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

S. 6260 A. 9060

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

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

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to supervision and regulation of the state gaming industry; and to amend the racing, pari-mutuel wagering and breeding law, the general municipal law, the executive law and the tax law, in relation to the state gaming commission; and to repeal article 1 of the racing, pari-mutuel wagering and breeding law and sections 1602 and 1603 of the tax law relating thereto (Part A); to amend the civil service law, in relation to the formation of the department of workforce management; and transferring all powers, duties and obligations of the department of civil service and the office of employee relations to the department of workforce management; and to repeal certain provisions of the executive law relating to the office of employee relations (Part B); to amend the public authorities law, in relation to an agreement between the olympic regional development authority and the department of environmental conservation for the operation, maintenance and management of Belleayre mountain ski center (Part C); and to repeal section 285-a and subdivision 12 of section 283 of the agriculture and markets law, relating to direct marketing advisory councils for regional marketing areas; to repeal section 7 of chapter 654 of the laws of 1994, amending the transportation law and other laws relating to equipment requirements for registered farm vehicles, relating to the agricultural transportation review panel; to repeal section 285-b of the agriculture and markets law, relating to the Hudson valley agricultural advisory council; to repeal article 4 of the state technology law, relating to the statewide wireless network advisory council; to repeal section 372-a of the social services law, relating to the child welfare research advisory panel; to amend the public health law, in relation to provision of information about the abandoned infant protection act; to repeal sections 520 and 521 of the executive law, relating to the boards of visitors; to repeal article

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

LBD12675-01-2

28 of the executive law and paragraph (p) of subdivision 1 of section 17 of the public officers law, relating to the upstate and downstate New York tourism councils; to repeal section 92-y of the state finance law, relating to the upstate New York tourism council fund; to amend the highway law and the education law, in relation to removing reference to the upstate and downstate New York tourism councils; to repeal section 120 of the economic development law, relating to the advisory board within the division of minority and women's business development; to repeal section 27-0702 of the environmental conservation law, relating to the solid waste management board; to amend the environmental conservation law and the state finance law, in relation to removing reference to the solid waste management board; to amend the public authorities law, in relation to doing away with a technical advisory committee and the hazardous waste disposal advisory committee and to repeal certain provisions of law relating thereto; to repeal section 216-b of the vehicle and traffic law, relating to the tow truck advisory board; to repeal section 191 of the executive law, relating to the temporary advisory committee on restoration and display of New York state's military battle flags; to repeal subdivision 9 of section 3.23 of the parks, recreation and historic preservation law, relating to the advisory council within the New York state conservation corps; to repeal section 89-mmm of the general business law, relating to the armored car carrier advisory board; to amend the executive law and the general business law, in relation to removing reference to the armored car carrier advisory board and to repeal certain provisions of the general business law relating thereto; to repeal section 923 of the executive law, relating to the Long Island Sound coastal advisory commission; to repeal subdivision 14 of section 601 and sections 611 and 612 of the executive law, relating to the manufactured housing advisory council; to amend the executive law, in relation to removing reference to the manufactured housing advisory council; to repeal section 433-a of the general business law, relating to the barbers board; to amend the social services law, in relation to doing away with the advisory committee on legal advocacy; to repeal subdivisions 8 and 9 of section 350, subdivision 16 of section 353, and sections 365, 365-a, 365-b, 365-c, 365-d, 365-e, 365-f and 365-g of the executive law, relating to the veterans' hall of fame and the New York state veterans' hall of fame council; to repeal section 154 of the labor law, relating to the child performer advisory board to prevent eating disorders; to repeal title 11 of article 24 of the environmental conservation law, relating to appeal and review of matters affecting freshwater wetlands; to amend the environmental conservation law, in relation to appeal and reviews of matters affecting freshwater wetlands; to repeal subdivision 3 of section 1-0303, article 5, section 19-0917 and subdivision 4 of section 29-0103 of the environmental conservation law, relating to the state environmental board; to amend the environmental conservation law, in relation to removing reference to the state environmental board; to repeal sections 9-0705, 9-0707, 9-0709 and 9-0711 of the environmental conservation law, relating to the regional forest practice boards and the state forest practice board; to amend the environmental conservation law, in relation to removing reference to the regional forest practice boards; to repeal subdivision 1 of section 444-b of the real property law, relating to the state home inspection council; to amend the real property law, in relation to removing reference to the state home inspection council; to repeal subdivision 6 of section 69-n of

the general business law, in relation to the advisory committee on the business of installing security or fire alarm systems; to repeal chapter 868 of the laws of 1976 relating to the organic food advisory committee, relating thereto; to repeal subdivisions 6, 7, 8, and 9 of section 73-b of the agriculture and markets law, relating to the New York state veterinary diagnostic laboratory; to amend the agriculture and markets law, in relation to duties of the New York state veterinary diagnostic laboratory and in relation to the New York state animal health issues committee; to repeal section 13-0308 of the environmental conservation law, relating to the surf clam/ocean quahog management advisory board; to amend the environmental conservation law and the state finance law, in relation to removing reference to the surf clam/ocean quahog management advisory board; to amend the public health law, in relation to simplifying committee structure and increasing effectiveness of emergency medical services; to repeal sections 3002, 3002-a, 3003-a, 3009 and 3017 of the public health law, relating to the New York state emergency medical services council, the state emergency medical advisory committee, EMS program agencies, continuation of existing services and emergency medical services in Suffolk county; to amend the public health law, in relation to providing for the New York state emergency medical services board and regional boards; to repeal articles 30-B and 30-C of the public health law, relating to emergency medical, trauma and disaster care and emergency medical services for children; to amend the state finance law, in relation to the New York state emergency medical services training account; to amend the administrative code of the city of New York, the general municipal law, the workers' compensation law, the executive law and the education law, in relation to making conforming changes thereto; to repeal section 2407 and subdivision 5 of section 2409 of the public health law, relating to the breast and cervical cancer detection and education program advisory council and the ovarian cancer information advisory council; to amend the public health law, in relation to creating the breast, cervical and ovarian cancer detection and education program advisory council; and to repeal section 844-a of the executive law, relating to the New York statewide law enforcement telecommunications committee (Part D)

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

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

PART A

Section 1. Article 1 of the racing, pari-mutuel wagering and breeding law is REPEALED and a new article 1 is added to read as follows:

ARTICLE 1

SUPERVISION AND REGULATION

SECTION 100. LEGISLATIVE INTENT.
101. DEFINITIONS.
102. NEW YORK STATE GAMING COMMISSION.
103. ORGANIZATION AND DIVISIONS.
104. POWERS AND DUTIES OF THE COMMISSION.
105. QUORUM.
106. SALARY AND EXPENSES.
107. CONFLICTS PROHIBITED.
108. CERTAIN RESTRICTIONS ON WAGERING.
109. SUPPLEMENTARY REGULATORY POWERS OF THE COMMISSION.
110. STATEMENT OF STOCKHOLDERS TO BE FILED.
111. COMPULSIVE GAMBLING ASSISTANCE.
112. PARI-MUTUEL OPERATIONS; FILING OF TAX FORMS AND OTHER STATISTICS.
113. FILING OF PARI-MUTUEL TAX RETURNS OR REPORTS BY ELECTRONIC MEANS.
114. PRACTICE AND PROCEDURE.
115. REGULATORY FEES.
116. PENALTIES.
117. TRANSFER OF FUNCTIONS.
118. TRANSFER OF EMPLOYEES.
119. TRANSFER OF RECORDS.
120. CONTINUITY OF AUTHORITY.
121. COMPLETION OF UNFINISHED BUSINESS.
122. CONTINUATION OF RULES AND REGULATIONS.
123. TERMS OCCURRING IN LAWS, CONTRACTS AND OTHER DOCUMENTS.
124. EXISTING RIGHTS AND REMEDIES PRESERVED.
125. PENDING ACTIONS OR PROCEEDINGS.
126. TRANSFER OF APPROPRIATIONS HERETOFORE MADE.
127. TRANSFER OF ASSETS AND LIABILITIES.
128. PROMULGATION OF RULES AND REGULATIONS.
129. CONSTRUCTION OF OTHER LAWS OF PROVISIONS.

S 100. LEGISLATIVE INTENT. THE LEGISLATURE FINDS AND DETERMINES THAT THE GAMING INDUSTRIES CONSTITUTE A VITAL SECTOR OF NEW YORK STATE'S OVERALL ECONOMY. THE LEGISLATURE ALSO FINDS AND DETERMINES THAT RESPONSIVE, EFFECTIVE, INNOVATIVE, STATE GAMING REGULATION IS NECESSARY TO OPERATE IN A GLOBAL, EVOLVING AND INCREASINGLY COMPETITIVE MARKET PLACE. THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES THAT THIS LEGISLATION IS NECESSARY TO MODERNIZE AND TRANSFORM THE PRESENT STATE GAMING AGENCIES INTO A NEW INTEGRATED STATE GAMING COMMISSION.

THE CONTINUED GROWTH OF THE GAMING INDUSTRY WILL CONTRIBUTE TO ECONOMIC DEVELOPMENT AND JOB CREATION IN THIS STATE. THEREFORE, IT IS ESSENTIAL TO MAINTAIN THE PUBLIC CONFIDENCE AND TRUST IN THE CREDIBILITY AND INTEGRITY OF LEGALIZED GAMING ACTIVITIES. TO ENSURE SUCH PUBLIC CONFIDENCE AND TRUST, THIS ARTICLE PROVIDES THAT THE REGULATION OF SUCH GAMING IS TO BE CONDUCTED IN THE MOST EFFICIENT, TRANSPARENT AND EFFECTIVE MANNER POSSIBLE. BY CONSOLIDATING VARIOUS REGULATORY FUNCTIONS INTO A SINGLE OVERSIGHT BODY WITH BROAD POWERS, THIS ARTICLE ENSURES STRICT STATE REGULATION OF ALL CORPORATIONS, ASSOCIATIONS AND PERSONS ENGAGED IN GAMING ACTIVITY. FURTHER, BY CONSOLIDATING REGULATORY FUNCTIONS INTO A SINGLE OVERSIGHT BODY, THIS ARTICLE WILL INCREASE EFFICIENCY, REDUCE COSTS AND ELIMINATE ANY UNNECESSARY REDUNDANCIES IN REGULATION. THE

IMPROVED REGULATORY STRUCTURE ESTABLISHED BY THIS ARTICLE WILL INSURE, SO FAR AS PRACTICABLE, THE EXCLUSION OF UNSUITABLE PERSONS OR ENTITIES FROM PARTICIPATING IN ANY LEGALIZED GAMING ACTIVITY WITHIN THIS STATE. THE GOAL OF THIS ARTICLE IS THAT ALL GAMING ACTIVITY CONDUCTED IN THIS STATE WILL BE OF THE HIGHEST INTEGRITY, CREDIBILITY AND QUALITY AND THAT THE BEST INTERESTS OF THE PUBLIC, BOTH GAMING AND NON-GAMING, WILL BE SERVED. FINALLY, IT IS DETERMINED BY THE LEGISLATURE THAT THE PUBLIC INTEREST IS BEST SERVED BY THOSE PERSONS OR ENTITIES ENGAGED IN GAMING ACTIVITY PAYING THE COST OF REGULATING SUCH ACTIVITY THROUGH REASONABLE REGULATORY FEES.

S 101. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "PUBLIC OFFICER" SHALL MEAN EVERY ELECTED STATE AND LOCAL OFFICER AND EVERY OTHER STATE AND LOCAL OFFICER, AS DEFINED IN SECTION TWO OF THE PUBLIC OFFICERS LAW, WHOSE DUTIES RELATE TO PARI-MUTUEL RACING ACTIVITIES OR THE TAXATION THEREOF, WHO IS REQUIRED TO DEVOTE ALL OR SUBSTANTIALLY ALL OF HIS OR HER TIME TO THE DUTIES OF HIS OR HER OFFICE FOR WHICH HE OR SHE RECEIVES COMPENSATION OR IF EMPLOYED ON A PART-TIME OR OTHER BASIS RECEIVES COMPENSATION IN EXCESS OF TWELVE THOUSAND DOLLARS PER ANNUM, A MEMBER OR OFFICER OF THE STATE LEGISLATURE, A MEMBER, DIRECTOR OR OFFICER OF THE STATE RACING COMMISSION, THE STATE HARNESS RACING COMMISSION, THE QUARTER HORSE RACING COMMISSION, THE STATE GAMING COMMISSION, OR ANY REGIONAL OFF-TRACK BETTING CORPORATION, OR A MEMBER OF A LOCAL LEGISLATIVE BODY.

2. "PUBLIC EMPLOYEE" SHALL MEAN EVERY PERSON EMPLOYED BY THE STATE OR ANY MUNICIPALITY OR OTHER POLITICAL SUBDIVISION THEREOF OR BY A LOCAL LEGISLATIVE BODY, OTHER THAN A PUBLIC OFFICER DEFINED IN SUBDIVISION ONE OF THIS SECTION, WHO IS REQUIRED TO DEVOTE ALL OR SUBSTANTIALLY ALL OF HIS OR HER TIME TO THE DUTIES OF HIS OR HER EMPLOYMENT FOR WHICH HE OR SHE RECEIVES COMPENSATION, OR IF EMPLOYED ON A PART-TIME BASIS RECEIVES COMPENSATION IN EXCESS OF TWELVE THOUSAND DOLLARS PER ANNUM, OR AN EMPLOYEE OF THE STATE LEGISLATURE OR AN EMPLOYEE OF THE STATE GAMING COMMISSION.

