

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

S. 6258--D

A. 9058--D

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

January 17, 2012

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

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

AN ACT to authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2012-2013; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund; and to amend chapter 60 of the laws of 2011, authorizing funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2011-2012 and amending chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the effectiveness thereof (Part A); to amend the highway law and the state finance law, in relation to modifying the distribution of certain funds (Part B); to amend the transportation law, in relation to enacting a risk-based bus inspection program (Part C); to amend the vehicle and traffic law, in relation to commercial driver's licenses and medical certifications; and to repeal paragraph (f) of subdivision 3 of section 510-a of the vehicle and

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

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traffic law, relating to commercial driver's licenses (Part D); to amend the public authorities law, in relation to notes, bonds and other obligations of the metropolitan transportation authority, Triborough bridge and tunnel authority and New York city transit authority (Part E); to amend vehicle and traffic law in relation to establishing an additional retention rate for county clerks acting as an agent of the department of motor vehicles based upon internet transactions (Part F); to amend the transportation law, the vehicle and traffic law, the general municipal law, the environmental conservation law and the executive law, in relation to federal revenue (Part G); to amend the environmental conservation law, in relation to the regulation of various fish and wildlife licenses, permits and fees; and repealing certain provisions of such law relating thereto (Part H); intentionally omitted (Part I); to amend the environmental conservation law, in relation to hazardous waste program fees and surcharges (Part J); to amend the state finance law and the public authorities law, in relation to the sewage treatment and drinking water funds and the water pollution control and drinking water revolving funds (Part K); to amend the agriculture and markets law, in relation to seed testing (Part L); to amend the agriculture and markets law, in relation to cost recovery for services (Part M); to amend the agriculture and markets law, in relation to food processing license fees; and to repeal subdivision 4 of section 128-a and subdivision 3 of section 133-a of the agriculture and markets law and section 90-b of the state finance law relating to the commercial feed licensing fund (Part N); 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 O); 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 P); intentionally omitted (Part Q); 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 R); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part S); intentionally omitted (Part T); to amend the state finance law, in relation to the excelsior linked deposit act (Part U); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part V); intentionally omitted (Part W); intentionally omitted (Part X); to amend the racing, pari-mutuel wagering and breeding law in relation to employment of officials at harness race meetings and reimbursement by licensed racing corporations to the state racing and wagering board for the per diem cost of such employees (Part Y); intentionally omitted (Part Z); to amend the public authorities law, in relation to the recovery of state governmental costs from public authorities and public benefit corporations (Part AA); to amend the public authorities law, in relation to authorizing the dormitory authority to enter into certain design and construction management agreements; and providing for the repeal of such provisions upon the expiration thereof (Part BB); intentionally omitted (Part CC); to amend the public authorities law and the real property law, in relation to the on-bill recovery mechanism for the "green jobs-green New York" program (Part DD); to amend the environmental conservation

law, in relation to the use of ultra low sulfur diesel fuel and best available technology by the state (Part EE); to amend the environmental conservation law, in relation to directing the commissioner of environmental conservation to create gift cards for hunting and fishing licenses (Part FF); to amend the economic development law and the public authorities law, in relation to enacting the western New York power proceeds allocation act; and to repeal chapter 436 of the laws of 2010, relating to authorizing unallocated expansion or replacement power to be allocated for western New York economic development fund benefits (Part GG); to amend the state finance law, in relation to infrastructure investment (Part HH); and to amend the racing, pari-mutuel wagering and breeding law, in relation to regional off-track betting corporations; and providing for the repeal of certain provisions upon expiration thereof (Part II)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2012-2013
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through II. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. The sum of four hundred two million seven hundred ninety-
14 seven thousand dollars (\$402,797,000), or so much thereof as shall be
15 necessary, and in addition to amounts previously appropriated by law, is
16 hereby made available, in accordance with subdivision 1 of section 380
17 of the public authorities law as amended, according to the following
18 schedule. Payments pursuant to subdivision (a) of this section shall be
19 made available as moneys become available for such payments. Payments
20 pursuant to subdivisions (b) and (c) of this section shall be made
21 available on the fifteenth day of June, September, December and March or
22 as soon thereafter as moneys become available for such payments. No
23 moneys of the state in the state treasury or any of its funds shall be
24 available for payments pursuant to this section:

25 SCHEDULE

26 (a) Thirty-nine million seven hundred thousand dollars (\$39,700,000)
27 to municipalities for repayment of eligible costs of federal aid municip-
28 al street and highway projects pursuant to section 15 of chapter 329 of
29 the laws of 1991, as added by section 9 of chapter 330 of the laws of
30 1991, as amended. The department of transportation shall provide such
31 information to the municipalities as may be necessary to maintain the
32 federal tax exempt status of any bonds, notes, or other obligations
33 issued by such municipalities to provide for the non-federal share of
34 the cost of projects pursuant to chapter 330 of the laws of 1991 or
35 section 80-b of the highway law.

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

State Fiscal Year	Amount
2012-13	\$39,700,000

5
6
7 (b) Three hundred four million three hundred thousand dollars
8 (\$304,300,000) to counties, cities, towns and villages for reimbursement
9 of eligible costs of local highway and bridge projects pursuant to
10 sections 16 and 16-a of chapter 329 of the laws of 1991, as added by
11 section 9 of chapter 330 of the laws of 1991, as amended. For the
12 purposes of computing allocations to municipalities, the amount distrib-
13 uted pursuant to section 16 of chapter 329 of the laws of 1991 shall be
14 deemed to be \$121,520,000. The amount distributed pursuant to section
15 16-a of chapter 329 of the laws of 1991 shall be deemed to be
16 \$182,780,000. Notwithstanding the provisions of any general or special
17 law, the amounts deemed distributed in accordance with section 16 of
18 chapter 329 of the laws of 1991 shall be adjusted so that such amounts
19 will not be less than 83.807 percent of the "funding level" as defined
20 in subdivision 5 of section 10-c of the highway law for each such muni-
21 cipality. In order to achieve the objectives of section 16 of chapter
22 329 of the laws of 1991, to the extent necessary, the amounts in excess
23 of 83.807 percent of the funding level to be deemed distributed to each
24 municipality under this subdivision shall be reduced in equal propor-
25 tion.

26 (c) Fifty-eight million seven hundred ninety-seven thousand dollars
27 (\$58,797,000) to municipalities for reimbursement of eligible costs of
28 local highway and bridge projects pursuant to sections 16 and 16-a of
29 chapter 329 of the laws of 1991, as added by section 9 of chapter 330 of
30 the laws of 1991, as amended. For the purposes of computing allocations
31 to municipalities, the amount distributed pursuant to section 16 of
32 chapter 329 of the laws of 1991 shall be deemed to be \$23,480,000. The
33 amount distributed pursuant to section 16-a of chapter 329 of the laws
34 of 1991 shall be deemed to be \$35,317,000. Notwithstanding the
35 provisions of any general or special law, the amounts deemed distributed
36 in accordance with section 16 of chapter 329 of the laws of 1991 shall
37 be adjusted so that such amounts will not be less than 16.193 percent of
38 the "funding level" as defined in subdivision 5 of section 10-c of the
39 highway law for each such municipality. In order to achieve the objec-
40 tives of section 16 of chapter 329 of the laws of 1991, to the extent
41 necessary, the amounts in excess of 16.193 percent of the funding level
42 to be deemed distributed to each municipality under this subdivision
43 shall be reduced in equal proportion. To the extent that the total of
44 remaining payment allocations calculated herein varies from \$58,797,000,
45 the payment amounts to each locality shall be adjusted by a uniform
46 percentage so that the total payments equal \$58,797,000.

47 The program authorized pursuant to sections 16 and 16-a of chapter 329
48 of the laws of 1991, as added by section 9 of chapter 330 of the laws of
49 1991, as amended, shall additionally make payments for reimbursement
50 according to the following schedule:

State Fiscal Year	Amount
2012-13	\$363,097,000

51
52
53 S 2. Subdivision (f) of section 16 of chapter 329 of the laws of 1991,
54 amending the state finance law and other laws relating to the establish-
55 ment of the dedicated highway and bridge trust fund, as added by section

1 2 of part A of chapter 60 of the laws of 2011, is amended to read as
2 follows:

3 (f) For purposes of this section and section 10-c of the highway law,
4 [for projects completed on or before March 31, 2012] local highway and
5 bridge projects may also include the following work types: (1) microsur-
6 facing, (2) paver placed surface treatment, (3) single course surface
7 treatment involving chip seals and oil and stone, and (4) double course
8 surface treatment involving chip seals and oil and stone[, however, no
9 reimbursement shall be made for (1) microsurfacing, (2) paver placed
10 surface treatment, (3) single course surface treatment involving chip
11 seals and oil and stone, and (4) double course surface treatment involv-
12 ing chip seals and oil and stone after March 31, 2012]. Reimbursement
13 for projects using these treatments may be made from the proceeds of
14 bonds, notes or other obligations issued by the New York state thruway
15 authority pursuant to section 380 of the public authorities law or
16 otherwise as determined by the director of the budget.

17 S 3. Subdivision (f) of section 16-a of chapter 329 of the laws of
18 1991, amending the state finance law and other laws relating to the
19 establishment of the dedicated highway and bridge trust fund, as added
20 by section 3 of part A of chapter 60 of the laws of 2011, is amended to
21 read as follows:

22 (f) For purposes of this section and section 10-c of the highway law,
23 [for projects completed on or before March 31, 2012] local highway and
24 bridge projects may also include the following work types: (1) microsur-
25 facing, (2) paver placed surface treatment, (3) single course surface
26 treatment involving chip seals and oil and stone, and (4) double course
27 surface treatment involving chip seals and oil and stone[, however, no
28 reimbursement shall be made for (1) microsurfacing, (2) paver placed
29 surface treatment, (3) single course surface treatment involving chip
30 seals and oil and stone, and (4) double course surface treatment involv-
31 ing chip seals and oil and stone after March 31, 2012]. Reimbursement
32 for projects using these treatments may be made from the proceeds of
33 bonds, notes or other obligations issued by the New York state thruway
34 authority pursuant to section 380 of the public authorities law or
35 otherwise as determined by the director of the budget.

36 S 4. Subdivision (d) of section 11 of chapter 329 of the laws of 1991,
37 amending the state finance law and other laws relating to the establish-
38 ment of the dedicated highway and bridge trust fund, as amended by
39 section 4 of part A of chapter 60 of the laws of 2011, is amended to
40 read as follows:

41 (d) Any such service contract (i) shall provide that the obligation of
42 the director of the budget or the state to fund or to pay the amounts
43 therein provided for shall not constitute a debt of the state within the
44 meaning of any constitutional or statutory provisions in the event the
45 thruway authority assigns or pledges service contract payments as secu-
46 rity for its bonds or notes, (ii) shall be deemed executory only to the
47 extent moneys are available and that no liability shall be incurred by
48 the state beyond the moneys available for the purpose, and that such
49 obligation is subject to annual appropriation by the legislature, and
50 (iii) shall provide that no funds shall be made available from the
51 proceeds of bonds or notes issued pursuant to this chapter unless the
52 commissioner of transportation has certified to the chairman of the
53 thruway authority that such funds shall be used exclusively for the
54 purposes authorized by subdivision (a) of this section, and/or
55 construction, reconstruction or improvement of local highways, bridges
56 and/or highway-railroad crossings, including right of way acquisition,

1 preliminary engineering, and construction supervision and inspection,
2 where the service life of the project is at least ten years or [for
3 projects completed on or before March 31, 2012] where the project is:
4 (1) microsurfacing, (2) paver placed surface treatment, (3) single
5 course surface treatment involving chip seals and oil and stone and (4)
6 double course surface treatment involving chip seals and oil and stone,
7 and unless the director of the budget has certified to the chairman of
8 the thruway authority that a spending plan has been submitted by the
9 commissioner of transportation and has been approved by the director of
10 the budget. [No reimbursement shall be made for (1) microsurfacing, (2)
11 paver placed surface treatment, (3) single course surface treatment
12 involving chip seals and oil and stone, and (4) double course surface
13 treatment involving chip seals and oil and stone after March 31, 2012.]

14 S 5. Subdivision (b) of section 16 of chapter 329 of the laws of 1991,
15 amending the state finance law and other laws relating to the establish-
16 ment of the dedicated highway and bridge trust fund, as amended by
17 section 5 of part A of chapter 60 of the laws of 2011, is amended to
18 read as follows:

19 (b) Each county, city, town and village shall certify to the commis-
20 sioner of transportation that amounts to be reimbursed are for
21 construction, reconstruction or improvement of local highways, bridges
22 and/or highway-railroad crossings, including right of way acquisition,
23 preliminary engineering, and construction supervision and inspection
24 where the service life of the project is at least ten years or [for
25 projects completed on or before March 31, 2012] where the project is:
26 (1) microsurfacing, (2) paver placed surface treatment, (3) single
27 course surface treatment involving chip seals and oil and stone and (4)
28 double course surface treatment involving chip seals and oil and stone.
29 [No reimbursement shall be made for (1) microsurfacing, (2) paver placed
30 surface treatment, (3) single course surface treatment involving chip
31 seals and oil and stone, and (4) double course surface treatment involv-
32 ing chip seals and oil and stone after March 31, 2012.] Such certif-
33 ication shall include any such information as may be necessary to main-
34 tain the federal tax exempt status of bonds, notes or other obligations
35 issued by the New York state thruway authority pursuant to section 380
36 of the public authorities law. The commissioner of transportation shall
37 in writing request the municipalities to furnish such information as may
38 be necessary to comply with this section.

39 S 6. Subdivision (b) of section 16-a of chapter 329 of the laws of
40 1991, amending the state finance law and other laws relating to the
41 establishment of the dedicated highway and bridge trust fund, as amended
42 by section 6 of part A of chapter 60 of the laws of 2011, is amended to
43 read as follows:

44 (b) Each county, city, town and village shall certify to the commis-
45 sioner of transportation that amounts to be reimbursed are for
46 construction, reconstruction or improvement of local highways, bridges
47 and/or highway-railroad crossings, including right of way acquisition,
48 preliminary engineering, and construction supervision and inspection
49 where the service life of the project is at least ten years or [for
50 projects completed on or before March 31, 2012] where the project is:
51 (1) microsurfacing, (2) paver placed surface treatment, (3) single
52 course surface treatment involving chip seals and oil and stone and (4)
53 double course surface treatment involving chip seals and oil and stone.
54 [No reimbursement shall be made for (1) microsurfacing, (2) paver placed
55 surface treatment, (3) single course surface treatment involving chip
56 seals and oil and stone, and (4) double course surface treatment involv-

ing chip seals and oil and stone after March 31, 2012.] Such certification shall include any such information as may be necessary to maintain the federal tax exempt status of bonds, notes or other obligations issued by the New York state thruway authority pursuant to section 380 of the public authorities law. The commissioner shall in writing request the municipalities to furnish such information as may be necessary to comply with this section.

S 7. Section 7 of part A of chapter 60 of the laws of 2011, authorizing funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2011-2012 and amending chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, is amended to read as follows:

S 7. This act shall take effect immediately[; provided, however, that sections two, three, four, five and six of this act shall expire and be deemed repealed on April 1, 2012].

S 8. This act shall take effect immediately.

PART B

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

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

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

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

1 performed pursuant to subdivision twenty-seven or subdivision thirty-
2 five of section ten of the highway law, (iii) any moneys collected by
3 the department of transportation for services provided pursuant to
4 agreements entered into in accordance with section ninety-nine-r of the
5 general municipal law, and (iv) any other moneys collected therefor or
6 credited or transferred thereto from any other fund, account or source.

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

10 (a) The special obligation reserve and payment account shall consist
11 (i) of all moneys required to be deposited in the dedicated highway and
12 bridge trust fund pursuant to the provisions of sections two hundred
13 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven
14 hundred sixty-seven of the tax law, section four hundred one of the
15 vehicle and traffic law, and section thirty-one of chapter fifty-six of
16 the laws of nineteen hundred ninety-three, (ii) all fees, fines or
17 penalties collected by the commissioner of transportation pursuant to
18 section fifty-two, SECTION THREE HUNDRED TWENTY-SIX, and subdivisions
19 five, eight and twelve of section eighty-eight of the highway law,
20 subdivision fifteen of section three hundred eighty-five of the vehicle
21 and traffic law, section fifteen of this chapter, excepting moneys
22 deposited with the state on account of betterments performed pursuant to
23 subdivision twenty-seven or subdivision thirty-five of section ten of
24 the highway law, (iii) any moneys collected by the department of trans-
25 portation for services provided pursuant to agreements entered into in
26 accordance with section ninety-nine-r of the general municipal law, and
27 (iv) any other moneys collected therefor or credited or transferred
28 thereto from any other fund, account or source.

29 S 4. This act shall take effect immediately, and shall be deemed to
30 have been in full force and effect on and after April 1, 2012; and
31 provided, however, that the amendments to paragraph (a) of subdivision 3
32 of section 89-b of the state finance law made by section two of this act
33 shall be subject to the expiration and reversion of such paragraph
34 pursuant to section 13 of part U-1 of chapter 62 of the laws of 2003, as
35 amended, when upon such date the provisions of section three of this act
36 shall take effect.

37

PART C

38 Section 1. Subdivision 3 of section 140 of the transportation law, as
39 added by chapter 635 of the laws of 1983, is amended to read as follows:

40 3. No motor vehicle [carrying] DESIGNED TO CARRY passengers, as
41 described in subdivision two of this section, shall be operated within
42 the state unless it carries prominently displayed thereon the name of
43 the operator and certificate evidencing an inspection in accordance with
44 the rules and regulations of the commissioner within a period of six
45 months last preceding. The commissioner may, by order, rule or regu-
46 lation, exempt from the requirements of this subdivision, vehicles which
47 are not operated exclusively in transportation services for which
48 inspection is required, provided that written evidence of the names
49 otherwise subject to prominent display and such a certificate of
50 inspection are at all times carried within such vehicles to be made
51 available for examination upon proper demand, while the vehicles are
52 operated in such service. IN ADDITION, THE COMMISSIONER MAY, BY ORDER,
53 RULE OR REGULATION, ESTABLISH A RISK-BASED INSPECTION PROGRAM WHEREBY
54 OPERATORS WHOSE INSPECTION PERFORMANCE FAILS TO MEET PERFORMANCE STAND-

ARDS ESTABLISHED BY THE COMMISSIONER SHALL BE SUBJECT TO COMPREHENSIVE SAFETY REVIEWS AND/OR ADDITIONAL INSPECTIONS.

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, 2012.

PART D

Section 1. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by section 2 of part CC of chapter 58 of the laws of 2011, is amended to read as follows:

1. Application for license. Application for a driver's license shall be made to the commissioner. The fee prescribed by law may be submitted with such application. The applicant shall furnish such proof of identity, age, and fitness as may be required by the commissioner. The commissioner may also provide that the application procedure shall include the taking of a photo image or images of the applicant in accordance with rules and regulations prescribed by the commissioner. In addition, the commissioner also shall require that the applicant provide his or her social security number and provide space on the application so that the applicant may register in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law. In addition, an applicant for a commercial driver's license who will operate a commercial motor vehicle in interstate commerce shall certify that such applicant meets the requirements to operate a commercial motor vehicle, as set forth in public law 99-570, title XII, and title 49 of the code of federal regulations, and all regulations promulgated by the United States secretary of transportation under the hazardous materials transportation act. In addition, an applicant for a commercial driver's license shall submit a medical certificate at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to medical certification and in a manner prescribed by the commissioner. For purposes of this section and sections five hundred three [and], five hundred ten-a, AND FIVE HUNDRED TEN-AA of this title, the [term] TERMS "medical certificate" AND "MEDICAL CERTIFICATION" shall mean a form substantially in compliance with the form set forth in Part 391.43(h) of title 49 of the code of federal regulations. Upon a determination that the holder of a commercial driver's license has made any false statement, with respect to the application for such license, the commissioner shall revoke such license.

S 2. Paragraph (b) of subdivision 1 of section 503 of the vehicle and traffic law, as amended by section 3 of part CC of chapter 58 of the laws of 2011, is amended to read as follows:

(b) An application for a license shall be valid for a period of time specified by regulation of the commissioner not to exceed five years. A learner's permit shall be valid from its issuance until the expiration of the application for a driver's license for which it was issued. Provided, however, that [if the medical certificate submitted in accordance with the requirements of the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations by an applicant for a commercial driver's license expires, any] A learner's permit [that may have been] issued by the commissioner in connection with [the] AN application FOR A COMMERCIAL DRIVER'S LICENSE shall be [suspended] CANCELLED WITHIN SIXTY DAYS OF THE HOLDER'S MEDICAL CERTIFICATION STATUS BECOMING "NOT-CERTIFIED" BASED UPON: (I) THE EXPIRATION OF THE HOLDER'S MEDICAL CERTIFICATION OR MEDICAL VARIANCE

1 DOCUMENTATION REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT
2 ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGU-
3 LATIONS; (II) THE HOLDER'S FAILURE TO SUBMIT SUCH MEDICAL CERTIFICATION
4 OR MEDICAL VARIANCE DOCUMENTATION AT SUCH INTERVALS AS REQUIRED BY THE
5 FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H)
6 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS AND IN A MANNER
7 PRESCRIBED BY THE COMMISSIONER; OR (III) THE RECEIPT BY THE COMMISSIONER
8 OF INFORMATION FROM THE ISSUING MEDICAL EXAMINER OR THE FEDERAL MOTOR
9 CARRIER SAFETY ADMINISTRATION THAT A MEDICAL CERTIFICATION OR MEDICAL
10 VARIANCE WAS ISSUED IN ERROR OR RESCINDED. THE COMMISSIONER SHALL, UPON
11 A HOLDER'S STATUS BECOMING "NOT-CERTIFIED", NOTIFY THE HOLDER OF SUCH
12 LEARNER'S PERMIT ISSUED IN CONNECTION WITH A COMMERCIAL DRIVER'S LICENSE
13 APPLICATION BY FIRST CLASS MAIL TO THE ADDRESS OF SUCH PERSON ON FILE
14 WITH THE DEPARTMENT OR AT THE CURRENT ADDRESS PROVIDED BY THE UNITED
15 STATES POSTAL SERVICE OF HIS OR HER "NOT-CERTIFIED" MEDICAL CERTIF-
16 ICATION STATUS AND THAT THE COMMERCIAL MOTOR VEHICLE PRIVILEGES OF SUCH
17 LEARNER'S PERMIT WILL BE CANCELLED UNLESS HE OR SHE SUBMITS A CURRENT
18 MEDICAL CERTIFICATE AND/OR MEDICAL VARIANCE IN ACCORDANCE WITH PART
19 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS OR CHANGES HIS
20 OR HER SELF-CERTIFICATION TO DRIVING ONLY IN EXCEPTED OR INTRASTATE
21 COMMERCE IN ACCORDANCE WITH PART 383.71(B)(II)(B), (C) OR (D) OF TITLE
22 49 OF THE CODE OF FEDERAL REGULATIONS.

