTS AS THE COMMISSIONER MAY REQUIRE.

S 142-A. MISCELLANEOUS SPECIAL REVENUE FUND ACCOUNT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL FEES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE DEPOSITED IN AN ACCOUNT WITHIN THE MISCELLANEOUS SPECIAL REVENUE FUND.

S 5. This act shall take effect immediately; provided however, that section four of this act shall take effect on the sixtieth day after it shall have become law; and any rule or regulation necessary for the implementation of the provisions of section four of this act on its effective date may be promulgated on or before such effective date.

PART JJ

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

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

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

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

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

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

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

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

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

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

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

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

T. [$50.00] $100.00 for any facility, other than a municipal separate storm sewer as defined by 40 CFR S122.26 (b) (8), discharging or authorized to discharge pursuant to a general permit[;] unless a [higher] SPECIFIC fee is imposed pursuant to subdivisions a through q of this section for such discharge or authorization to discharge, provided that the department may by regulation, establish a general permit fee lower than the permit fee imposed pursuant to subdivisions a through [q] S 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 March 1, 2009.

PART KK

Section 1. Subdivision 4 of section 11-0701 of the environmental conservation law, as amended by chapter 470 of the laws of 1994, is amended to read as follows:

4. A fishing license entitles the holder to take fish, EXCEPT TROUT AND SALMON (TROUT, LAKE TROUT, LANDLOCKED SALMON, AND PACIFIC SALMON), by angling, spearing, hooking, longbow and tipups, to take frogs by spearing, catching with the hands or by use of a club or hook, and to take bait fish for personal use, as provided in titles 9 and 13.

S 2. Subdivision 16 of section 11-0701 of the environmental conservation law, as added by section 17 of part F of chapter 82 of the laws of 2002, is amended to read as follows:

16. A conservation legacy license entitles the holder to fish, EXCEPT FOR TROUT AND SALMON (TROUT, LAKE TROUT, LANDLOCKED SALMON, AND PACIFIC SALMON), hunt wildlife, hunt big game with a longbow and a muzzle-loading firearm during special seasons therefor, hunt turkey, enjoy the benefits of a voluntary habitat stamp and receive the "New York State Conservationist" magazine as if the holder of such license held separately a resident super-sportsman license, a voluntary habitat stamp and a subscription to the "New York State Conservationist" magazine.

S 3. Section 11-0701 of the environmental conservation law is amended by adding a new subdivision 18 to read as follows:

18. A TROUT AND SALMON STAMP, WHEN ACCOMPANIED BY A LICENSE THAT AUTHORIZES THE HOLDER TO FISH, ENTITLES THE HOLDER TO TAKE TROUT AND SALMON.

S 4. Subdivisions 1 and 2 of section 11-0702 of the environmental conservation law, as amended by section 18 of part F of chapter 82 of the laws of 2002, are amended to read as follows:

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

Licenses	Fees
a. Lifetime sportsman license and turkey permit. If purchased, for a child four years of age or younger	$300.00
for a child age five through eleven years of age	$420.00
for a person age twelve through sixty-four years of age	$600.00
for a person age sixty-five and over.	$ 50.00
b. Lifetime small and big game license.	$350.00
c. Lifetime fishing license.	$350.00
d. Lifetime trapping license.	$300.00
e. Lifetime archery stamp.	$180.00
f. Lifetime muzzle-loading stamp.	$180.00
G. LIFETIME TROUT AND SALMON STAMP.	$110.00

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

2. Legal residency within the state of New York shall be a prerequisite for persons to obtain, or have obtained for them, any lifetime licenses included within this section. Lifetime licenses so obtained shall continue to be valid for use within the state by the person to whom the lifetime license was issued, regardless of a change in residency of that lifetime license holder. Holders of lifetime licenses which include lifetime big game privileges who become non-residents of the state may continue to obtain resident bowhunting and muzzle-loading stamps, including lifetime archery and muzzle-loading stamps. Holders of lifetime licenses which include bowhunting and muzzle-loading privileges

who become non-residents of the state may continue to obtain resident big game privileges, including lifetime sportsman or small and big game licenses. [An annual turkey permit] A LIFETIME TROUT AND SALMON STAMP will be granted at no additional fee as an additional privilege of all [existing] lifetime sportsman licenses AND LIFETIME FISHING LICENSES EXISTING AS OF OCTOBER FIRST, TWO THOUSAND NINE. Possession of lifetime licenses is nontransferable.

S 5. Subdivision 4 of section 11-0703 of the environmental conservation law is amended by adding a new paragraph f to read as follows:

F. ONLY PERSONS WHO POSSESS A RESIDENT OR NON-RESIDENT LICENSE THAT ENTITLES THE HOLDER TO FISH ARE ELIGIBLE FOR A TROUT AND SALMON STAMP.

S 6. Subdivisions 2 and 3 of section 11-0715 of the environmental conservation law, subdivision 2 as amended by chapter 418 of the laws of 2004, and subdivision 3 as amended by chapter 344 of the laws of 2008, are amended to read as follows:

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

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

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

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

state regardless of place of residence at the time of entry into service:

License	Fee
(1) Super-sportsman	$68.00
(2) Sportsman	$37.00
(3) Small and big game	$19.00
(4) Fishing	$19.00
(5) Trapping	$16.00
(6) Small game	$16.00
(7) Junior trapping	$ 6.00
(8) Muzzle-loading stamp	$16.00
(9) Bowhunting stamp	$16.00
(10) Turkey permit	$ 5.00
(11) Seven-day fishing	$12.00
(12) Conservation legacy	$76.00
(13) TROUT AND SALMON STAMP	$10.00

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

License	Fee
(1) Big game	$110.00
(2) Small game	$ 55.00
(3) Fishing	$ 40.00
(4) Seven-day fishing	$ 25.00
(5) Trapping	$255.00
(6) Super-sportsman	$250.00
(7) Bowhunting	$110.00
(8) Muzzle-loading	$110.00
(9) Bear tag	$ 30.00
(10) Turkey permit	$ 30.00
(11) TROUT AND SALMON STAMP	$ 10.00

c. In all cases:

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

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

PART LL

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

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

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

S 2. Subdivision 6 of section 11-0707 of the environmental conservation law is REPEALED.

S 3. Subdivisions 1 and 5 of section 11-0713 of the environmental conservation law, paragraph a of subdivision 1 as amended by section 4 of part D of chapter 61 of the laws of 2000, paragraph b of subdivision 1 as relettered by chapter 470 of the laws of 1994, paragraph d of subdivision 1 as amended by chapter 108 of the laws of 1995 and subdivision 5 as added by chapter 316 of the laws of 1996 and as renumbered by section 5 of part D of chapter 61 of the laws of 2000, are amended to read as follows:

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

(1) clerks of a county, town or city, except a city having a population of one million or more,

(2) clerks of a village having more than one thousand inhabitants according to the last preceding federal census, or of a village in a county of less than five hundred thousand inhabitants, adjoining a city of over one million inhabitants, both according to such census, and

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

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

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

the fishing licenses, the department shall have the authority to revoke the privilege to buy and sell the licenses.

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

S 4. Paragraph (a) of subdivision 4 of section 13-0350 of the environmental conservation law, as amended by chapter 365 of the laws of 1994, is amended to read as follows:

(a) To review the allocations and expenditures of the department for the care, management, protection and enlargement of marine resources and report to the commissioner by January first of each year. THE REPORT SHALL INCLUDE RECOMMENDED MAXIMUM FEES FOR THE RECREATIONAL MARINE FISHING LICENSES IDENTIFIED IN SECTION 13-0355 OF THIS TITLE. IN RECOMMENDING SUCH FEES, THE COUNCIL SHALL CONSIDER ECONOMIC INDICATORS, THE GENERAL FINANCIAL CONDITION OF THE SALTWATER RECREATIONAL FISHING INDUSTRY AND THE STATUS OF THE CONSERVATION FUND, INCLUDING THE VIABILITY OF THE MARINE RESOURCES PROGRAM, AS IT MAY DEEM APPROPRIATE. THE COUNCIL SHALL, BY SEPTEMBER FIRST OF EACH YEAR, SUBMIT THE PORTION OF SUCH REPORT RELATED TO RECREATIONAL MARINE FISHING LICENSE FEES TO THE CONSERVATION FUND ADVISORY BOARD ESTABLISHED PURSUANT TO SECTION 11-0327 OF THIS CHAPTER. The commissioner shall, by February first of each year, submit such report, in its entirety, to the governor, the legislature and interested individuals and organizations. Such report shall include the findings of the advisory council regarding such allocations and expenditures, including expenditures and appropriations from the conservation fund and the extent to which such expenditures and appropriations are consistent with the requirements of state law.

S 5. The environmental conservation law is amended by adding a new section 13-0355 to read as follows:

S 13-0355. RECREATIONAL MARINE FISHING LICENSE.

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

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

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

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

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

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

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

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

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

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

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

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

LICENSE	FEE
(1) RECREATIONAL MARINE FISHING	$19.00
(2) SEVEN-DAY RECREATIONAL MARINE FISHING	$12.00
(3) ONE-DAY RECREATIONAL MARINE FISHING	$ 5.00

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

LICENSE	FEE
(1) RECREATIONAL MARINE FISHING	$40.00
(2) SEVEN-DAY RECREATIONAL MARINE FISHING	$25.00
(3) ONE-DAY RECREATIONAL MARINE FISHING	$ 5.00

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

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

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

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

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

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

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

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

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

S 6. Paragraph 1 of subdivision (a) of section 83 of the state finance law, as amended by chapter 512 of the laws of 1994, is amended to read as follows:

1. The conservation fund shall consist of all moneys belonging to the state received by the department of environmental conservation from the sale of licenses for hunting, for trapping, and for fishing, all moneys received in actions for penalties under articles eleven and thirteen of the environmental conservation law and subdivision two of section 71-1929 of the environmental conservation law, or upon the settlement or compromise thereof, all fines for violation of any of the provisions of articles eleven and thirteen of the environmental conservation law, all moneys arising out of the operation of real property under the jurisdiction of the division of fish [and], wildlife AND MARINE RESOURCES in the department of environmental conservation heretofore or hereafter acquired by the state of New York, and from any concessions thereon and from any leases thereof, including moneys received from the sale thereof when authorized by law, all moneys received from leases or rentals of shellfish grounds in the marine and coastal district, all moneys from gifts for fish and wildlife management pursuant to section six hundred twenty-five of the tax law, moneys received by the department of environmental conservation from the sale of limited edition prints of fish and wildlife paintings, as authorized by paragraph t of subdivision two of section 3-0301 of the environmental conservation law, all moneys received from the reimbursement provided for in paragraph b of subdivision seven of section 8-0109 of the environmental conservation law, and all other moneys arising out of the application of any provisions of articles eleven and thirteen of the environmental conservation law. These moneys, after appropriation by the legislature, and within the amounts set forth and for the several purposes specified, shall be available to the department of environmental conservation for the care,

management, protection and enlargement of the fish, game and shell fish resources of the state and for the promotion of public fishing and shooting. In the accomplishment of these objects the moneys made available hereunder shall be devoted to the purchase or acquisition of lands, lands under water, waters, or rights therein as required, to payment for personal service, for maintenance and operation, and for new construction and permanent betterments, and to all other proper expenses of the department of environmental conservation in the administration and enforcement of the provisions of articles eleven and thirteen of the environmental conservation law.

S 7. Subparagraph (i) of paragraph 3 of subdivision (a) of section 83 of the state finance law, as amended by chapter 512 of the laws of 1994, is amended to read as follows:

(i) Moneys arising out of the application of article thirteen of the environmental conservation law, EXCEPT MONEYS BELONGING TO THE STATE RECEIVED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FROM THE SALE OF RECREATIONAL MARINE FISHING LICENSES PURSUANT TO SECTION 13-0355 OF THE ENVIRONMENTAL CONSERVATION LAW, shall be deposited in a special account within the conservation fund, to be known as the marine resources account, and shall be available to the department of environmental conservation, after appropriation, for the care, management, protection and enlargement of marine fish and shellfish resources.