3. "PARTY OFFICER" SHALL MEAN THE FOLLOWING MEMBERS OR OFFICERS OF ANY POLITICAL PARTY:

(A) A MEMBER OF A NATIONAL COMMITTEE;

(B) A CHAIRMAN, VICE-CHAIRMAN, SECRETARY, TREASURER OR COUNSEL OF A STATE COMMITTEE, OR MEMBER OF THE EXECUTIVE COMMITTEE OF A STATE COMMITTEE;

(C) A COUNTY LEADER, CHAIRMAN, VICE-CHAIRMAN, COUNSEL, SECRETARY OR TREASURER OF A COUNTY COMMITTEE.

4. "LOCAL LEGISLATIVE BODY" SHALL MEAN THE LEGISLATIVE BODY OF A COUNTY; THE COUNCIL, COMMON COUNCIL OR BOARD OF ALDERMEN AND THE BOARD OF ESTIMATE, THE BOARD OF ESTIMATE AND APPORTIONMENT OR BOARD OF ESTIMATE AND CONTRACT, IF THERE BE ONE, OF A CITY; THE TOWN BOARD OF A TOWN AND THE VILLAGE BOARD OF A VILLAGE.

5. "GAMING ACTIVITY" SHALL MEAN THE CONDUCT OF ANY FORM OF LEGALIZED GAMING, INCLUDING, BUT NOT LIMITED TO, CLASS III GAMING UNDER THE INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2701 ET SEQ., PARI-MUTUEL WAGERING, BOTH ON-TRACK AND OFF-TRACK, BINGO AND CHARITABLE GAMES OF CHANCE AND THE STATE LOTTERY FOR EDUCATION.

6. "GAMING SERVICE ENTERPRISE" SHALL MEAN A PERSON OR ENTITY THAT PROVIDES A GAMING FACILITY WITH GOODS OR SERVICES REGARDING THE REALTY, CONSTRUCTION, MAINTENANCE, OR BUSINESS OF THE GAMING FACILITY OR RELATED FACILITY INCLUDING, WITHOUT LIMITATION, JUNKET ENTERPRISES, SECURITY BUSINESSES, GAMING SCHOOLS, MANUFACTURERS, DISTRIBUTORS AND SERVICERS OF

GAMING DEVICES OR EQUIPMENT, GARBAGE HAULERS, MAINTENANCE COMPANIES, FOOD PURVEYORS, AND CONSTRUCTION COMPANIES, OR ANY OTHER ENTERPRISE WHICH PURCHASES GOODS OR SERVICES FROM OR WHICH DOES ANY OTHER BUSINESS WITH A GAMING FACILITY ON A REGULAR OR CONTINUING BASIS.

7. "COMMISSION" OR "STATE GAMING COMMISSION" SHALL MEAN THE NEW YORK STATE GAMING COMMISSION CREATED PURSUANT TO SECTION ONE HUNDRED TWO OF THIS ARTICLE.

S 102. NEW YORK STATE GAMING COMMISSION. 1. THERE IS HEREBY CREATED WITHIN THE EXECUTIVE DEPARTMENT THE NEW YORK STATE GAMING COMMISSION WHICH SHALL CONSIST OF FIVE MEMBERS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE.

2. A MEMBER SHALL BE DESIGNATED AS CHAIR OF THE COMMISSION BY THE GOVERNOR TO SERVE IN SUCH CAPACITY AT THE PLEASURE OF THE GOVERNOR OR UNTIL HIS OR HER TERM AS A COMMISSION MEMBER EXPIRES, WHICHEVER FIRST OCCURS. THE MEMBERS SHALL SERVE ON A FULL-TIME BASIS AND BE APPOINTED FOR TERMS OF FIVE YEARS; PROVIDED, HOWEVER, THAT INITIAL APPOINTMENTS TO THE COMMISSION SHALL BE FOR TERMS AS FOLLOWS:

(A) ONE MEMBER FOR TWO YEARS;

(B) ONE MEMBER FOR THREE YEARS;

(C) ONE MEMBER FOR FOUR YEARS;

(D) ONE MEMBER FOR FIVE YEARS;

(E) ONE MEMBER FOR SIX YEARS.

3. EACH MEMBER OF THE COMMISSION SHALL BE A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE STATE OF NEW YORK. NO MEMBER OF THE LEGISLATURE OR PERSON HOLDING ANY ELECTIVE OR APPOINTIVE OFFICE IN THE FEDERAL, STATE OR LOCAL GOVERNMENT SHALL BE ELIGIBLE TO SERVE AS A MEMBER OF THE COMMISSION.

4. THE GOVERNOR MAY REMOVE ANY MEMBER OF THE COMMISSION AT THE GOVERNOR'S DISCRETION.

S 103. ORGANIZATION AND DIVISIONS. 1. THE COMMISSION SHALL ESTABLISH A PLAN OF ORGANIZATION AND MAY INCUR EXPENSES WITHIN THE LIMITS OF FUNDS AVAILABLE TO IT. AN EXECUTIVE DIRECTOR SHALL BE APPOINTED BY THE GOVERNOR AND SHALL SERVE AT HIS OR HER PLEASURE. THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE FOR THE CONDUCT OF THE ADMINISTRATIVE AFFAIRS OF THE COMMISSION.

2. THE COMMISSION SHALL ESTABLISH AND SUPERVISE FIVE DIVISIONS TO RESPECTIVELY CARRY OUT RESPONSIBILITIES RELATING TO THE REGULATION AND ENFORCEMENT OF THE FOLLOWING: LOTTERY, CHARITABLE GAMING, GAMING, HORSE RACING AND PARI-MUTUEL WAGERING, AND LAW ENFORCEMENT. EACH SUCH DIVISION SHALL BE SUPERVISED BY A DIVISION DIRECTOR, EACH TO SERVE IN SUCH CAPACITY AT THE PLEASURE OF THE GOVERNOR, PROVIDED, HOWEVER, THAT THE DIRECTOR OF THE DIVISION OF LAW ENFORCEMENT SHALL SERVE AT THE PLEASURE OF THE SUPERINTENDENT OF STATE POLICE.

(A) DIVISION OF LOTTERY. THE DIVISION OF LOTTERY SHALL BE RESPONSIBLE TO OPERATE AND ADMINISTER THE STATE LOTTERY FOR EDUCATION, AS PRESCRIBED BY ARTICLE THIRTY-FOUR OF THE TAX LAW, EXCEPTING RESPONSIBILITIES FOR VIDEO LOTTERY GAMING.

(B) CHARITABLE GAMING. THE DIVISION OF CHARITABLE GAMING SHALL BE RESPONSIBLE FOR THE SUPERVISION AND ADMINISTRATION OF THE GAMES OF CHANCE LICENSING LAW, BINGO LICENSING LAW AND BINGO CONTROL LAW AS PRESCRIBED BY ARTICLES NINE-A AND FOURTEEN-H OF THE GENERAL MUNICIPAL LAW AND NINETEEN-B OF THE EXECUTIVE LAW.