23 S 3. Paragraph (f) of subdivision 3 of section 510-a of the vehicle
24 and traffic law is REPEALED.

25 S 4. The vehicle and traffic law is amended by adding a new section
26 510-aa to read as follows:

27 S 510-AA. DOWNGRADE OF COMMERCIAL DRIVER'S LICENSES. A COMMERCIAL
28 DRIVER'S LICENSE SHALL BE DOWNGRADED TO A NON-COMMERCIAL DRIVER'S
29 LICENSE BY THE COMMISSIONER WITHIN SIXTY DAYS OF THE HOLDER'S MEDICAL
30 CERTIFICATION STATUS BECOMING "NOT-CERTIFIED" BASED UPON THE EXPIRATION
31 OF THE HOLDER'S MEDICAL CERTIFICATION OR MEDICAL VARIANCE DOCUMENTATION
32 REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND
33 PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, OR UPON
34 THE HOLDER'S FAILURE TO SUBMIT SUCH MEDICAL CERTIFICATION OR MEDICAL
35 VARIANCE DOCUMENTATION AT SUCH INTERVALS AS REQUIRED BY THE FEDERAL
36 MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H) OF TITLE
37 49 OF THE CODE OF FEDERAL REGULATIONS AND IN A MANNER PRESCRIBED BY THE
38 COMMISSIONER. A COMMERCIAL DRIVER'S LICENSE SHALL ALSO BE DOWNGRADED TO
39 A NON-COMMERCIAL DRIVER'S LICENSE BY THE COMMISSIONER WITHIN SIXTY DAYS
40 OF THE HOLDER'S MEDICAL CERTIFICATION STATUS BECOMING "NOT-CERTIFIED"
41 BASED UPON RECEIPT OF INFORMATION FROM THE ISSUING MEDICAL EXAMINER OR
42 THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION THAT A MEDICAL CERTIF-
43 ICATION OR MEDICAL VARIANCE WAS ISSUED IN ERROR OR RESCINDED. SUCH DOWN-
44 GRADE SHALL BE TERMINATED, AND THE COMMERCIAL DRIVER'S LICENSE RESTORED,
45 UPON: (1) THE HOLDER'S SUBMISSION OF THE REQUIRED VALID MEDICAL EXAMIN-
46 ER'S CERTIFICATE OR MEDICAL VARIANCE DOCUMENTATION; OR (2) THE HOLDER'S
47 SELF-CERTIFICATION SPECIFYING THE TYPE OF COMMERCIAL MOTOR VEHICLE OPER-
48 ATION HE OR SHE ENGAGES, OR EXPECTS TO ENGAGE IN, AND THAT THE HOLDER IS
49 THEREFORE NOT SUBJECT TO THE PHYSICAL QUALIFICATION REQUIREMENTS OF THE
50 FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H)
51 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS. THE COMMISSIONER SHALL,
52 UPON A HOLDER'S STATUS BECOMING "NOT-CERTIFIED", NOTIFY THE HOLDER OF
53 SUCH COMMERCIAL DRIVER'S LICENSE BY FIRST CLASS MAIL TO THE ADDRESS OF
54 SUCH PERSON ON FILE WITH THE DEPARTMENT OR AT THE CURRENT ADDRESS
55 PROVIDED BY THE UNITED STATES POSTAL SERVICE OF HIS OR HER "NOT-CERTI-
56 FIED" MEDICAL CERTIFICATION STATUS AND THAT HIS OR HER COMMERCIAL DRIV-

1 ER'S LICENSE WILL BE DOWNGRADED TO A NON-COMMERCIAL DRIVER'S LICENSE
2 UNLESS HE OR SHE SUBMITS A CURRENT MEDICAL CERTIFICATE AND/OR MEDICAL
3 VARIANCE IN ACCORDANCE WITH PART 383.71(H) OF TITLE 49 OF THE CODE OF
4 FEDERAL REGULATIONS OR CHANGES HIS OR HER SELF-CERTIFICATION TO DRIVING
5 ONLY IN EXCEPTED OR INTRASTATE COMMERCE IN ACCORDANCE WITH PART
6 383.71(B)(II)(B), (C) OR (D) OF TITLE 49 OF THE CODE OF FEDERAL REGU-
7 LATIONS.

8 S 5. Section 509 of the vehicle and traffic law is amended by adding a
9 new subdivision 7-a to read as follows:

10 7-A. NO PERSON SHALL OPERATE A COMMERCIAL MOTOR VEHICLE WHILE KNOWING
11 OR HAVING REASON TO KNOW THAT HE OR SHE IS NOT MEDICALLY CERTIFIED, AS
12 REQUIRED, IN ACCORDANCE WITH THE FEDERAL MOTOR CARRIER SAFETY IMPROVE-
13 MENT ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL
14 REGULATIONS.

15 S 6. This act shall take effect immediately; provided, however, that
16 section five of this act shall take effect on the sixtieth day after it
17 shall have become a law.

18

PART E

19 Section 1. Subdivision 12 of section 1269 of the public authorities
20 law, as amended by section 1 of part NN of chapter 59 of the laws of
21 2010, is amended to read as follows:

22 12. The aggregate principal amount of bonds, notes or other obli-
23 gations issued after the first day of January, nineteen hundred ninety-
24 three by the authority, the Triborough bridge and tunnel authority and
25 the New York city transit authority to fund projects contained in capi-
26 tal program plans approved pursuant to section twelve hundred sixty-
27 nine-b of this [article] TITLE for the period nineteen hundred ninety-
28 two through two thousand fourteen shall not exceed [thirty-four]
29 THIRTY-SEVEN billion [eight hundred seventy-seven] TWO HUNDRED ELEVEN
30 million dollars PRIOR TO JANUARY ONE, TWO THOUSAND THIRTEEN; SHALL NOT
31 EXCEED THIRTY-NINE BILLION FIVE HUNDRED FORTY-FOUR MILLION PRIOR TO
32 JANUARY ONE, TWO THOUSAND FOURTEEN; AND SHALL NOT EXCEED FORTY-ONE
33 BILLION EIGHT HUNDRED SEVENTY-SEVEN MILLION DOLLARS THEREAFTER. Such
34 aggregate principal amount of bonds, notes or other obligations or the
35 expenditure thereof shall not be subject to any limitation contained in
36 any other provision of law on the principal amount of bonds, notes or
37 other obligations or the expenditure thereof applicable to the authori-
38 ty, the Triborough bridge and tunnel authority or the New York city
39 transit authority. The aggregate limitation established by this subdivi-
40 sion shall not include (i) obligations issued to refund, redeem or
41 otherwise repay, including by purchase or tender, obligations thereto-
42 fore issued either by the issuer of such refunding obligations or by the
43 authority, the New York city transit authority or the Triborough bridge
44 and tunnel authority, (ii) obligations issued to fund any debt service
45 or other reserve funds for such obligations, (iii) obligations issued or
46 incurred to fund the costs of issuance, the payment of amounts required
47 under bond and note facilities, federal or other governmental loans,
48 security or credit arrangements or other agreements related thereto and
49 the payment of other financing and related costs associated with such
50 obligations, (iv) an amount equal to any original issue discount from
51 the principal amount of such obligations or to fund capitalized inter-
52 est, (v) obligations incurred pursuant to section twelve hundred seven-m
53 of this article, (vi) obligations incurred to fund the acquisition of
54 certain buses for the New York city transit authority as identified in a

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

11 S 2. This act shall take effect immediately.

12

PART F

13 Section 1. Section 205 of the vehicle and traffic law is amended by
14 adding a new subdivision 3-a to read as follows:

15 3-A. IN ADDITION TO THE FEES RETAINED PURSUANT TO SUBDIVISION THREE OF
16 THIS SECTION, EACH COUNTY CLERK ACTING AS THE AGENT OF THE COMMISSIONER
17 PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL RETAIN FOUR PERCENT OF
18 "ENHANCED INTERNET AND ELECTRONIC PARTNER REVENUE" COLLECTED BY THE
19 COMMISSIONER. FOR THE PURPOSES OF THIS SUBDIVISION, "ENHANCED INTERNET
20 AND ELECTRONIC PARTNER REVENUE" SHALL MEAN THE AMOUNT OF GROSS RECEIPTS
21 ATTRIBUTABLE TO ALL TRANSACTIONS CONDUCTED ON THE INTERNET BY RESIDENTS
22 OF SUCH COUNTY AND BY DESIGNATED PARTNERS OF THE DEPARTMENT ON BEHALF OF
23 SUCH RESIDENTS FOR THE CURRENT CALENDAR YEAR THAT EXCEEDS THE AMOUNT OF
24 SUCH REVENUE COLLECTED BY THE COMMISSIONER DURING CALENDAR YEAR TWO
25 THOUSAND ELEVEN. THE COMMISSIONER SHALL CERTIFY THE AMOUNTS TO BE
26 RETAINED BY EACH COUNTY CLERK PURSUANT TO THIS SUBDIVISION. PROVIDED,
27 HOWEVER, THAT IF THE AGGREGATE AMOUNT OF FEES RETAINED BY COUNTY CLERKS
28 PURSUANT TO THIS SUBDIVISION IN CALENDAR YEARS TWO THOUSAND TWELVE AND
29 TWO THOUSAND THIRTEEN COMBINED EXCEEDS EIGHTY-EIGHT MILLION FIVE HUNDRED
30 THOUSAND DOLLARS, THEN THE PERCENTAGE OF FEES TO BE RETAINED THEREAFTER
31 SHALL BE REDUCED TO A PERCENTAGE THAT, IF APPLIED TO THE FEES COLLECTED
32 DURING CALENDAR YEARS TWO THOUSAND TWELVE AND TWO THOUSAND THIRTEEN
33 COMBINED, WOULD HAVE RESULTED IN AN AGGREGATE RETENTION OF EIGHTY-EIGHT
34 MILLION FIVE HUNDRED THOUSAND DOLLARS OR 2.5 PERCENT OF ENHANCED INTER-
35 NET AND ELECTRONIC PARTNER REVENUE, WHICHEVER IS HIGHER. IF THE AGGRE-
36 GATE AMOUNT OF FEES RETAINED BY COUNTY CLERKS PURSUANT TO THIS SUBDIVI-
37 SION IN CALENDAR YEARS TWO THOUSAND TWELVE AND TWO THOUSAND THIRTEEN
38 COMBINED IS LESS THAN EIGHTY-EIGHT MILLION FIVE HUNDRED THOUSAND
39 DOLLARS, THEN THE PERCENTAGE OF FEES TO BE RETAINED THEREAFTER SHALL BE
40 INCREASED TO A PERCENTAGE THAT, IF APPLIED TO THE FEES COLLECTED DURING
41 CALENDAR YEARS TWO THOUSAND TWELVE AND TWO THOUSAND THIRTEEN COMBINED,
42 WOULD HAVE RESULTED IN AN AGGREGATE RETENTION OF EIGHTY-EIGHT MILLION
43 FIVE HUNDRED THOUSAND DOLLARS, OR SIX PERCENT OF ENHANCED INTERNET AND
44 ELECTRONIC PARTNER REVENUE, WHICHEVER IS LESS. ON AND AFTER APRIL FIRST,
45 TWO THOUSAND SIXTEEN, THE PERCENT OF ENHANCED INTERNET AND ELECTRONIC
46 PARTNER REVENUE TO BE RETAINED BY COUNTY CLERKS SHALL BE THE AVERAGE OF
47 THE ANNUAL PERCENTAGES THAT WERE IN EFFECT BETWEEN APRIL FIRST, TWO
48 THOUSAND TWELVE AND MARCH THIRTY-FIRST, TWO THOUSAND SIXTEEN.

49 S 2. This act shall take effect April 1, 2012.

50

PART G

51 Section 1. Section 2 of the transportation law is amended by adding
52 three new subdivisions 4-a, 23-a and 23-b to read as follows:

1 4-A. "COMMERCIAL MOTOR VEHICLE" MEANS ANY SELF-PROPELLED OR TOWED
2 MOTOR VEHICLE USED ON A HIGHWAY IN INTRASTATE, INTERSTATE OR INTERNA-
3 TIONAL COMMERCE TO TRANSPORT PASSENGERS OR PROPERTY WHEN THE VEHICLE (A)
4 HAS A GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION WEIGHT OF TEN
5 THOUSAND ONE POUNDS OR MORE, WHICHEVER IS GREATER; OR (B) IS DESIGNED OR
6 USED TO TRANSPORT MORE THAN EIGHT PASSENGERS INCLUDING THE DRIVER FOR
7 COMPENSATION; OR (C) IS DESIGNED OR USED TO TRANSPORT MORE THAN FIFTEEN
8 PASSENGERS INCLUDING THE DRIVER AND IS NOT USED TO TRANSPORT PASSENGERS
9 FOR COMPENSATION; OR (D) IS USED IN TRANSPORTING MATERIAL FOUND BY THE
10 UNITED STATES SECRETARY OF TRANSPORTATION TO BE HAZARDOUS UNDER SECTION
11 5103 OF TITLE 49 OF THE UNITED STATES CODE AND TRANSPORTED IN A QUANTITY
12 REQUIRING PLACARDING UNDER REGULATIONS PRESCRIBED BY SUCH SECRETARY
13 UNDER SUBTITLE B, CHAPTER I, SUBCHAPTER C OF TITLE 49 OF THE CODE OF
14 FEDERAL REGULATIONS.

15 23-A. "PRIVATE CARRIER OF PASSENGER BY MOTOR VEHICLE" MEANS ANY PERSON
16 THAT TRANSPORTS PASSENGERS BY COMMERCIAL MOTOR VEHICLE WHICH IS PROVIDED
17 IN THE FURTHERANCE OF A COMMERCIAL ENTERPRISE AND WHICH IS NOT FOR
18 COMPENSATION AND IS NOT AVAILABLE TO THE PUBLIC AT LARGE, IN INTRASTATE,
19 INTERSTATE OR INTERNATIONAL COMMERCE.

20 23-B. "PRIVATE MOTOR CARRIER" MEANS ANY PERSON WHO PROVIDES TRANSPOR-
21 TATION OF PROPERTY OR PASSENGERS BY COMMERCIAL MOTOR VEHICLE FOR A BUSI-
22 NESS PURPOSE AND IS NOT A COMMON OR CONTRACT CARRIER OF PASSENGERS OR
23 PROPERTY BY MOTOR VEHICLE.

24 S 2. Section 140 of the transportation law is amended by adding a new
25 subdivision 10 to read as follows:

26 10. FOR PURPOSES OF THIS SECTION, THE TERMS "EMPLOYEE" AND "EMPLOYER"
27 SHALL HAVE THE SAME MEANINGS AS SUCH TERMS ARE DEFINED BY SECTION 390.5
28 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AS SUCH REGULATIONS ARE
29 AMENDED FROM TIME TO TIME.

30 S 3. Subdivision 1 of section 140 of the transportation law, as added
31 by chapter 635 of the laws of 1983, is amended to read as follows:

32 1. Every common [and], contract AND PRIVATE carrier of passenger by
33 motor vehicle INVOLVED IN INTERSTATE, INTRASTATE, OR INTERNATIONAL
34 COMMERCE DOMICILED IN NEW YORK shall furnish and provide with respect
35 thereto such service and facilities as shall be safe and adequate. Any
36 such carrier shall give immediate notice to the commissioner of every
37 accident to which it shall, in the course of its operations, have been a
38 party.

39 S 4. Subparagraph (ii) of paragraph a of subdivision 2 of section 140
40 of the transportation law, as amended by chapter 602 of the laws of
41 1985, is amended to read as follows:

42 (ii) All MOTOR CARRIERS, PRIVATE MOTOR CARRIERS, EMPLOYEES AND COMMER-
43 CIAL motor vehicles [operated pursuant to or requiring a certificate or
44 permit for the transportation of passengers or property from the inter-
45 state commerce commission or the commissioner] THAT TRANSPORT PROPERTY
46 OR PASSENGERS IN INTRASTATE, INTERSTATE, OR INTERNATIONAL COMMERCE.

47 S 5. Paragraphs b and c of subdivision 2 of section 140 of the trans-
48 portation law, paragraph b as amended by chapter 173 of the laws of 1990
49 and paragraph c as amended by chapter 602 of the laws of 1985, are
50 amended to read as follows:

51 b. [In addition to those vehicles operated pursuant to or requiring a
52 certificate or a permit for the transportation of property from the
53 interstate commerce commission or the commissioner as set forth in
54 subparagraph (ii) of paragraph a of this subdivision, the commissioner
55 shall have the power to adopt rules and regulations governing the safety

1 of operation of other motor vehicles operated for the commercial trans-
2 portation of property.

3 c.] The department shall have the power to examine vehicles, facili-
4 ties and records subject to the provisions of this subdivision, at any
5 time and place where they are found, to ascertain whether such rules and
6 regulations are being obeyed. The rules and regulations of the commis-
7 sioner shall provide for the inspection of all such vehicles, FACILITIES
8 AND RECORDS SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION, at such peri-
9 ods and at such manner as the commissioner may direct, and, when
10 adopted, shall have the full force and effect of law.

11 S 6. Paragraph d of subdivision 2 of section 140 of the transportation
12 law is relettered paragraph c and subparagraph (i) of such paragraph, as
13 added by chapter 173 of the laws of 1990, is amended to read as follows:

14 (i) No MOTOR CARRIER, PRIVATE MOTOR CARRIER, EMPLOYEE OR COMMERCIAL
15 motor vehicle [operated pursuant to or requiring a certificate or a
16 permit for the transportation of property from the interstate commerce
17 commission or the commissioner and no motor vehicle operated for the
18 commercial transportation of property] THAT TRANSPORTS PROPERTY OR
19 PASSENGERS IN INTRASTATE, INTERSTATE, OR INTERNATIONAL COMMERCE shall
20 [be operated] OPERATE in this state unless [it] SUCH MOTOR CARRIER,
21 PRIVATE MOTOR CARRIER, EMPLOYEE OR COMMERCIAL MOTOR VEHICLE is in
22 compliance with the department's safety rules and regulations.

23 S 7. Subdivisions 4 and 5 of section 140 of the transportation law,
24 subdivision 4 as added by chapter 635 of the laws of 1983 and subdivi-
25 sion 5 as amended by chapter 731 of the laws of 1988, are amended to
26 read as follows:

27 4. Each motor vehicle engaged in the interstate OR INTERNATIONAL
28 transportation of passengers operated within the state shall be subject
29 to subdivision three of this section as to the display of the name of
30 the operator thereof, and of such certificate of inspection as to the
31 safety of its appliances, equipment and mechanical operation, as the
32 commissioner may, by rules and regulations require. In respect to such
33 motor vehicle, the commissioner may, in lieu of a certificate of the
34 commissioner, authorize the display of a certificate of inspection
35 issued within a period of [six] TWELVE months last preceding, by a regu-
36 latory body of another state, or a province of Canada, having safety
37 standards determined by the commissioner not to be substantially lower
38 than those prescribed by the commissioner. The rules and regulations to
39 be adopted under this subdivision shall insofar as practicable be
40 uniform and the provisions of the vehicle and traffic law so far as
41 applicable and not in conflict with the provisions of this subdivision,
42 shall continue to apply to all such motor vehicles.

43 5. No motor vehicle with a seating capacity of more than eleven
44 passengers manufactured after December thirty-first, nineteen hundred
45 seventy-five, used in the business of transporting school children for
46 hire or used for the transportation of school children, owned and/or
47 operated by school districts or by any public or private school shall be
48 operated within the state, unless each seat, other than the driver's
49 seat, on such vehicle is equipped with a padded back at least twenty-
50 eight inches in height of a type and specification approved by the
51 commissioner. Any person who operates a motor vehicle in violation of
52 the requirement for such seat backs shall be guilty of a violation,
53 punishable by a fine not exceeding one hundred dollars. The provisions
54 of this subdivision shall not apply to any bus used for the transporta-
55 tion of pupils, teachers and other persons acting in a supervisory
56 capacity to and from school activities and which bus does not receive or

1 discharge passengers on or along the public highways on regularly sched-
2 uled routes and which is being operated pursuant to [a permit or certifi-
3 cate of public convenience and necessity] FOR-HIRE OPERATING AUTHORITY
4 issued by the commissioner or by the [interstate commerce commission]
5 UNITED STATES DEPARTMENT OF TRANSPORTATION. School buses manufactured or
6 assembled prior to April first, nineteen hundred seventy-seven may not
7 be used to transport pupils, teachers and other persons acting in a
8 supervisory capacity to and from school activities.

9 S 8. The closing paragraph of section 151 of the transportation law,
10 as added by chapter 635 of the laws of 1983, is amended to read as
11 follows:

12 For the purposes of this article, the term "sedan" or "sedans" as used
13 herein shall include private passenger automobiles [larger than a
14 conventional sedan and commonly known as a limousine], but shall not
15 include [vans or buses] COMMERCIAL MOTOR VEHICLES WITH A SEATING CAPACI-
16 TY OF ELEVEN PERSONS OR MORE INCLUDING THE DRIVER.

17 S 9. Section 210 of the transportation law, as amended by chapter 488
18 of the laws of 1979, is amended to read as follows:

19 S 210. Application of this article. The term "motor truck" as used in
20 this article shall be deemed to mean and include any COMMERCIAL motor
21 vehicle held and used for the transportation of goods, wares and
22 merchandise for hire or for a business purpose, [including such motor
23 vehicles commonly known as an auto truck or light delivery car] PURSUANT
24 TO THE RULES AND REGULATIONS OF THE COMMISSIONER. The term "motor bus"
25 as used in this article shall be deemed to mean and include any COMMER-
26 CIAL motor vehicle held and used for the transportation of passengers
27 for hire OR FOR A BUSINESS PURPOSE, PURSUANT TO THE RULES AND REGU-
28 LATIONS OF THE COMMISSIONER.

29 S 10. Section 211 of the transportation law, as amended by chapter
30 475 of the laws of 1996, is amended to read as follows:

31 S 211. General provisions. No driver of a motor truck or motor bus
32 shall drive such vehicle or be on duty for any period of time in excess
33 of that authorized pursuant to regulation of the commissioner. The
34 commissioner is hereby authorized to promulgate rules and regulations
35 governing the hours of service of drivers of motor trucks and motor
36 buses. Such rules and regulations shall be no less protective of public
37 safety than the rules and regulations promulgated by the federal govern-
38 ment with respect to hours of labor of operation of motor trucks and
39 motor buses, provided, however, that with regard to drivers of motor
40 buses [operated exclusively in a town or county or] operated by a public
41 transportation authority operating exclusively within its jurisdictional
42 area, the rules and regulations of the commissioner shall provide that
43 no driver of such motor buses shall drive more than twelve hours follow-
44 ing eight consecutive hours off duty and no driver of such motor buses
45 shall drive for any period after having been on duty for fifteen hours
46 following eight consecutive hours off duty and every driver of such
47 motor buses shall have at least twenty-four consecutive hours off duty
48 in every period of seven consecutive days and in no event shall such a
49 driver be on duty for more than seventy-five hours in any period of
50 seven consecutive days.

51 S 11. Section 212 of the transportation law, as added by chapter 342
52 of the laws of 1974, subdivision a as amended by chapter 843 of the laws
53 of 1980, is amended to read as follows:

54 S 212. Records. [a.] Every driver of a motor truck or motor bus shall
55 keep and carry on the vehicle records showing the day and hour when and
56 the place where he went and was released from duty, whether in this

1 state or outside of this state. The commissioner shall prescribe the
2 form of such records and may require such other information to be shown
3 thereon as he shall deem advisable to insure the proper enforcement of
4 this article. Such records shall be exhibited to the commissioner, his
5 representatives, or to any peace officer, acting pursuant to his special
6 duties or police officer who shall demand to see the same and shall be
7 held available for further inspection for a period of sixty days within
8 the state of New York in an office designated by the owner. Failure to
9 produce such records upon demand shall be presumptive evidence of a
10 violation of this article relating to keeping such records. In any pros-
11 ecution for the violation of any of the provisions of this article such
12 records shall be prima facie evidence of the truth of the contents ther-
13 eof.