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

PART MM

Section 1. Section 5 of the public service law is amended by adding a new subdivision 7 to read as follows:

7. (A) THE COMMISSION MAY, AFTER NOTICE AND HEARING, FORBEAR FROM APPLYING THE PROVISIONS OF SUBDIVISION TWO OF SECTION NINETY-ONE AND SECTION NINETY-TWO, NINETY-NINE, ONE HUNDRED, ONE HUNDRED ONE OR ONE HUNDRED ONE-A OF THIS CHAPTER TO A TELEPHONE CORPORATION, TELEPHONE SERVICE, OR CLASS OF TELEPHONE CORPORATIONS OR TELEPHONE SERVICES AS DEFINED IN COMMISSION REGULATIONS, IN ANY GEOGRAPHIC MARKET UPON A DETERMINATION THAT:

(I) APPLICATION OF A PROVISION IS NOT NECESSARY TO ENSURE JUST AND REASONABLE RATES AND CHARGES AND RATES THAT ARE NOT UNJUSTLY OR UNREASONABLY DISCRIMINATORY;

(II) APPLICATION OF A PROVISION IS NOT NECESSARY FOR PROTECTION OF CONSUMERS; AND

(III) FORBEARANCE FROM APPLYING A PROVISION IS CONSISTENT WITH THE PUBLIC INTEREST, INCLUDING, BUT NOT LIMITED TO, PROMOTION OF COMPETITIVE MARKET CONDITIONS AND COMPETITION AMONG PROVIDERS OF TELEPHONE SERVICES.

(B) ANY TELEPHONE CORPORATION OR SUCH CLASS OF TELEPHONE CORPORATIONS MAY PETITION THE COMMISSION FOR EXERCISE OF THE AUTHORITY GRANTED UNDER THIS SUBDIVISION.

S 2. Subdivision 1 of section 23 of the public service law, as amended by chapter 310 of the laws of 1974, is amended to read as follows:

1. Every order of the commission shall be served upon every person or corporation to be affected thereby, either by personal delivery of a copy thereof; or BY ELECTRONIC MAIL, WITH THE CONSENT OF THE PERSON OR CORPORATION AFFECTED THEREBY; OR by mailing a copy thereof, in a sealed package with postage prepaid, to the person to be affected thereby or,

in the case of a corporation, to any officer or agent thereof upon whom a summons may be served in accordance with the provisions of the civil practice law and rules. The commission shall provide, upon request, a certified copy thereof or a copy thereof bearing the seal of the commission. Within a time specified in the order of the commission every person and corporation upon whom it is served must if so required in the order notify the commission, in writing, whether the terms of the order are accepted and will be obeyed and in the case of a corporation such notification shall be signed and acknowledged by a person or officer duly authorized by the corporation to execute such acceptance and agreement. Every order of the commission shall take effect at a time therein specified and shall continue in force either for a period which may be designated therein or until changed or abrogated by the commission, unless such order be unauthorized by this chapter or any other act or be in violation of a provision of the constitution of the state or of the United States.

S 3. Paragraph (d) of subdivision 5 of section 52 of the public service law, as added by chapter 186 of the laws of 1995, is amended to read as follows:

(d) when such determination follows a customer complaint regarding a shared meter condition or a utility discovery of a shared meter condition that is not in response to an owner's request for a utility inspection for a shared meter condition, with respect to utility service billed after December first, nineteen hundred ninety-six, the utility shall comply with the provisions of paragraphs (a), (b) and (c) of this subdivision, and further bill the owner and refund to the shared meter customer an estimated amount of charges for twelve months of all service measured by the shared meter; provided, however, that this paragraph shall not apply to a shared meter condition if (1) service measured through the shared meter is minimal under commission rules adopted pursuant to subdivision eight of this section, OR (2) THE BUILDING CONTAINS NO MORE THAN THREE DWELLING UNITS. An owner so billed may petition the commission or its designee for a determination that the amount of such bill is excessive and that such bill and refund be adjusted accordingly; provided, however, neither the adjusted bill nor the adjusted refund shall be less than twenty-five percent of the total amount of the original bill. The commission is authorized to make such a determination and adjustment if it finds that a bill and refund of twelve months' charges is unduly burdensome and unfair. In making such determination the commission or its designee shall consider the total amount of the bill and refund in relation to the shared area charges over such twelve month period and any other equitable factors established by the commission; and

S 4. Section 52 of the public service law is amended by adding a new subdivision 13 to read as follows:

13. TWO-FAMILY DWELLINGS. WHERE SERVICE TO A TWO-FAMILY DWELLING IS NOT SEPARATELY METERED, THE UTILITY SHALL NOT ACCEPT AN APPLICATION BY AN OCCUPANT WHO IS NOT THE OWNER OF THE DWELLING TO HOLD THE ACCOUNT FOR SERVICE TO THE ENTIRE DWELLING.

S 5. Paragraph (a) of subdivision 3 of section 34 of the public service law, as added by chapter 713 of the laws of 1981, is amended to read as follows:

(a) EXCEPT AS PROVIDED IN SUBDIVISION THIRTEEN OF SECTION FIFTY-TWO OF THIS ARTICLE, that any occupant may prevent termination of service if such occupant applies for and is eligible for such service;

S 6. Section 221 of the public service law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

S 221. Certificate of confirmation. 1. Except as provided in this section, no person shall exercise a franchise, and no such franchise shall be effective, [until the commission has confirmed such franchise. A person wishing to exercise a franchise shall file with the commission an application for a certificate of confirmation in such form and containing such information and supportive documentation as the commission may require. The application shall be accompanied by proof of service thereof upon the franchisor and by such fee as the commission may set] UNLESS A COPY OF SUCH FRANCHISE HAS BEEN APPROVED BY THE MUNICIPALITY, AND PROPERLY FILED WITH THE COMMISSION WITHIN THIRTY DAYS OF MUNICIPAL APPROVAL. SUCH FRANCHISE SHALL BE SUBJECT, AT A MINIMUM, TO THE FRANCHISING STANDARDS SET FORTH IN THIS ARTICLE AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER BY THE COMMISSION.

2. A FRANCHISE SHALL BE DEEMED CONFIRMED FORTY-FIVE DAYS AFTER THE FRANCHISE IS FILED PURSUANT TO SUBDIVISION ONE OF THIS SECTION UNLESS THE COMMISSION, OR ITS DESIGNEE, DETERMINES WITHIN SUCH FORTY-FIVE DAY PERIOD THAT THE PUBLIC INTEREST REQUIRES THE COMMISSION'S REVIEW AND WRITTEN ORDER.

3. The commission may hold a public hearing on any application for a certificate of confirmation if it determines that such a hearing is in the public interest. The commission shall fix the time and place for such a hearing and cause notice thereof to be given to the applicant, the chief executive officer of the municipality issuing the franchise and such other persons as the commission may deem appropriate. Testimony may be taken and evidence received at such a hearing pursuant to such rules and procedures as the commission may establish.

[3. The commission shall issue a] 4. A certificate of confirmation of the franchise [unless it finds that (a) the applicant, (b) the proposed cable television system, or (c) the proposed franchise does not conform to the standards established in the regulations promulgated by the commission pursuant to subdivision two of section two hundred fifteen, or that operation of the proposed cable television system by the applicant under the proposed cable television system by the applicant under the proposed franchise would be in violation of law, any regulation or standard promulgated by the commission or the public interest] SHALL BE DEEMED CONFIRMED FORTY-FIVE DAYS AFTER THE FRANCHISE IS FILED PURSUANT TO SUBDIVISION ONE OF THIS SECTION UNLESS THE COMMISSION, OR ITS DESIGNEE, DETERMINES WITHIN SUCH FORTY-FIVE DAY PERIOD THAT THE PUBLIC INTEREST REQUIRES THE COMMISSION'S REVIEW AND WRITTEN ORDER.

[4.] 5. The commission may issue a certificate of confirmation contingent upon compliance with standards, terms or conditions set by the commission which it determines would not have been met by the applicant, system or franchise as proposed.

[5.] 6. In the event the commission refuses to issue a certificate of confirmation, it shall set forth in writing the reasons for its decision.

[6. Any cable television company which, pursuant to any existing franchise, (i) was lawfully engaged in actual operations for (ii) had commenced substantial construction (as such term is defined by the commission) of a cable television system on January first, nineteen hundred seventy-two may continue to exercise said franchise pursuant to the terms thereof, provided such company files with the commission, on or before July first, nineteen hundred seventy-three an application in such form and containing such information and supporting documentation

as the commission may require. The commission shall issue a certificate of confirmation to such a cable television company valid for five years without further proceedings, which certificate may be renewed by the commission on application for five year terms pursuant to the provisions of section two hundred twenty-two.

7. Notwithstanding any other provisions of this article, any cable television company engaged in actual and lawful nonfranchised cable television operations on April first, nineteen hundred seventy-three, that applied for a certificate of confirmation on or before September first, nineteen hundred seventy-four and received a certificate, valid for a five year period, may continue to operate within the limits of the area in which it was actually rendering service on April first, nineteen hundred seventy-three, as determined by the commission. Such a certificate of confirmation may be renewed by the commission on application for five year terms pursuant to the provisions of section two hundred twenty-two of this article. Any such company which failed to file an application pursuant to this section on or before September first, nineteen hundred seventy-four, shall thereafter be prohibited from continuing operation of a nonfranchised cable television system, provided however, that the commission may authorize such continued nonfranchised operation in extraordinary circumstances for such periods as the commission may deem appropriate.

8. Nothing in this section shall be deemed to validate a franchise not granted in accordance with law or affect any claims in litigation on January first, nineteen hundred seventy-three. No confirmation under this section shall preclude invalidation of any franchise illegally obtained.

9.] 7. Confirmation by the commission and duties performed by the commission with respect to its regulation of cable television providers under this article shall not be deemed to constitute "supervision of the state department of public service" for the purpose of the meaning of such phrase as it is used in describing those utilities which are subject to tax on a gross income basis under section one hundred eighty-six-a of the tax law or pursuant to section twenty-b of the general city law and subdivision one of section [five hundred thirty] 5-530 of the village law.

S 7. Section 222 of the public service law is REPEALED and a new section 222 is added to read as follows:

S 222. RENEWAL OR AMENDMENT OF FRANCHISES. 1. EXCEPT AS PROVIDED IN THIS SECTION, NO PERSON SHALL RENEW OR AMEND A FRANCHISE RENEWAL, AND NO SUCH RENEWAL OR AMENDMENT SHALL BE EFFECTIVE, UNLESS A COPY OF SUCH RENEWAL OR AMENDMENT HAS BEEN APPROVED BY THE MUNICIPALITY, AND PROPERLY FILED WITH THE COMMISSION WITHIN THIRTY DAYS OF MUNICIPAL APPROVAL. SUCH RENEWAL OR AMENDMENT SHALL BE SUBJECT, AT A MINIMUM, TO THE FRANCHISING STANDARDS SET FORTH IN THIS ARTICLE AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER BY THE COMMISSION.

2. RENEWALS AND AMENDMENTS SHALL BE DEEMED GRANTED FORTY-FIVE DAYS AFTER THE RENEWAL OR AMENDMENT IS FILED PURSUANT TO SUBDIVISION ONE OF THIS SECTION UNLESS THE COMMISSION, OR ITS DESIGNEE, DETERMINES WITHIN SUCH FORTY-FIVE DAY PERIOD THAT THE PUBLIC INTEREST REQUIRES THE COMMISSION'S REVIEW AND WRITTEN ORDER.

S 8. The public service law is amended by adding a new section 222-a to read as follows:

S 222-A. TRANSFER OF FRANCHISES. 1. NO TRANSFER OF ANY FRANCHISE, OR ANY TRANSFER OF CONTROL OF A FRANCHISE OR CERTIFICATE OF CONFIRMATION OR OF FACILITIES CONSTITUTING A SIGNIFICANT PART OF ANY CABLE TELEVISION

SYSTEM SHALL BE EFFECTIVE WITHOUT THE PRIOR APPROVAL OF THE COMMISSION. SUCH APPROVAL SHALL BE REQUIRED IN ADDITION TO ANY MUNICIPAL APPROVAL REQUIRED UNDER THE FRANCHISE OR BY LAW. FOR THE PURPOSES OF THIS SECTION, A MERGER OR CONSOLIDATION OF TWO OR MORE CABLE TELEVISION COMPANIES SHALL BE DEEMED TO BE A TRANSFER OF THE FRANCHISES OR CERTIFICATES GRANTED TO SUCH COMPANIES.