(C) GAMING. THE DIVISION OF GAMING SHALL BE RESPONSIBLE FOR THE APPROPRIATE ADMINISTRATION, REGULATION OR OVERSIGHT OF INDIAN GAMING AS DEFINED BY TRIBAL-STATE COMPACTS IN EFFECT PURSUANT TO THE INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2701, ET SEQ., AND OPERATION AND ADMINIS-

TRATION OF VIDEO LOTTERY GAMING, AS PRESCRIBED BY ARTICLE THIRTY-FOUR OF THE TAX LAW.

(D) HORSE RACING AND PARI-MUTUEL WAGERING. THE DIVISION OF HORSE RACING AND PARI-MUTUEL WAGERING SHALL BE RESPONSIBLE FOR THE SUPERVISION, REGULATION AND ADMINISTRATION OF ALL HORSE RACING AND PARI-MUTUEL WAGERING ACTIVITIES, AS PRESCRIBED BY ARTICLES TWO THROUGH ELEVEN OF THIS CHAPTER.

(E) LAW ENFORCEMENT. THE DIVISION OF LAW ENFORCEMENT SHALL CONSIST OF STATE POLICE INVESTIGATORS AND PERSONNEL SPECIALIZING IN GAMING INVESTIGATION AND LAW ENFORCEMENT. THE DIVISION SHALL BE PERMANENTLY ASSIGNED TO THE COMMISSION AND MAINTAIN ITS PRINCIPAL OFFICE WITHIN THE PRINCIPAL OFFICE OF THE COMMISSION AND MAY ESTABLISH AND MAINTAIN BRANCH OFFICES AT ANY BRANCH OFFICE ESTABLISHED AND MAINTAINED BY THE COMMISSION. ADDITIONALLY, THE DIVISION MAY ESTABLISH AND MAINTAIN OFFICES AT ANY LICENSED GAMING FACILITY OR INDIAN GAMING FACILITY CONSISTENT WITH THE TERMS OF ANY TRIBAL-STATE GAMING COMPACT IN EFFECT PURSUANT TO THE INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2701, ET SEQ. AS AGREED WITH AND ON BEHALF OF THE COMMISSION, THE DIVISION SHALL CONDUCT FINGERPRINTING AND BACKGROUND INVESTIGATIONS ON PERSONS AND ENTITIES ENGAGED IN GAMING ACTIVITY OR GAMING SERVICES ENTERPRISES WITHIN THE STATE. THE DIVISION SHALL, UPON REQUEST, ASSIST CIVIL INVESTIGATORS OF THE COMMISSION AND EVALUATE ALL REFERRALS MADE BY SAME.

S 104. POWERS AND DUTIES OF THE COMMISSION. THE COMMISSION SHALL HAVE THE AUTHORITY AND RESPONSIBILITY:

1. TO HAVE GENERAL JURISDICTION OVER ALL GAMING ACTIVITIES WITHIN THE STATE AND OVER THE CORPORATIONS, ASSOCIATIONS AND PERSONS ENGAGED THEREIN.

2. TO HEAR AND DECIDE PROMPTLY AND IN REASONABLE ORDER ALL LICENSE, REGISTRATION, CERTIFICATE AND PERMIT APPLICATIONS, AND CAUSES AFFECTING THE GRANTING, SUSPENSION, REVOCATION OR RENEWAL THEREOF, OF CORPORATIONS, ASSOCIATIONS OR PERSONS ENGAGED OR SEEKING TO ENGAGE IN GAMING ACTIVITY OR GAMING SERVICES ENTERPRISES.

3. TO TEST OR CAUSE TO HAVE TESTED AND APPROVE SURVEILLANCE SYSTEMS, GAMES OF CHANCE, GAMING DEVICES AND LOTTERY GAMES.

4. TO MONITOR ANY CORPORATION, ASSOCIATION OR PERSON ENGAGED IN GAMING ACTIVITY OR A GAMING SERVICE ENTERPRISE FOR COMPLIANCE WITH THIS CHAPTER.

5. TO, AT ANY TIME, EXAMINE THE BOOKS, PAPERS, RECORDS AND ACCOUNTS OF ANY CORPORATION, ASSOCIATION OR PERSON ENGAGED IN GAMING ACTIVITY OR A GAMING SERVICE ENTERPRISE PURSUANT TO A LICENSE, REGISTRATION, FRANCHISE, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION.

6. TO CONDUCT INVESTIGATIONS AND HEARINGS PERTAINING TO VIOLATIONS OF THIS CHAPTER. EACH MEMBER OF THE COMMISSION AND SUCH OFFICERS, EMPLOYEES OR AGENTS OF THE COMMISSION AS MAY BE DESIGNATED BY THE COMMISSION FOR SUCH PURPOSE SHALL HAVE THE POWER TO ADMINISTER OATHS AND EXAMINE WITNESSES.

7. THE COMMISSION MAY ISSUE SUBPOENAS TO COMPEL ATTENDANCE OF WITNESSES, AND THE PRODUCTION OF REPORTS, BOOKS, PAPERS, DOCUMENTS, CORRESPONDENCE AND OTHER POTENTIAL EVIDENCE. IN THE EVENT THAT A HOLDER OF LICENSE, REGISTRATION, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION FAILS TO COMPLY WITH SUCH A SUBPOENA, THE COMMISSION MAY SUMMARILY REVOKE SUCH LICENSE, REGISTRATION, CERTIFICATE OR PERMIT.

8. TO ARBITRATE DISPUTES RELATING TO ANY STATE LICENSE, REGISTRATION, CERTIFICATE OR PERMIT. ADDITIONALLY, THE COMMISSION SHALL BE AUTHORIZED TO REQUIRE ARBITRATION OF AND TO ARBITRATE DISPUTES BY OR BETWEEN ANY

HOLDER OF LICENSE, REGISTRATION, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION.

9. TO COLLECT ALL LICENSE AND REGISTRATION FEES IMPOSED BY STATE LAW, OR RULES OR REGULATIONS PROMULGATED THEREUNDER, AND ANY PAYMENTS FROM AN INDIAN NATION OR TRIBE UNDER THE TERMS OF A TRIBAL-STATE COMPACT THAT IS IN EFFECT PURSUANT TO THE FEDERAL INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2701, ET SEQ.