14 [b. The provisions of this article with reference to the carrying of
15 records on the vehicle shall not apply to the operation of a motor bus
16 or motor buses operated on fixed schedules, but this shall not relieve
17 any corporation, company, association, joint-stock association, partner-
18 ship or person engaged in the operation of a motor bus or motor buses on
19 fixed schedules from the necessity of keeping such records and having
20 them available in an office within the state of New York.]

21 S 12. Section 214 of the transportation law, as added by chapter 342
22 of the laws of 1974, subdivision b as amended by chapter 367 of the laws
23 of 1983 and subdivision d as amended by chapter 302 of the laws of 2005,
24 is amended to read as follows:

25 S 214. Exemptions. a. The [provisions of this article shall not apply
26 in case of accident or act of God, nor when there is delay which was
27 caused by the elements, or a cause not known to the driver or owner or
28 to his or its officers in charge of such operations at the time that
29 such driver left the place where he last went on duty prior to such
30 delays.

31 b. The requirement in this article that every driver of a motor truck
32 or motor bus shall keep and carry on the vehicle records showing the day
33 and hour when, and the place where he went or was released from duty,
34 shall not apply to any driver who drives wholly within a radius of one
35 hundred miles of the garage or terminal at which he reports for work,
36 provided, however, that such records shall be kept at his place of
37 employment.

38 c. The] COMMISSIONER SHALL ADOPT RULES AND REGULATIONS ESTABLISHING
39 WHEN THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY, WHICH RULES AND
40 REGULATIONS SHALL CONFORM, AS APPLICABLE, TO PARAGRAPHS (B) THROUGH (R)
41 OF SECTION 395.1 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS AS SUCH
42 REGULATIONS MAY BE AMENDED FROM TIME TO TIME.

43 B. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF THIS SECTION,
44 THE provisions of this article shall not apply to the [operation of a
45 motor truck or motor bus while being operated exclusively in a city
46 and/or incorporated village, nor to the] operation of a motor truck IN
47 INTRASTATE COMMERCE owned by a farmer and operated by himself or an
48 employee when used in the hauling of farm, dairy, or horticultural
49 products and farm supplies for himself or his farm neighbors to market,
50 creamery, or place of storage[, nor to the operation of wrecking and
51 towing cars], nor to the [operation of federal military vehicles, by
52 members of the army or air national guard, or by federally paid employ-
53 ees of the army or air national guard.

54 d. The provisions of this article shall not apply nor shall hours of
55 service accrue to incidental drivers engaged in the actual restoration
56 or preservation of electric, water, telephone, gas or steam service

1 during an emergency. For a corporation providing electric, water, tele-
2 phone, gas or steam service to avail itself of the exemption provided by
3 this subdivision such electric, water, telephone, gas or steam corpo-
4 ration shall have filed with the department a plan setting forth the
5 procedures such corporation shall follow in emergencies to assure that
6 no incidental driver shall drive if such driver has not had sufficient
7 rest necessary to maintain his or her ability to safely drive. The
8 exemption provided by this subdivision shall not apply to an incidental
9 driver unless such incidental driver is engaged in the actual restora-
10 tion or preservation of electric, water, telephone, gas or steam service
11 during an emergency or such incidental driver shall have had a period of
12 rest consisting of at least eight consecutive hours off duty immediately
13 upon the conclusion of such incidental driver's engagement in the actual
14 restoration or preservation of electric, water, telephone, gas or steam
15 service during the emergency. If an emergency extends for more than
16 twenty-four hours, the electric, water, telephone, gas or steam corpo-
17 ration availing itself of the terms of this subdivision shall notify the
18 department, in writing, that an emergency exists and the expected dura-
19 tion of the emergency. For the purposes of this subdivision, the follow-
20 ing terms shall have the following meanings:

21 (1) "Emergency" is hereby declared to be any unplanned power outage,
22 interruption of service or the imminent risk of such outage or inter-
23 ruption of service to electric, water, telephone, gas or steam service
24 or to transmission or distribution lines, pipes or other related facili-
25 ties or any circumstance under which the public safety is at risk;

26 (2) "Incidental driver" means an employee, contractor or contractor's
27 employee of an electric, water, telephone, gas or steam corporation
28 whose primary employment by, or contractual agreement with, such corpo-
29 ration is not as a driver of a motor vehicle but who drives only as an
30 incidental part of his or her employment or contractual agreement; and

31 (3) "Interruption of service" shall mean a loss of service for a peri-
32 od of time defined in regulation by the department of public service for
33 electric service (as set forth in paragraph (a) of section 97.1 of title
34 sixteen of the official compilation of codes, rules and regulations of
35 the state of New York) and shall, for purposes of this section, apply to
36 electric, water, telephone, natural gas and steam service] OPERATION OF
37 TOW TRUCKS IN INTRASTATE COMMERCE WHILE RESPONDING TO REQUESTS TO
38 PROVIDE ROADSIDE SERVICE OR TO REMOVE WRECKED, DISABLED, ABANDONED OR
39 ILLEGALLY PARKED MOTOR VEHICLES.

40 C. THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY NOR SHALL HOURS OF
41 SERVICE ACCRUE TO A DRIVER OF A UTILITY SERVICE VEHICLE. FOR PURPOSES OF
42 THIS ARTICLE, UTILITY SERVICE VEHICLE MEANS ANY MOTOR TRUCK:

43 (1) USED IN THE FURTHERANCE OF REPAIRING, MAINTAINING, OR OPERATING
44 ANY STRUCTURES OR ANY OTHER PHYSICAL FACILITIES NECESSARY FOR THE DELIV-
45 ERY OF PUBLIC UTILITY SERVICES, INCLUDING THE FURNISHING OF ELECTRIC,
46 GAS OR STEAM SERVICE, WATER, SANITARY SEWER, TELEPHONE, AND TELEVISION
47 CABLE OR COMMUNITY ANTENNA SERVICE;

48 (2) WHILE ENGAGED IN ANY ACTIVITY NECESSARILY RELATED TO THE ULTIMATE
49 DELIVERY OF SUCH PUBLIC UTILITY SERVICES TO CONSUMERS, INCLUDING TRAVEL
50 OR MOVEMENT TO, FROM, UPON, OR BETWEEN ACTIVITY SITES (INCLUDING OCCA-
51 SIONAL TRAVEL OR MOVEMENT OUTSIDE THE SERVICE AREA NECESSITATED BY ANY
52 UTILITY EMERGENCY AS DETERMINED BY THE UTILITY PROVIDER); AND

53 (3) EXCEPT FOR ANY OCCASIONAL EMERGENCY USE, OPERATED PRIMARILY WITHIN
54 THE SERVICE AREA OF A UTILITY'S SUBSCRIBERS OR CONSUMERS, WITHOUT REGARD
55 TO WHETHER THE VEHICLE IS OWNED, LEASED, OR RENTED BY THE UTILITY.

1 S 13. Paragraph (a) of subdivision 1 of section 14-f of the transpor-
2 tation law, as added by chapter 963 of the laws of 1981, subparagraphs 7
3 and 8 as amended and subparagraphs 9, 10 and 11 as added by chapter 186
4 of the laws of 1987, subparagraph 9 as amended by chapter 180 and
5 subparagraph 12 as amended by chapter 190 of the laws of 1989 and the
6 second undesignated paragraph as amended by chapter 402 of the laws of
7 1993, is amended to read as follows:

8 (a) Have the power to make rules and regulations governing transporta-
9 tion of hazardous materials, which shall mean a substance or material in
10 a quantity and form which may pose an unreasonable risk to health and
11 safety or property when transported in commerce, by all modes AS DEFINED
12 BY THE RULES AND REGULATIONS OF THE DEPARTMENT. [For purposes of this
13 section, the term "hazardous materials" shall include the following:

14 (1) "Irritating material" which shall mean a liquid or solid substance
15 which upon contact with fire or when exposed to air gives off dangerous
16 or intensely irritating fumes such as benzylcyande, chloracetophenone,
17 diphenylaminechlorarsine, and diphenyl chlorarsine, but not including
18 any poisonous material, Class A;

19 (2) "Poison A" which shall mean those poisonous gases or liquids of
20 such nature that a small amount of the gas, liquid or vapor of the
21 liquid, when in contact with air is dangerous to life. This class
22 includes the following: bromacetone, cyanogen, cyanogen chloride
23 containing less than 0.9 percent water, diphosgene, ethyldichlorarsine,
24 hydrocyanic acid, methyldichlorarsine, nitrogen peroxide (tetroxide),
25 phosgene (diphosgene), nitrogen tetroxide - nitric oxide mixtures
26 containing up to 33.2 percent weight nitric oxide;

27 (3) "Poison B" which shall mean those substances, liquid or solid
28 (including pastes and semi-solids), other than Class A poisons or irri-
29 tating materials, which are known to be so toxic as to be a hazard to
30 health;

31 (4) "Corrosive materials" which shall mean those acids, alkaline caus-
32 tic liquids and other corrosive liquids or solids which when in contact
33 with living tissue, will cause severe damage of such tissue by chemical
34 action; or in the case of leakage, will materially damage or destroy
35 other freight by chemical action; or are liable to cause fire when in
36 contact with organic matter or with certain chemicals that cause visible
37 destruction or irreversible alteration in human skin tissue at the site
38 of contact;

39 (5) "Oxidizing materials" which shall mean those substances such as a
40 chlorate, permanganate, peroxide, or a nitrate, that yields oxygen read-
41 ily to stimulate the combustion of organic matter;

42 (6) "Flammable solids" which shall mean any solid material, other than
43 one designated an explosive, as further defined in this section, which
44 under conditions incident to transportation, cause fires through fric-
45 tion, through absorption of moisture, through spontaneous chemical
46 changes, or as a result of retained heat from the manufacturing or proc-
47 essing. Included in this class are spontaneously combustible and
48 water-reactive materials;

49 (7) "Flammable liquids" which shall mean any liquid, except any liquid
50 meeting the definition of subparagraph nine, ten or eleven of this para-
51 graph, which gives off flammable vapors below a temperature of one
52 hundred degrees Fahrenheit;

53 (8) "Radioactive materials" which shall mean irradiated nuclear reac-
54 tor fuel and the waste by-products of reprocessed irradiated nuclear
55 reactor fuel and any other material or combination of materials that
56 spontaneously emits ionizing radiation which the commissioner of trans-

portation determines by regulation to present significant potential threat to public health and safety;

(9) "Liquefied compressed gas" which shall mean a gas liquefied through compression and under charged pressure is partially liquid at a temperature of seventy degrees Fahrenheit;

(9) "Regulated medical waste" which shall be defined as provided in subdivision one of section 27-1501 of the environmental conservation law.

(10) "Cryogenic liquid" which shall mean a refrigerated liquefied gas having a boiling point colder than minus one hundred thirty degrees Fahrenheit (minus ninety degrees centigrade) at one atmosphere absolute;

(11) "Flammable compressed gas" which shall mean any material or mixture having in the container an absolute pressure exceeding forty p.s.i. at seventy degrees Fahrenheit, or, regardless of the pressure at seventy degrees Fahrenheit, having an absolute pressure exceeding one hundred four p.s.i. at one hundred thirty degrees Fahrenheit, or any liquid flammable material having a vapor pressure exceeding forty p.s.i. absolute at one hundred degrees Fahrenheit as determined by ASTM test D-323, if any one of the following occurs:

(i) either a mixture of thirteen percent or less, (by volume) with air forms a flammable mixture or the flammable range with air is wider than twelve percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure;

(ii) using the bureau of explosives, association of American railroads flame projection apparatus, the flame projects more than eighteen inches beyond the ignition source with valve open fully, or, the flame flashes back and burns at the valve with any degree of valve opening;

(iii) using the bureau of explosives, association of American railroads open drum apparatus, there is any significant propagation of flame away from the ignition source;

(iv) using the bureau of explosives, association of American railroads close drum apparatus, there is any explosion of the vapor-air mixture in the drum; and

(12) Other identical or similar substances which shall from time to time be identified by the commissioner of transportation by rules and regulations promulgated pursuant to this section as being hazardous materials, provided, however, that this section shall not apply to the regular military or naval forces of the United States; nor to the duly authorized militia of any state or territory thereof; nor to the police or fire departments of this state, or of its counties, cities, towns, villages, agencies or instrumentalities, providing the same are acting within their official capacity and in the performance of their duties.]

Such rules and regulations shall be no less protective of public safety than the rules and regulations promulgated by the federal government with respect to the transportation of hazardous materials. The regulations shall set forth the criteria for identifying and listing, and a list of hazardous materials subject to this section as may be amended by the commissioner of transportation from time to time in a manner consistent with the state administrative procedure act and consistent with [this section] THOSE SUBSTANCES AND MATERIALS DESIGNATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION AS HAZARDOUS UNDER SECTION 5103 OF TITLE 49 OF THE UNITED STATES CODE AS AMENDED FROM TIME TO TIME, INCLUDING THOSE DESIGNATED AS HAZARDOUS IN THE HAZARDOUS MATERIALS TABLE SET FORTH IN SECTION 172.101 AND MATERIALS THAT MEET THE DEFINING CRITERIA FOR HAZARD CLASSES AND DIVISIONS IN PART 173 OF SUBCHAPTER C OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS AS AMENDED FROM TIME TO

1 TIME. Such regulations shall include specifications for marking and
2 placarding of vehicles transporting hazardous materials as will be
3 applied pursuant to paragraph (a) of subdivision three of this section.
4 The regulations promulgated hereunder shall include notice that a
5 violation of the rules and regulations is subject to a fine or a period
6 of imprisonment, and the rules and regulations shall set forth the
7 penalty provisions contained in subdivision four of this section.
8 Provided, however, that all local laws or ordinances, except those of
9 cities having a population of one million or more, regulating the trans-
10 portation of flammable liquids in trucks, trailers or semi-trailers, are
11 hereby superseded and without force and hereafter no such local law or
12 ordinance shall be adopted to regulate or control the equipment or means
13 of transporting flammable liquids in trucks, trailers or semi-trailers.

14 For the purposes of this section, a "vehicle" shall mean every device
15 in which property may be transported upon a highway, stationary rails or
16 tracks, or on the navigable waterways of the state.

17 S 14. Subdivision 3 of section 14-g of the transportation law, as
18 amended by chapter 921 of the laws of 1983, is amended to read as
19 follows:

20 3. For the purposes of this section, the term "intercity bus passenger
21 service" shall mean transportation provided to the public on a regular
22 and continuing basis by a person, firm, or corporation authorized to
23 transport passengers in interstate commerce by the [interstate commerce
24 commission] UNITED STATES DEPARTMENT OF TRANSPORTATION or in intrastate
25 commerce by the state department of transportation that is primarily
26 intended to satisfy longer distance travel demand between cities, and
27 villages and unincorporated urban places that have a population of two
28 thousand five hundred or more. Such term does not include services that
29 are primarily local or commuter oriented in nature.

30 S 15. Subdivisions 1-a, 1-b and 2 of section 18 of the transportation
31 law, as amended by chapter 199 of the laws of 1987, are amended to read
32 as follows:

33 1-a. The department of transportation is hereby designated the offi-
34 cial state agency to receive all notifications from the [federal inter-
35 state commerce commission] UNITED STATES DEPARTMENT OF TRANSPORTATION or
36 any other federal or state agency in regard to discontinuance of service
37 or railroad property abandonment proceedings, including notification of
38 applications from railroad companies for any such purposes.

39 1-b. The department of transportation shall promptly inform in writing
40 all interested state agencies, transportation authorities, and every
41 county, city, town and village in which such property is located and the
42 appropriate entity designated by the governor pursuant to title IV of
43 the federal intergovernmental cooperation act of nineteen hundred
44 sixty-eight and the federal office of management and budget circular
45 A-98 of (a) the issuance of any certificate from the [federal interstate
46 commerce commission] UNITED STATES DEPARTMENT OF TRANSPORTATION or other
47 federal or state agency authorizing discontinuance of railroad service
48 or abandonment of railroad transportation property, (b) approval of
49 discontinuance of service or a determination of abandonment of railroad
50 transportation property pursuant to this section, and (c) the receipt of
51 an application to release a preferential acquisition right to railroad
52 transportation property pursuant to this section.

53 2. For the purposes of this section, property shall be deemed to be
54 abandoned for railroad transportation purposes (a) when, where required
55 by law, a certificate of abandonment of the railroad line situate there-
56 on has been issued by the [interstate commerce commission] UNITED STATES

1 DEPARTMENT OF TRANSPORTATION and/or any other federal or state agency
2 having jurisdiction thereof; or (b) when such a certificate of abandon-
3 ment is not so required and the use of such property for railroad trans-
4 portation purposes has been discontinued with the intent not to resume.
5 Intent not to resume may be inferred from circumstances. Non-use of the
6 property for railroad transportation purposes for two consecutive years
7 shall create a presumption of abandonment. When use of such property
8 for railroad transportation purposes has been discontinued and upon
9 request of the property owner or his own motion, the commissioner shall
10 undertake an investigation thereof, which may include consultation with
11 the [interstate commerce commission] UNITED STATES DEPARTMENT OF TRANS-
12 PORTATION, and shall render a determination as to whether or not (a) the
13 property owner has definite plans for the use of such property for
14 purposes ordinarily associated with the safe and normal operation of a
15 railroad or associated transportation purposes; (b) such property
16 continues to be suitable for such railroad transportation purposes; and
17 (c) such property is necessary, either presently or in the future, for
18 such railroad transportation purposes. Such property shall be deemed to
19 be abandoned for railroad transportation purposes if the commissioner
20 shall determine that (a) the property owner has no definite plans for
21 the use of such property for purposes ordinarily associated with the
22 safe and normal operation of a railroad or associated transportation
23 purposes; or (b) such property is no longer suitable for such railroad
24 transportation purposes; and (c) such property is not necessary, either
25 presently or in the future, for such railroad transportation purposes.
26 The commissioner shall render such determination within ninety days
27 after the commencement of such investigation and such determination
28 shall be conclusive except that if the property is determined not to be
29 so abandoned such determination shall not preclude the undertaking of a
30 subsequent investigation concerning the same property. Sales of aban-
31 doned railroad transportation property for continued or resumed rail
32 transportation use may be exempted at the commissioner's discretion from
33 the preferential right of acquisition. This section shall not apply to
34 the subsequent resale of property lawfully acquired subject to the
35 provisions of this section as then applicable, except when the subse-
36 quent sale involves property previously exempted from this section by
37 the commissioner.

38 S 16. Section 98 of the transportation law, as added by chapter 267 of
39 the laws of 1970, is amended to read as follows:

40 S 98. Tariff schedules; publication. Every common carrier shall file
41 with the commissioner and shall print and keep open to public inspection
42 schedules showing the rates, fares and charges for the transportation of
43 passengers and property within the state between each point upon its
44 route and all other points thereon; and between each point upon its
45 route and all points upon every route leased, operated or controlled by
46 it; and between each point on its route or upon any route leased, oper-
47 ated or controlled by it and all points upon the route of any other
48 common carrier, whenever a through route and joint rate shall have been
49 established or ordered between any two such points. If no joint rate
50 over a through route has been established, the several carriers in such
51 through route shall file, print and keep open to public inspection, as
52 aforesaid, the separately established rates, fares and charges applied
53 to the through transportation. The schedules printed as aforesaid shall
54 plainly state the places between which property and passengers will be
55 carried, and shall also contain the classification of passengers or
56 property in force, and shall also state separately all terminal charges,

1 storage charges, icing charges, and all other charges which the commis-
2 sioner may require to be stated, all privileges or facilities granted or
3 allowed, and any rules or regulations which may in anywise change,
4 affect or determine any part, or the aggregate of, such aforesaid rates,
5 fares and charges, or the value of the service rendered to the passen-
6 ger, shipper or consignee. Such schedules shall be plainly printed in
7 large type, and a copy thereof shall be kept by every such carrier read-
8 ily accessible to and for convenient inspection by the public in every
9 station or office of such carrier where passengers or property are
10 respectively received for transportation, when such station or office is
11 in charge of an agent, and in every station or office of such carrier
12 where passenger tickets for transportation or tickets covering sleeping
13 or parlor car or other train accommodation are sold or bills of lading
14 or receipts for property are issued. All or any of such schedules kept
15 as aforesaid shall be immediately produced by such carrier for
16 inspection upon the demand of any person. A notice printed in bold type
17 and stating that such schedules are on file with the agent and open to
18 inspection by any person and that the agent will assist any such person
19 to determine from such schedules any transportation rates or fares or
20 rules or regulations which are in force shall be kept posted by the
21 carrier in two public and conspicuous places in every such station or
22 office. The form of every such schedule shall be prescribed by the
23 commissioner and shall conform in the case of railroad company as nearly
24 as may be to the form of schedule required by the [interstate commerce
25 commission] UNITED STATES DEPARTMENT OF TRANSPORTATION under the act of
26 congress entitled "An act to regulate commerce," approved February
27 fourth, eighteen hundred and eighty-seven and the acts amendatory there-
28 of and supplementary thereto. The commissioner shall have power, from
29 time to time, in his discretion, to determine and prescribe by order
30 such changes in the form of such schedules as may be found expedient,
31 and to modify the requirements of this section in respect to publishing,
32 posting and filing of schedules either in particular instances or by
33 general order applicable to special or peculiar circumstances or condi-
34 tions.

35 S 17. Section 126 of the transportation law, as added by chapter 267
36 of the laws of 1970, is amended to read as follows:

37 S 126. Uniform system of accounts; access to accounts; forfeitures.
38 The commissioner may, whenever he deems advisable, establish a system of
39 accounts to be used by common carriers which are subject to his super-
40 vision, or may classify the said carriers and prescribe a system of
41 accounts for each class, and may prescribe the manner in which such
42 accounts shall be kept. He may also in his discretion prescribe the
43 forms of accounts, records and memoranda to be kept by such carriers,
44 including the accounts, records and memoranda of the movement of traffic
45 as well as the receipts and expenditures of moneys. Notice of alter-
46 ations by the commissioner in the required method or form of keeping a
47 system of accounts shall be given to such persons or carriers by the
48 commissioner at least six months before the same are to take effect. The
49 system of accounts established by the commissioner and the forms of
50 accounts, records and memoranda prescribed by him as provided above
51 shall conform in the case of railroad companies as nearly as may be to
52 those from time to time established and prescribed by the [interstate
53 commerce commission] UNITED STATES DEPARTMENT OF TRANSPORTATION under
54 the provisions of the act of congress entitled "An act to regulate
55 commerce" approved February fourth, eighteen hundred eighty-seven, and
56 the acts amendatory thereof or supplementary thereto. The commissioner

1 shall at all times have access to all accounts, records and memoranda
2 kept by common carriers and may designate any officers or employees of
3 the department who shall thereupon have authority under the order of the
4 commissioner to inspect and examine any and all accounts, records and
5 memoranda kept by such carriers. The commissioner may, after hearing,
6 prescribe by order the accounts in which particular outlays and receipts
7 shall be entered, charged or credited. At any such hearing the burden of
8 proof shall be on the common carrier to establish the correctness of the
9 accounts in which such outlays and receipts have been entered, and the
10 commissioner may suspend a charge or credit pending submission of proof
11 by such carrier. Where the commissioner has prescribed the forms of
12 accounts, records and memoranda to be kept by such carriers it shall be
13 unlawful for them to keep any other accounts, records or memoranda than
14 those so prescribed, or those prescribed by or under authority of the
15 United States.