2. A PERSON WISHING TO TRANSFER A FRANCHISE, OR TO TRANSFER CONTROL OF A FRANCHISE OR OF A SUBSTANTIAL PART OF THE FACILITIES THEREOF SHALL FILE WITH THE COMMISSION AN APPLICATION FOR APPROVAL OF SUCH CHANGE, IN SUCH FORM AND CONTAINING SUCH INFORMATION AND SUPPORTING DOCUMENTS AS THE COMMISSION MAY REQUIRE. THE APPLICATION SHALL BE ACCOMPANIED BY PROOF OF SERVICE THEREOF UPON THE FRANCHISOR, IF ANY, AND BY SUCH FEE AS THE COMMISSION MAY SET. THE COMMISSION MAY HOLD A PUBLIC HEARING ON ANY SUCH APPLICATION.

3. THE COMMISSION SHALL APPROVE THE APPLICATION UNLESS IT FINDS THAT THE APPLICANT, THE PROPOSED TRANSFEREE OR THE CABLE TELEVISION SYSTEM DOES NOT CONFORM TO THE STANDARDS ESTABLISHED IN THE REGULATIONS PROMULGATED BY THE COMMISSION PURSUANT TO THIS ARTICLE OR THAT APPROVAL WOULD BE IN VIOLATION OF LAW OR A REGULATION OR STANDARD PROMULGATED BY THE COMMISSION, OR WOULD NOT SERVE THE PUBLIC INTEREST, PROVIDED HOWEVER, THAT A FAILURE TO CONFORM TO THE STANDARDS ESTABLISHED IN THE REGULATIONS PROMULGATED BY THE COMMISSION SHALL NOT PRECLUDE APPROVAL OF ANY SUCH APPLICATION IF THE COMMISSION FINDS THAT SUCH APPROVAL WOULD SERVE THE PUBLIC INTEREST.

4. THE COMMISSION MAY APPROVE THE APPLICATION CONTINGENT UPON COMPLIANCE WITH STANDARDS, TERMS OR CONDITIONS SET BY THE COMMISSION WHICH IT DETERMINES WOULD NOT HAVE BEEN MET BY THE PROPOSED TRANSFER OF A FRANCHISE.

5. IN THE EVENT THE COMMISSION REFUSES TO APPROVE THE APPLICATION, IT SHALL SET FORTH IN WRITING THE REASONS FOR ITS DECISION.

6. APPROVAL OF A TRANSFER OF A FRANCHISE UNDER THIS SECTION SHALL NOT PRECLUDE INVALIDATION OF A FRANCHISE ILLEGALLY OBTAINED.

S 9. This act shall take effect immediately; provided, however, that sections six, seven and eight of this act shall apply to franchises filed on or after such effective date.

PART NN

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

[Cost] COSTS and expenses of the commission and department AND OTHER STATE AGENCIES THAT PROVIDE SUPPORT SERVICES TO THE COMMISSION AND DEPARTMENT AND UTILITY MANAGEMENT SERVICES FOR THE STATE; STATE UTILITY SERVICE EXPENSES; and the assessment [thereof] OF SUCH COSTS AND EXPENSES. 1. All costs and expenses of the department and commission (HEREINAFTER, "DEPARTMENT EXPENSES") shall be paid pursuant to appropriation [in the first instance from the state treasury,] on the certification of the chairman of the department and upon the audit and warrant of the comptroller. AN ADDITIONAL AMOUNT EQUAL TO THE SUM OF: (A) TWENTY PERCENTUM OF THE DEPARTMENT EXPENSES, REPRESENTING THE DIRECT AND INDIRECT COSTS AND EXPENSES OF OTHER STATE AGENCIES WHICH ARE INCURRED FOR THE PURPOSES OF ADMINISTERING, FACILITATING OR SUPPORTING (I) POLI-

CIES AND PROGRAMS INTENDED TO REGULATE OR OVERSEE THE OPERATIONS OF UTILITY COMPANIES UNDER THE COMMISSION'S JURISDICTION, AND (II) RATEMAKING BY THE COMMISSION AND THE DEPARTMENT (HEREINAFTER, "DEPARTMENT SUPPORT EXPENSES"); (B) THE DIRECT AND INDIRECT COSTS OF STATE AGENCIES WHICH ARE INCURRED FOR PURPOSES OF STATE ENERGY PLANNING, PROCUREMENT, MONITORING, MANAGEMENT, DISTRIBUTION AND EFFICIENCY ACTIVITIES AND SERVICES (HEREINAFTER, "ENERGY MANAGEMENT EXPENSES"); AND (C) THE COSTS AND EXPENSES OF UTILITY SERVICES FOR THE STATE (HEREINAFTER, "STATE UTILITY SERVICE EXPENSES"), SHALL BE CERTIFIED BY THE DIRECTOR OF THE BUDGET IN CONSULTATION WITH THE CHAIRMAN. The state treasury shall be reimbursed [therefore] FOR ALL SUCH DEPARTMENT EXPENSES, DEPARTMENT SUPPORT EXPENSES, ENERGY MANAGEMENT EXPENSES AND STATE UTILITY SERVICE EXPENSES by payments to be made thereto from all moneys collected pursuant to this chapter. The total of such costs and expenses shall be borne by the public utility companies (including for the purposes of this section municipalities other than municipalities as defined in section eighty-nine-l of this chapter), corporations (including the power authority of the state of New York), and persons subject to the commission's regulation, INCLUDING FOR PURPOSES OF THIS SECTION ENTITIES DEEMED ELIGIBLE BY THE DEPARTMENT TO SELL ELECTRICITY AND/OR NATURAL GAS TO END-USE CUSTOMERS, to be assessed in the manner provided in subdivisions two, three and four of this section and section two hundred seventeen of this chapter.

2. (a) The chairman of the department shall estimate prior to the start of each state fiscal year the total costs and expenses, including the compensation and expenses of the commission and the department, their officers, agents and employees, and including the cost of retirement contributions, social security, health and dental insurance, survivor's benefits, workers' compensation, unemployment insurance and other fringe benefits required to be paid by the state for the personnel of the commission and the department, and including all other items of maintenance and operation expenses, and all other direct and indirect costs. Based on such [estimate] ESTIMATES, the chairman shall determine the amount to be paid by each assessed public utility company and a bill shall be rendered [therefor] to each such public utility company.

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

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

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

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

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

(e) During the course of any state fiscal year, the chairman may increase or decrease the estimate of [costs and] DEPARTMENT expenses [of the department and the commission] , DEPARTMENT SUPPORT EXPENSES, ENERGY MANAGEMENT EXPENSES AND STATE UTILITY SERVICE EXPENSES AND TO REFLECT THE BUDGET ENACTED FOR THE FISCAL YEAR AND THE ACTUAL REPORTED REVENUES. In such case, revised bills shall be sent to each public utility company [which has elected to make partial payments], and such increase or decrease shall be equally apportioned against the remaining payments for such fiscal year.

(f) On or before October tenth of each year, the chairman [shall] MAY compute [the actual costs and expenses of the department and the commission] ADJUSTMENTS OR OTHER CORRECTIONS AS NEEDED for the preceding state fiscal year and, [after deducting the amounts recovered pursuant to subdivisions three and four of this section, shall] MAY, on or before October twentieth, send to each public utility company affected thereby a statement setting forth the amount due and payable by, or the amount standing to the credit of, such public utility company. Any amount owing by any public utility company shall be paid not later than thirty days following the date such statement is received. Any such amount standing to the credit of any public utility company shall be refunded by the commission [or, at the option of such utility company, shall be applied as a credit against any succeeding payment due].

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

S 2. Subdivision 4-a of section 18-a of the public service law, as amended by chapter 46 of the laws of 1983, is renumbered subdivision 4-b.

S 3. Section 18-a of the public service law is amended by adding a new subdivision 6 to read as follows:

6.(A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AND SUBJECT TO THE EXCEPTIONS PROVIDED FOR IN PARAGRAPH (B) OF THIS SUBDIVI-

SION, FOR STATE FISCAL YEARS BEGINNING ON APRIL FIRST, TWO THOUSAND NINE, AN ANNUAL ASSESSMENT (HEREINAFTER "STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT") IS HEREBY IMPOSED ON PUBLIC UTILITY COMPANIES (INCLUDING FOR THE PURPOSES OF THIS SUBDIVISION MUNICIPALITIES OTHER THAN MUNICIPALITIES AS DEFINED IN SECTION EIGHTY-NINE-L OF THIS CHAPTER), CORPORATIONS (INCLUDING FOR PURPOSES OF THIS SUBDIVISION THE LONG ISLAND POWER AUTHORITY), AND PERSONS SUBJECT TO THE COMMISSION'S REGULATION, INCLUDING ENTITIES DEEMED ELIGIBLE BY THE DEPARTMENT TO SELL ELECTRICITY AND/OR NATURAL GAS TO END-USE CUSTOMERS (HEREINAFTER SUCH PUBLIC UTILITY COMPANIES, CORPORATIONS, AND PERSONS ARE REFERRED TO COLLECTIVELY AS THE "UTILITY ENTITIES"), TO ENCOURAGE THE CONSERVATION OF ENERGY AND OTHER RESOURCES PROVIDED THROUGH UTILITY ENTITIES TO BE ASSESSED IN THE MANNER PROVIDED IN THIS SUBDIVISION.

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

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

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

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

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

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

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

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

(H) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT PROVIDED FOR UNDER THIS SUBDIVISION SHALL BE CHARGED AGAINST AND BE PAID BY THE UTILITY ENTITY AND SHALL BE ADDED AS A SEPARATE ITEM TO BILLS RENDERED BY THE UTILITY ENTITY TO CUSTOMERS OR OTHERS, AND SHALL CONSTITUTE A PART OF THE OPERATING COSTS OF SUCH UTILITY ENTITY AND CALLED THE "STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT".

S 4. Subdivisions 3, 4 and 5 of section 97-g of the state finance law, subdivision 3 as amended by section 45 of part K of chapter 81 of the laws of 2002, subdivision 4 as amended by chapter 577 of the laws of 1988 and subdivision 5 as added by chapter 710 of the laws of 1964, are amended to read as follows:

3. Moneys of the fund shall be available to the commissioner of general services for the purchase of food, supplies and equipment for [state institutions and other] state agencies, and for the purpose of furnishing or providing centralized services to or for [state institutions and other] state agencies; PROVIDED FURTHER THAT SUCH MONEYS SHALL BE AVAILABLE TO THE COMMISSIONER OF GENERAL SERVICES FOR PURPOSES PURSUANT TO ITEMS (D) AND (F) OF SUBDIVISION FOUR OF THIS SECTION TO OR FOR PUBLIC BENEFIT CORPORATIONS AND PUBLIC AUTHORITIES AND FOR PURPOSES PURSUANT TO ITEM (I) OF SUBDIVISION FOUR OF THIS SECTION TO OR FOR PUBLIC EMPLOYEES AND VISITORS, AND FOR PURPOSES PURSUANT TO ITEMS (J) AND (K) OF SUBDIVISION FOUR OF THIS SECTION TO OR FOR ELIGIBLE RECIPIENTS. Beginning the first day of April, two thousand two, moneys in such fund shall also be transferred by the state comptroller to the revenue bond tax fund account of the general debt service fund in amounts equal to those

required for payments to authorized issuers for revenue bonds issued pursuant to article five-C of this chapter for the purpose of lease purchases and installment purchases by or for state agencies and institutions for personal or real property purposes.