10. TO LEVY AND COLLECT CIVIL PENALTIES AND FINES FOR ANY VIOLATION OF THIS CHAPTER.

11. TO BE PRESENT THROUGH ITS EMPLOYEES AND AGENTS DURING THE OPERATION OF ANY RACE TRACK, CASINO, GAMING FACILITY, CHARITABLE GAMING ORGANIZATION, SIMULCASTING FACILITY OR VIDEO LOTTERY GAMING FACILITY FOR THE PURPOSE OF CERTIFYING THE REVENUE THEREOF, RECEIVING COMPLAINTS FROM THE PUBLIC RELATING TO THE CONDUCT OF GAMING AND SIMULCAST WAGERING ACTIVITIES, EXAMINING RECORDS OF REVENUES AND PROCEDURES, AND CONDUCTING PERIODIC REVIEWS OF OPERATIONS AND FACILITIES FOR PURPOSES OF EVALUATING ANY CURRENT OR SUGGESTED PROVISION OF LAW, RULE OR REGULATION.

12. TO ENSURE COMPLIANCE WITH TRIBAL-STATE GAMING COMPACTS THAT ARE IN EFFECT PURSUANT TO THE FEDERAL INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2701, ET SEQ.

13. TO REFER TO THE DIVISION OF LAW ENFORCEMENT OR OTHER LAW ENFORCEMENT AGENCY OF COMPETENT JURISDICTION ANY EVIDENCE OF A VIOLATION OF LAW.

14. TO CAUSE BACKGROUND INVESTIGATIONS TO BE CONDUCTED BY THE DIVISION OF LAW ENFORCEMENT ON ANY APPLICANT FOR A LICENSE, REGISTRATION, CERTIFICATE, PERMIT OR APPROVAL. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION SHALL BE GRANTED ACCESS TO THE CRIMINAL HISTORY RECORDS OF THE DIVISION OF CRIMINAL JUSTICE SERVICES, PURSUANT TO SUBDIVISION EIGHT-A OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW, IN CONNECTION WITH EXECUTING THE RESPONSIBILITIES OF THE COMMISSION RELATING TO THE REGULATION, OVERSIGHT, LICENSING, PERMITTING OR CERTIFICATION, INCLUDING FINGERPRINTING, CRIMINAL HISTORY RECORD CHECKS AND BACKGROUND INVESTIGATIONS, OF PERSONS APPLYING TO ENGAGE IN GAMING ACTIVITIES AND GAMING SERVICE ENTERPRISES. AT THE REQUEST OF THE COMMISSION, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL SUBMIT A FINGERPRINT CARD, ALONG WITH THE SUBJECT'S PROCESSING FEE, TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A CRIMINAL HISTORY SEARCH AND RETURNING A REPORT THEREON. THE COMMISSION SHALL ALSO BE ENTITLED TO REQUEST AND RECEIVE ANY INFORMATION IN THE POSSESSION OF THE STATE ATTORNEY GENERAL OR DEPARTMENT OF TAXATION AND FINANCE RELATING TO THE INVESTIGATION OF ORGANIZED CRIME, GAMING OFFENSES, OTHER REVENUE CRIMES OR TAX EVASION.

15. TO KEEP A FULL AND FAITHFUL RECORD OF ITS PROCEEDINGS.

16. TO OPERATE, OR IMMEDIATELY APPOINT OR CONTRACT WITH AN INDEPENDENT THIRD PARTY TO OPERATE, ANY FACILITY SUBJECT TO LICENSURE BY THE COMMISSION ON AN INTERIM BASIS IN THE EVENT THAT THE LICENSED OPERATOR OR OPERATORS OF SUCH FACILITY DISCONTINUES OPERATIONS DUE TO FINANCIAL, REGULATORY OR ANY OTHER CIRCUMSTANCES, INCLUDING, BUT NOT LIMITED TO, LICENSE REVOCATION, RELINQUISHMENT OR EXPIRATION, AND THE COMMISSION DETERMINES THAT IT WOULD FURTHER THE PUBLIC INTEREST TO CONTINUE SUCH OPERATIONS. SUCH OPERATION SHALL BE ON A TEMPORARY BASIS, NOT TO EXCEED ONE HUNDRED EIGHTY DAYS, UNTIL SUCH TIME AS A PERMANENT OPERATOR IS LICENSED AND AUTHORIZED TO OPERATE SUCH FACILITY; PROVIDED, HOWEVER, THE COMMISSION MAY OPERATE A FACILITY FOR ADDITIONAL ONE HUNDRED EIGHTY DAY PERIODS WHERE NECESSARY.

17. TO ENTER INTO CONTRACTS WITH ANY PERSON TO CARRY OUT ITS FUNCTIONS, POWERS AND DUTIES WHENEVER IT DEEMS NECESSARY OR CONVENIENT.

18. TO ANNUALLY REPORT TO THE GOVERNOR ITS PROCEEDINGS FOR THE PRECEDING CALENDAR YEAR AND ANY SUGGESTIONS AND RECOMMENDATIONS AS IT SHALL DEEM DESIRABLE.

19. TO PROMULGATE ANY RULES AND REGULATIONS THAT IT DEEMS NECESSARY TO CARRY OUT ITS RESPONSIBILITIES.

S 105. QUORUM. A MAJORITY OF THE DULY APPOINTED MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM AND NOT LESS THAN A MAJORITY OF SUCH QUORUM MAY TRANSACT ANY BUSINESS, PERFORM ANY DUTY OR EXERCISE ANY POWER OF THE COMMISSION.

S 106. SALARY AND EXPENSES. 1. THE CHAIR AND MEMBERS OF THE COMMISSION SHALL RECEIVE SALARIES IN AMOUNTS EQUAL TO THOSE ESTABLISHED BY PARAGRAPHS (A) AND (C) OF SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE OF THE EXECUTIVE LAW, RESPECTIVELY.

2. THE COMMISSION SHALL FIX THE COMPENSATION FOR ITS OFFICERS AND EMPLOYEES WITHIN THE AMOUNTS APPROPRIATED THEREFOR.

3. THE MEMBERS, OFFICERS AND EMPLOYEES OF THE COMMISSION SHALL BE REIMBURSED FOR ALL ACTUAL AND NECESSARY TRAVELING AND OTHER EXPENSES AND DISBURSEMENTS INCURRED OR MADE BY THEM IN THE DISCHARGE OF THEIR OFFICIAL DUTIES.