16 S 18. Section 134 of the transportation law, as added by chapter 267
17 of the laws of 1970, is amended to read as follows:

18 S 134. Duties of commissioner as to interstate traffic. The commis-
19 sioner may investigate interstate freight or passenger rates or inter-
20 state freight or passenger service on railroads within the state, and
21 when such rates are, in the opinion of the commissioner, excessive or
22 discriminatory or are levied or laid in violation of the act of congress
23 entitled "An act to regulate commerce," approved February fourth, eigh-
24 teen hundred and eighty-seven, and the acts amendatory thereof and
25 supplementary thereto, or in conflict with the rulings, orders or regu-
26 lations of the [interstate commerce commission] UNITED STATES DEPARTMENT
27 OF TRANSPORTATION, the commissioner may apply by petition to the [inter-
28 state commerce commission] UNITED STATES DEPARTMENT OF TRANSPORTATION
29 for relief or may present to the [interstate commerce commission] UNITED
30 STATES DEPARTMENT OF TRANSPORTATION all facts coming to his knowledge,
31 as to violations of the rulings, orders, or regulations of that commis-
32 sion or as to violations of the said act to regulate commerce or acts
33 amendatory thereof or supplementary thereto.

34 S 19. The opening paragraph of section 432 of the transportation law,
35 as amended by chapter 385 of the laws of 1994 and as further amended by
36 section 1 of part W of chapter 56 of the laws of 2010, is amended to
37 read as follows:

38 The level of railroad participation in the program for the period
39 nineteen hundred eighty-seven through nineteen hundred ninety-one shall
40 depend on the estimated tax abatement as computed by the commissioner of
41 taxation and finance pursuant to either subdivision (c) of section four
42 hundred eighty-nine-j or subdivision (c) of section four hundred eight-
43 y-nine-hh of the real property tax law. The nature of railroad partic-
44 ipation in the program, as set forth below, shall be based on the rail-
45 road's economic or exemption factor under title two-A and title two-B of
46 article four of the real property tax law, as applicable, and the rail-
47 road's size classification as determined by the [interstate commerce
48 commission] UNITED STATES DEPARTMENT OF TRANSPORTATION, based on rail-
49 road system gross revenues. Regardless of the level of their partic-
50 ipation, all railroads shall annually certify to the commissioner that
51 to the best of their knowledge and belief such railroads are in substan-
52 tial compliance with the terms and conditions of any contracts they may
53 have with the department.

54 S 20. The opening paragraph of subdivision 1 of section 1690 of the
55 vehicle and traffic law, as amended by chapter 420 of the laws of 2001,
56 is amended to read as follows:

1 Notwithstanding any other provision of law, where the trial of a traf-
2 fic or parking infraction is authorized or required to be tried before
3 the Nassau county district court, and such traffic and parking infrac-
4 tion does not constitute a misdemeanor, felony, violation of subdivision
5 one of section eleven hundred ninety-two, subdivision five of section
6 eleven hundred ninety-two, section three hundred ninety-seven-a, or
7 subdivision (g) of section eleven hundred eighty of this chapter, or a
8 violation of paragraph (b) of subdivision four of section fourteen-f or
9 clause (b) of subparagraph (iii) of paragraph [d] C of subdivision two
10 of section one hundred forty of the transportation law, or any offense
11 that is part of the same criminal transaction, as that term is defined
12 in subdivision two of section 40.10 of the criminal procedure law, as
13 such a misdemeanor, felony, violation of subdivision one of section
14 eleven hundred ninety-two, subdivision two of section eleven hundred
15 ninety-two, section three hundred ninety-seven-a or subdivision (g) of
16 section eleven hundred eighty of this chapter, or a violation of para-
17 graph (b) of subdivision four of section fourteen-f or clause (b) of
18 subparagraph (iii) of paragraph d of subdivision two of section one
19 hundred forty of the transportation law, the administrative judge of the
20 county in which the trial court is located, may assign judicial hearing
21 officers to conduct such a trial. Such judicial hearing officers shall
22 be village court justices or retired judges either of which shall have
23 at least two years of experience conducting trials of traffic and park-
24 ing violations cases and shall be admitted to practice law in this
25 state. Where such assignment is made, the judicial hearing officer shall
26 entertain the case in the same manner as a court and shall:

27 S 21. Subdivision 2 of section 371 of the general municipal law, as
28 amended by chapter 19 of the laws of 2009, is amended to read as
29 follows:

30 2. The Nassau county traffic and parking violations agency, as estab-
31 lished, may be authorized to assist the Nassau county district court in
32 the disposition and administration of infractions of traffic and parking
33 laws, ordinances, rules and regulations and the liability of owners for
34 violations of subdivision (d) of section eleven hundred eleven of the
35 vehicle and traffic law in accordance with section eleven hundred
36 eleven-b of such law, except that such agency shall not have jurisdic-
37 tion over (a) the traffic infraction defined under subdivision one of
38 section eleven hundred ninety-two of the vehicle and traffic law; (b)
39 the traffic infraction defined under subdivision five of section eleven
40 hundred ninety-two of the vehicle and traffic law; (c) the violation
41 defined under paragraph (b) of subdivision four of section fourteen-f of
42 the transportation law and the violation defined under clause (b) of
43 subparagraph (iii) of paragraph [d] C of subdivision two of section one
44 hundred forty of the transportation law; (d) the traffic infraction
45 defined under section three hundred ninety-seven-a of the vehicle and
46 traffic law and the traffic infraction defined under subdivision (g) of
47 section eleven hundred eighty of the vehicle and traffic law; (e) any
48 misdemeanor or felony; or (f) any offense that is part of the same crim-
49 inal transaction, as that term is defined in subdivision two of section
50 40.10 of the criminal procedure law, as a violation of subdivision one
51 of section eleven hundred ninety-two of the vehicle and traffic law, a
52 violation of subdivision five of section eleven hundred ninety-two of
53 the vehicle and traffic law, a violation of paragraph (b) of subdivision
54 four of section fourteen-f of the transportation law, a violation of
55 clause (b) of subparagraph (iii) of paragraph d of subdivision two of
56 section one hundred forty of the transportation law, a violation of

1 section three hundred ninety-seven-a of the vehicle and traffic law, a
2 violation of subdivision (g) of section eleven hundred eighty of the
3 vehicle and traffic law or any misdemeanor or felony.

4 S 22. Subdivision 1 of section 27-1321 of the environmental conserva-
5 tion law, as added by chapter 915 of the laws of 1983, is amended to
6 read as follows:

7 1. Notwithstanding any other provision of law to the contrary, any
8 person who is, by professional training or experience and attainment,
9 qualified to analyze and interpret matters pertaining to the treatment,
10 storage, disposal, or transport of hazardous materials or hazardous
11 wastes, and who voluntarily and without expectation of monetary compen-
12 sation provides assistance or advice in mitigating the effects of an
13 accidental or threatened discharge of any hazardous materials or hazard-
14 ous wastes, or in preventing, cleaning up, or disposing of any such
15 discharge, shall not be subject to a penalty or to civil liability for
16 damages or injuries alleged to have been sustained by any person or
17 entity by reason of an act or omission in the giving of such assistance
18 or advice. For the purposes of this section, the term "hazardous materi-
19 als" shall have the same meaning [given] AS that term [in subdivision
20 one of] IS DEFINED IN REGULATIONS PROMULGATED BY THE COMMISSIONER OF
21 TRANSPORTATION PURSUANT TO section fourteen-f of the transportation law,
22 and the term "hazardous wastes" shall mean those wastes identified or
23 listed pursuant to section 27-0903 of this article and any rules and
24 regulations promulgated thereunder.

25 S 23. Subdivision 1 of section 156-a of the executive law, as amended
26 by section 1 of part D of chapter 1 of the laws of 2004, is amended to
27 read as follows:

28 1. The state fire administrator shall[, in his or her discretion,
29 consult with the fire fighting and code enforcement personnel standards
30 and education commission established pursuant to section one hundred
31 fifty-nine-a of this article, to] establish a specialized hazardous
32 materials emergency response training program for individuals responsi-
33 ble for providing emergency response recovery following incidents
34 involving hazardous materials as SUCH TERM IS defined in [accordance
35 with] REGULATIONS PROMULGATED BY THE COMMISSIONER OF TRANSPORTATION
36 PURSUANT TO section fourteen-f of the transportation law. The state fire
37 administrator shall inform all fire companies, municipal corporations
38 and districts, including agencies and departments thereof and all fire-
39 fighters, both paid and volunteer, and related officers and employees
40 and police officers of the implementation and availability of the
41 hazardous materials emergency response training program and shall,
42 subject to the availability of an appropriation, conduct such training
43 with sufficient frequency to assure adequate response to incidents
44 involving hazardous materials and protection of responders in all
45 geographic areas of the state.

46 S 24. This act shall take effect immediately; provided, however that
47 the amendments to subdivision 2 of section 371 of the general municipal
48 law, made by section twenty-one of this act shall not affect the expira-
49 tion of such section and shall be deemed to expire therewith.

50

PART H

51 Section 1. Subdivisions 1 and 2 of section 11-0515 of the environ-
52 mental conservation law, as amended by chapter 528 of the laws of 1986,
53 are amended to read as follows:

1 1. The department may issue to any person a license revocable at its
2 pleasure to collect or possess fish, wildlife, shellfish, crustacea, OR
3 aquatic insects, birds' nests or eggs for propagation, banding, scien-
4 tific or exhibition purposes. The department in its discretion may
5 require an applicant to pay a license fee of ten dollars, [to submit
6 written testimonials from two well-known persons] and to file a bond of
7 two hundred dollars to be approved by the department that he OR SHE will
8 not violate any provisions of this article. Each licensee shall file
9 with the department [on or before February 1] a report [of his oper-
10 ations during the preceding calendar year] CONTAINING SUCH INFORMATION
11 AS THE DEPARTMENT MAY REQUIRE. Such license shall be [effective until
12 revoked] IN FORCE FOR ONE YEAR ONLY AND SHALL NOT BE TRANSFERABLE.

13 2. The department may also issue a license revocable at its pleasure
14 to possess and sell protected fish, wildlife, shellfish, crustacea or
15 aquatic insects for propagation, scientific or exhibition purposes. The
16 department in its discretion may require a license fee of ten dollars.
17 Such license shall be in force for one year only and shall not be trans-
18 ferable. Each licensee shall [make] FILE WITH THE DEPARTMENT a report
19 [of his or her operations at the expiration of the license] CONTAINING
20 SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE. Fish, wildlife, shellf-
21 ish, crustacea or aquatic insects lawfully possessed under this section
22 may be sold at any time by the licensee for propagation, scientific or
23 exhibition purposes only.

24 S 2. Subdivision 1 of section 11-0521 of the environmental conserva-
25 tion law, as amended by chapter 600 of the laws of 1993, is amended to
26 read as follows:

27 1. The department may direct any environmental conservation officer,
28 or issue a permit to any person, to take any wildlife at any time when-
29 ever it becomes a nuisance, destructive to public or private property or
30 a threat to public health or welfare, provided, however, that where such
31 wildlife is a bear, no such permit shall be issued except upon proof of
32 damage to such property or threat to public health or safety presented
33 to the department. Upon presentation of such proof, the department may
34 issue a permit authorizing the use of trained tracking dogs pursuant to
35 section 11-0928 of this article, and, if the department has determined
36 that no other alternative is feasible, a separate permit to take the
37 bear. Wildlife so taken shall be disposed of as the department may
38 direct. ANY PERSON, AGENCY, CORPORATION OR MUNICIPALITY WHO OBTAINS A
39 MIGRATORY BIRD DEPREDATION PERMIT OR ORDER ISSUED BY THE FEDERAL DEPART-
40 MENT OF THE INTERIOR PURSUANT TO 50 C.F.R. 13 AND 50 C.F.R. 21, AS MAY
41 BE AMENDED FROM TIME TO TIME, SHALL NOT BE REQUIRED TO OBTAIN A PERMIT
42 FROM THE DEPARTMENT TO CONDUCT THE AUTHORIZED ACTIVITIES.

43 S 3. Subdivisions 6 and 9 of section 11-0523 of the environmental
44 conservation law, subdivision 6 as added by chapter 911 of the laws of
45 1990 and subdivision 9 as amended by chapter 114 of the laws of 1981,
46 are amended to read as follows:

47 6. Raccoons, MUSKRATS, coyotes or fox injuring private property may be
48 taken by the owner, occupant or lessee thereof, or an employee or family
49 member of such owner, occupant or lessee, at any time in any manner.

50 9. Varying hares, cottontail rabbits, skunks, black, grey and fox
51 squirrels, raccoons, MUSKRATS, opossums or weasels taken pursuant to
52 this section in the closed season or in a manner not permitted by
53 section 11-0901 shall be immediately buried or cremated. No person shall
54 possess or traffic in such skunks or raccoons or the pelts thereof or in
55 such varying hares or cottontail rabbits or the flesh thereof.

1 S 4. Subdivision 4 of section 11-0524 of the environmental conserva-
2 tion law, as added by chapter 265 of the laws of 2002, is amended to
3 read as follows:

4 4. The fee for a nuisance wildlife control operator license shall be
5 fifty dollars paid annually to be deposited in the conservation fund
6 established pursuant to section eighty-three of the state finance law,
7 PROVIDED, HOWEVER, THAT A MUNICIPALITY SHALL NOT BE SUBJECT TO THIS FEE.

8 S 5. Subdivisions 3 and 4 of section 11-0927 of the environmental
9 conservation law are amended to read as follows:

10 3. Wild game shall not be taken by shooting or otherwise killed in the
11 course of a field trial. Other game on which a field trial may be held
12 as provided in this section may be taken by shooting in the course of a
13 field trial, except a field trial held on a licensed dog training area,
14 provided a license for such shooting has been procured from the depart-
15 ment. Game so taken shall be immediately [tagged for identification with
16 seals, to be supplied to the licensee] IDENTIFIED ON FORMS PROVIDED by
17 the department [at the price of five cents each, and such seals shall
18 not be removed] until the game is finally prepared for consumption.

19 4. Game so [tagged] IDENTIFIED may be possessed, transported, bought
20 and sold at any time, without limitation by section 11-0917 OF THIS
21 ARTICLE.

22 S 6. Subdivision 2 of section 11-0931 of the environmental conserva-
23 tion law, as amended by chapter 483 of the laws of 2010, is amended to
24 read as follows:

25 2. No firearm or crossbow except a pistol or revolver shall be carried
26 or possessed in or on a motor vehicle unless it is unloaded, for a
27 firearm in both the chamber and the magazine, except that a loaded
28 firearm which may be legally used for taking migratory game birds may be
29 carried or possessed in a motorboat while being legally used in hunting
30 migratory game birds, and no person except a law enforcement officer in
31 the performance of his official duties shall, while in or on a motor
32 vehicle, use a jacklight, spotlight or other artificial light upon lands
33 inhabited by deer if he is in possession or is accompanied by a person
34 who is in possession, at the time of such use, of a longbow, crossbow or
35 a firearm of any kind except a pistol or revolver, unless such longbow
36 is unstrung or such firearm or crossbow is taken down or securely
37 fastened in a case or locked in the trunk of the vehicle. For purposes
38 of this subdivision, motor vehicle shall mean every vehicle or other
39 device operated by any power other than muscle power, and which shall
40 include but not be limited to automobiles, trucks, motorcycles, trac-
41 tors, trailers and motorboats, snowmobiles and snowtravelers, whether
42 operated on or off public highways. Notwithstanding the provisions of
43 this subdivision, the department may issue a permit to any person who is
44 non-ambulatory, except with the use of a mechanized aid, to possess a
45 loaded firearm in or on a motor vehicle as defined in this section,
46 subject to such restrictions as the department may deem necessary in the
47 interest of public safety[, and for a fee of five dollars]. Nothing in
48 this section permits the possession of a pistol or a revolver contrary
49 to the penal law.

50 S 7. Subdivision 2 of section 11-0931 of the environmental conserva-
51 tion law, as amended by section 50 of part F of chapter 82 of the laws
52 of 2002, is amended to read as follows:

53 2. No firearm except a pistol or revolver shall be carried or
54 possessed in or on a motor vehicle unless it is unloaded in both the
55 chamber and the magazine, except that a loaded firearm which may be
56 legally used for taking migratory game birds may be carried or possessed

1 in a motorboat while being legally used in hunting migratory game birds,
2 and no person except a law enforcement officer in the performance of his
3 official duties shall, while in or on a motor vehicle, use a jacklight,
4 spotlight or other artificial light upon lands inhabited by deer if he
5 is in possession or is accompanied by a person who is in possession, at
6 the time of such use, of a longbow, crossbow or a firearm of any kind
7 except a pistol or revolver, unless such longbow is unstrung or such
8 firearm is taken down or securely fastened in a case or locked in the
9 trunk of the vehicle. For purposes of this subdivision, motor vehicle
10 shall mean every vehicle or other device operated by any power other
11 than muscle power, and which shall include but not be limited to automo-
12 biles, trucks, motorcycles, tractors, trailers and motorboats, snowmo-
13 biles and snowtravelers, whether operated on or off public highways.
14 Notwithstanding the provisions of this subdivision, the department may
15 issue a permit to any person who is non-ambulatory, except with the use
16 of a mechanized aid, to possess a loaded firearm in or on a motor vehi-
17 cle as defined in this section, subject to such restrictions as the
18 department may deem necessary in the interest of public safety[, and for
19 a fee of five dollars]. Nothing in this section permits the possession
20 of a pistol or a revolver contrary to the penal law.

21 S 8. Section 11-1003 of the environmental conservation law, as amended
22 by section 51 of part F of chapter 82 of the laws of 2002, is amended to
23 read as follows:

24 S 11-1003. Falconry license.

25 Any resident of this state may be issued a falconry license. The
26 department shall prescribe and furnish forms for application for such
27 license. The fee for the license shall be [twenty] FORTY dollars.
28 Falconry licenses shall expire on December 31 every [second] FIFTH year
29 and shall be renewable at the discretion of the department. A falconry
30 license shall authorize the licensee to obtain, buy, sell, barter,
31 possess and train raptors for falconry and to engage in falconry,
32 provided that no game shall be taken or killed except during an open
33 season therefor, and further provided that such licensee shall also
34 possess a license pursuant to this chapter which authorizes the holder
35 to hunt wildlife. Any non-resident, who legally possesses a raptor
36 where he or she resides and who may legally engage in falconry where he
37 or she resides, may engage in falconry in New York without a falconry
38 license provided he or she possesses a valid non-resident hunting
39 license.

40 S 9. Section 11-1721 of the environmental conservation law, subdivi-
41 sion 2 as amended by chapter 528 of the laws of 1986, is amended to read
42 as follows:

43 S 11-1721. [Tagging] IDENTIFICATION of carcasses and parts thereof.

44 1. The provisions of this section apply to carcasses and parts thereof
45 of

46 a. domestic game killed on the premises of the holder of a domestic
47 game bird breeder's license PURSUANT TO SECTION 11-1901 OF THIS ARTICLE,
48 domestic game animal breeder's license PURSUANT TO SECTION 11-1905 OF
49 THIS ARTICLE or shooting preserve license PURSUANT TO SECTION 11-1903 OF
50 THIS ARTICLE;

51 b. [domestic game raised outside the state on the premises of a holder
52 of a certificate under section 11-1715, subdivision 1;

53 c. foreign game imported from outside the United States;

54 d. wild deer (other than white-tailed deer), moose, elk, caribou and
55 antelope, coming from outside the state, imported pursuant to section
56 11-1711;

1 e.] bear possessed under license pursuant to section 11-0515 OF THIS
2 ARTICLE or outside the state under a license similar in principle and
3 killed for food purposes[, and bought and sold for such purpose under
4 permit from the department pursuant to section 11-1713];

5 [f.] C. trout, black bass, lake trout, landlocked salmon, muskellunge,
6 pike, pickerel and walleye taken from fishing preserve waters licensed
7 pursuant to section 11-1913 OF THIS ARTICLE.

8 2. All such [game] CARCASSES AND PARTS shall be [tagged] IDENTIFIED
9 with a [tag or seal, which shall be supplied] FORM PROVIDED by the
10 department [for a fee of five cents for each tag or seal. The tag or
11 seal shall be affixed to each game bird, and in the case of foreign game
12 shall be affixed to the breast skin, and to the flesh of each quarter
13 and loin of other game, and shall remain so affixed until the game is
14 finally prepared for consumption. Trout, black bass, lake trout, land-
15 locked salmon, muskellunge, pike, pickerel and walleye taken from fish-
16 ing preserve waters licensed pursuant to section 11-1913 shall be tagged
17 as prescribed by the department, with a seal, which shall be supplied by
18 the department for a fee of five cents for each seal].

19 3. [Domestic game killed in this state] CARCASSES AND PARTS shall not
20 be possessed unless [tagged] ACCOMPANIED BY A FORM PROVIDED BY THE
21 DEPARTMENT as required by this section. [Foreign game imported from
22 outside the United States and domestic and wild game coming from outside
23 the state shall be tagged before it is brought into the state or imme-
24 diately upon its receipt within this state by the consignee.

25 4. No person shall counterfeit any seal or tag issued by the depart-
26 ment. No person shall attach such a tag to game which is not game
27 described in subdivision 1, nor attach to any game described in subdivi-
28 sion 1 a tag or seal other than the tag or seal prescribed by the
29 department for the tagging of such game.]

30 S 10. Section 11-1723 of the environmental conservation law is amended
31 to read as follows:

32 S 11-1723. Sale of game and trout; transportation within the state.

33 1. a. Except as provided in paragraph b, game and trout required by
34 section 11-1721 OF THIS TITLE to be [tagged, when so tagged] IDENTIFIED,
35 may be possessed, bought and sold, and subject to section 11-1725 OF
36 THIS TITLE may be transported within and from within to without the
37 state by any means.

38 b. No domestic duck, goose, brant or swan killed by shooting shall be
39 bought or sold unless marked [by having had the hind toe of the right
40 foot removed as provided in subdivision 5 of section 11-1901] IN ACCORD-
41 ANCE WITH REQUIREMENTS SET FORTH IN RULES AND REGULATIONS ESTABLISHED BY
42 THE DEPARTMENT OF THE INTERIOR PURSUANT TO 50 C.F.R. 21 AS MAY BE
43 AMENDED FROM TIME TO TIME. SUCH INFORMATION SHALL BE PROVIDED BY
44 DEPARTMENT PRESS RELEASE AND ANY OTHER MEANS THAT THE DEPARTMENT DETER-
45 MINES TO BE APPROPRIATE AND EFFECTIVE, INCLUDING POSTING ON THE DEPART-
46 MENT'S PUBLIC WEBSITE.

47 2. No person shall sell or offer for sale any such game or trout
48 unless it is so [tagged] IDENTIFIED.

49 S 11. Section 11-1725 of the environmental conservation law is amended
50 to read as follows:

51 S 11-1725. Shipment by carriers.

52 1. Carriers may receive, and may transport, within and from within to
53 without the state, carcasses and parts thereof of game, described in
54 subdivision 1 of section 11-1721[, tagged] AND IDENTIFIED as provided in
55 that section, when they are also labeled as provided in this section.

1 2. a. When received in this state by a carrier, or transported within
2 or from within to without the state by a carrier, every shipment of game
3 required by section 11-1721 to be [tagged] IDENTIFIED, shall also have
4 attached a card or label with the following data plainly printed or
5 written thereon: names and addresses of consignor and consignee, number
6 and kind of carcasses or parts thereof[, and that the same is (as the
7 case may be) domestic game, imported foreign game, or game imported
8 under permit (in the case of game imported pursuant to section 11-1711
9 or 11-1713)].