4. The term "centralized services" as used in this section shall mean and include only (a) communications services, (b) mail, messenger and reproduction services, (c) computer services, (d) [gasoline] FUEL and automotive services, (e) renovation and maintenance services, (f) purchases of electricity, RENEWABLE ENERGY, RENEWABLE ENERGY CREDITS OR ATTRIBUTES, ENERGY-RELATED OR RESOURCE CONSERVATION PROJECTS, PROGRAMS AND SERVICES (INCLUDING, BUT NOT LIMITED TO PROCUREMENT, PLANNING AND MANAGEMENT SERVICES) from the power authority of the state of New York AND OTHER SUPPLIERS, (g) real property management services, (h) building design and construction services, (i) parking services TO PUBLIC EMPLOYEES AND VISITORS, (j) distribution of United States department of agriculture donated foods to eligible recipients, pursuant to all applicable statutes and regulations, (k) distribution of federal surplus property donations to all eligible recipients, pursuant to applicable statutes and regulations and (l) payments and related services for lease purchases and installment purchases by or for state agencies [and institutions] for personal property purposes financed through the issuance of certificates of participation. The services defined in items (a) [through (h)], (B), (C), (E), (G), (H) AND (L) of this subdivision [shall] MAY be provided to state agencies [and institutions only]. THE SERVICES DEFINED IN ITEMS (D) AND (F) OF THIS SUBDIVISION MAY BE PROVIDED TO STATE AGENCIES, PUBLIC AUTHORITIES OR PUBLIC BENEFIT CORPORATIONS. THE SERVICES DEFINED IN ITEM (I) OF THIS SUBDIVISION MAY BE PROVIDED TO PUBLIC EMPLOYEES AND VISITORS. THE SERVICES PROVIDED IN ITEMS (J) AND (K) OF THIS SUBDIVISION MAY BE PROVIDED TO ELIGIBLE RECIPIENTS AS DETERMINED BY THE COMMISSIONER OF GENERAL SERVICES RELATIVE TO THE TYPE OF SERVICE PROVIDED. THE TERMS "PUBLIC AUTHORITIES" AND "PUBLIC BENEFIT CORPORATIONS" AS USED IN THIS SECTION SHALL MEAN AND INCLUDE ONLY THOSE PUBLIC AUTHORITIES AND PUBLIC BENEFIT CORPORATIONS THE HEADS OF WHICH ARE APPOINTED BY THE GOVERNOR OR WHERE THE MAJORITY OF THE BOARD MEMBERS ARE APPOINTED BY THE GOVERNOR OR SERVE AS MEMBERS BY VIRTUE OF HOLDING A CIVIL OFFICE OF THE STATE. ALL STATE AGENCIES, PUBLIC AUTHORITIES OR PUBLIC BENEFIT CORPORATIONS ARE HEREBY AUTHORIZED TO ENTER INTO AND DO ALL THINGS NECESSARY TO PERFORM A CONTRACT OR OTHER AGREEMENT WITH THE COMMISSIONER OF GENERAL SERVICES FOR SUCH CENTRALIZED SERVICES.

5. The amount expended from such fund for the [above-stated] purposes SET FORTH IN THIS SECTION shall be charged against the state [institution or] agency receiving such food, supplies, equipment and services OR PUBLIC BENEFIT CORPORATIONS OR PUBLIC AUTHORITIES RECEIVING SUCH FUEL, AUTOMOTIVE SERVICES, ELECTRICITY OR GREEN ATTRIBUTES, OR EFFICIENCY AND RESOURCE CONSERVATION SERVICES, OR PUBLIC EMPLOYEES AND VISITORS FOR PARKING, OR ELIGIBLE RECIPIENTS FOR DONATED FOODS OR FEDERAL SURPLUS PROPERTY, and all payments received therefor shall be credited to such fund.

S 5. This act shall take effect immediately; provided, however, that section three of this act shall take effect March 1, 2009 and shall expire and be deemed repealed March 31, 2012; and provided, further, that if section three of this act shall become law after March 1, 2009, it shall take effect immediately and be deemed to have been in full force and effect on and after March 1, 2009.

PART OO

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

(h) The commissioner, or any person duly deputized, in addition to or in lieu of revoking or suspending a license to operate an official inspection station or a certificate to inspect vehicles, may by order require the licensee or certified inspector to pay to the people of this state a penalty in a sum OF not [exceeding] LESS THAN three hundred and fifty dollars NOR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS for each violation THAT IS A FIRST INCIDENT; A SUM OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS FOR EACH VIOLATION THAT IS A SECOND INCIDENT, BOTH OF WHICH INCIDENTS WERE COMMITTED WITHIN A TEN YEAR PERIOD; A SUM OF NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS FOR EACH VIOLATION THAT IS A THIRD OR SUBSEQUENT INCIDENT ALL OF WHICH INCIDENTS WERE COMMITTED WITHIN A TEN YEAR PERIOD, and upon the failure of such licensee to pay such penalty within twenty days after the mailing of such order, postage prepaid, registered or certified, and addressed to the last known place of business of such licensee or certified inspector, unless such order is stayed by a court of competent jurisdiction or in accordance with the provisions of Article three-A of this chapter, the commissioner may revoke the license of such licensee or the certificate of such certified inspector or may suspend the same for such period as may be determined. Civil penalties assessed under this subdivision shall be paid to the commissioner for deposit into the state treasury, and unpaid civil penalties may be recovered by the commissioner in a civil action in the name of the commissioner. In addition, as an alternative to such civil action and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding shall have expired, the commissioner may file with the county clerk of the county in which the registrant is located or the certified inspector resides a final order of the commissioner containing the amount of the penalty assessed. The filing of such final order shall have the full force and effect of a judgment duly docketed in the office of such clerk and may be enforced in the same manner and with the same effect as that provided by law in respect to executions issued against property upon judgments of a court of record.

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

(b) Such penalty shall be in a sum OF not [exceeding] LESS THAN three hundred fifty dollars NOR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS for each violation THAT IS A FIRST INCIDENT; A SUM OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS FOR EACH VIOLATION THAT IS A SECOND INCIDENT, BOTH OF WHICH INCIDENTS WERE COMMITTED WITHIN A TEN YEAR PERIOD; A SUM OF NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS FOR EACH VIOLATION THAT IS A THIRD OR SUBSEQUENT INCIDENT ALL OF WHICH INCIDENTS WERE COMMITTED WITHIN A TEN YEAR PERIOD, except that if a finding of financial loss has been made pursuant to subdivision three of this section, the amount of such penalty may be increased by the amount of financial loss so found.

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

12. The commissioner, or any person deputized by him, in addition to or in lieu of revoking or suspending the certificate of registration of a registrant in accordance with the provisions of this article, may in any one proceeding by order require the registrant to pay to the people of this state a penalty in a sum OF not [exceeding] LESS THAN THREE HUNDRED FIFTY DOLLARS NOR MORE THAN one thousand FIVE HUNDRED dollars for each violation THAT IS A FIRST INCIDENT; A SUM OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS FOR EACH VIOLATION THAT IS A SECOND INCIDENT, BOTH OF WHICH INCIDENTS WERE COMMITTED WITHIN A TEN YEAR PERIOD; A SUM OF NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS FOR EACH VIOLATION THAT IS A THIRD OR SUBSEQUENT INCIDENT ALL OF WHICH INCIDENTS WERE COMMITTED WITHIN A TEN YEAR PERIOD, except that if a finding of financial loss has been made pursuant to subdivision fourteen of this section, the amount of such penalty may be increased by the amount of financial loss so found, and upon the failure of such registrant to pay such penalty within twenty days after the mailing of such order, postage prepaid, registered or certified, and addressed to the last known place of business of such registrant, unless such order is stayed by an order of a court of competent jurisdiction, the commissioner may revoke the certificate of registration of such registrant or may suspend the same for such period as he may determine. Civil penalties assessed under this subdivision shall be paid to the commissioner for deposit into the state treasury, and unpaid civil penalties may be recovered by the commissioner in a civil action in the name of the commissioner.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.

PART PP

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

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

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

(j) Whenever a license issued pursuant to this article, or a privilege of operating a motor vehicle or of obtaining such a license, has been suspended, such suspension shall remain in effect until a termination of

a suspension fee of [twenty-five] FIFTY dollars is paid to the commissioner; provided, however, when the basis for the suspension is a finding of driving after having consumed alcohol pursuant to the provisions of section eleven hundred ninety-two-a of this chapter, the fee to be paid to the commissioner shall be [one] TWO hundred dollars. The provisions of this paragraph shall not apply to a temporary suspension pending a hearing, prosecution or investigation, nor to an indefinite suspension which is issued because of the failure of the person suspended to perform an act, which suspension will be terminated by the performance of the act.

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

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

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

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

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

PART QQ

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

3. Moneys of the account, following appropriation by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the [county of Erie] CITY OF BUFFALO, the

[municipal governments hosting the facility] CITY OF BUFFALO shall [collectively] receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, and provided further that for any gaming facility located in the city of Niagara Falls, county of Niagara a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact shall be distributed in accordance with subdivision four of this section, and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence, and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not appropriated for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 1, 2009; provided, however that the amendments to subdivision 3 of section 99-h of the state finance law made by section one of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

PART RR

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

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

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

PART SS

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

S 27-1001. Legislative findings.

The legislature hereby finds that litter composed of discarded [soft-drink, beer and ale bottles and cans] BEVERAGE CONTAINERS is a growing problem of state concern and a direct threat to the health and safety of the citizens of this state. Discarded beverage [bottles and cans] CONTAINERS create a hazard to vehicular traffic, a source of physical injury to pedestrians[,] AND farm animals [and], A HAZARD TO FARM AND

OTHER machinery and an unsightly accumulation of litter which must be disposed of at increasing public expense. Beverage [bottles and cans] CONTAINERS also create an unnecessary addition to the state's and municipalities' already overburdened solid waste and refuse disposal systems. Unsegregated disposal of such [bottles and cans] CONTAINERS creates an impediment to the efficient operation of resource recovery plants. Further, the legislature finds that the uninhibited discard of beverage containers constitutes a waste of both mineral and energy resources. The legislature hereby finds that requiring a deposit on all beverage containers, along with certain other facilitating measures, will provide a necessary incentive for the economically efficient and environmentally benign collection and recycling of such containers.

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

1. "Beverage" means [carbonated soft drinks, mineral water, soda water, beer, other malt beverages and a wine product as defined in subdivision thirty-six-a of section three of the alcoholic beverage control law. "Malt beverages" means any beverage obtained by the alcoholic fermentation or infusion or decoction of barley, malt, hops, or other wholesome grain or cereal and water including, but not limited to ale, stout or malt liquor.] ALL CARBONATED AND NON-CARBONATED DRINKS IN LIQUID FORM AND INTENDED FOR INTERNAL HUMAN CONSUMPTION. THE TERM "BEVERAGE" SHALL NOT INCLUDE:

A. MILK AND DAIRY DERIVED PRODUCTS. "MILK" MEANS WHOLE MILK, SKIM MILK, LOW-FAT MILK, CREAM, CULTURED MILK, YOGURT OR ANY COMBINATION OF THOSE PRODUCTS. THE TERM "DAIRY DERIVED PRODUCTS" INCLUDES ANY PRODUCT OF WHICH MORE THAN FIFTY PERCENT OF THE INGREDIENTS ARE MILK, MILK FAT, CULTURED MILK OR YOGURT;

B. RICE MILK, SOY MILK, NUT MILK OR OTHER MILK SUBSTITUTE;

C. INFANT FORMULA;

D. ALCOHOLIC BEVERAGES OTHER THAN BEER, OTHER MALT BEVERAGES AND WINE PRODUCTS AS DEFINED IN SUBDIVISION THIRTY-SIX-A OF SECTION THREE OF THE ALCOHOLIC BEVERAGE CONTROL LAW. "MALT BEVERAGES" MEANS ANY BEVERAGE OBTAINED BY THE ALCOHOLIC FERMENTATION OR INFUSION OR DECOCTION OF BARLEY, MALT, HOPS, OR OTHER WHOLESOME GRAIN OR CEREAL AND WATER INCLUDING, BUT NOT LIMITED TO ALE, STOUT OR MALT LIQUOR;

E. A LIQUID THAT IS A SYRUP, IN A CONCENTRATED FORM, OR TYPICALLY ADDED AT LESS THAN FIVE PERCENT AS A MINOR FLAVORING INGREDIENT IN FOOD OR DRINK, SUCH AS EXTRACTS, COOKING ADDITIVES, SAUCES OR CONDIMENTS;

F. A LIQUID THAT IS A MEDICAL PRESCRIPTION OR OVER-THE-COUNTER DRUG REGULATED BY THE FOOD AND DRUG ADMINISTRATION AND CONSUMED FOR MEDICINAL PURPOSES ONLY;

G. A LIQUID THAT IS (I) A DIETARY SUPPLEMENT AS DEFINED BY THE FOOD AND DRUG ADMINISTRATION EXCEPT ONE THAT IS DESIGNED, MARKETED AND/OR INTENDED TO BE CONSUMED AS A BEVERAGE SUCH AS A SPORTS OR HYDRATION DRINK, OR (II) DESIGNED, MARKETED AND/OR INTENDED TO BE CONSUMED AS A MEAL OR MEAL SUBSTITUTE AS PART OF A WEIGHT LOSS PROGRAM, SUCH AS A DIET SHAKE;

H. PRODUCTS WHICH TRADITIONALLY ARE FROZEN AT THE TIME OF SALE;

I. PRODUCTS DESIGNED TO BE CONSUMED IN A FROZEN STATE;

J. INSTANT DRINK POWDERS; AND

K. SEAFOOD, MEAT OR VEGETABLE BROTHS, OR SOUPS.

2. "Beverage container" means the individual, separate, sealed glass, metal, aluminum, steel or plastic bottle, can or jar used for containing

LESS THAN one gallon or [3.8] 3.78 liters [or less] at the time of sale OR OFFER FOR SALE of a beverage intended for use or consumption in this state. Beverage containers sold or OFFERED FOR SALE OR distributed aboard aircraft or ships shall be considered as intended for use or consumption outside this state.