S 107. CONFLICTS PROHIBITED. 1. NO PERSON SHALL BE APPOINTED TO OR EMPLOYED BY THE COMMISSION IF, DURING THE PERIOD COMMENCING THREE YEARS PRIOR TO APPOINTMENT OR EMPLOYMENT, SAID PERSON HELD ANY DIRECT OR INDIRECT INTEREST IN, OR EMPLOYMENT BY, ANY CORPORATION, ASSOCIATION OR PERSON ENGAGED IN GAMING ACTIVITY OR A GAMING SERVICE ENTERPRISE WITHIN THE STATE. PRIOR TO APPOINTMENT OR EMPLOYMENT, EACH MEMBER, OFFICER OR EMPLOYEE OF THE COMMISSION SHALL SWEAR OR AFFIRM THAT HE OR SHE POSSESSES NO INTEREST IN ANY CORPORATION OR ASSOCIATION HOLDING A FRANCHISE, LICENSE, REGISTRATION, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION. DURING THE TERM OF APPOINTMENT OR EMPLOYMENT, EVERY MEMBER, OFFICER AND EMPLOYEE OF THE COMMISSION SHALL BE HELD TO THE HIGHEST ETHICAL STANDARDS AND AVOID ANY CONFLICT OF INTEREST OR APPEARANCE THEREOF. THEREAFTER, NO MEMBER OR OFFICER OF THE COMMISSION SHALL HOLD ANY DIRECT INTEREST IN OR BE EMPLOYED BY ANY APPLICANT FOR OR BY ANY CORPORATION, ASSOCIATION OR PERSON HOLDING A LICENSE, REGISTRATION, FRANCHISE, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION FOR A PERIOD OF FOUR YEARS COMMENCING ON THE DATE HIS OR HER MEMBERSHIP WITH THE COMMISSION TERMINATES. FURTHER, NO EMPLOYEE OF THE COMMISSION MAY ACQUIRE ANY DIRECT OR INDIRECT INTEREST IN, OR ACCEPT EMPLOYMENT WITH, ANY APPLICANT FOR OR ANY PERSON HOLDING A LICENSE, REGISTRATION, FRANCHISE, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION FOR A PERIOD OF TWO YEARS COMMENCING AT THE TERMINATION OF EMPLOYMENT WITH THE COMMISSION.

2. NO MEMBER, OFFICER, OFFICIAL OR EMPLOYEE OF THE COMMISSION SHALL PARTICIPATE AS AN OWNER OF A HORSE OR OTHERWISE AS A CONTESTANT IN ANY HORSE RACE AT A RACE MEETING WHICH IS UNDER THE JURISDICTION OR SUPERVISION OF THE COMMISSION, OR HAVE ANY PECUNIARY INTEREST, DIRECT OR INDIRECT, IN THE PURSE, PRIZE, PREMIUM OR STAKE CONTESTED FOR AT ANY SUCH HORSE RACE OR IN THE OPERATIONS OF ANY LICENSEE OF THE COMMISSION OR STATE RACING FRANCHISEE. PARTICIPATION AS AN OWNER OF A HORSE OR OTHERWISE AS A CONTESTANT IN ANY SUCH HORSE RACE BY A MEMBER, OFFICER, OTHER OFFICIAL OR EMPLOYEE OF THE COMMISSION IN VIOLATION OF THIS PROHIBITION SHALL TERMINATE THE TERM OF HIS OR HER OFFICE AS A MEMBER, OR HIS OR HER SERVICES AS AN OFFICER OR OFFICIAL OR EMPLOYEE OF THE COMMISSION.

3. ALL MEMBERS, OFFICERS AND EMPLOYEES OF THE COMMISSION SHALL BE SUBJECT TO THE PROVISIONS OF THE PUBLIC OFFICERS LAW AND BE REQUIRED TO

ANNUALLY FILE A FINANCIAL DISCLOSURE STATEMENT WITH THE JOINT COMMISSION ON PUBLIC ETHICS.

4. NO MEMBER, OFFICER OR EMPLOYEE OF THE COMMISSION SHALL WAGER UPON GAMING OR HORSE RACING ACTIVITY CONDUCTED WITHIN THE STATE.

5. NO INDIVIDUAL EMPLOYED BY AN OFF-TRACK BETTING CORPORATION OR RACE TRACK LICENSED PURSUANT TO THIS CHAPTER AS A PARI-MUTUEL CLERK, CASHIER OR SELLER SHALL BE PERMITTED TO WAGER UPON GAMING ACTIVITY DURING ANY PERIOD OF A DAY ON WHICH SUCH PERSON IS EMPLOYED IN SUCH CAPACITY.

6. NO PUBLIC OFFICER OR PARTY OFFICER SHALL HOLD ANY LICENSE FROM THE COMMISSION.

7. THE FOLLOWING PUBLIC EMPLOYEES ARE PROHIBITED FROM HOLDING ANY LICENSE FROM THE COMMISSION:

(A) AN EMPLOYEE OF THE COMMISSION; ANY DIRECTOR OR EMPLOYEE OF A REGIONAL OFF-TRACK BETTING CORPORATION EMPLOYED IN A MANAGEMENT, CONFIDENTIAL OR SUPERVISORY CAPACITY, PROVIDED, HOWEVER, THAT SUCH DIRECTOR OR EMPLOYEE SHALL BE REQUIRED TO APPLY FOR AND OBTAIN A LICENSE FROM THE COMMISSION FOR PURPOSES OF THEIR POSITION WITH OFF-TRACK BETTING; OR

(B) AN EMPLOYEE OF THE STATE LEGISLATURE; PROVIDED, HOWEVER, THAT AN EMPLOYEE OF THE STATE LEGISLATURE WHOSE DUTIES IN SUCH POSITION DO NOT RELATE TO GAMING ACTIVITIES SHALL NOT BE SUBJECT TO THE PROHIBITIONS OF THIS SECTION IF HE OR SHE HELD A LICENSE FROM THE FORMER STATE RACING AND WAGERING BOARD WHILE EMPLOYED BY THE STATE LEGISLATURE PRIOR TO JULY FIRST, NINETEEN HUNDRED EIGHTY; OR

(C) AN EMPLOYEE OF ANY LOCAL LEGISLATIVE BODY WHOSE DUTIES RELATE TO GAMING ACTIVITIES; OR

(D) AN EMPLOYEE OF ANY STATE OR LOCAL BOARD, AGENCY, AUTHORITY OR OTHER STATE OR LOCAL GOVERNMENTAL BODY, THE DUTIES OF WHICH RELATE TO GAMING ACTIVITIES OR THE TAXATION THEREOF.

8. NO PUBLIC OFFICER, PUBLIC EMPLOYEE OR PARTY OFFICER SHALL:

(A) OWN OR HOLD, DIRECTLY OR INDIRECTLY, ANY PROPRIETARY INTEREST, STOCK OR OBLIGATION OF ANY FIRM, ASSOCIATION OR CORPORATION (I) WHICH IS LICENSED BY THE COMMISSION TO CONDUCT GAMING OR HORSE RACING ACTIVITIES OR GAMING SERVICE ENTERPRISE, OR (II) WHICH CONDUCTS ITS OCCUPATION, TRADE, OR BUSINESS AT A RACETRACK AT WHICH PARI-MUTUEL RACE MEETS ARE CONDUCTED OR FACILITY WHERE GAMING ACTIVITY IS CONDUCTED WHETHER OR NOT A LICENSE IS REQUIRED, OR (III) WHICH OWNS OR LEASES TO ANY ENFRANCHISED OR LICENSED ASSOCIATION OR CORPORATION A RACETRACK AT WHICH PARI-MUTUEL RACING IS CONDUCTED OR FACILITY WHERE GAMING ACTIVITY IS CONDUCTED, OR (IV) WHICH PARTICIPATES IN THE MANAGEMENT OF ANY FRANCHISE HOLDER OR LICENSEE CONDUCTING GAMING OR HORSE RACING ACTIVITIES OR GAMING SERVICE ENTERPRISE; OR

(B) HOLD ANY OFFICE OR EMPLOYMENT WITH ANY FIRM, ASSOCIATION OR CORPORATION SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION, EXCEPT AS PROVIDED IN SUBDIVISION NINE OF THIS SECTION; OR

(C) SELL, OR BE A MEMBER OF A FIRM, OR OWN TEN PER CENTUM OR MORE OF THE STOCK OF ANY CORPORATION, WHICH SELLS ANY GOODS OR SERVICES TO ANY FIRM, ASSOCIATION OR CORPORATION SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION.

9. THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION EIGHT OF THIS SECTION SHALL NOT APPLY TO A PUBLIC EMPLOYEE OTHER THAN AN EMPLOYEE OF THE COMMISSION, A POLICE OFFICER OR A PEACE OFFICER EMPLOYED BY A SHERIFF'S OFFICE, DISTRICT ATTORNEY'S OFFICE OR OTHER STATE OR LOCAL LAW ENFORCEMENT AGENCY, OR THOSE EMPLOYEES CLASSIFIED AS MANAGEMENT CONFIDENTIAL EMPLOYEES PURSUANT TO SECTION TWO HUNDRED FOURTEEN OF THE CIVIL SERVICE LAW WHO ARE EMPLOYED BY A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR REGIONAL OFF-TRACK BETTING CORPORATION; PROVIDED, HOWEVER, THAT

EMPLOYMENT OF EMPLOYEES OF A POLITICAL SUBDIVISION MAY BE PROHIBITED BY ORDINANCE, RESOLUTION OR LOCAL LAW ADOPTED BY THE LOCAL LEGISLATIVE BODY OR OTHER GOVERNING BOARD OF SUCH POLITICAL SUBDIVISION.

10. THE COMMISSION SHALL HAVE THE POWER TO REFUSE TO GRANT OR TO REVOKE OR SUSPEND A LICENSE OF ANY PERSON, ASSOCIATION OR CORPORATION THAT AIDS OR KNOWINGLY PERMITS OR CONSPIRES TO PERMIT ANY PUBLIC OFFICER, PUBLIC EMPLOYEE OR PARTY OFFICER TO ACQUIRE OR RETAIN ANY INTEREST PROHIBITED BY THIS SECTION AND SHALL HAVE THE POWER TO EXCLUDE FROM THE GROUNDS OF ANY RACING ASSOCIATION ANY SUCH PERSON, ASSOCIATION OR CORPORATION.

11. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND IN ADDITION TO ANY OTHER CAUSE OF REMOVAL PROVIDED BY LAW, AN INTENTIONAL VIOLATION OF THIS SECTION SHALL BE CAUSE FOR REMOVAL FROM PUBLIC OFFICE, PUBLIC EMPLOYMENT OR PARTY OFFICE. IN ANY SUCH CASE, SUCH PUBLIC OFFICER, PUBLIC EMPLOYEE OR PARTY OFFICER VIOLATING THIS SECTION SHALL BE REMOVED FROM OFFICE BY THE APPROPRIATE AUTHORITY HAVING THE POWER OF REMOVAL OR AT THE SUIT OF THE ATTORNEY GENERAL. FURTHER, SUCH PUBLIC OFFICER, PUBLIC EMPLOYEE OR PARTY OFFICER SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS.

S 108. CERTAIN RESTRICTIONS ON WAGERING. 1. NO CORPORATION, ASSOCIATION OR PERSON WHICH HOLDS A LICENSE, REGISTRATION, FRANCHISE, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION SHALL DIRECTLY EXTEND CREDIT FOR ANY WAGER UNDER THIS CHAPTER.

2. NO CORPORATION, ASSOCIATION OR PERSON THAT HOLDS A LICENSE, REGISTRATION, FRANCHISE, CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION SHALL PERMIT ANY PERSON WHO IS ACTUALLY OR APPARENTLY UNDER EIGHTEEN YEARS OF AGE TO BET ON GAMING ACTIVITY, AS DEFINED IN SUBDIVISION FIVE OF SECTION ONE HUNDRED ONE OF THIS ARTICLE.

S 109. SUPPLEMENTARY REGULATORY POWERS OF THE COMMISSION. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, THE COMMISSION THROUGH ITS RULES AND REGULATIONS OR IN ALLOTTING DATES FOR RACING, SIMULCASTING OR IN LICENSING RACE MEETINGS AT WHICH PARI-MUTUEL BETTING IS PERMITTED SHALL BE AUTHORIZED TO:

(A) PERMIT RACING AT WHICH PARI-MUTUEL BETTING IS CONDUCTED ON ANY OR ALL DATES FROM THE FIRST DAY OF JANUARY THROUGH THE THIRTY-FIRST DAY OF DECEMBER, INCLUSIVE OF SUNDAYS; AND

(B) FIX MINIMUM AND MAXIMUM CHARGES FOR ADMISSION AT ANY RACE MEETING.

S 110. STATEMENT OF STOCKHOLDERS TO BE FILED. EVERY CORPORATION OR ASSOCIATION AUTHORIZED UNDER THIS CHAPTER TO CONDUCT PARI-MUTUEL BETTING AT A RACE MEETING OR RACES RUN THEREAT SHALL FILE WITH THE COMMISSION A STATEMENT GIVING THE NAMES AND ADDRESSES OF ALL ITS STOCKHOLDERS AND SHALL LIKEWISE FILE REVISED STATEMENTS GIVING SUCH NAMES AND ADDRESSES FROM TIME TO TIME AS CHANGES OCCUR.

S 111. COMPULSIVE GAMBLING ASSISTANCE. 1. THE COMMISSION SHALL COOPERATE WITH THE COMMISSIONER OF MENTAL HEALTH TO ENSURE THE POSTING OF SIGNS AND LISTING OF INFORMATION ON THE INTERNET DESIGNED TO ASSIST COMPULSIVE GAMBLERS PURSUANT TO THE PROVISIONS OF SUBDIVISION (G) OF SECTION 7.09 OF THE MENTAL HYGIENE LAW.

2. (A) THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS PURSUANT TO WHICH PEOPLE MAY VOLUNTARILY EXCLUDE THEMSELVES FROM ENTERING THE PREMISES OF AN ASSOCIATION OR CORPORATION LICENSED OR ENFRANCHISED BY THE COMMISSION PURSUANT TO THIS CHAPTER.