10 b. If the consignor is the person who holds the game breeder's license
11 or shooting preserve license[, or the certificate under section 11-1715,
12 or the permit under section 11-1711 or 11-1713,] by authority of which
13 such game (other than imported foreign game) is saleable, or if the game
14 is imported foreign game shipped by a licensed game dealer, the card or
15 label shall also state the name and address of the holder of such
16 license, [certificate or permit] and the number of the license[, certif-
17 icate or permit].

18 3. No carrier or employee thereof shall, while engaged in such busi-
19 ness, transport as owner any fish or game not lawfully saleable. No
20 carrier or employee thereof shall knowingly receive or possess any fish
21 or game, whether packed or unpacked, for shipment for any person, unless
22 (a) if it is game or trout described in section 11-1721 OF THIS TITLE,
23 it is [tagged] IDENTIFIED as required by that section, and (b) in any
24 case, it bears the tag, card, IDENTIFICATION or label required by this
25 section or by sections 11-0911, 11-0917, 11-1319 or 11-1913 OF THIS
26 ARTICLE.

27 S 12. Subdivisions 1, 5 and 8 of section 11-1901 of the environmental
28 conservation law, paragraphs a and b of subdivision 1 as amended by
29 chapter 528 of the laws of 1986, are amended to read as follows:

30 1. The department may, in its discretion, issue to an owner or lessee
31 of wholly enclosed lands, or an entire island, a domestic game bird
32 breeder's license permitting him to possess and propagate such species
33 of domestic game birds as, in its opinion, he has facilities for propa-
34 gating on the licensed premises. The license shall expire on March 31
35 [in each] EVERY FIFTH year. The department shall prescribe and furnish
36 forms for application for such license. Applicants shall pay to the
37 department, and the department shall be entitled to receive, fees
38 according to the type of license so issued as follows:

39 a. Class A license, [fifty] TWO HUNDRED dollars. This license shall
40 allow the holder thereof to purchase, possess, propagate, transport and
41 sell domestic game birds, dead or alive, and their eggs.

42 b. Class B license, [ten] FORTY dollars. This license shall allow the
43 holder thereof to purchase, possess and propagate domestic game birds
44 for his own use. Birds may be killed for food or released to the wild
45 for restocking. No live birds or their eggs or carcasses may be sold,
46 exchanged or given away.

47 5. Each such domestic duck, goose, brant and swan [before attaining
48 the age of four weeks] shall be marked [by having the hind toe of the
49 right foot removed, and no such duck, goose, brant or swan, over four
50 weeks of age, may be possessed or sold without such mark] IN ACCORDANCE
51 WITH REQUIREMENTS SET FORTH IN RULES AND REGULATIONS ESTABLISHED BY THE
52 DEPARTMENT OF THE INTERIOR PURSUANT TO 50 C.F.R. 21 AS MAY BE AMENDED
53 FROM TIME TO TIME. SUCH INFORMATION SHALL BE PROVIDED BY DEPARTMENT
54 PRESS RELEASE AND ANY OTHER MEANS THAT THE DEPARTMENT DETERMINES TO BE
55 APPROPRIATE AND EFFECTIVE, INCLUDING POSTING ON THE DEPARTMENT'S PUBLIC
56 WEBSITE. Birds so marked, which have escaped, may be recaptured by the

1 licensee. [Other such domestic game birds which have escaped may be
2 recaptured by the licensee provided they are marked as prescribed in the
3 rules and regulations of the department.] Escaped birds may be recap-
4 tured only on the premises of the licensee. [However, removal of the
5 hind toe of the right foot shall not be required for captive geese,
6 brant and swans, which were adult birds on March 1, 1967 and previously
7 had been marked with a V-shaped mark on the web of one foot.]

8 8. [a. The department shall supply tags, for which the licensee shall
9 pay a fee of five cents each, which shall be affixed to the carcass of a
10 domestic game bird and remain so affixed until the bird is finally
11 prepared for consumption. No domestic game bird so killed shall be
12 possessed without such tag, and only an authorized person shall have in
13 his possession such tags.

14 b. Notwithstanding any provision in this section to the contrary, no
15 untagged carcass may be removed from the premises except carcasses which
16 are removed for the purpose of processing. When transporting untagged
17 carcasses for such processing, the bearer must have a statement signed
18 by the licensee stating the number of carcasses being transported and
19 the name and address of the processor. The bearer must also have in his
20 possession tags equal in number to the carcasses transported. The
21 processor or bearer, after picking and dressing the carcasses, shall
22 affix the tags, furnished by the licensee, to each carcass.

23 c. The licensee shall keep records of the number of tags used, and no
24 tags shall be removed from the licensed premises except as provided in
25 this subdivision. If a game bird breeder's license is not renewed on its
26 expiration date, all unused tags and inventory shall be returned to the
27 nearest regional office of the department not later than ten days after
28 the expiration date of the license. There shall be no refund of money
29 for such returned tags, which shall be immediately invalidated.

30 d. The tagging required by this subdivision shall constitute compli-
31 ance with the tagging requirements of section 11-1721. Carcasses of
32 domestic game birds, tagged as provided in this subdivision, may be
33 possessed, bought, sold, offered for sale and transported, to the extent
34 permitted by sections 11-1719 and 11-1723.] DOMESTIC GAME BIRD CARCASSES
35 AND PARTS SHALL BE IDENTIFIED AS REQUIRED BY SECTION 11-1721 OF THIS
36 ARTICLE.

37 S 13. Subdivisions 2, 4 and 6 of section 11-1903 of the environmental
38 conservation law are REPEALED and subdivisions 1, 3, 7 and 10, paragraph
39 c of subdivision 1 as amended by chapter 528 of the laws of 1986, subdi-
40 vision 3 as amended by chapter 465 of the laws of 1976 and paragraph d
41 of subdivision 7 as amended by chapter 37 of the laws of 1978, are
42 amended to read as follows:

43 1. The department may, in its discretion, issue to an owner or lessee
44 of wholly enclosed lands or an entire island a shooting preserve license
45 permitting him OR HER to purchase, possess, rear and transport, and to
46 release and take by shooting therein, domestic game birds legally
47 possessed or acquired. No birds may be held for propagation after [March
48 31] APRIL 15 unless the owner or lessee also has a domestic game bird
49 breeder's license as provided for in section 11-1901 OF THIS TITLE. In
50 the case of leased lands, the applicant shall furnish with his OR HER
51 application evidence of a written lease executed by each lessor covering
52 the premises to be licensed. The license shall expire on [March 31 in
53 each] APRIL 15 EVERY FIFTH year. The department shall prescribe and
54 furnish forms for application for such license. Applicants shall pay,
55 and the department shall be entitled to receive, fees according to the
56 type of license issued as follows:

1 a. Class A license, [fifty] TWO HUNDRED dollars [for the first one
2 hundred acres and five dollars for each additional one hundred acres or
3 portion thereof comprising the premises described in the application].
4 This license shall allow the holder thereof to operate a commercial CLUB
5 OR MEMBERSHIP shooting preserve WITH A MINIMUM OF ONE HUNDRED ACRES and
6 charge a daily fee for hunting or charge a fee for each bird killed or a
7 combination thereof. Birds may be killed by the licensee for his OR HER
8 own use and may be sold dead or alive.

9 b. [Class B license, twenty-five dollars for the first one hundred
10 acres and two dollars and fifty cents for each additional one hundred
11 acres or portion thereof comprising the premises described in the appli-
12 cation. This license shall allow the holder thereof to operate a nonpro-
13 fit shooting preserve or a nonprofit club or membership shooting
14 preserve with use limited to members and guests. Birds may be killed by
15 the licensee for his own use but no live birds, or their eggs, or
16 carcasses may be sold unless the licensee holds a Class A game bird
17 breeder's license.

18 c.] Class [C] B license, [fifteen] SIXTY dollars [for the first one
19 hundred acres and two dollars for each additional one hundred acres or
20 portion thereof comprising the premises described in the application].
21 This license shall allow the holder thereof to operate a shooting
22 preserve with use restricted to the licensee, his OR HER family and
23 invitees, provided no fees are charged for the privilege of hunting or
24 for birds shot. Birds may be killed by the licensee for his OR HER own
25 use but no live birds, or their eggs, or carcasses may be sold unless
26 the licensee holds a Class A game bird breeder's license.

27 3. The department may revoke the license of any licensee convicted of
28 a violation of this section, and no license shall be issued to him OR
29 HER for the ensuing two years. The licensee, unless he OR SHE shall
30 waive such right, shall have an opportunity to be heard. Notice of hear-
31 ing shall be given by mailing the same in writing to the licensee at the
32 address contained in his OR HER license. Attendance of witnesses may be
33 compelled by subpoena. Revocation shall be deemed an administrative act
34 reviewable by the supreme court as such.

35 7. Domestic game birds may not be killed, by shooting, on the premises
36 specified in the application for the license, except under the following
37 conditions:

38 a. Birds [must be at least fourteen weeks of age before liberation.
39 Ducks, geese, brant and swans] shall be marked [by having had the hind
40 toe of the right foot removed, except] as provided in subdivision 5 of
41 section 11-1901[, and no such duck, goose, brant or swan, over four
42 weeks of age, may be possessed, sold or killed by shooting without such
43 mark] OF THIS TITLE. Birds so marked, which have escaped, may be recap-
44 tured by the licensee. [Other such domestic game birds which have
45 escaped may be recaptured by the licensee provided they are marked as
46 prescribed in the rules and regulations of the department.] Escaped
47 birds may be recaptured only on the premises of the licensee.

48 b. [Before any shooting of domestic game birds may be done on a
49 licensed shooting preserve the licensee must advise the department in
50 writing of the numbers of each species of domestic game birds reared,
51 purchased or otherwise acquired for liberation, and request and receive
52 in writing a shooting authorization which shall state the numbers of
53 each species of game bird that may be taken by shooting. The number of
54 birds authorized to be taken by shooting shall not be less than eighty
55 per cent of the number liberated.]

1 Shooting authorization shall be based on the actual number of birds on
2 hand or on contract at the time of application for such authorization.
3 If birds are purchased, the applicant shall submit one copy of the
4 contract agreement signed by the purchaser and seller on forms furnished
5 by the department. The contract shall state the name, address and
6 license number of the party from whom purchased as well as the numbers
7 of birds purchased and the dates of delivery.

8 c.] Ducks, geese, brant and swans liberated under this section may be
9 taken only under rules and regulations made by the department OR ADOPTED
10 BY THE FEDERAL DEPARTMENT OF THE INTERIOR; PROVIDED, HOWEVER, THAT ANY
11 FEDERAL REGULATIONS SHALL BE PROVIDED BY DEPARTMENT PRESS RELEASE AND
12 ANY OTHER MEANS THAT THE DEPARTMENT DETERMINES TO BE APPROPRIATE AND
13 EFFECTIVE, INCLUDING POSTING ON THE DEPARTMENT'S PUBLIC WEBSITE.

14 [d] C. On the premises described in the application for the license,
15 the licensee may kill domestic game birds by shooting from September 1
16 through [March 31] APRIL 15 and in any manner, other than by shooting,
17 at any time, or any person may take domestic game birds by shooting from
18 September 1 through [March 31] APRIL 15 with the consent of the licen-
19 see. [When an investigation made by the department in the month of March
20 of any year reveals that during the current shooting preserve season
21 reasonable opportunities were not afforded to harvest domestic game
22 birds in any area or areas of the state because of abnormal weather
23 conditions, the department shall have power to extend by order the
24 shooting preserve season in such area or areas for a period not to
25 exceed 15 days.]

26 10. a. [The department shall supply tags, for which the licensee shall
27 pay a fee of five cents each, which shall be affixed to the carcass]
28 CARCASSES AND PARTS of [a] domestic game [bird and remain so affixed
29 until the bird is finally prepared for consumption] BIRDS SHALL BE
30 ACCOMPANIED BY A FORM PROVIDED BY THE DEPARTMENT PURSUANT TO SECTION
31 11-1721 OF THIS ARTICLE. No domestic game birds so killed shall be
32 possessed OR TRANSPORTED without such [tag] FORM. Only an authorized
33 person as provided in the rules and regulations of the department shall
34 have in his OR HER possession such [tags] FORM.

35 b. [Notwithstanding any provision in this section to the contrary, no
36 untagged carcass may be removed from the premises except carcasses which
37 are removed for processing. When transporting untagged carcasses for
38 processing, the bearer must have a statement signed by the licensee
39 stating the number of carcasses transported and the name and address of
40 the processor. The bearer must also have in his possession tags equal in
41 number to the carcasses transported. The processor or bearer, after
42 picking and dressing the carcasses, shall affix the tags, furnished by
43 the licensee, to each carcass.

44 c. The licensee shall keep records of the number of tags used. If a
45 shooting preserve license is not renewed on its expiration date, all
46 unused tags on inventory shall be returned to the nearest regional
47 office of the department not later than ten days after the expiration
48 date of the license. There shall be no refund of money for such returned
49 tags, which shall be immediately invalidated.

50 d. The tagging required by this subdivision shall constitute compli-
51 ance with the tagging requirements of section 11-1721. Carcasses of
52 domestic game birds, tagged as provided in this subdivision, may be
53 possessed and transported by all licensees under this section, and they
54 may be bought, sold and offered for sale to the extent permitted by
55 sections 11-1719 and 11-1723, except that no domestic duck, goose, brant
56 or swan shall be bought, sold or killed by shooting unless marked as

1 provided in subdivision 7 of this section] DOMESTIC GAME BIRD CARCASSES
2 AND PARTS SHALL BE IDENTIFIED AS REQUIRED BY SECTION 11-1721 OF THIS
3 ARTICLE.

4 S 14. Subdivisions 1 and 6 of section 11-1905 of the environmental
5 conservation law, the opening paragraph of subdivision 1 as amended by
6 chapter 41 of the laws of 1973 and paragraphs a and b of subdivision 1
7 as amended by chapter 528 of the laws of 1986, are amended to read as
8 follows:

9 1. The department may, in its discretion, issue to an owner or lessee
10 of wholly enclosed lands or an entire island a domestic game animal
11 breeder's license permitting him to possess and propagate domestic game
12 animals provided such animals are confined and cared for according to
13 specifications and regulations which the department, by order, shall
14 adopt. The license shall expire on March 31 [of each] EVERY FIFTH year.
15 The department shall prescribe and furnish forms for application for
16 such license. Applicants shall pay, and the department shall be entitled
17 to receive, fees in accordance with the type of license issued.

18 a. Class A license, [fifty] TWO HUNDRED dollars. This license shall
19 allow the holder thereof to purchase, possess, propagate, transport and
20 sell domestic game animals dead or alive.

21 b. Class B license, [ten] FORTY dollars. This license shall allow the
22 holder thereof to purchase, possess and propagate domestic game animals
23 for his own use. No animals may be sold, exchanged or given away except
24 that portions of the carcass may be given away provided they are pack-
25 aged and the package bears the name and license number of the licensee.

26 6. [a. The department shall supply tags for Class A licenses, for
27 which the licensees shall pay five cents each, which shall be affixed to
28 each quarter and loin of each carcass of domestic game animals killed by
29 Class A licensees and remain so affixed until the game is finally
30 prepared for consumption. No domestic game animal so killed, nor any
31 portion of the carcass thereof, shall be possessed without such tag, and
32 no person shall sell such quarter or loin without such tag attached.

33 b. The tagging required by this subdivision shall constitute compli-
34 ance with the tagging requirements of section 11-1721. Loins or quarters
35 of domestic game animals, killed by Class A licensees and tagged as
36 provided in this subdivision, may be possessed, bought, sold and offered
37 for sale, and transported as provided in section 11-1723 and may be sold
38 and offered for sale by the holder of a Class A license under this
39 section without the game dealer's license provided for in section
40 11-1719.] DOMESTIC GAME ANIMAL CARCASSES AND PARTS SHALL BE IDENTIFIED
41 AS REQUIRED BY SECTION 11-1721 OF THIS ARTICLE.

42 S 15. Section 11-1907 of the environmental conservation law is amended
43 by adding a new subdivision 3 to read as follows:

44 3. ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE DEPARTMENT SHALL
45 NOT ISSUE ANY NEW LICENSES PURSUANT TO THIS SECTION.

46 S 16. Subparagraph 4 of paragraph b of subdivision 2 and subdivision 6
47 of section 11-1913 of the environmental conservation law, paragraph a of
48 subdivision 6 as amended by chapter 528 of the laws of 1986, are amended
49 to read as follows:

50 (4) specify the manner of [tagging] IDENTIFICATION OF fish taken from
51 the licensed waters, and

52 6. a. All trout, black bass, lake trout, landlocked salmon, muskel-
53 lunge, pike, pickerel and walleye taken from the licensed fishing
54 preserve waters, shall be immediately [tagged] IDENTIFIED ON FORMS
55 PROVIDED BY THE DEPARTMENT as prescribed in the license or by order of

1 the department. [Such tags shall be furnished by the department and sold
2 to the licensee at the cost of five cents per tag.]

3 b. The [tag so affixed] IDENTIFICATION FORM shall [not be removed
4 from] ACCOMPANY the fish until the same is finally prepared for consump-
5 tion.

6 c. No fish, required to be [tagged] IDENTIFIED as specified in para-
7 graph a of this subdivision, taken pursuant to this section shall be
8 possessed off the premises of the fishing preserve without such [tag]
9 IDENTIFICATION FORM, and no person shall sell such fish without such
10 [tag attached, except for scientific, exhibition or stocking purposes]
11 IDENTIFICATION FORM.

12 d. Fish taken from such fishing preserves and [tagged] IDENTIFIED as
13 provided in this subdivision, may be possessed, bought, sold and offered
14 for sale, and transported without restriction. Fish raised or possessed
15 under license issued under this section may be sold at any time for
16 scientific, exhibition, propagation or stocking purposes.

17 S 17. Subdivision 3 of section 11-0103 of the environmental conserva-
18 tion law is amended to read as follows:

19 3. "Wild game" means all game, except (a) domestic game bird and
20 domestic game animal as defined in subdivision 4; (b) carcasses of
21 foreign game as defined in section 11-1717, imported from outside the
22 United States [and tagged as provided in section 11-1721]; (c) game
23 propagated or kept alive in captivity as provided in section 11-1907 OF
24 THIS ARTICLE; (d) game imported alive pursuant to license of the depart-
25 ment, or artificially propagated, until such game is liberated; and (e)
26 game so imported or propagated when liberated for the purpose of a field
27 trial and taken during the field trial for which it was liberated.

28 S 18. Subdivision 2 of section 11-1717 of the environmental conserva-
29 tion law is amended to read as follows:

30 2. The carcasses, or parts thereof, of foreign game imported from
31 outside the United States may be bought and sold [when tagged as
32 required in section 11-1721, subject to the provisions of section
33 11-1719 with respect to dealers' licenses].

34 S 19. Section 11-0323 of the environmental conservation law, as
35 amended by chapter 84 of the laws of 2010, is amended to read as
36 follows:

37 S 11-0323. Publication of Fish and Wildlife Law.

38 The department shall compile and index each year after the adjournment
39 of the legislature the laws relating to fish and wildlife as amended to
40 date. Copies of the compilation shall be printed in pamphlet form of
41 pocket size in the number for which the legislature may appropriate
42 funds. The department shall also prepare a syllabus of such laws and
43 information informing migratory game bird hunters where they can obtain
44 information regarding open seasons and bag limits and FEDERAL REGU-
45 LATIONS PURSUANT TO SECTIONS 11-1721 AND 11-1723 OF THIS ARTICLE. THE
46 DEPARTMENT shall deliver copies to county, city, town and village clerks
47 in numbers sufficient for the furnishing of one copy to each person to
48 whom a hunting, trapping or fishing license is issued. Each such licen-
49 see shall be entitled to one copy of such syllabus.

50 S 20. This act shall take effect immediately, except that if this act
51 shall have become a law on or after April 1, 2012 this act shall take
52 effect immediately and shall be deemed to have been in full force and
53 effect on and after April 1, 2012; provided that the amendments to
54 subdivision 2 of section 11-0931 of the environmental conservation law
55 made by section six of this act shall be subject to the expiration and
56 reversion of such subdivision pursuant to chapter 483 of the laws of

1 2010, as amended, when upon such date the provisions of section seven of
2 this act shall take effect.

3 PART I

4 Intentionally omitted

5 PART J

6 Section 1. Paragraph f of subdivision 1 of section 72-0402 of the
7 environmental conservation law, as added by chapter 99 of the laws of
8 2010, is amended to read as follows:

9 f. In any case where a generator EITHER (I) recycles more than ninety
10 percent of the [amount] TOTAL TONS of hazardous waste or more than nine-
11 ty percent of the [amount] TOTAL TONS of hazardous wastewater WHICH it
12 [produces in any] GENERATED DURING THAT calendar year, as certified to
13 the commissioner, [upon which a fee is imposed pursuant to this section,
14 any such fee imposed or to be imposed in such case] OR (II) RECYCLES
15 MORE THAN FOUR THOUSAND TONS OF HAZARDOUS WASTE OR MORE THAN FOUR THOU-
16 SAND TONS OF HAZARDOUS WASTEWATER WHICH IT GENERATED IN THAT CALENDAR
17 YEAR, AS CERTIFIED TO THE COMMISSIONER, THE FEE IMPOSED PURSUANT TO THIS
18 SECTION shall be [determined] CALCULATED AND IMPOSED based upon the net
19 amount of hazardous waste or THE NET AMOUNT OF hazardous wastewater
20 generated[, as applicable, which] THAT is not [so] recycled in [such]
21 THAT calendar year, rather than upon the gross [amount] AMOUNTS of
22 hazardous waste [or] AND hazardous wastewater generated in such calendar
23 year.

24 S 2. This act shall take effect immediately and shall apply to hazard-
25 ous waste program fee bills issued by the department of environmental
26 conservation after January 1, 2012 for hazardous waste or hazardous
27 wastewater generated during calendar year 2011 or later.

28 PART K

29 Section 1. Subdivisions 2 and 4 of section 97-1 of the state finance
30 law, as added by chapter 565 of the laws of 1989, are amended to read as
31 follows:

32 2. The sewage treatment program management and administration fund
33 [shall] MAY consist of (a) all moneys transferred to the state from the
34 water pollution control revolving fund pursuant to section twelve
35 hundred eighty-five-j of the public authorities law, (b) all OR A
36 PORTION OF moneys made available to New York state for the purposes of
37 administering and managing financial assistance provided to municipi-
38 palities from the water pollution control revolving fund pursuant to the
39 Federal Water Pollution Control Act, and (c) all other moneys credited
40 or transferred thereto from any other fund or source pursuant to law.
41 Notwithstanding the foregoing, no money reserved for planning pursuant
42 to section six hundred four (b) of the Federal Water Pollution Control
43 Act shall be deposited in the sewage treatment program management and
44 administration fund.

45 4. Moneys in such fund, following appropriation by the legislature,
46 [shall] MAY be used, for the purpose of paying all costs of the depart-
47 ment of environmental conservation and New York state environmental
48 facilities corporation for management and administration of the sewage
49 treatment program established by section 17-1909 of the environmental
50 conservation law and of the water pollution control revolving fund

1 established by section twelve hundred eighty-five-j of the public
2 authorities law.