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

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

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

B. IMPORTS FILLED BEVERAGE CONTAINERS INTO THE UNITED STATES.

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

A. THE BOTTLER OF THE BEVERAGE IN SUCH CONTAINER;

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

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

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

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

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

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

13. "UNIVERSAL PRODUCT CODE OR UPC CODE" MEANS A STANDARD FOR ENCODING A SET OF LINES AND SPACES THAT CAN BE SCANNED AND INTERPRETED INTO NUMBERS TO IDENTIFY A PRODUCT. UNIVERSAL PRODUCT CODE MAY ALSO MEAN ANY ACCEPTED INDUSTRY BARCODE WHICH REPLACES THE UPC CODE INCLUDING BUT NOT LIMITED TO UNIVERSAL PRODUCT CODE (UPC), EAN AND OTHER CODES THAT MAY BE USED TO IDENTIFY A PRODUCT.

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

S 27-1005. REFUND VALUE.

NO PERSON SHALL SELL OR OFFER FOR SALE A BEVERAGE CONTAINER IN THIS STATE UNLESS THE DEPOSIT ON SUCH BEVERAGE CONTAINER IS OR HAS BEEN COLLECTED BY A REGISTERED DEPOSIT INITIATOR AND UNLESS SUCH CONTAINER

HAS A REFUND VALUE OF NOT LESS THAN FIVE CENTS WHICH IS CLEARLY INDICATED THEREON AS PROVIDED IN SECTION 27-1011 OF THIS TITLE.

S 27-1007. MANDATORY ACCEPTANCE.

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

1. A DEALER SHALL ACCEPT AT HIS OR HER PLACE OF BUSINESS FROM A REDEEMER ANY EMPTY BEVERAGE CONTAINERS OF THE DESIGN, SHAPE, SIZE, COLOR, COMPOSITION AND BRAND SOLD OR OFFERED FOR SALE BY THE DEALER, AND SHALL PAY TO THE REDEEMER THE REFUND VALUE OF EACH SUCH BEVERAGE CONTAINER AS ESTABLISHED IN SECTION 27-1005 OF THIS TITLE. REDEMPTIONS OF REFUND VALUE MUST BE IN LEGAL TENDER, OR A SCRIP OR RECEIPT FROM A REVERSE VENDING MACHINE, PROVIDED THAT THE SCRIP OR RECEIPT CAN BE EXCHANGED FOR LEGAL TENDER FOR A PERIOD OF NOT LESS THAN SIXTY DAYS WITHOUT REQUIRING THE PURCHASE OF OTHER GOODS. THE USE OR PRESENCE OF A REVERSE VENDING MACHINE SHALL NOT RELIEVE A DEALER OF ANY OBLIGATIONS IMPOSED PURSUANT TO THIS SECTION. IF A DEALER UTILIZES A REVERSE VENDING MACHINE TO REDEEM CONTAINERS, THE DEALER SHALL PROVIDE REDEMPTION OF BEVERAGE CONTAINERS WHEN THE REVERSE VENDING MACHINE IS FULL, BROKEN, UNDER REPAIR OR DOES NOT ACCEPT A TYPE OF BEVERAGE CONTAINER SOLD OR OFFERED FOR SALE BY SUCH DEALER AND MAY NOT LIMIT THE HOURS OR DAYS OF REDEMPTION EXCEPT AS PROVIDED BY SUBDIVISION THREE OF THIS SECTION. A DEALER WHOSE PLACE OF BUSINESS IS AT LEAST FIFTY THOUSAND SQUARE FEET WHICH DOES NOT UTILIZE REVERSE VENDING MACHINES TO PROCESS EMPTY BEVERAGE CONTAINERS FOR REDEMPTION SHALL: (A) ESTABLISH AND MAINTAIN A DEDICATED AREA WITHIN SUCH BUSINESS TO ACCEPT BEVERAGE CONTAINERS FOR REDEMPTION; (B) ADEQUATELY STAFF SUCH AREA TO FACILITATE EFFICIENT ACCEPTANCE AND PROCESSING OF SUCH CONTAINERS DURING BUSINESS HOURS; AND (C) POST ONE OR MORE CONSPICUOUS SIGNS CONFORMING TO THE SIZE AND COLOR REQUIREMENTS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION AT EACH PUBLIC ENTRANCE TO THE BUSINESS WHICH DESCRIBES WHERE IN THE BUSINESS THE REDEMPTION AREA IS LOCATED. THE COMMISSIONER MAY ESTABLISH IN RULES AND REGULATIONS ADDITIONAL STANDARDS FOR THE EFFICIENT PROCESSING OF BEVERAGE CONTAINERS BY SUCH DEALERS. ON ANY DAY THAT A DEALER IS OPEN FOR LESS THAN TWENTY-FOUR HOURS, THE DEALER MAY RESTRICT OR REFUSE THE PAYMENT OF REFUND VALUES DURING THE FIRST AND LAST HOUR THE DEALER IS OPEN FOR BUSINESS.

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

"NEW YORK BOTTLE BILL OF RIGHTS

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

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

THE RIGHT TO RETURN YOUR EMPTIES FOR REFUND TO ANY DEALER WHO SELLS THE SAME BRAND, TYPE AND SIZE, WHETHER YOU BOUGHT THE BEVERAGE FROM THE DEALER OR NOT. IT IS ILLEGAL TO RETURN CONTAINERS FOR REFUND THAT WERE PURCHASED OUTSIDE OF NEW YORK STATE.

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

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

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

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

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

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

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

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

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

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

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

6. IN ADDITION TO THE REFUND VALUE OF A BEVERAGE CONTAINER AS ESTABLISHED BY SECTION 27-1005 OF THIS TITLE, A DEPOSIT INITIATOR SHALL PAY TO ANY DEALER, OR OPERATOR OF A REDEMPTION CENTER, OR DISTRIBUTOR A HANDLING FEE OF THREE AND ONE-HALF CENTS FOR EACH BEVERAGE CONTAINER

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

7. A DEPOSIT INITIATOR ON A BRAND SHALL ACCEPT FROM A DISTRIBUTOR WHO DOES NOT INITIATE DEPOSITS ON THAT BRAND ANY EMPTY BEVERAGE CONTAINERS OF THAT BRAND AND SHALL PAY THE DISTRIBUTOR THE REFUND VALUE OF EACH SUCH BEVERAGE CONTAINER, AS ESTABLISHED BY SECTION 27-1005 OF THIS TITLE. IN ADDITION, THE DEPOSIT INITIATOR SHALL PAY TO SUCH DISTRIBUTOR FOR EACH SUCH BEVERAGE CONTAINER THE HANDLING FEE ESTABLISHED UNDER SUBDIVISION SIX OF THIS SECTION. WITHOUT LIMITING THE RIGHTS OF THE DEPARTMENT OR ANY PERSON, FIRM OR CORPORATION UNDER THIS SUBDIVISION OR ANY OTHER PROVISION OF THIS SECTION, A DISTRIBUTOR, A DEALER OR AN OPERATOR OF A REDEMPTION CENTER SHALL HAVE A CIVIL RIGHT OF ACTION TO ENFORCE THIS SUBDIVISION, INCLUDING, UPON THREE DAYS NOTICE, THE RIGHT TO APPLY FOR TEMPORARY AND PRELIMINARY INJUNCTIVE RELIEF AGAINST CONTINUING VIOLATIONS, AND UNTIL ARRANGEMENTS FOR COLLECTION AND RETURN OF EMPTY CONTAINERS OR REIMBURSEMENT OF THE REDEEMING DISTRIBUTOR FOR SUCH DEPOSITS AND HANDLING FEES ARE MADE.

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

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

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

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

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

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

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

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

S 27-1009. Refusal of acceptance.

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

2. A dealer or operator of a redemption center may also refuse to accept any broken bottle, corroded or dismembered can, or any beverage container which contains a significant amount of foreign material, as determined in rules and regulations to be promulgated by the commissioner. [Notwithstanding the provisions of this subdivision, a distributor shall accept beverage containers as provided in subdivision two of section 27-1007 of this title, if the dealer shall have accepted and paid the refund value of such beverage containers.]

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

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

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

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

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

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

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

2. PAYMENTS OF REFUND VALUES PURSUANT TO SECTION 27-1007 OF THIS TITLE SHALL BE PAID FROM EACH DEPOSIT INITIATOR'S REFUND VALUE ACCOUNT. NO

OTHER PAYMENT OR WITHDRAWAL FROM SUCH ACCOUNT MAY BE MADE EXCEPT AS PRESCRIBED BY THIS SECTION.

3. EACH DEPOSIT INITIATOR SHALL FILE QUARTERLY REPORTS WITH THE COMMISSIONER OF TAXATION AND FINANCE ON A FORM AND IN THE MANNER PRESCRIBED BY SUCH COMMISSIONER. THE COMMISSIONER OF TAXATION AND FINANCE MAY REQUIRE SUCH REPORTS TO BE FILED ELECTRONICALLY. THE QUARTERLY REPORTS REQUIRED BY THIS SUBDIVISION SHALL BE FILED FOR THE QUARTERLY PERIODS ENDING ON THE LAST DAY OF MAY, AUGUST, NOVEMBER AND FEBRUARY OF EACH YEAR, AND EACH SUCH REPORT SHALL BE FILED WITHIN TWENTY DAYS AFTER THE END OF THE QUARTERLY PERIOD COVERED THEREBY. EACH SUCH REPORT SHALL INCLUDE ALL INFORMATION SUCH COMMISSIONER SHALL DETERMINE APPROPRIATE, SUCH AS THE FOLLOWING INFORMATION:

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

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

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

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

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

B. REFUND VALUE ACCOUNT SHORTFALL. IN THE EVENT A DEPOSIT INITIATOR PAYS OUT MORE IN REFUND VALUES THAN IT COLLECTS IN DEPOSITS OF REFUND VALUES DURING THE COURSE OF A QUARTERLY PERIOD AS DESCRIBED IN SUBDIVISION THREE OF THIS SECTION, THE DEPOSIT INITIATOR MAY APPLY TO THE COMMISSIONER OF TAXATION AND FINANCE FOR A REFUND OF THE AMOUNT OF SUCH EXCESS PAYMENT OF REFUND VALUES FROM SOURCES OTHER THAN THE REFUND VALUE ACCOUNT, IN THE MANNER AS PROVIDED BY THE COMMISSIONER OF TAXATION AND FINANCE.