3 S 2. Subdivisions 2 and 4 of section 97-ddd of the state finance law,
4 as added by chapter 432 of the laws of 1997, are amended to read as
5 follows:

6 2. The drinking water program management and administration fund
7 [shall] MAY consist of (a) all moneys transferred to the state from the
8 drinking water revolving fund pursuant to section twelve hundred eight-
9 y-five-m of the public authorities law, (b) all OR A PORTION OF moneys
10 made available to New York state for purposes of administering and
11 managing financial assistance provided to recipients from the drinking
12 water revolving fund pursuant to the Federal Safe Drinking Water Act,
13 and (c) all other moneys credited or transferred thereto from any other
14 fund or source pursuant to law.

15 4. Moneys in the fund, following appropriation by the legislature,
16 [shall] MAY be used, for the purpose of paying all costs of the depart-
17 ment of health and New York state environmental facilities corporation
18 for management and administration of the drinking water program estab-
19 lished by title four of article eleven of the public health law and of
20 the drinking water revolving fund established by section twelve hundred
21 eighty-five-m of the public authorities law.

22 S 3. Subdivisions 5 and 7 of section 1285-j of the public authorities
23 law, subdivision 5 as amended by chapter 134 of the laws of 2007 and
24 subdivision 7 as added by chapter 565 of the laws of 1989, are amended
25 to read as follows:

26 5. The corporation [shall] MAY make payments to the sewage treatment
27 program management and administration fund in accordance with subdivi-
28 sion seven of this section to reimburse such fund for expenditures made
29 pursuant to appropriation to pay the cost of the corporation and the
30 department of environmental conservation for administering and managing
31 the water pollution control revolving fund program established in
32 section ninety-seven-l of the state finance law, for such costs. Such
33 reimbursement shall be made from (a) available investment earnings on
34 all amounts in the water pollution control revolving fund excluding all
35 amounts in the fund which are the subject of allocations or other finan-
36 cial assistance to a municipality; and (b) payments received from a
37 municipality for such purpose pursuant to a project financing agreement
38 or loan agreement; and (c) if the sources of revenue described in this
39 paragraph and paragraphs (a) and (b) of this subdivision are or are
40 anticipated to be insufficient, then from the proceeds of federal
41 capitalization grants, awards or assistance appropriated to the fund for
42 administration and management of such program.

43 Notwithstanding the foregoing, if the sources of revenues described in
44 paragraphs (a), (b) and (c) of this subdivision are at any time insuffi-
45 cient to make a reimbursement to the state pursuant to this subdivision
46 when due, the corporation shall make such reimbursement from any other
47 available amounts in the water pollution control revolving fund, exclud-
48 ing all amounts that are the subject of allocations, provided, that the
49 amounts paid from fund sources other than those described in paragraphs
50 (a), (b) and (c) of this subdivision shall be reimbursed upon a determi-
51 nation by the director of the budget that future revenues obtained from
52 sources described in paragraphs (a), (b) and (c) of this subdivision are
53 in excess of the amounts reasonably needed to make future reimbursements
54 pursuant to this subdivision.

55 7. The corporation [shall] MAY transfer to the sewage treatment
56 program management and administration fund established pursuant to

1 section ninety-seven-l of the state finance law no less frequently than
2 semi-monthly amounts from the fund sufficient to reimburse the sewage
3 treatment program management and administration fund in accordance with
4 the provisions of subdivision five of this section.

5 S 4. Subdivision 7 of section 1285-m of the public authorities law, as
6 added by chapter 413 of the laws of 1996, is amended to read as follows:

7 7. The corporation [shall] MAY transfer to the state on such schedule
8 as the corporation and the department of health shall agree amounts from
9 the fund to reimburse the state in accordance with the provisions of
10 subdivision five of this section.

11 S 5. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after April 1, 2012.

13 PART L

14 Section 1. Section 140 of the agriculture and markets law, as added by
15 chapter 631 of the laws of 1955, subdivision 1 as amended by chapter 592
16 of the laws of 2003, is amended to read as follows:

17 S 140. Samples; publication of results of tests. 1. The commissioner
18 or his or her duly authorized representatives shall take samples of
19 seeds [and submit them to the director of the New York state agricul-
20 tural experiment station] for examination, analysis, and testing BY THE
21 DEPARTMENT. THE COMMISSIONER MAY CONTRACT WITH A QUALIFIED LABORATORY TO
22 PERFORM SUCH EXAMINATION, ANALYSIS, AND TESTING. When the analysis of an
23 official sample indicates that seed is mislabeled, the results of such
24 analysis shall be provided to the person responsible for the labeling of
25 the seed and, upon that person's request, made within fifteen days of
26 his or her receipt of said results, the commissioner or his or her
27 authorized agent shall furnish such person with a portion of the sample
28 taken.

29 2. [The director of the New York state agricultural experiment station
30 shall examine, analyze, or test, or cause to be examined, analyzed or
31 tested such samples of seeds taken under the provisions of this article
32 as shall be submitted to him for that purpose by the commissioner, and
33 shall report the results of such analysis, examination, or testing to
34 the commissioner. For this purpose the New York state agricultural
35 experiment station may establish and maintain trial grounds and a seed
36 laboratory with the necessary equipment, and may employ experts and
37 incur such expense as may be necessary to comply with the requirements
38 of this article.

39 3.] From time to time the [New York state agricultural experiment
40 station, in cooperation with the] department of agriculture and markets,
41 shall make public the results of examinations, analyses, trials, and
42 tests of any sample or samples so procured, together with such addi-
43 tional information as circumstances advise. These published results
44 shall be the property of the state of New York and shall not be used for
45 advertising or regulatory purposes by any person or agency, governmental
46 or otherwise without requested and granted permission of the commission-
47 er [of agriculture and markets].

48 S 2. Section 140-a of the agriculture and markets law, as added by
49 chapter 631 of the laws of 1955, is amended to read as follows:

50 S 140-a. Provision for seed tests. Any citizen of this state shall
51 have the privilege of submitting to the [New York state agricultural
52 experiment station] DEPARTMENT samples of seeds for [test] TESTING and
53 analysis subject to [such rules and regulations as may be adopted by the
54 director of said experiment station and approved by Cornell university]

PAYMENT OF A FEE TO THE COMMISSIONER THAT SHALL, AT A MINIMUM, COVER THE FULL COSTS OF THE SERVICES PROVIDED. ALL MONIES RECEIVED BY THE COMMISSIONER PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN AN ACCOUNT WITHIN THE MISCELLANEOUS SPECIAL RECEIVE FUND AND SHALL BE USED TO DEFRAY THE EXPENSES INCIDENTAL TO CARRYING OUT THE SERVICES AUTHORIZED BY THIS SECTION.

S 3. This act shall take effect immediately.

PART M

Section 1. Section 16 of the agriculture and markets law is amended by adding a new subdivision 25-d to read as follows:

25-D. THE COMMISSIONER MAY ENTER INTO A CONTRACT OR COOPERATIVE AGREEMENT UNDER WHICH SERVICES RELATING TO FOOD SAFETY AND INSPECTION, ANIMAL HEALTH, INVASIVE SPECIES CONTROL, THE COLLECTION OF SAMPLES FOR RESEARCH STUDIES AND SIMILAR SERVICES RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT MAY BE MADE AVAILABLE TO FEDERAL ENTITIES, EDUCATIONAL ENTITIES LOCATED OUTSIDE OF THE STATE, AND STATE AND LOCAL GOVERNMENTAL ENTITIES LOCATED OUTSIDE OF THE STATE, WHEN, IN THE COMMISSIONER'S JUDGMENT, SUCH CONTRACT OR COOPERATIVE AGREEMENT SHALL BE IN THE PUBLIC INTEREST AND SHALL NOT ADVERSELY AFFECT THE DEPARTMENT'S OBLIGATIONS UNDER THIS CHAPTER. SUCH CONTRACTS OR COOPERATIVE AGREEMENTS SHALL REQUIRE PAYMENT BY CONTRACTORS AND COOPERATORS OF, AT A MINIMUM, THE FULL COSTS OF THE SERVICES PROVIDED. ALL MONEYS RECEIVED BY THE COMMISSIONER PURSUANT TO SUCH CONTRACTS AND AGREEMENTS SHALL BE DEPOSITED IN AN ACCOUNT WITHIN THE MISCELLANEOUS SPECIAL REVENUE FUND AND SHALL BE USED TO DEFRAY THE EXPENSES INCIDENTAL TO CARRYING OUT THE SERVICES AUTHORIZED BY THIS SUBDIVISION.

S 2. This act shall take effect immediately.

PART N

Section 1. Section 251-z-3 of the agriculture and markets law, as amended by chapter 307 of the laws of 2004, the second undesignated paragraph as amended by section 2 of part II of chapter 59 of the laws of 2009, is amended to read as follows:

S 251-z-3. Licenses; fees. No person shall maintain or operate a food processing establishment unless licensed biennially by the commissioner. Application for a license to operate a food processing establishment shall be made, upon a form prescribed by the commissioner[, on or before the fifteenth of the month preceding the applicable license period as herein prescribed. The license period shall begin February fifteenth for applicants who apply for a license between February fifteenth and May fourteenth, May fifteenth for applicants who apply for a license between May fifteenth and August fourteenth, August fifteenth for applicants who apply for a license between August fifteenth and November fourteenth, and November fifteenth for applicants who apply for a license between November fifteenth and February fourteenth]. RENEWAL APPLICATIONS SHALL BE SUBMITTED TO THE COMMISSIONER AT LEAST THIRTY DAYS PRIOR TO THE COMMENCEMENT OF THE NEXT LICENSE PERIOD.

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 individ-

1 ual in a position of management or control who has completed an approved
2 food safety education program pursuant to section two hundred fifty-one-
3 z-twelve of this article. The commissioner, if so satisfied, shall issue
4 to the applicant, upon payment of the license fee of four hundred
5 dollars, a license to operate the food processing establishment
6 described in the application. However, the license fee shall be nine
7 hundred dollars for a food processing establishment determined by the
8 commissioner, pursuant to duly promulgated regulations, to require more
9 intensive regulatory oversight due to the volume of the products
10 produced, the potentially hazardous nature of the product produced or
11 the multiple number of processing operations conducted in the establish-
12 ment. The license application for retail food stores shall be accompa-
13 nied by documentation in a form approved by the commissioner which
14 demonstrates that the food safety education program requirement has been
15 met. The license shall take effect on the date of issuance and continue
16 [until the last day of the applicable license period set forth in this
17 section] FOR TWO YEARS FROM SUCH DATE.

18 [Notwithstanding any other provision of law to the contrary, the
19 commissioner is hereby authorized and directed to deposit all money
20 received pursuant to this section in an account within the miscellaneous
21 special revenue fund.]

22 S 2. Subdivision 4 of section 128-a of the agriculture and markets law
23 is REPEALED and subdivisions 5, 6, 7, 8, 9 and 10 are renumbered subdi-
24 visions 4, 5, 6, 7, 8 and 9.

25 S 3. Subdivision 3 of section 133-a of the agriculture and markets law
26 is REPEALED.

27 S 4. Section 90-b of the state finance law is REPEALED.

28 S 5. This act shall take effect immediately.

29 PART O

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

34 S 2. This act shall take effect immediately and shall be deemed to
35 have been in full force and effect on and after April 1, 2012.

36 PART P

37 Section 1. Expenditures of moneys appropriated in a chapter of the
38 laws of 2012 to the energy research and development authority, under the
39 research, development and demonstration program, from the special reven-
40 ue funds - other/state operations, miscellaneous special revenue fund -
41 339, energy research and planning account, and special revenue funds -
42 other/aid to localities, miscellaneous special revenue fund - 339, ener-
43 gy research and planning account shall be subject to the provisions of
44 this section. Notwithstanding the provisions of subdivision 4-a of
45 section 18-a of the public service law, all moneys committed or expended
46 shall be reimbursed by assessment against gas corporations and electric
47 corporations as defined in section 2 of the public service law, and the
48 total amount which may be charged to any gas corporation and any elec-
49 tric corporation shall not exceed one cent per one thousand cubic feet
50 of gas sold and .010 cent per kilowatt-hour of electricity sold by such
51 corporations in their intrastate utility operations in calendar year
52 2010. Such amounts shall be excluded from the general assessment

1 provisions of subdivision 2 of section 18-a of the public service law,
2 but shall be billed and paid in the manner set forth in such subdivision
3 and upon receipt shall be paid to the state comptroller for deposit in
4 the state treasury for credit to the miscellaneous special revenue fund.
5 The director of the budget shall not issue a certificate of approval
6 with respect to the commitment and expenditure of moneys hereby appro-
7 priated until the chair of such authority shall have submitted, and the
8 director of the budget shall have approved, a comprehensive financial
9 plan encompassing all moneys available to and all anticipated commit-
10 ments and expenditures by such authority from any source for the oper-
11 ations of such authority. Copies of the approved comprehensive financial
12 plan shall be immediately submitted by the director of the budget to the
13 chairs and secretaries of the legislative fiscal committees.

14 S 2. This act shall take effect immediately and shall be deemed to
15 have been in full force and effect on and after April 1, 2012.

16 PART Q
17 Intentionally omitted

18 PART R

19 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
20 New York state urban development corporation act, relating to the powers
21 of the New York state urban development corporation to make loans, as
22 amended by section 1 of part G of chapter 60 of the laws of 2011, is
23 amended to read as follows:

24 S 2. This act shall take effect immediately provided, however, that
25 section one of this act shall expire on July 1, [2012] 2013, at which
26 time the provisions of subdivision 26 of section 5 of the New York state
27 urban development corporation act shall be deemed repealed; provided,
28 however, that neither the expiration nor the repeal of such subdivision
29 as provided for herein shall be deemed to affect or impair in any manner
30 any loan made pursuant to the authority of such subdivision prior to
31 such expiration and repeal.

32 S 2. This act shall take effect immediately and shall be deemed to
33 have been in full force and effect on and after April 1, 2012.

34 PART S

35 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
36 of the laws of 1968, constituting the New York state urban development
37 corporation act, as amended by section 1 of part KK of chapter 59 of the
38 laws of 2008, is amended to read as follows:

39 3. The provisions of this section shall expire, notwithstanding any
40 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
41 the laws of 1996 or of any other law, [upon the effective date of a
42 chapter of the laws of 2009 which appropriates funds for the principal
43 support of the urban development corporation for the 2009-2010 state
44 fiscal year] ON JULY 1, 2013.

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

47 PART T
48 Intentionally Omitted

1

PART U

2 Section 1. Subdivision 1 of section 218 of the state finance law, as
3 amended by chapter 424 of the laws of 2009, is amended to read as
4 follows:

5 1. Linked loans made to certified businesses in empire zones or to
6 eligible businesses in highly distressed areas or to eligible businesses
7 that are defined in paragraph (b-1) of subdivision eleven of section two
8 hundred thirteen of this article that are located in a renewal community
9 or defined in paragraph (b-2) of such subdivision that are located in an
10 empowerment zone or defined in paragraph (b-3) of such subdivision that
11 are located in an enterprise community, respectively for eligible
12 projects defined in paragraph (c) of subdivision twelve of section two
13 hundred thirteen of this article or to minority- or women-owned business
14 enterprises for an eligible project defined in paragraph (e) of subdivi-
15 sion twelve of section two hundred thirteen of this article or to a
16 defense industry manufacturer for a project defined in paragraph (d) of
17 subdivision twelve of section two hundred thirteen of this article OR TO
18 AN ELIGIBLE BUSINESS PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ELEVEN OF
19 SECTION TWO HUNDRED THIRTEEN OF THIS ARTICLE THAT PRODUCES PRODUCTS
20 DEFINED IN SUBDIVISION TWO OF SECTION THREE HUNDRED ONE OF THE AGRICUL-
21 TURE AND MARKETS LAW FOR AN ELIGIBLE PROJECT AS DEFINED IN PARAGRAPH (B)
22 OF SUBDIVISION TWELVE OF SECTION TWO HUNDRED THIRTEEN OF THIS ARTICLE
23 shall bear interest at a fixed rate equal to three percentage points
24 below the fixed interest rate the lender would have charged for the loan
25 in the absence of a linked deposit based on its usual credit consider-
26 ations. All other linked loans shall bear interest at a fixed rate
27 equal to two percentage points below the fixed interest rate the lender
28 would have charged for the loan in the absence of a linked deposit based
29 on its usual credit considerations. Lenders shall certify to the commis-
30 sioner of economic development that the rate to be charged on a linked
31 loan is two percentage points or three percentage points, as the case
32 may be, below the interest rate the lender would have charged for the
33 loan in the absence of a linked deposit.

34 S 2. Paragraph (a) of subdivision 11 and paragraph (b) of subdivision
35 12 of section 213 of the state finance law, as added by chapter 705 of
36 the laws of 1993, are amended to read as follows:

37 (a) a manufacturing firm OR AGRICULTURAL BUSINESS which employs five
38 hundred or fewer employees within the state on a full-time basis; or

39 (b) for manufacturing, AGRICULTURAL and service firms, projects which
40 involve the preparation of strategic plans for improving productivity
41 and competitiveness; the introduction of modern equipment and/or an
42 expansion of facilities as part of a modernization plan; the introduc-
43 tion of advanced technologies to improve productivity and quality;
44 improvements in production processes and operations, INCLUDING AGRICUL-
45 TURAL OPERATIONS; introduction of computerized information, reporting
46 and control systems; reorganization or improvement of work place systems
47 and the introduction of total quality and employee participation
48 programs; development and introduction of new products; identification
49 and development of new markets, including entry into foreign markets;
50 financial restructuring for purposes of enabling modernization activ-
51 ities; buyouts of viable companies by employees or local owners residing
52 in the state; and the provision of working capital for other moderniza-
53 tion activities that will improve the competitiveness and productivity
54 of a firm and result in the creation or retention of jobs; or

55 S 3. This act shall take effect immediately.

1 PART V

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

7 S 2. This act shall take effect immediately and shall be deemed to
8 have been in full force and effect on and after April 1, 2012.

9 PART W
10 Intentionally Omitted

11 PART X
12 Intentionally omitted

13 PART Y

14 Section 1. Section 308 of the racing, pari-mutuel wagering and breed-
15 ing law is amended to read as follows:

16 S 308. Officials at harness horse race meetings. 1. At all harness
17 race meetings licensed by the state racing and wagering board in accord-
18 ance with the provisions of sections two hundred twenty-two through
19 seven hundred five of this chapter qualified judges and starters shall
20 be designated by the state racing and wagering board. Such officials
21 shall enforce the rules and regulations of the state racing and wagering
22 board and shall render regular written reports of the activities and
23 conduct of such race meetings to the state racing and wagering board.

24 2. THE LICENSED RACING CORPORATIONS SHALL REIMBURSE THE STATE RACING
25 AND WAGERING BOARD FOR THE PER DIEM COST TO THE BOARD TO EMPLOY ONE
26 ASSOCIATE JUDGE AND THE STARTER TO SERVE AT HARNESS RACE MEETINGS. THE
27 BOARD SHALL NOTIFY SUCH LICENSED RACING CORPORATIONS OF THE PER DIEM
28 COST OF THE ASSOCIATE JUDGE AND THE STARTER PRIOR TO THE BEGINNING OF
29 EACH MONTH. PAYMENT OF THE REIMBURSEMENT REQUIRED BY THIS SECTION SHALL
30 BE MADE TO THE BOARD BY EACH ENTITY REQUIRED TO MAKE SUCH PAYMENTS ON
31 THE LAST BUSINESS DAY OF EACH MONTH AND SHALL COVER ALL THE COSTS
32 INCURRED DURING THAT MONTH. A PENALTY OF FIVE PERCENT OF PAYMENT DUE,
33 AND INTEREST AT THE RATE OF ONE PERCENT PER MONTH CALCULATED FROM SUCH
34 LAST DAY OF EACH MONTH TO THE DATE OF THE PAYMENT OF THE PER DIEM COST
35 SHALL BE PAYABLE IN CASE ANY PER DIEM COST IMPOSED BY THIS SUBDIVISION
36 IS NOT PAID WHEN DUE. THE BOARD SHALL PROMULGATE RULES AND REGULATIONS
37 TO ENSURE THE PROPER REIMBURSEMENT OF SUCH COSTS.

38 3. THE BOARD SHALL PAY INTO THE RACING REGULATION ACCOUNT, AS DEFINED
39 IN SECTION NINETY-NINE-I OF THE STATE FINANCE LAW, UNDER THE JOINT
40 CUSTODY OF THE COMPTROLLER AND THE BOARD, THE TOTAL AMOUNT OF THE
41 REIMBURSEMENTS COLLECTED PURSUANT TO THIS SECTION. WITH THE APPROVAL OF
42 THE DIRECTOR OF THE BUDGET, MONIES UTILIZED TO PAY THE COSTS AND
43 EXPENSES OF THE OPERATIONS OF THE BOARD SHALL BE PAID OUT OF SUCH
44 ACCOUNT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS, CERTI-
45 FIED AND APPROVED BY THE DIRECTOR OF THE DIVISION OF THE BUDGET OR HIS
46 OR HER DULY DESIGNATED OFFICIAL.

47 4. ANY ASSOCIATE JUDGE AND STARTER WHOSE PER DIEM COSTS ARE REIMBURSED
48 BY A LICENSED RACING CORPORATION SHALL REMAIN EMPLOYEES OF THE STATE
49 RACING AND WAGERING BOARD AND SHALL RETAIN ALL THE RIGHTS AND PRIVILEGES

1 OF THEIR CURRENT CIVIL SERVICE JURISDICTIONAL CLASSIFICATION AND STATUS
2 AND COLLECTIVE BARGAINING UNIT REPRESENTATION.

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

5 PART Z

6 Intentionally omitted

7 PART AA

8 Section 1. Paragraph (b) of subdivision 2 of section 2975 of the
9 public authorities law, as amended by section 1 of part J of chapter 60
10 of the laws of 2011, is amended to read as follows:

11 (b) On or before November first, two thousand three and on or before
12 November first of each year thereafter, the director of the budget shall
13 determine the amount owed under this section by each public benefit
14 corporation. The director of the budget may reduce, in whole or part,
15 the amount of such assessment if the payment thereof would necessitate a
16 state appropriation for the purpose, or would otherwise impose an
17 extraordinary hardship upon the affected public benefit corporation. The
18 aggregate amount assessed under this section in any given state fiscal
19 year may not exceed [sixty] SIXTY-FIVE million dollars.

20 S 2. This act shall take effect immediately.

21 PART BB

22 Section 1. Section 1678 of the public authorities law is amended by
23 adding two new subdivisions 26 and 27 to read as follows:

24 26. TO ENTER INTO A DESIGN AND CONSTRUCTION MANAGEMENT AGREEMENT WITH
25 THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, PURSUANT TO WHICH ONE OR
26 MORE FACILITIES ARE TO BE DESIGNED, CONSTRUCTED, RECONSTRUCTED, REHABIL-
27 ITATED, IMPROVED, FURNISHED OR EQUIPPED FOR SUCH DEPARTMENT. ANY SUCH
28 DESIGN AND CONSTRUCTION MANAGEMENT AGREEMENT ENTERED INTO PURSUANT TO
29 THIS SUBDIVISION SHALL PROVIDE FOR THE FOLLOWING: THE SCOPE OF DESIGN
30 AND CONSTRUCTION MANAGEMENT SERVICES TO BE PROVIDED BY THE AUTHORITY,
31 THE MANNER IN WHICH THOSE SERVICES WILL BE PROVIDED, THE FEES TO BE
32 CHARGED BY THE AUTHORITY AND THE SOURCES OF FUNDS FOR THE PROJECTS. NO
33 DESIGN-BUILD CONTRACT AS DEFINED IN CHAPTER FIFTY-SIX OF THE LAWS OF TWO
34 THOUSAND ELEVEN SHALL BE AWARDED PURSUANT TO THIS SUBDIVISION.