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

5. ALL MONEYS COLLECTED OR RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE PURSUANT TO THIS TITLE, AFTER DEDUCTION OF THE AMOUNT THE

COMMISSIONER OF TAXATION AND FINANCE DETERMINES IS NECESSARY TO COVER REASONABLE COSTS INCURRED BY THE DEPARTMENT OF TAXATION AND FINANCE TO IMPLEMENT, ADMINISTER AND ENFORCE THE PROVISIONS OF THIS TITLE, SHALL BE DEPOSITED TO THE CREDIT OF THE COMPTROLLER WITH SUCH RESPONSIBLE BANKS, BANKING HOUSES OR TRUST COMPANIES AS MAY BE DESIGNATED BY THE COMPTROLLER. SUCH DEPOSITS SHALL BE KEPT SEPARATE AND APART FROM ALL OTHER MONEYS IN THE POSSESSION OF THE COMPTROLLER. THE COMPTROLLER SHALL REQUIRE ADEQUATE SECURITY FROM ALL SUCH DEPOSITORIES. OF THE TOTAL REVENUE COLLECTED, THE COMPTROLLER SHALL RETAIN THE AMOUNT DETERMINED BY THE COMMISSIONER OF TAXATION AND FINANCE TO BE NECESSARY FOR REFUNDS OUT OF WHICH THE COMPTROLLER MUST PAY ANY REFUNDS TO WHICH A DEPOSIT INITIATOR MAY BE ENTITLED. AFTER RESERVING THE AMOUNT TO PAY REFUNDS, THE COMPTROLLER MUST, BY THE TENTH DAY OF EACH MONTH, PAY INTO THE ENVIRONMENTAL PROTECTION FUND THE REVENUE DEPOSITED UNDER THIS SUBDIVISION DURING THE PRECEDING CALENDAR MONTH AND REMAINING TO THE COMPTROLLER'S CREDIT ON THE LAST DAY OF THAT PRECEDING MONTH.

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

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

B. THE COMMISSIONER OF TAXATION AND FINANCE SHALL HAVE THE AUTHORITY TO REVOKE OR REFUSE TO RENEW ANY REGISTRATION ISSUED PURSUANT TO THIS SUBDIVISION WHEN IT HAS BEEN DETERMINED BY THE COMMISSIONER OF TAXATION AND FINANCE OR SUCH COMMISSIONER HAS BEEN INFORMED BY THE COMMISSIONER THAT ANY OF THE PROVISIONS OF THIS TITLE OR RULES AND REGULATIONS PROMULGATED THEREUNDER HAVE BEEN VIOLATED. SUCH VIOLATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FAILURE TO FILE QUARTERLY REPORTS, THE FAILURE TO MAKE PAYMENTS PURSUANT TO THIS SUBDIVISION, THE PROVIDING

OF FALSE OR FRAUDULENT INFORMATION TO EITHER THE DEPARTMENT OF TAXATION AND FINANCE OR THE DEPARTMENT, OR KNOWINGLY AIDING OR ABETTING ANOTHER PERSON IN VIOLATING ANY OF THE PROVISIONS OF THIS TITLE. A NOTICE OF PROPOSED REVOCATION OR NON-RENEWAL SHALL BE GIVEN TO THE DEPOSIT INITIATOR IN THE MANNER PRESCRIBED FOR A NOTICE OF DEFICIENCY OF TAX AND ALL THE PROVISIONS APPLICABLE TO A NOTICE OF DEFICIENCY UNDER ARTICLE TWENTY-SEVEN OF THE TAX LAW SHALL APPLY TO A NOTICE ISSUED PURSUANT TO THIS PARAGRAPH, INSOFAR AS SUCH PROVISIONS CAN BE MADE APPLICABLE TO A NOTICE AUTHORIZED BY THIS PARAGRAPH, WITH SUCH MODIFICATIONS AS MAY BE NECESSARY IN ORDER TO ADAPT THE LANGUAGE OF SUCH PROVISIONS TO THE NOTICE AUTHORIZED BY THIS PARAGRAPH. ALL SUCH NOTICES ISSUED BY THE COMMISSIONER OF TAXATION AND FINANCE PURSUANT TO THIS PARAGRAPH SHALL CONTAIN A STATEMENT ADVISING THE DEPOSIT INITIATOR THAT THE REVOCATION OR NON-RENEWAL OF REGISTRATION MAY BE CHALLENGED THROUGH A HEARING PROCESS AND THE PETITION FOR SUCH A CHALLENGE MUST BE FILED WITH THE COMMISSIONER OF TAXATION AND FINANCE WITHIN NINETY DAYS AFTER SUCH NOTICE IS ISSUED. A DEPOSIT INITIATOR WHOSE REGISTRATION HAS BEEN SO REVOKED OR NOT RENEWED SHALL CEASE TO DO BUSINESS AS A DEPOSIT INITIATOR IN THIS STATE, UNTIL THIS TITLE HAS BEEN COMPLIED WITH AND A NEW REGISTRATION HAS BEEN ISSUED. ANY DEPOSIT INITIATOR WHOSE REGISTRATION HAS BEEN SO REVOKED MAY NOT APPLY FOR REGISTRATION FOR TWO YEARS FROM THE DATE SUCH REVOCATION TAKES EFFECT.

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

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

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

10. THE PROVISIONS OF ARTICLE TWENTY-SEVEN OF THE TAX LAW SHALL APPLY TO THE PROVISIONS OF THIS TITLE FOR WHICH THE COMMISSIONER OF TAXATION

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

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

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

S 27-1013. Redemption centers.

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

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

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

In addition to the authority of the commissioner, under sections 27-1009 and 27-1013 of this title, the commissioner shall [only have the power to promulgate rules and regulations governing the initiation of deposits, sale of beverages in containers through vending machines and for on-premises consumption, record keeping, refunding for refillable beverage containers, embossing, imprinting or labeling of refund values and enforcement of the provisions of this section and sections 27-1009 and 27-1013 of this title] HAVE THE POWER TO PROMULGATE RULES AND REGULATIONS necessary and appropriate [to] FOR the [implementation] ADMINISTRATION of this title.

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

S 27-1015. Violations.

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

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

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

4. ANY PERSON WHO WILFULLY TENDERS TO A DEALER, DISTRIBUTOR, REDEMPTION CENTER OR BOTTLER MORE THAN FORTY-EIGHT EMPTY BEVERAGE CONTAINERS THAT SUCH PERSON KNOWS OR REASONABLY SHOULD KNOW WERE NOT ORIGINALLY SOLD IN THIS STATE AS FILLED BEVERAGE CONTAINERS MAY BE ASSESSED BY THE DEPARTMENT A CIVIL PENALTY OF UP TO ONE HUNDRED DOLLARS FOR EACH CONTAINER OR UP TO TWENTY-FIVE THOUSAND DOLLARS FOR EACH SUCH TENDER OF CONTAINERS. AT EACH LOCATION WHERE A PERSON TENDERS CONTAINERS FOR REDEMPTION, DEALERS AND REDEMPTION CENTERS MUST CONSPICUOUSLY DISPLAY A SIGN IN LETTERS THAT ARE AT LEAST ONE INCH IN HEIGHT WITH THE FOLLOWING INFORMATION: "WARNING: PERSONS TENDERING CONTAINERS FOR REDEMPTION THAT WERE NOT ORIGINALLY PURCHASED IN THIS STATE MAY BE SUBJECT TO A CIVIL PENALTY OF UP TO ONE HUNDRED DOLLARS PER CONTAINER OR UP TO TWENTY-FIVE THOUSAND DOLLARS FOR EACH SUCH TENDER OF CONTAINERS." ANY CIVIL PENALTY MAY BE ASSESSED FOLLOWING A HEARING OR OPPORTUNITY TO BE HEARD.

5. THE DEPARTMENT, THE DEPARTMENT OF TAXATION AND FINANCE AND THE ATTORNEY GENERAL ARE HEREBY AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS TITLE. IN ADDITION, THE COMMISSIONER MAY, CONSISTENT WITH PARAGRAPH P OF SUBDIVISION 2 OF SECTION 3-0301 OF THIS CHAPTER, DELEGATE TO LOCAL GOVERNMENTS AND ENVIRONMENTAL AGENCIES THEREOF APPROPRIATE FUNCTIONS OF THE DEPARTMENT UNDER THIS TITLE TO ASSIST THE DEPARTMENT IN IMPLEMENTING AND MONITORING COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE.

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

S 27-1016. PUBLIC EDUCATION.

WITHIN THE LIMITS OF APPROPRIATIONS THEREFOR, THE COMMISSIONER SHALL ESTABLISH A PUBLIC EDUCATION PROGRAM TO DISSEMINATE INFORMATION REGARD-

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

S 13. Section 27-1017 of the environmental conservation law, as added by chapter 200 of the laws of 1982, is amended to read as follows:

S 27-1017. Local beverage container laws.

The provisions of this title shall not be construed so as to limit in any way the authority [of] political subdivisions of the state HAD to enact, implement and enforce local beverage container control laws prior to but not after the effective date of [this title] THE NEW YORK STATE RETURNABLE CONTAINER ACT. NOTHING IN THIS SECTION SHALL LIMIT THE AUTHORITY OF POLITICAL SUBDIVISIONS OF THE STATE TO ENFORCE THE PROVISIONS OF THIS TITLE THAT PERTAIN TO THE OBLIGATIONS AND RESPONSIBILITIES OF SUCH POLITICAL SUBDIVISION.

S 14. The environmental conservation law is amended by adding a new section 27-1018 to read as follows:

S 27-1018. BEVERAGE CONTAINER ASSISTANCE PROGRAM.

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

S 15. Paragraph h of subdivision 1 of section 261 of the economic development law, as amended by chapter 471 of the laws of 1998, is amended to read as follows:

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

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

(ii) in-process recycling,

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

(iv) increased energy efficiency,

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

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

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

THE TERM "ELIGIBLE PROJECT" SHALL ALSO INCLUDE ACTIONS TAKEN BY OR ON BEHALF OF A NEW YORK BUSINESS TO SUPPORT COSTS OF EQUIPMENT, AND/OR THE ACQUISITION AND/OR REHABILITATION OF REAL PROPERTY OR STRUCTURES RELATED TO THE COLLECTING, SORTING, AND PACKAGING OF EMPTY BEVERAGE CONTAINERS AS SUCH TERMS ARE DEFINED IN TITLE TEN OF ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW.

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

S 16. Subdivision 3 of section 92-s of the state finance law, as amended by chapter 145 of the laws of 2004, is amended to read as follows:

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred four-l of the vehicle and traffic law, all moneys required to be deposited therein from the contingency reserve fund pursuant to section two hundred ninety-four of chapter fifty-seven of the laws of nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, repayments of loans made pursuant to section 54-0511 of the environmental conservation law, all moneys to be deposited from the Northville settlement pursuant to section one hundred twenty-four of chapter three hundred nine of the laws of nineteen hundred ninety-six, provided however, that such moneys shall only be used for the cost of the purchase of private lands in the core area of the central Suffolk pine barrens pursuant to a consent order with the Northville industries signed on October thirteenth, nineteen hundred ninety-four and the related resource restoration and replacement plan, the amount of penalties required to be deposited therein by section 71-2724 of the environmental conservation law, THE AMOUNT OF REVENUE, INTEREST AND PENALTIES RELATED TO UNCLAIMED DEPOSITS ON BEVERAGE CONTAINERS DEPOSITED PURSUANT TO TITLE TEN OF ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such revenue shall be initially deposited into the environmental protection fund, for application as provided in subdivision five of this section.

S 17. This act shall take effect immediately, provided however, that:

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

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

3. the requirements to make deposits, file reports and make withdrawals and payments under section 27-1012 of the environmental conser-

vation law, as added by section eight of this act, with respect to containers defined as beverage containers prior to March 1, 2009, shall first apply to the period beginning on March 1, 2009 and ending May 31, 2009, and with respect to all other beverage containers shall first apply to the period beginning on May 1, 2009 and ending May 31, 2009, provided that such other beverage containers will not be required to have a refund value as required under section 27-1005 of the environmental conservation law until May 1, 2009. However, no refunds shall be paid prior to the due date for reports beginning on September 1, 2009.

PART TT

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

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

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

PART UU

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

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

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

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

4. ON OR BEFORE JUNE FIRST, TWO THOUSAND NINE, AND ANNUALLY ON OR BEFORE JUNE FIRST, THE DIRECTOR OF THE BUDGET SHALL REPORT TO THE RESPECTIVE CHAIRPERSONS OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND

SENATE FINANCE COMMITTEE THE AMOUNT OF COST RECOVERY OBTAINED PURSUANT TO THIS TITLE FOR THE STATE FISCAL YEAR ENDING ON THE PRECEDING MARCH THIRTY-FIRST.