35 27. TO ENTER INTO A DESIGN AND CONSTRUCTION MANAGEMENT AGREEMENT WITH
36 THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, PURSUANT TO
37 WHICH ONE OR MORE FACILITIES ARE TO BE DESIGNED, CONSTRUCTED, RECON-
38 STRUCTED, REHABILITATED, IMPROVED, FURNISHED OR EQUIPPED FOR SUCH
39 OFFICE. ANY SUCH DESIGN AND CONSTRUCTION MANAGEMENT AGREEMENT ENTERED
40 INTO PURSUANT TO THIS SUBDIVISION SHALL PROVIDE FOR THE FOLLOWING: THE
41 SCOPE OF DESIGN AND CONSTRUCTION MANAGEMENT SERVICES TO BE PROVIDED BY
42 THE AUTHORITY, THE MANNER IN WHICH THOSE SERVICES WILL BE PROVIDED, THE
43 FEES TO BE CHARGED BY THE AUTHORITY AND THE SOURCES OF FUNDS FOR THE
44 PROJECTS. NO DESIGN-BUILD CONTRACT AS DEFINED IN CHAPTER FIFTY-SIX OF
45 THE LAWS OF TWO THOUSAND ELEVEN SHALL BE AWARDED PURSUANT TO THIS SUBDI-
46 VISION.

47 S 2. This act shall take effect immediately and shall expire and be
48 deemed repealed April 1, 2013.

PART CC

Intentionally omitted

PART DD

Section 1. Subdivision 4 of section 1896 of the public authorities law, as added by chapter 388 of the laws of 2011, is amended and a new subdivision 5 is added to read as follows:

4. [(a)] Qualified energy efficiency services [repaid through an on-bill recovery mechanism] THAT HAVE BEEN PAID FOR IN WHOLE OR IN PART WITH THE PROCEEDS OF A LOAN UNDER THIS TITLE shall be considered a special energy project pursuant to section eighteen hundred fifty-one of this article. [The New York state energy research and development authority shall secure every loan issued for such services that are to be repaid through an on-bill recovery mechanism with a mortgage upon the real property that is improved by such services. Such mortgage shall be recorded pursuant to section two hundred ninety-one-d of the real property law.]

(b) All terms and provisions of a green jobs-green New York mortgage pursuant to this subdivision shall be subject and subordinate to the lien of any mortgage or mortgages on such property. When a subsequent purchaser of the property is granted a mortgage, the green jobs-green New York mortgage shall be subordinate to the terms of that mortgage.

(c) The mortgagee shall not retain any right to enforce payment or foreclose upon the property.]

5. (A) FOR EACH LOAN ISSUED FOR QUALIFIED ENERGY EFFICIENCY SERVICES THAT IS TO BE REPAID THROUGH AN ON-BILL RECOVERY MECHANISM, THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY SHALL RECORD, PURSUANT TO ARTICLE NINE OF THE REAL PROPERTY LAW, IN THE OFFICE OF THE APPROPRIATE RECORDING OFFICER, A DECLARATION WITH RESPECT TO THE PROPERTY IMPROVED BY SUCH SERVICES OF THE EXISTENCE OF THE LOAN AND STATING THE TOTAL AMOUNT OF THE LOAN, THE TERM OF THE LOAN, AND THAT THE LOAN IS BEING REPAID THROUGH A CHARGE ON AN ELECTRIC OR GAS METER ASSOCIATED WITH THE PROPERTY. THE DECLARATION SHALL FURTHER STATE THAT IT IS BEING FILED PURSUANT TO THIS SECTION AND, UNLESS FULLY SATISFIED PRIOR TO SALE OR TRANSFER OF THE PROPERTY, THE LOAN REPAYMENT UTILITY METER CHARGE SHALL SURVIVE CHANGES IN OWNERSHIP, TENANCY, OR METER ACCOUNT RESPONSIBILITY AND, UNTIL FULLY SATISFIED, SHALL CONSTITUTE THE OBLIGATION OF THE PERSON RESPONSIBLE FOR THE METER ACCOUNT. SUCH DECLARATION SHALL NOT CONSTITUTE A MORTGAGE AND SHALL NOT CREATE ANY SECURITY INTEREST OR LIEN ON THE PROPERTY. UPON SATISFACTION OF THE LOAN, THE AUTHORITY SHALL FILE A DECLARATION OF REPAYMENT PURSUANT TO ARTICLE NINE OF THE REAL PROPERTY LAW.

(B) THE RECORDING OFFICER SHALL RECORD SUCH DECLARATIONS IN THE SAME BOOK, PROVIDED UNDER SECTION THREE HUNDRED FIFTEEN OF THE REAL PROPERTY LAW, IN WHICH SUCH RECORDING OFFICER RECORDS DEEDS.

S 2. The real property law is amended by adding a new section 291-j to read as follows:

S 291-J. RECORDING OF DECLARATIONS BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY. PURSUANT TO SUBDIVISION FIVE OF SECTION EIGHTEEN HUNDRED NINETY-SIX OF THE PUBLIC AUTHORITIES LAW, THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY SHALL RECORD OR CAUSE TO BE RECORDED, IN THE OFFICE OF THE APPROPRIATE RECORDING OFFICER, A DECLARATION EVIDENCING THE EXISTENCE OF A LOAN AS DESCRIBED THEREIN AND, UPON SATISFACTION OF SUCH LOAN, SUCH AUTHORITY SHALL FILE A

1 DECLARATION OF REPAYMENT AND FULL SATISFACTION OF THE LOAN REPAYMENT
2 UTILITY METER CHARGE. THE RECORDING OFFICER SHALL RECORD SUCH DECLARA-
3 TIONS IN THE SAME BOOK, PROVIDED UNDER SECTION THREE HUNDRED FIFTEEN OF
4 THE REAL PROPERTY LAW, IN WHICH SUCH RECORDING OFFICER RECORDS DEEDS.

5 S 3. This act shall take effect immediately.

6 PART EE

7 Section 1. Subdivision 3 of section 19-0323 of the environmental
8 conservation law, as amended by section 1 of part BB of chapter 60 of
9 the laws of 2011 and the closing paragraph as added by chapter 629 of
10 the laws of 2006, is amended to read as follows:

11 3. Any diesel powered heavy duty vehicle that is owned by, operated by
12 or on behalf of, or leased by a state agency and state and regional
13 public authority with more than half of its governing body appointed by
14 the governor shall utilize the best available retrofit technology for
15 reducing the emission of pollutants. The commissioner shall promulgate
16 regulations for the implementation of this subdivision specifying that
17 all vehicles covered by this subdivision shall have best available
18 retrofit technology on or before December 31, [2012] 2013.

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

22 S 2. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after December 31, 2012.

24 PART FF

25 Section 1. The environmental conservation law is amended by adding a
26 new section 11-0706 to read as follows:

27 S 11-0706. GIFT CARDS FOR HUNTING AND FISHING LICENSES.

28 1. THE COMMISSIONER IS AUTHORIZED TO ESTABLISH GIFT CARDS FOR THE
29 LICENSES AND STAMPS SET FORTH IN SECTION 11-0701 OF THIS TITLE.

30 2. FOR THE PURPOSES OF THIS TITLE, THE TERM "GIFT CARD" SHALL MEAN A
31 RESTRICTED MONETARY EQUIVALENT OR VOUCHER THAT, WHEN REDEEMED BY THE
32 HOLDER, ENTITLES SUCH PERSON TO A VALID LICENSE OR STAMP AS SET FORTH IN
33 SECTION 11-0701 OF THIS TITLE.

34 S 2. This act shall take effect immediately.

35 PART GG

36 Section 1. Short title. This act shall be known and may be cited as
37 the "western New York power proceeds allocation act".

38 S 2. The economic development law is amended by adding a new article
39 6-A to read as follows:

40 ARTICLE 6-A

41 WESTERN NEW YORK POWER PROCEEDS ALLOCATION ACT

42 SECTION 189-A. DEFINITIONS.

43 189-B. THE WESTERN NEW YORK POWER PROCEEDS ALLOCATION BOARD.

44 189-C. GENERAL POWERS AND DUTIES OF THE BOARD.

45 189-D. RULES AND REGULATIONS.

46 S 189-A. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING
47 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

48 1. "AUTHORITY" IS THE POWER AUTHORITY OF THE STATE OF NEW YORK.

49 2. "BOARD" IS THE WESTERN NEW YORK POWER PROCEEDS ALLOCATION BOARD
50 CREATED BY THIS ARTICLE.

1 3. "BENEFITS" OR "FUND BENEFITS" ARE PAYMENTS TO ELIGIBLE APPLICANTS
2 SELECTED BY THE AUTHORITY FOR THE PURPOSE OF FUNDING ELIGIBLE PROJECTS
3 WITH MONIES DERIVED FROM NET EARNINGS THAT HAVE BEEN DEPOSITED INTO THE
4 WESTERN NEW YORK ECONOMIC DEVELOPMENT FUND.

5 4. "ELIGIBLE APPLICANT" MEANS A PRIVATE BUSINESS, INCLUDING A
6 NOT-FOR-PROFIT CORPORATION.

7 5. "ELIGIBLE PROJECTS" ARE ECONOMIC DEVELOPMENT PROJECTS BY ELIGIBLE
8 APPLICANTS THAT ARE PHYSICALLY LOCATED WITHIN THE STATE OF NEW YORK
9 WITHIN A THIRTY MILE RADIUS OF THE NIAGARA POWER PROJECT LOCATED IN
10 LEWISTON, NEW YORK THAT WILL SUPPORT THE GROWTH OF BUSINESS IN THE STATE
11 AND THEREBY LEAD TO THE CREATION OR MAINTENANCE OF JOBS AND TAX REVENUES
12 FOR THE STATE AND LOCAL GOVERNMENTS. ELIGIBLE PROJECTS MAY INCLUDE CAPI-
13 TAL INVESTMENTS IN BUILDINGS, EQUIPMENT, AND ASSOCIATED INFRASTRUCTURE
14 (COLLECTIVELY, "INFRASTRUCTURE") OWNED BY AN ELIGIBLE APPLICANT FOR FUND
15 BENEFITS; TRANSPORTATION PROJECTS UNDER STATE OR FEDERALLY APPROVED
16 PLANS; THE ACQUISITION OF LAND NEEDED FOR INFRASTRUCTURE; RESEARCH AND
17 DEVELOPMENT WHERE THE RESULTS OF SUCH RESEARCH AND DEVELOPMENT WILL
18 DIRECTLY BENEFIT NEW YORK STATE; SUPPORT FOR TOURISM AND MARKETING AND
19 ADVERTISING EFFORTS FOR WESTERN NEW YORK STATE TOURISM AND BUSINESS; AND
20 ENERGY-RELATED PROJECTS. ELIGIBLE PROJECTS DO NOT INCLUDE, AND FUND
21 BENEFITS MAY NOT BE USED FOR, PUBLIC INTEREST ADVERTISING OR ADVOCACY;
22 LOBBYING; THE SUPPORT OR OPPOSITION OF ANY CANDIDATE FOR PUBLIC OFFICE;
23 THE SUPPORT OR OPPOSITION TO ANY PUBLIC ISSUE; LEGAL FEES RELATED TO
24 LITIGATION OF ANY KIND; EXPENSES RELATED TO ADMINISTRATIVE PROCEEDINGS
25 BEFORE STATE OR LOCAL AGENCIES; OR RETAIL BUSINESSES AS DEFINED BY THE
26 BOARD, INCLUDING WITHOUT LIMITATION, SPORTS VENUES, GAMING AND GAMBLING
27 OR ENTERTAINMENT-RELATED ESTABLISHMENTS, RESIDENTIAL PROPERTIES, OR
28 PLACES OF OVERNIGHT ACCOMMODATION.

29 6. "ENERGY-RELATED PROJECTS, PROGRAMS AND SERVICES" SHALL HAVE THE
30 SAME MEANING AS SUCH TERM IS DEFINED IN SUBPARAGRAPH TWO OF PARAGRAPH
31 (B) OF SUBDIVISION SEVENTEEN OF SECTION ONE THOUSAND FIVE OF THE PUBLIC
32 AUTHORITIES LAW.

33 7. "EXPANSION POWER" IS THE TWO HUNDRED FIFTY MEGAWATTS OF FIRM
34 NIAGARA PROJECT HYDROELECTRIC POWER AND "REPLACEMENT POWER" IS THE FOUR
35 HUNDRED FORTY-FIVE MEGAWATTS OF FIRM NIAGARA PROJECT HYDROELECTRIC POWER
36 AS SUCH TERMS ARE DEFINED IN SUBDIVISION THIRTEEN OF SECTION ONE THOU-
37 SAND FIVE OF THE PUBLIC AUTHORITIES LAW. FOR PURPOSES OF THIS ARTICLE,
38 "EXPANSION AND REPLACEMENT POWER" MEANS THE ENERGY ASSOCIATED WITH SUCH
39 POWER. NOTWITHSTANDING ANY LAW, RULE, REGULATION, OR POLICY TO THE
40 CONTRARY, AS OF THE FIRST DAY OF JULY, TWO THOUSAND TWELVE, THE TERM
41 REPLACEMENT POWER AS USED IN THIS ARTICLE INCLUDES A CERTAIN SEVENTY
42 MEGAWATTS OF POWER THAT IS REFERRED TO IN SUBDIVISION THIRTEEN OF
43 SECTION ONE THOUSAND FIVE OF THE PUBLIC AUTHORITIES LAW.

44 8. "NET EARNINGS" IS THE AGGREGATE EXCESS OF REVENUES RECEIVED BY THE
45 POWER AUTHORITY OF THE STATE OF NEW YORK FROM THE SALE OF EXPANSION AND
46 REPLACEMENT POWER AND ENERGY PRODUCED AT THE NIAGARA PROJECT THAT WAS
47 SOLD IN THE WHOLESALE ENERGY MARKET OVER WHAT REVENUES WOULD HAVE BEEN
48 RECEIVED HAD SUCH ENERGY BEEN SOLD ON A FIRM BASIS TO AN ELIGIBLE EXPAN-
49 SION OR REPLACEMENT POWER CUSTOMER UNDER THE APPLICABLE TARIFF OR
50 CONTRACT.

51 9. "WESTERN NEW YORK ECONOMIC DEVELOPMENT FUND" OR "FUND" IS A FUND OF
52 THE AUTHORITY INTO WHICH ALL NET EARNINGS ARE DEPOSITED BY THE AUTHORITY
53 IN ACCORDANCE WITH SUBDIVISION TWENTY OF SECTION ONE THOUSAND FIVE OF
54 THE PUBLIC AUTHORITIES LAW AND FROM WHICH ALLOCATIONS OF FUND BENEFITS
55 TO ELIGIBLE PROJECTS MAY BE MADE.

1 S 189-B. THE WESTERN NEW YORK POWER PROCEEDS ALLOCATION BOARD. 1.
2 THERE IS HEREBY CREATED THE WESTERN NEW YORK POWER PROCEEDS ALLOCATION
3 BOARD, WHICH SHALL POSSESS THE POWERS AND DUTIES HEREIN SPECIFIED. THE
4 BOARD SHALL CONSIST OF FIVE MEMBERS WHO SHALL BE APPOINTED BY THE GOVER-
5 NOR AS FOLLOWS: ONE OF WHOM SHALL BE APPOINTED UPON THE RECOMMENDATION
6 OF THE TEMPORARY PRESIDENT OF THE SENATE AND SHALL RESIDE WITHIN THE
7 THIRTY MILE RADIUS OF THE NIAGARA POWER PROJECT, ONE OF WHOM SHALL BE
8 APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY AND
9 SHALL RESIDE WITHIN THE THIRTY MILE RADIUS OF THE NIAGARA POWER PROJECT,
10 AND AT LEAST ONE ADDITIONAL MEMBER WHO SHALL ALSO RESIDE WITHIN THE
11 THIRTY MILE RADIUS OF THE NIAGARA POWER PROJECT. THE GOVERNOR SHALL
12 DESIGNATE A CHAIR FROM AMONGST THE BOARD'S MEMBERS.

13 2. EACH MEMBER SHALL SERVE A TERM OF FIVE YEARS OR UNTIL A SUCCESSOR
14 SHALL HAVE BEEN NAMED AND QUALIFIED. MEMBERS MAY BE REAPPOINTED TO
15 SUCCESSIVE TERMS.

16 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THREE
17 MEMBERS SHALL CONSTITUTE A QUORUM FOR THE PURPOSES OF ORGANIZING THE
18 BOARD AND CONDUCTING THE BUSINESS THEREOF. NO ACTION OF THE BOARD MAY BE
19 TAKEN EXCEPT UPON AN AFFIRMATIVE VOTE OF AT LEAST THREE-FIFTHS OF THE
20 FULL BOARD MEMBERSHIP AT ANY MEETING AT WHICH AT LEAST THREE MEMBERS ARE
21 PRESENT OR PARTICIPATING BY VIDEOCONFERENCING. VIDEOCONFERENCING MAY BE
22 USED FOR ATTENDANCE AND PARTICIPATION BY MEMBERS OF THE BOARD. IF VIDEO-
23 CONFERENCING IS USED, THE BOARD SHALL PROVIDE AN OPPORTUNITY FOR THE
24 PUBLIC TO ATTEND, LISTEN AND OBSERVE AT ANY SITE AT WHICH A MEMBER
25 PARTICIPATES. THE PUBLIC NOTICE FOR THE MEETING SHALL IDENTIFY, IF PRAC-
26 TICABLE, ALL LOCATIONS WHERE A MEMBER WILL PARTICIPATE IN THE MEETING BY
27 VIDEOCONFERENCE AND SHALL STATE THAT THE PUBLIC HAS THE RIGHT TO ATTEND
28 THE MEETING AT ANY SUCH LOCATION.

29 4. MEMBERS OF THE BOARD, EXCEPT THOSE THAT ARE EMPLOYEES OR OFFICERS
30 OF THE STATE, ITS AUTHORITIES OR AGENCIES, SHALL NOT RECEIVE A SALARY OR
31 OTHER COMPENSATION, BUT SHALL BE ALLOWED THE NECESSARY AND ACTUAL
32 EXPENSES INCURRED IN THE PERFORMANCE OF DUTIES UNDER THIS ARTICLE.

33 S 189-C. GENERAL POWERS AND DUTIES OF THE BOARD. 1. THE BOARD SHALL
34 ESTABLISH PROCEDURES AND GUIDELINES RELATING TO THE ACTIVITIES OF THE
35 BOARD.

36 2. THE BOARD SHALL ESTABLISH PROCEDURES THROUGH WRITTEN POLICIES OR
37 STANDARDS FOR REVIEWING APPLICATIONS FOR AN ALLOCATION OF FUND BENEFITS
38 THAT SHALL INCLUDE A REVIEW OF APPLICATIONS NO LESS FREQUENTLY THAN
39 TWICE EACH YEAR. THE BOARD, OR A MEMBER DESIGNATED BY THE BOARD, SHALL
40 RECEIVE ALL APPLICATIONS FROM, OR ON BEHALF OF, ELIGIBLE APPLICANTS FOR
41 FUND BENEFITS. APPLICATIONS SHALL BE IN A FORM AND CONTAIN SUCH INFORMA-
42 TION, DATA AND EXHIBITS AS THE BOARD, IN CONSULTATION WITH THE AUTHORI-
43 TY, MAY PRESCRIBE.

44 3. THE BOARD MAY REQUEST FROM THE AUTHORITY AN ANALYSIS OF ANY APPLI-
45 CATION ALONG WITH ANY RECOMMENDATIONS. IN ADDITION, THE AUTHORITY SHALL
46 SUPPLY ANY SUCH ADDITIONAL INFORMATION AS IS REASONABLY NECESSARY FOR
47 THE BOARD TO PERFORM ITS DUTIES.

48 4. IN REVIEWING APPLICATIONS FOR FUND BENEFITS, THE BOARD SHALL USE
49 THE CRITERIA FOR ELIGIBILITY FOR EXPANSION, REPLACEMENT AND PRESERVATION
50 POWER AND FOR REVITALIZATION OF INDUSTRY AS PROVIDED IN SECTION ONE
51 THOUSAND FIVE OF THE PUBLIC AUTHORITIES LAW. IN ADDITION, THE BOARD
52 SHALL CONSIDER THE EXTENT TO WHICH AN AWARD OF FUND BENEFITS IS CONSIST-
53 ENT WITH ANY REGIONAL ECONOMIC DEVELOPMENT COUNCIL STRATEGIES AND PRIOR-
54 ITIES HAVING RESPONSIBILITY FOR THE REGION IN WHICH THE ELIGIBLE PROJECT
55 IS LOCATED. THE BOARD SHALL ISSUE A WRITTEN STATEMENT OF ITS FINDINGS
56 AND RECOMMENDATIONS FOR EACH APPLICATION REVIEWED.

1 5. THE BOARD SHALL RECOMMEND TO THE AUTHORITY THE ALLOCATION OF FUND
2 BENEFITS TO ELIGIBLE PROJECTS THAT THE BOARD FINDS ARE CONSISTENT WITH
3 THE APPLICABLE CRITERIA IN SUBDIVISION FOUR OF THIS SECTION. THE BOARD
4 MAY INCLUDE WITHIN ITS RECOMMENDATIONS SUCH RECOMMENDED TERMS AND CONDI-
5 TIONS AS IT DEEMS APPROPRIATE, INCLUDING, BUT NOT LIMITED TO, REASONABLE
6 PROVISION FOR THE ALLOCATION OF FUND BENEFITS OVER TIME AS THE ELIGIBLE
7 APPLICANT ACHIEVES MILESTONES TOWARDS PROJECT COMPLETION, THE PARTIAL OR
8 COMPLETE WITHDRAWAL OR RETURN OF FUND BENEFITS WHERE THE RECIPIENT HAS
9 FAILED TO ACHIEVE OR MAINTAIN MUTUALLY AGREED UPON COMMITMENTS, OR SUCH
10 OTHER TERMS AND CONDITIONS AS THE BOARD DEEMS ADVISABLE. THE BOARD SHALL
11 NOT RECOMMEND AN ALLOCATION OF FUND BENEFITS PRIOR TO ESTABLISHING
12 PROCEDURES FOR REVIEWING APPLICATIONS PURSUANT TO SUBDIVISION TWO OF
13 THIS SECTION.

14 6. A RECOMMENDATION BY THE BOARD THAT AN ELIGIBLE APPLICANT RECEIVE AN
15 ALLOCATION OF FUND BENEFITS SHALL BE A PREREQUISITE TO AN AWARD OF FUND
16 BENEFITS BY THE AUTHORITY. THE AUTHORITY SHALL AWARD FUND BENEFITS TO AN
17 APPLICANT UPON A RECOMMENDATION OF THE BOARD; PROVIDED, HOWEVER, THAT
18 UPON A SHOWING OF GOOD CAUSE, THE AUTHORITY SHALL HAVE DISCRETION AS TO
19 WHETHER TO ADOPT THE BOARD'S RECOMMENDATION, OR TO AWARD BENEFITS IN A
20 DIFFERENT AMOUNT OR ON DIFFERENT TERMS AND CONDITIONS THAN THOSE
21 CONTAINED IN THE RECOMMENDATION OF THE BOARD. ALLOCATIONS OF FUND BENE-
22 FITS SHALL ONLY BE MADE ON THE BASIS OF NET EARNINGS THAT HAVE BEEN
23 DEPOSITED IN THE WESTERN NEW YORK ECONOMIC DEVELOPMENT FUND. NO AWARD OF
24 FUND BENEFITS SHALL ENCUMBER FUTURE NET EARNINGS OR NET EARNINGS THAT
25 HAVE BEEN RECEIVED BUT NOT DEPOSITED IN THE WESTERN NEW YORK ECONOMIC
26 DEVELOPMENT FUND.