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

PART VV

Section 1. Subdivision (a) of section 3010 of the tax law, as added by chapter 770 of the laws of 1992, is amended to read as follows:

(a) (1) Authorization of agreements. The commissioner is authorized to enter into written agreements with any taxpayer under which such taxpayer is allowed to satisfy liability for payment of any tax (including any interest, penalty or addition to tax) in installment payments if the commissioner determines that such agreement will facilitate collection of such liability.

(2) A TAXPAYER ENTERING INTO AN INSTALLMENT PAYMENT AGREEMENT PURSUANT TO PARAGRAPH ONE OF THIS SUBDIVISION MUST PAY A FEE TO THE COMMISSIONER OF SEVENTY-FIVE DOLLARS. IF THE INSTALLMENT PAYMENT AGREEMENT COVERS MORE THAN ONE TAX TYPE, THE FEE WILL ALSO BE SEVENTY-FIVE DOLLARS.

(3) THE FEE IMPOSED PURSUANT TO PARAGRAPH TWO OF THIS SUBDIVISION MUST BE PAID UPON NOTICE AND DEMAND, AND WILL BE ASSESSED, COLLECTED AND PAID IN THE SAME MANNER AS THE TAX TO WHICH THE AGREEMENT RELATES. IF THE INSTALLMENT PAYMENT AGREEMENT COVERS MORE THAN ONE TAX TYPE, THE FEE MUST BE PAID UPON NOTICE AND DEMAND, AND WILL BE ASSESSED, COLLECTED AND PAID IN THE SAME MANNER AS THE TAX FOR WHICH THE TAXPAYER HAS THE LARGEST LIABILITY.

(4) ALL FEES COLLECTED BY THE COMMISSIONER PURSUANT TO THIS SUBDIVISION MUST BE DEPOSITED MONTHLY, TO THE CREDIT OF THE GENERAL FUND OF THE STATE. THE COMMISSIONER WILL MAINTAIN A SYSTEM OF ACCOUNTS SHOWING THE AMOUNT OF MONEY COLLECTED FROM THE FEE IMPOSED BY PARAGRAPH TWO OF THIS SUBDIVISION.

S 2. Subdivision (c) of section 3010 of the tax law is relettered subdivision (d), and a new subdivision (c) is added to read as follows:

(C) (1) IF THE COMMISSIONER HAS TERMINATED, ALTERED OR MODIFIED A TAXPAYER'S INSTALLMENT PAYMENT AGREEMENT PURSUANT TO PARAGRAPH TWO, THREE OR FOUR OF SUBDIVISION (B) OF THIS SECTION, AND THE COMMISSIONER AND THE TAXPAYER AGREE TO THE ALTERATION OR MODIFICATION, OR TO REINSTATEMENT OF THE AGREEMENT, AS THE CASE MAY BE, THE TAXPAYER MUST PAY A FEE TO THE COMMISSIONER OF SEVENTY-FIVE DOLLARS. IF THE ALTERED, MODIFIED OR REINSTATED INSTALLMENT PAYMENT AGREEMENT, AS APPLICABLE, COVERS MORE THAN ONE TAX TYPE, THE FEE WILL ALSO BE SEVENTY-FIVE DOLLARS.

(2) THE FEE IMPOSED PURSUANT TO PARAGRAPH ONE OF THIS SUBDIVISION MUST BE PAID UPON NOTICE AND DEMAND, AND WILL BE ASSESSED, COLLECTED AND PAID IN THE SAME MANNER AS THE TAX TO WHICH THE AGREEMENT RELATES. IF THE ALTERED, MODIFIED OR REINSTATED INSTALLMENT PAYMENT AGREEMENT, AS APPLICABLE, COVERS MORE THAN ONE TAX TYPE, THE FEE MUST BE PAID UPON NOTICE AND DEMAND, AND WILL BE ASSESSED, COLLECTED AND PAID IN THE SAME MANNER AS THE TAX FOR WHICH THE TAXPAYER HAS THE LARGEST LIABILITY.

(3) ALL FEES COLLECTED BY THE COMMISSIONER PURSUANT TO THIS SUBDIVISION MUST BE DEPOSITED MONTHLY, TO THE CREDIT OF THE GENERAL FUND OF THE STATE. THE COMMISSIONER WILL MAINTAIN A SYSTEM OF ACCOUNTS SHOWING THE AMOUNT OF MONEY COLLECTED FROM THE FEE IMPOSED BY PARAGRAPH ONE OF THIS SUBDIVISION.

S 3. The tax law is amended by adding a new section 30 to read as follows:

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

S 4. Paragraph 10 of subsection (g) of section 658 of the tax law, as added by section 1 of part Q of chapter 61 of the laws of 2005, is amended to read as follows:

(10) Mandatory electronic filing by certain tax return preparers; IMPOSITION OF FEE FOR PAPER FILING. (A)(i) If a tax return preparer prepared more than two hundred original returns during the calendar year beginning on January first, two thousand five, and if, in the calendar year beginning on January first, two thousand six, such tax return preparer prepares one or more authorized returns using tax software, then, for such calendar year two thousand six and for each subsequent calendar year thereafter, all authorized returns prepared by such tax return preparer shall be filed electronically, in accordance with instructions prescribed by the commissioner.

(ii) If a tax return preparer prepared more than one hundred original [returns] TAX DOCUMENTS during any calendar year beginning on or after January first, two thousand [six] NINE, and if, in any succeeding calendar year such tax return preparer prepares one or more authorized [returns] TAX DOCUMENTS using tax software, then, for such succeeding calendar year and for each subsequent calendar year thereafter, all authorized [returns] TAX DOCUMENTS prepared by such tax return preparer [shall] MUST be filed electronically, in accordance with instructions prescribed by the commissioner.

(B) (I) IF AN INDIVIDUAL HAS NEW YORK ADJUSTED GROSS INCOME FOR A TAXABLE YEAR IN EXCESS OF FIFTEEN THOUSAND DOLLARS, OR A HUSBAND AND WIFE FILING JOINTLY HAVE NEW YORK ADJUSTED GROSS INCOME IN EXCESS OF THIRTY THOUSAND DOLLARS FOR A TAXABLE YEAR, AND THE INDIVIDUAL OR HUSBAND AND WIFE, AS THE CASE MAY BE, FAILS TO FILE ANY AUTHORIZED TAX DOCUMENT FOR THE TAXABLE YEAR ELECTRONICALLY USING TAX SOFTWARE, THEN THE INDIVIDUAL OR HUSBAND AND WIFE, AS THE CASE MAY BE, MUST PAY A PAPER FILING FEE TO THE COMMISSIONER OF TEN DOLLARS FOR EACH AUTHORIZED TAX DOCUMENT NOT FILED ELECTRONICALLY.

(II) IF AN INDIVIDUAL OR A HUSBAND AND WIFE, AS THE CASE MAY BE, DESCRIBED IN CLAUSE (I) OF THIS SUBPARAGRAPH FAIL TO FILE AN AUTHORIZED TAX DOCUMENT ELECTRONICALLY USING TAX SOFTWARE, AND THE AUTHORIZED TAX DOCUMENT SHOWS TAX DUE, THEN THE PAPER FILING FEE IMPOSED PURSUANT TO CLAUSE (I) OF THIS SUBPARAGRAPH MUST BE ADDED TO THE TAX DUE. IF AN INDIVIDUAL OR A HUSBAND AND WIFE, AS THE CASE MAY BE, DESCRIBED IN CLAUSE (I) OF THIS SUBPARAGRAPH, FAIL TO FILE AN AUTHORIZED TAX DOCUMENT

ELECTRONICALLY USING TAX SOFTWARE, AND THE AUTHORIZED TAX DOCUMENT SHOWS AN OVERPAYMENT, THEN THE PAPER FILING FEE IMPOSED PURSUANT TO CLAUSE (I) OF THIS SUBPARAGRAPH MUST BE SUBTRACTED FROM THE OVERPAYMENT, FOLLOWING CREDIT OR OFFSET OF THE OVERPAYMENT AS SPECIFIED IN SUBSECTION (A) OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, IF APPLICABLE.

(C) For purposes of this paragraph:

(i) "Electronic" means computer technology[; provided, however, that the commissioner may, in instructions, provide that use of barcode technology will also satisfy the mandatory electronic filing requirements of this section].

(ii) "Authorized [return] TAX DOCUMENT" means [any] A return OR ANY OTHER DOCUMENT required OR PERMITTED TO BE FILED under this article OR PURSUANT TO THE AUTHORITY OF ARTICLE THIRTY, THIRTY-A OR THIRTY-B OF THIS CHAPTER which the commissioner has authorized to be filed electronically.

(iii) "Original [return] TAX DOCUMENT" means a [return] TAX DOCUMENT required under this article that is filed, without regard to extensions, during the calendar year for which [that return] SUCH TAX DOCUMENT is required OR PERMITTED to be filed.

(iv) "Tax software" means any computer software program intended for tax return preparation purposes. FOR PURPOSES OF THIS SECTION, THE TERM "TAX SOFTWARE" INCLUDES, BUT IS NOT LIMITED TO, AN OFF-THE-SHELF SOFTWARE PROGRAM LOADED ONTO A TAX RETURN PREPARER'S OR TAXPAYER'S COMPUTER, AN ONLINE TAX PREPARATION, OR A TAX PREPARATION APPLICATION HOSTED BY THE DEPARTMENT.

(V) "TAX" MEANS A TAX IMPOSED PURSUANT TO THIS ARTICLE, OR PURSUANT TO THE AUTHORITY OF ARTICLE THIRTY, THIRTY-A OR THIRTY-B OF THIS CHAPTER, WHICH IS ADMINISTERED BY THE COMMISSIONER.

(VI) "TAX DOCUMENT" MEANS A RETURN, REPORT OR ANY OTHER DOCUMENT REQUIRED OR PERMITTED TO BE FILED UNDER THIS ARTICLE, OR PURSUANT TO THE AUTHORITY OF ARTICLE THIRTY, THIRTY-A OR THIRTY-B OF THIS CHAPTER.

S 5. The tax law is amended by adding a new section 31 to read as follows:

S 31. TAX RETURN PREPARERS AND SOFTWARE COMPANIES NOT TO CHARGE SEPARATELY FOR NEW YORK E-FILE SERVICES. (A) FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS HAVE THE SPECIFIED MEANINGS:

(1) "AUTHORIZED TAX DOCUMENT" MEANS A TAX DOCUMENT WHICH THE COMMISSIONER HAS AUTHORIZED TO BE FILED ELECTRONICALLY.

(2) "ELECTRONIC" MEANS COMPUTER TECHNOLOGY.

(3) "SOFTWARE COMPANY" MEANS A DEVELOPER OF TAX SOFTWARE.

(4) "TAX" MEANS ANY TAX OR OTHER MATTER ADMINISTERED BY THE COMMISSIONER PURSUANT TO THIS CHAPTER OR ANY OTHER PROVISION OF LAW.

(5) "TAX DOCUMENT" MEANS A RETURN, REPORT OR ANY OTHER DOCUMENT RELATING TO A TAX OR OTHER MATTER ADMINISTERED BY THE COMMISSIONER.

(6) "TAX RETURN PREPARER" MEANS ANY PERSON WHO PREPARES FOR COMPENSATION, OR WHO EMPLOYS OR ENGAGES ONE OR MORE PERSONS TO PREPARE FOR COMPENSATION, ANY AUTHORIZED TAX DOCUMENT. FOR PURPOSES OF THIS SECTION, THE TERM "TAX RETURN PREPARER" ALSO INCLUDES A PAYROLL SERVICE.

(7) "TAX SOFTWARE" MEANS ANY COMPUTER SOFTWARE PROGRAM INTENDED FOR TAX RETURN PREPARATION PURPOSES. FOR PURPOSES OF THIS SECTION, THE TERM "TAX SOFTWARE" INCLUDES, BUT IS NOT LIMITED TO, AN OFF-THE-SHELF SOFTWARE PROGRAM LOADED ONTO A TAX RETURN PREPARER'S OR TAXPAYER'S COMPUTER, OR AN ONLINE TAX PREPARATION APPLICATION.