27 7. UPON MAKING AN ALLOCATION OF FUND BENEFITS, THE AUTHORITY SHALL
28 INCLUDE WITHIN THE AGREEMENT PROVIDING FOR THE TERMS AND CONDITIONS
29 APPLICABLE TO SUCH ALLOCATION ALL TERMS AND CONDITIONS THE AUTHORITY
30 DEEMS APPROPRIATE, TAKING INTO ACCOUNT THE RECOMMENDATIONS MADE BY THE
31 BOARD.

32 S 189-D. RULES AND REGULATIONS. THE AUTHORITY IS HEREBY AUTHORIZED TO
33 PROMULGATE SUCH RULES AND REGULATIONS AS IT DEEMS NECESSARY TO FULFILL
34 THE PURPOSES OF THIS ARTICLE.

35 S 3. Section 1005 of the public authorities law is amended by adding
36 five new subdivisions 19, 20, 21, 22 and 23 to read as follows:

37 19. TO COOPERATE WITH THE WESTERN NEW YORK POWER PROCEEDS ALLOCATION
38 BOARD AND PROVIDE THE BOARD WITH SUCH INFORMATION AND ASSISTANCE AS THE
39 BOARD REASONABLY REQUESTS, INCLUDING REASONABLE STAFF SERVICES, ACCOUNT-
40 ING, CLERICAL AND SECRETARIAL ASSISTANCE, OFFICE SPACE, AND EQUIPMENT
41 REASONABLY REQUESTED BY THE WESTERN NEW YORK POWER PROCEEDS ALLOCATION
42 BOARD TO FULFILL ITS DUTIES.

43 20. TO ESTABLISH AN ACCOUNT TO BE KNOWN AS THE WESTERN NEW YORK
44 ECONOMIC DEVELOPMENT FUND, WHICH SHALL CONSIST OF "NET EARNINGS" AS
45 DEFINED IN ARTICLE SIX-A OF THE ECONOMIC DEVELOPMENT LAW, DEPOSITED IN
46 SUCH AMOUNTS AS DETERMINED TO BE FEASIBLE AND ADVISABLE BY THE TRUSTEES.
47 SUCH EARNINGS SHALL BE DEPOSITED NO LESS FREQUENTLY THAN QUARTERLY. THE
48 FIRST DEPOSIT INTO THE FUND SHALL BE MADE NINETY DAYS AFTER THE EFFEC-
49 TIVE DATE OF THIS SUBDIVISION, AND SHALL INCLUDE ALL SUCH NET EARNINGS
50 ACCRUED SINCE THE EFFECTIVE DATE OF CHAPTER FOUR HUNDRED THIRTY-SIX OF
51 THE LAWS OF TWO THOUSAND TEN. AT LEAST FIFTEEN PERCENT OF SUCH FUNDS
52 SHALL BE DEDICATED TOWARDS ELIGIBLE PROJECTS WHICH ARE ENERGY-RELATED
53 PROJECTS, PROGRAMS AND SERVICES AS SUCH TERM IS DEFINED IN SUBPARAGRAPH
54 TWO OF PARAGRAPH (B) OF SUBDIVISION SEVENTEEN OF THIS SECTION. IN ADDI-
55 TION TO FUNDING ELIGIBLE PROJECTS, AS DEFINED IN ARTICLE SIX-A OF THE
56 ECONOMIC DEVELOPMENT LAW, THE AUTHORITY MAY USE WESTERN NEW YORK ECONOM-

1 IC DEVELOPMENT FUND MONIES TO COVER REASONABLE COSTS AND EXPENSES OF THE
2 AUTHORITY RELATED TO THE MANAGEMENT AND ADMINISTRATION OF THE WESTERN
3 NEW YORK POWER PROCEEDS ALLOCATION PROGRAM CREATED BY ARTICLE SIX-A OF
4 THE ECONOMIC DEVELOPMENT LAW.

5 21. THE AUTHORITY MAY, IN ITS DISCRETION, CONSULT WITH THE WESTERN NEW
6 YORK POWER PROCEEDS ALLOCATION BOARD IN THE APPLICATION PROCESS RELATING
7 TO THE ALLOCATION OF EXPANSION POWER AND REPLACEMENT POWER.

8 22. THE AUTHORITY SHALL ESTABLISH PROCESSES FOR APPLICATION REVIEW AND
9 ALLOCATION OF FUND BENEFITS PROVIDED FOR IN ARTICLE SIX-A OF THE ECONOMIC
10 DEVELOPMENT LAW.

11 23. THE AUTHORITY SHALL INCLUDE IN THE ANNUAL REPORT PREPARED PURSUANT
12 TO SUBDIVISION EIGHTEEN OF THIS SECTION, AN ACCOUNTING FOR THE SUBJECT
13 YEAR THAT PROVIDES (A) THE AMOUNT OF EXPANSION POWER AND REPLACEMENT
14 POWER SOLD INTO THE WHOLESALE MARKET BY THE AUTHORITY, AND (B) THE NET
15 EARNINGS, AS SUCH TERM IS DEFINED IN SECTION ONE HUNDRED EIGHTY-NINE-A
16 OF THE ECONOMIC DEVELOPMENT LAW, PAID INTO THE WESTERN NEW YORK ECONOMIC
17 DEVELOPMENT FUND.

18 S 4. Chapter 436 of the laws of 2010 amending the public authorities
19 law and the economic development law, relating to authorizing unallo-
20 cated expansion or replacement power to be allocated for western New
21 York economic development fund benefits, is REPEALED.

22 S 5. This act shall take effect immediately.

23 PART HH

24 Section 1. The state finance law is amended by adding a new article
25 5-E to read as follows:

26 ARTICLE 5-E

27 INFRASTRUCTURE INVESTMENT

28 SECTION 69-I. THE NEW YORK WORKS TASK FORCE.

29 69-J. THE NEW YORK WORKS TASK FORCE; GOVERNANCE.

30 69-K. THE NEW YORK WORKS TASK FORCE; EXECUTIVE DIRECTOR, EMPLOY-
31 EES.

32 69-L. THE NEW YORK WORKS TASK FORCE; CODE OF CONDUCT.

33 S 69-I. THE NEW YORK WORKS TASK FORCE. 1. THERE SHALL BE A NEW YORK
34 WORKS TASK FORCE THAT WILL ADVISE ON COORDINATING THE CAPITAL PLANS OF
35 NEW YORK STATE AGENCIES AND AUTHORITIES, INCLUDING LEVERAGING AND ACCEL-
36 ERATING FUNDING STREAMS AND FINANCING MECHANISMS TO ENHANCE INFRASTRUC-
37 TURE INVESTMENT THROUGHOUT NEW YORK STATE.

38 2. THE NEW YORK WORKS TASK FORCE SHALL:

39 (A) DEVELOP A COORDINATED CAPITAL INFRASTRUCTURE PLAN AMONG STATE
40 AGENCIES AND AUTHORITIES. THE PLAN SHALL FOCUS ON THE EFFICIENT AND
41 ACCELERATED DEPLOYMENT OF RESOURCES TO MEET REGIONAL AND STATEWIDE
42 INFRASTRUCTURE NEEDS AND SHALL CONSIDER THE EXTENT TO WHICH THE PLAN IS
43 CONSISTENT WITH THE REGIONAL ECONOMIC DEVELOPMENT PLANS DESIGNATED BY
44 THE CHAIR OF THE URBAN DEVELOPMENT CORPORATION;

45 (B) RECOMMEND PRIORITIZATION OF CAPITAL INFRASTRUCTURE PROJECTS AND
46 THE ALLOCATION OF CAPITAL RESOURCES;

47 (C) MAKE RECOMMENDATIONS ON FACILITATING THE EXPEDITING OF PERMIT
48 APPROVALS, REGULATORY APPROVALS, AND OTHER STATE ACTIONS NECESSARY TO
49 ADVANCE PRIORITY INFRASTRUCTURE PROJECTS;

50 (D) RECOMMEND FINANCING OPTIONS FOR INFRASTRUCTURE PROJECTS INCLUDING
51 BUT NOT LIMITED TO STATE SUPPORTED DEBT, FEDERAL FUNDING AND OTHER
52 FINANCE VEHICLES; AND

53 (E) ADVISE STATE AGENCIES AND AUTHORITIES ON THE USE OF METHODS OF
54 PROCUREMENT AND CONTRACTING.

1 3. THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE A TWO-YEAR CAPITAL
2 PLAN FOR THE YEARS TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN AND TWO
3 THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN TO THE NEW YORK WORKS TASK FORCE
4 FOR ITS ADVICE AND RECOMMENDATIONS TO COORDINATE AND ADDRESS REGIONAL
5 TRANSPORTATION NEEDS.

6 4. THE NEW YORK WORKS TASK FORCE SHALL PRODUCE AN INFRASTRUCTURE
7 REPORT INCLUDING THE CAPITAL PLAN SUBMITTED TO IT PURSUANT TO SUBDIVI-
8 SION THREE OF THIS SECTION TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE
9 SENATE, SPEAKER OF THE ASSEMBLY, MINORITY LEADER OF THE SENATE AND
10 MINORITY LEADER OF THE ASSEMBLY ANNUALLY ON SEPTEMBER FIRST.

11 S 69-J. THE NEW YORK WORKS TASK FORCE; GOVERNANCE. 1. THE NEW YORK
12 WORKS TASK FORCE SHALL CONSIST OF FIFTEEN MEMBERS, EACH OF WHOM SHALL BE
13 APPOINTED BY THE GOVERNOR AND TWO OF WHOM SHALL BE APPOINTED UPON RECOM-
14 MENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE, TWO OF WHOM SHALL BE
15 APPOINTED UPON RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, ONE OF
16 WHOM SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER
17 OF THE SENATE AND ONE OF WHOM SHALL BE APPOINTED UPON THE RECOMMENDATION
18 OF THE MINORITY LEADER OF THE ASSEMBLY. AT LEAST ONE OF THE MEMBERS
19 APPOINTED BY THE GOVERNOR SHALL REPRESENT ORGANIZED LABOR. THE MEMBERS
20 APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE MINORITY LEADER
21 OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY SHALL BE NON-VOT-
22 ING MEMBERS. EACH PERSON APPOINTED TO THE NEW YORK WORKS TASK FORCE
23 SHALL HAVE PROFESSIONAL EXPERIENCE IN ANY ONE OR MORE OF THE FOLLOWING
24 AREAS: (A) THE DEVELOPMENT, CONSTRUCTION, OWNERSHIP, MAINTENANCE,
25 MANAGEMENT OR FINANCE OF INFRASTRUCTURE ASSETS; (B) ECONOMIC DEVELOPMENT
26 OR PROJECT DEVELOPMENT OR FINANCE; OR (C) LABOR RELATIONS.

27 2. THE NEW YORK WORKS TASK FORCE SHALL ESTABLISH AN IMPLEMENTATION
28 COUNCIL COMPRISED OF: THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE
29 COMMISSIONERS OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT, THE DEPARTMENT
30 OF TRANSPORTATION, THE OFFICE OF GENERAL SERVICES, THE DEPARTMENT OF
31 LABOR, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE OFFICE OF
32 PARKS, RECREATION AND HISTORIC PRESERVATION, THE SECRETARY OF STATE, THE
33 CHANCELLORS OF THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY
34 OF NEW YORK, THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE ENVIRON-
35 MENTAL FACILITIES CORPORATION, AND THE EXECUTIVE DIRECTORS OF THE DORMI-
36 TORY AUTHORITY OF THE STATE OF NEW YORK, THE NEW YORK POWER AUTHORITY,
37 THE LONG ISLAND POWER AUTHORITY, THE NEW YORK STATE ENERGY RESEARCH AND
38 DEVELOPMENT AUTHORITY, THE NEW YORK STATE BRIDGE AUTHORITY, THE METRO-
39 POLITAN TRANSPORTATION AUTHORITY, THE NEW YORK STATE THRUWAY AUTHORITY
40 AND THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, THE DIRECTOR OF STATE
41 OPERATIONS AND SUCH OTHER MEMBERS AS THE NEW YORK WORKS TASK FORCE OR
42 THE GOVERNOR MAY DETERMINE SHALL FACILITATE THE PURPOSES OF THE NEW YORK
43 WORKS TASK FORCE. EACH MEMBER OF THE IMPLEMENTATION COUNCIL MAY DESIG-
44 NATE AN INDIVIDUAL TO ATTEND AND PARTICIPATE IN NEW YORK WORKS TASK
45 FORCE MEETINGS AND DELIBERATIONS ON HIS OR HER BEHALF.

46 3. UPON RECOMMENDATION OF THE NOMINATING PARTY, THE GOVERNOR MAY
47 REPLACE ANY MEMBER IN ACCORDANCE WITH THE PROVISION CONTAINED HEREIN FOR
48 THE APPOINTMENT OF MEMBERS. VACANCIES OCCURRING IN THE NEW YORK WORKS
49 TASK FORCE SHALL BE FILLED BY USING THE SAME APPOINTMENT PROCEDURE
50 ESTABLISHED HEREIN.

51 4. NO OFFICER OR EMPLOYEE OF THE STATE, OF ANY POLITICAL SUBDIVISION
52 OF THE STATE, OF ANY GOVERNMENTAL ENTITY OPERATING ANY PUBLIC SCHOOL OR
53 COLLEGE OR OF ANY OTHER PUBLIC AGENCY OR INSTRUMENTALITY OR UNIT OF
54 GOVERNMENT WHICH EXERCISES GOVERNMENTAL POWERS UNDER THE LAWS OF THE
55 STATE, SHALL FORFEIT SUCH OFFICE OR EMPLOYMENT BY REASON OF ACCEPTANCE
56 OF APPOINTMENT AS A MEMBER OF THE NEW YORK WORKS TASK FORCE; NOR SHALL

1 SERVICE AS SUCH MEMBER, REPRESENTATIVE, OFFICER, EMPLOYEE OR AGENT OF
2 THE NEW YORK WORKS TASK FORCE BE DEEMED INCOMPATIBLE OR IN CONFLICT WITH
3 SUCH OFFICE OR EMPLOYMENT.

4 5. NEW YORK WORKS TASK FORCE MEMBERS SHALL RECEIVE NO REMUNERATION FOR
5 THEIR SERVICES AS MEMBERS, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECES-
6 SARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PROVIDED,
7 HOWEVER, THAT SUCH MEMBERS ARE NOT, AT THE SAME TIME SUCH EXPENSES ARE
8 INCURRED, PUBLIC EMPLOYEES OTHERWISE ENTITLED TO SUCH REIMBURSEMENT.

9 6. THE NEW YORK WORKS TASK FORCE MAY CREATE SUCH COMMITTEES AS IT
10 DEEMS NECESSARY. THE FIRST MEETING OF THE NEW YORK WORKS TASK FORCE
11 SHALL BE HELD WITHIN THIRTY DAYS AFTER ALL MEMBERS ARE INITIALLY
12 APPOINTED. AT THE FIRST MEETING OF THE NEW YORK WORKS TASK FORCE AND AT
13 THE FIRST MEETING IN EACH SUBSEQUENT YEAR, THE NEW YORK WORKS TASK FORCE
14 SHALL ELECT FROM AMONG ITS MEMBERS A CHAIR AND A SECRETARY AND SUCH
15 OTHER OFFICERS AS IT SHALL DEEM NECESSARY. THE NEW YORK WORKS TASK FORCE
16 OR ANY COMMITTEE THEREOF MAY HOLD MEETINGS BY ELECTRONIC MEANS CONSIST-
17 ENT WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

18 S 69-K. THE NEW YORK WORKS TASK FORCE; EXECUTIVE DIRECTOR, EMPLOYEES.
19 THE GOVERNOR MAY DESIGNATE AN INDIVIDUAL TO ACT AS EXECUTIVE DIRECTOR OF
20 THE NEW YORK WORKS TASK FORCE AND MAY ASSIGN FROM TIME TO TIME SUCH
21 OTHER EMPLOYEES AS THE NEW YORK WORKS TASK FORCE MAY REQUIRE.

22 S 69-L. THE NEW YORK WORKS TASK FORCE; CODE OF CONDUCT. THE NEW YORK
23 WORKS TASK FORCE SHALL ESTABLISH A CODE OF CONDUCT CONSISTENT WITH
24 SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW AND WHICH SHALL, AMONG
25 OTHER THINGS, ADDRESS POTENTIAL CONFLICTS OF INTEREST AND PROVIDE FOR
26 PERIODS OF DISQUALIFICATION, CONSISTENT WITH THOSE PERIODS PRESCRIBED
27 UNDER SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, DURING WHICH
28 MEMBERS OF THE NEW YORK WORKS TASK FORCE MAY NOT ENGAGE IN CERTAIN
29 ACTIVITIES RELATED TO MATTERS BEFORE IT.

30 S 2. This act shall take effect immediately.

31

PART II

32 Section 1. The racing, pari-mutuel wagering and breeding law is
33 amended by adding a new section 911 to read as follows:

34 S 911. ADVANCE DEPOSIT WAGERING. THE RACING AND WAGERING BOARD SHALL
35 STUDY THE IMPACT OF ADVANCE DEPOSIT WAGERING ON HORSE RACING AND
36 PARI-MUTUEL HANDLE IN NEW YORK STATE. THE STUDY SHALL INCLUDE BUT NOT BE
37 LIMITED TO THE IMPACT OF OUT-OF-STATE ENTITIES ACCEPTING WAGERS FROM NEW
38 YORK STATE RESIDENTS, THE ANNUAL DOLLAR AMOUNT WAGERED BY NEW YORK STATE
39 RESIDENTS THROUGH OUT-OF-STATE ADVANCE DEPOSIT WAGERING ACCOUNTS, THE
40 NUMBER OF OUT-OF-STATE ADVANCE DEPOSIT WAGERING ACCOUNTS HELD BY NEW
41 YORK STATE RESIDENTS, AND INFORMATION CONCERNING NEW YORK STATE RESI-
42 DENTS WHO UTILIZE OUT-OF-STATE ADVANCE DEPOSIT WAGERING ACCOUNTS,
43 INCLUDING, BUT NOT LIMITED TO, RESIDENCY. THE RACING AND WAGERING BOARD
44 SHALL SUBMIT THE STUDY, TOGETHER WITH ANY RECOMMENDATIONS, TO THE GOVER-
45 NOR AND LEGISLATURE NO LATER THAN SEPTEMBER FIFTEENTH, TWO THOUSAND
46 TWELVE.

47 S 2. The racing, pari-mutuel wagering and breeding law is amended by
48 adding a new section 503-a to read as follows:

49 S 503-A. ADDITIONAL POWERS OF THE REGIONAL OFF-TRACK BETTING CORPO-
50 RATIONS. 1. IN ADDITION TO THE POWERS ENUMERATED IN SECTION FIVE HUNDRED
51 THREE OF THIS ARTICLE, FINANCIALLY INSOLVENT REGIONAL OFF-TRACK BETTING
52 CORPORATIONS, AS DETERMINED BY THE RACING AND WAGERING BOARD UPON REVIEW
53 OF CERTIFIED FINANCIAL STATEMENTS, ARE HEREBY AUTHORIZED AND MAY FILE
54 ANY PETITION WITH ANY UNITED STATES DISTRICT COURT OR COURT OF BANKRUPT-

1 CY UNDER ANY PROVISION OF LAWS OF THE UNITED STATES FOR THE COMPOSITION
2 OR ADJUSTMENT OF MUNICIPAL INDEBTEDNESS, PROVIDED SUCH CORPORATION IS
3 AUTHORIZED BY A RESOLUTION ADOPTED BY A MAJORITY OF THE PARTICIPATING
4 COUNTIES TO SUCH REGION, OR, FOR A CORPORATION WHOLLY CONTAINED WITHIN
5 ONE COUNTY, BY A RESOLUTION ADOPTED BY SUCH COUNTY. THE PROVISIONS OF
6 THIS SUBDIVISION SHALL NOT APPLY TO THE SUFFOLK REGIONAL OFF-TRACK
7 BETTING CORPORATION UNTIL APRIL FIRST, TWO THOUSAND FOURTEEN.

8 2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, THE SUFFOLK
9 REGIONAL OFF-TRACK BETTING CORPORATION IS HEREBY AUTHORIZED AND MAY FILE
10 ANY PETITION WITH ANY UNITED STATES DISTRICT COURT OR COURT OF BANKRUPT-
11 CY UNDER ANY PROVISION OF LAWS OF THE UNITED STATES FOR THE COMPOSITION
12 OR ADJUSTMENT OF MUNICIPAL INDEBTEDNESS.

13 S 3. Notwithstanding any other provision of law or regulation to the
14 contrary, all monies in a capital acquisition fund, established pursuant
15 to section 509-a of the racing, pari-mutuel wagering and breeding law,
16 containing less than two and one-half million dollars as of the effec-
17 tive date of this act shall be available to a regional off-track betting
18 corporation for any corporate purpose.

19 A regional off-track betting corporation that chooses to utilize its
20 capital acquisition fund for corporate purposes shall do so by providing
21 written notification to the racing and wagering board at least fifteen
22 days in advance of its decision to utilize monies for corporate
23 purposes. During such time that a regional off-track betting corporation
24 uses its monies for corporate purposes, it shall not be authorized to
25 impose the supplemental one per centum surcharge established by subdivi-
26 sion 3-a of section 532 of the racing, pari-mutuel wagering and breeding
27 law.

28 A regional off-track betting corporation may use its monies for corpo-
29 rate purposes until all monies in its capital acquisition fund have been
30 exhausted or until such time that the corporation elects to discontinue
31 such corporate use and has notified the racing and wagering board in
32 writing of its decision. The supplemental one per centum surcharge
33 established by subdivision 3-a of section 532 of the racing, pari-mutuel
34 wagering and breeding law shall only be reinstated one year following:
35 (i) the regional corporation's written notification of discontinuance to
36 the racing and wagering board; or (ii) one year following exhaustion of
37 the capital acquisition fund. Once the supplemental surcharge has been
38 reimposed, the capital acquisition fund shall only be used for the
39 purposes enumerated within section 509-a of the racing, pari-mutuel
40 wagering and breeding law.

41 S 4. This act shall take effect immediately, provided, however, that
42 the provisions of subdivision two of section five hundred three-a of the
43 racing, pari-mutuel wagering and breeding law, as added by section two
44 of this act, shall expire April 1, 2014 when upon such date the
45 provisions of such subdivision shall be deemed repealed.

46 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
47 sion, section or part of this act shall be adjudged by any court of
48 competent jurisdiction to be invalid, such judgment shall not affect,
49 impair, or invalidate the remainder thereof, but shall be confined in
50 its operation to the clause, sentence, paragraph, subdivision, section
51 or part thereof directly involved in the controversy in which such judg-
52 ment shall have been rendered. It is hereby declared to be the intent of
53 the legislature that this act would have been enacted even if such
54 invalid provisions had not been included herein.

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