(B) IT IS UNLAWFUL FOR A TAX RETURN PREPARER OR A SOFTWARE COMPANY TO CHARGE A SEPARATE FEE FOR THE ELECTRONIC FILING OF AUTHORIZED TAX DOCUMENTS. IT IS ALSO UNLAWFUL FOR A SOFTWARE COMPANY TO OFFER A VERSION OF

ITS TAX SOFTWARE THAT CHARGES A SEPARATE FEE FOR THE ELECTRONIC FILING OF AUTHORIZED TAX DOCUMENTS AND ONE VERSION OF THE SAME TAX SOFTWARE THAT DOES NOT.

(C) ANY TAX RETURN PREPARER OR SOFTWARE COMPANY VIOLATING THIS SECTION WILL BE LIABLE FOR A CIVIL PENALTY OF FIVE HUNDRED DOLLARS FOR THE FIRST VIOLATION AND ONE THOUSAND DOLLARS FOR EACH SUCCEEDING VIOLATION. THE CIVIL PENALTIES IMPOSED BY THIS SECTION MUST BE PAID TO THE COMMISSIONER UPON NOTICE AND DEMAND, AND WILL BE ASSESSED, COLLECTED AND PAID IN THE SAME MANNER AS TAXES UNDER ARTICLE TWENTY-SEVEN OF THIS CHAPTER.

S 6. The tax law is amended by adding a new section 32 to read as follows:

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

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

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

(3) "COMMERCIAL TAX RETURN PREPARER" MEANS A TAX RETURN PREPARER WHO: (A) PREPARED TEN OR MORE RETURNS IN THE PRECEDING CALENDAR YEAR AND WILL PREPARE AT LEAST ONE RETURN DURING THE CURRENT CALENDAR YEAR; OR (B) PREPARED FEWER THAN TEN RETURNS IN THE PRECEDING CALENDAR YEAR BUT WILL PREPARE TEN OR MORE RETURNS FOR THE CURRENT CALENDAR YEAR.

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

(5) "ELECTRONIC" MEANS COMPUTER TECHNOLOGY.

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

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

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

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

(10) "TAX RETURN PREPARER" MEANS AN INDIVIDUAL WHO PREPARES A SUBSTANTIAL PORTION OF ANY RETURN FOR COMPENSATION. THIS INCLUDES, BUT IS NOT LIMITED TO, ATTORNEYS, PUBLIC ACCOUNTANTS, CERTIFIED PUBLIC ACCOUNTANTS, AND ENROLLED AGENTS PREPARING ANY RETURN FOR COMPENSATION. EMPLOYEES OF A TAX RETURN PREPARER OR A COMMERCIAL TAX RETURN PREPARATION BUSINESS WHO PREPARE RETURNS FOR CLIENTS OF THAT PREPARER OR PREPARATION BUSINESS, AS APPLICABLE, AND PARTNERS WHO PREPARE RETURNS FOR CLIENTS OF A PARTNERSHIP ENGAGED IN A COMMERCIAL TAX RETURN PREPARATION BUSINESS, ARE ALL "TAX RETURN PREPARERS" FOR PURPOSES OF THIS SECTION. EXCLUDED FROM THE DEFINITION OF "TAX RETURN PREPARER" ARE VOLUNTEER TAX PREPARERS, EMPLOYEES OF A BUSINESS OR PARTNERS IN A PARTNERSHIP WHOSE JOB RESPONSIBILITIES INCLUDE PREPARATION OF ONLY THE BUSINESS' OR PARTNERSHIP'S RETURNS, AND EMPLOYEES OF A TAX RETURN PREPARER OR A COMMERCIAL TAX RETURN PREPARATION BUSINESS WHO PROVIDE CLERICAL OR OTHER COMPARABLE SERVICES.

(B)(1) EACH TAX RETURN PREPARER WHO WILL PREPARE AT LEAST ONE RETURN IN A CALENDAR YEAR MUST REGISTER ELECTRONICALLY WITH THE DEPARTMENT FOR THAT CALENDAR YEAR, IN ACCORDANCE WITH INSTRUCTIONS PRESCRIBED BY THE COMMISSIONER.

(2)(A) UPON COMPLETION OF THE REGISTRATION PROCESS, EACH TAX RETURN PREPARER WILL BE ISSUED A TAX PREPARER REGISTRATION CERTIFICATE.

(B) EACH TAX RETURN PREPARER WILL ALSO BE ASSIGNED A UNIQUE IDENTIFICATION NUMBER BY THE DEPARTMENT, WHICH MUST BE USED BY THE TAX RETURN PREPARER ON EACH RETURN WHICH THE TAX RETURN PREPARER IS REQUIRED TO SIGN.

(C) IF A TAX RETURN PREPARER IS AN EMPLOYEE OR PROSPECTIVE EMPLOYEE OF A TAX RETURN PREPARER OR A COMMERCIAL TAX RETURN PREPARATION BUSINESS, AS APPLICABLE, THE TAX RETURN PREPARER OR COMMERCIAL TAX RETURN PREPARATION BUSINESS MUST ENSURE THAT THE EMPLOYEE OR PROSPECTIVE EMPLOYEE, AS APPLICABLE, IS PROPERLY REGISTERED WITH THE DEPARTMENT AND POSSESSES A VALID TAX PREPARER REGISTRATION CERTIFICATE.

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

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

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

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

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

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

(F)(1) IF A TAX RETURN PREPARER IS REQUIRED TO REGISTER OR RE-REGISTER WITH THE DEPARTMENT PURSUANT TO PARAGRAPH ONE OR THREE OF SUBDIVISION (B) OF THIS SECTION, AS APPLICABLE, AND FAILS TO DO SO IN ACCORDANCE WITH THE TERMS OF THIS SECTION, THEN THE TAX RETURN PREPARER MUST PAY A PENALTY OF TWO HUNDRED FIFTY DOLLARS. PROVIDED, HOWEVER, THAT IF THE TAX

RETURN PREPARER COMPLIES WITH THE REGISTRATION REQUIREMENTS OF THIS SECTION WITHIN NINETY CALENDAR DAYS AFTER NOTIFICATION OF ASSESSMENT OF THIS PENALTY IS SENT BY THE DEPARTMENT, THEN THIS PENALTY MUST BE ABATED. IF THE TAX RETURN PREPARER CONTINUES TO FAIL TO REGISTER OR RE-REGISTER AFTER THE NINETY CALENDAR DAY PERIOD, THE TAX RETURN PREPARER MUST PAY AN ADDITIONAL PENALTY OF FIVE HUNDRED DOLLARS IF THE FAILURE IS FOR NOT MORE THAN ONE MONTH, WITH AN ADDITIONAL FIVE HUNDRED DOLLARS FOR EACH ADDITIONAL MONTH OR FRACTION THEREOF DURING WHICH THE FAILURE CONTINUES. ONCE THE NINETY CALENDAR DAYS SPECIFIED IN THIS PARAGRAPH HAVE EXPIRED, THE PENALTY CAN BE WAIVED ONLY FOR GOOD CAUSE SHOWN BY THE TAX RETURN PREPARER.

(2) IF A COMMERCIAL TAX RETURN PREPARER FAILS TO PAY THE FEE AS REQUIRED IN PARAGRAPH ONE OF SUBDIVISION (C) OF THIS SECTION, FOR A CALENDAR YEAR, THEN THE COMMERCIAL TAX RETURN PREPARER MUST PAY A PENALTY OF FIFTY DOLLARS FOR EACH RETURN THE COMMERCIAL TAX RETURN PREPARER HAS FILED WITH THE DEPARTMENT IN THAT CALENDAR YEAR. PROVIDED HOWEVER, THAT IF THE COMMERCIAL TAX RETURN PREPARER COMPLIES WITH THE PAYMENT REQUIREMENTS OF PARAGRAPH 1 OF SUBDIVISION (C) OF THIS SECTION, WITHIN NINETY CALENDAR DAYS AFTER NOTIFICATION OF THE ASSESSMENT OF THIS PENALTY IS SENT BY THE DEPARTMENT, THEN THIS PENALTY MUST BE ABATED. THE MAXIMUM PENALTY THAT MAY BE IMPOSED UNDER THIS PARAGRAPH ON ANY COMMERCIAL TAX RETURN PREPARER DURING ANY CALENDAR YEAR MUST NOT EXCEED FIVE THOUSAND DOLLARS. ONCE THE NINETY CALENDAR DAYS SPECIFIED IN THIS PARAGRAPH HAVE EXPIRED, THE PENALTY CAN BE WAIVED ONLY FOR GOOD CAUSE SHOWN BY THE COMMERCIAL TAX RETURN PREPARER.

(3) IF A TAX RETURN PREPARER FAILS TO SIGN HIS OR HER NAME TO ANY RETURN THAT REQUIRES THE TAX RETURN PREPARER'S SIGNATURE, THEN THE TAX RETURN PREPARER MUST PAY A PENALTY IN THE AMOUNT OF TWO HUNDRED FIFTY DOLLARS FOR EACH FAILURE TO SO SIGN. PROVIDED, HOWEVER, THAT THIS PENALTY CAN BE WAIVED ONLY FOR GOOD CAUSE SHOWN BY THE TAX RETURN PREPARER. THE MAXIMUM PENALTY IMPOSED UNDER THIS PARAGRAPH ON ANY TAX RETURN PREPARER WITH RESPECT TO RETURNS FILED DURING ANY CALENDAR YEAR BY THE TAX RETURN PREPARER MUST NOT EXCEED TEN THOUSAND DOLLARS. PROVIDED, HOWEVER, THAT IF A TAX RETURN PREPARER HAS BEEN PENALIZED UNDER THIS PARAGRAPH FOR A PRECEDING CALENDAR YEAR AND AGAIN FAILS TO SIGN HIS OR HER NAME ON ANY RETURN THAT REQUIRES THE TAX RETURN PREPARER'S SIGNATURE DURING A SUBSEQUENT CALENDAR YEAR, THEN THE PENALTY UNDER THIS PARAGRAPH FOR EACH FAILURE WILL BE FIVE HUNDRED DOLLARS, AND NO ANNUAL CAP WILL APPLY.

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

(5) IF A TAX RETURN PREPARER OR A COMMERCIAL TAX RETURN PREPARATION BUSINESS EMPLOYS AN INDIVIDUAL TO PREPARE TAX RETURNS WHO IS NOT REGIS-

TERED WITH THE DEPARTMENT AND DOES NOT POSSESS A VALID TAX PREPARER REGISTRATION CERTIFICATE, THEN THE TAX RETURN PREPARER, OR COMMERCIAL TAX RETURN PREPARATION BUSINESS, AS APPLICABLE, WILL BE SUBJECT TO A PENALTY OF FIVE HUNDRED DOLLARS PER OCCURRENCE. THIS PENALTY CAN BE WAIVED ONLY FOR GOOD CAUSE SHOWN.

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

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

S 7. Paragraphs 1 and 2 of subsection (u) of section 685 of the tax law are REPEALED.

S 8. Subdivision (e) of section 372 of the general business law, as added by chapter 432 of the laws of 2008, is amended to read as follows:

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

S 9. The commissioner of taxation and finance shall convene a task force consisting of representatives from the department of taxation and finance, the state education department, the department of state, the consumer protection board, the banking department, the office of temporary and disability assistance, the New York state bar, the New York state association of certified public accountants, enrolled agents with the internal revenue service, and other representatives of the tax return preparation industry in order to prepare a report addressing the following issues: determining the appropriate scope of the program for regulating tax return preparers and commercial tax return preparers; setting appropriate qualifications, including, but not limited to, minimum educational qualifications and continuing educational requirements for tax return preparers; and considering any other matters the task force determines to be necessary or appropriate. The report required by this section will be submitted to the commissioner of taxation and finance and the governor, no later than March 31, 2012. The commissioner of taxation and finance may promulgate regulations to implement any of the recommendations made by the task force.

S 10. This act will take effect immediately, provided, however, that section four of this act shall apply to authorized tax documents required to be filed for tax years beginning on or after January 1, 2009, and section six of this act shall apply to tax return preparers filing returns on or after December 31, 2009; and section eight of this act shall take effect on the same date as chapter 432 of the laws of 2008, takes effect.

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