(B) AN ASSOCIATION OR CORPORATION LICENSED OR ENFRANCHISED PURSUANT TO THIS CHAPTER SHALL NOT BE LIABLE TO ANY SELF-EXCLUDED PERSON OR TO ANY OTHER PARTY IN ANY JUDICIAL PROCEEDING FOR ANY HARM, MONETARY OR OTHER-

WISE, WHICH MAY ARISE AS A RESULT OF A SELF-EXCLUDED PERSON'S ENGAGING IN GAMING ACTIVITY WHILE ON THE LIST OF SELF-EXCLUDED PERSONS.

(C) NO VOLUNTARY ORDER OR REQUEST TO EXCLUDE PERSONS FROM ENTERING THE PREMISES OF ANY SUCH ASSOCIATION, CORPORATION, OR FACILITY MAY BE RESCINDED, CANCELED, OR DECLARED NULL AND VOID UNTIL SEVEN DAYS AFTER A REQUEST HAS BEEN RECEIVED BY SUCH ASSOCIATION, CORPORATION, OR FACILITY TO CANCEL SUCH ORDER OR REQUEST.

3. THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS UNDER WHICH A PERSON WITH AN ACCOUNT AUTHORIZED PURSUANT TO SECTION ONE THOUSAND TWELVE OF THIS CHAPTER MAY VOLUNTARILY PLACE LIMITS ON THE AMOUNTS OF HIS OR HER WAGERS OR POTENTIAL WAGERS ON A DAILY OR WEEKLY BASIS. NO ORDER FROM A PERSON TO REMOVE ANY LIMIT PLACED ON ACCOUNT WAGERS SHALL BE EFFECTIVE UNTIL SEVEN DAYS AFTER IT HAS BEEN RECEIVED BY THE ENTITY CONDUCTING ACCOUNT WAGERING.

S 112. PARI-MUTUEL OPERATIONS; FILING OF TAX FORMS AND OTHER STATISTICS. THE COMMISSION AND THE COMMISSIONER OF TAXATION AND FINANCE SHALL APPROVE ALL SYSTEMS USED FOR DATA PROCESSING AND COMMUNICATIONS IN THE OPERATION OF PARI-MUTUEL BETTING AND, IN ITS DISCRETION, THE COMMISSION MAY ESTABLISH, BY REGULATION, UNIFORM PROTOCOLS TO BE EMPLOYED FOR THE MERGING OF WAGERS DEPOSITED WITH ONE PARI-MUTUEL OPERATOR WITH THE WAGERS DEPOSITED WITH ANOTHER PARI-MUTUEL OPERATOR.

S 113. FILING OF PARI-MUTUEL TAX RETURNS OR REPORTS BY ELECTRONIC MEANS. EVERY CORPORATION OR ASSOCIATION AUTHORIZED BY THIS CHAPTER TO CONDUCT PARI-MUTUEL BETTING ON HORSE RACES SHALL FILE IN A TIMELY MANNER PARI-MUTUEL TAX RETURNS OR OTHER REPORTS RELATING TO SUCH ACTIVITY IN SUCH FORM AND BY SUCH MEANS, INCLUDING ELECTRONIC MEANS, AS MAY BE PRESCRIBED BY THE COMMISSION OR THE COMMISSIONER OF TAXATION AND FINANCE, AS THE CASE MAY BE IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

S 114. PRACTICE AND PROCEDURE. THE PROVISIONS OF ARTICLE TWENTY-SEVEN OF THE TAX LAW, EXCEPT SECTIONS ONE THOUSAND EIGHTY-FIVE AND ONE THOUSAND NINETY-SEVEN, SHALL APPLY TO THE PROVISIONS OF THIS CHAPTER IN THE SAME MANNER AND WITH THE SAME FORCE AND EFFECT AS IF THE LANGUAGE OF SUCH ARTICLE HAD BEEN INCORPORATED IN FULL INTO THIS CHAPTER AND HAD EXPRESSLY REFERRED TO THE ADMISSION TAXES, PARI-MUTUEL REVENUE TAXES, THE FRANCHISE FEE ON A NON-PROFIT RACING ASSOCIATION AND UNPAID MONEY DUE ON ACCOUNT OF PARI-MUTUEL TICKETS NOT PRESENTED, ADMINISTERED BY THE COMMISSIONER OF TAXATION AND FINANCE, UNDER THIS CHAPTER, WITH SUCH MODIFICATIONS AS MAY BE NECESSARY IN ORDER TO ADAPT THE LANGUAGE OF SUCH PROVISIONS TO SUCH TAXES, FEE AND UNPAID MONEY DUE, EXCEPT TO THE EXTENT THAT ANY PROVISION OF SUCH ARTICLE IS EITHER INCONSISTENT WITH A PROVISION OF THIS CHAPTER OR IS NOT RELEVANT TO THIS CHAPTER.

S 115. REGULATORY FEES. IN ADDITION TO ANY OTHER REGULATORY FEES IMPOSED BY THIS CHAPTER, ALL PERSONS AND ENTITIES REQUIRED TO OBTAIN A LICENSE, PERMIT OR APPROVAL OR SUBJECT TO REGULATION BY THE COMMISSION SHALL SUBMIT TO THE COMMISSION FEES IN AMOUNTS AND UNDER SUCH TERMS AND CONDITIONS AS ARE DETERMINED BY THE COMMISSION TO BE NECESSARY TO EQUITABLY DEFRAY THE COSTS OF REGULATING GAMING ACTIVITY WITHIN THE STATE; PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE THE COMMISSION TO COLLECT ANY ASSESSMENT RELATING TO AN INDIAN GAMING FACILITY THAT IS OPERATED PURSUANT TO A TRIBAL-STATE GAMING COMPACT THAT IS IN EFFECT, EXCEPT AS PROVIDED IN SUCH TRIBAL-STATE GAMING COMPACT PURSUANT TO 25 U.S.C. 2701(D)(3)(C)(III).

S 116. PENALTIES. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, ANY PERSON OR ENTITY THAT VIOLATES ANY PROVISION OF THIS CHAPTER, OR ANY RULE, REGULATION OR ORDER PROMULGATED THERETO, OR THE TERMS AND CONDI-

TIONS OF ANY LICENSE, PERMIT OR APPROVAL ISSUED THEREUNDER, SHALL BE LIABLE TO A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH VIOLATION, AND AN ADDITIONAL CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH DAY DURING WHICH SUCH VIOLATION CONTINUES. ANY CIVIL PENALTY MAY BE ASSESSED BY THE COMMISSION FOLLOWING A HEARING OR OPPORTUNITY TO BE HEARD.

S 117. TRANSFER OF FUNCTIONS. ALL OF THE FUNCTIONS AND POWERS POSSESSED BY AND THE OBLIGATIONS AND DUTIES OF THE FORMER RACING AND WAGERING BOARD AND ITS PREDECESSORS AND THE DIVISION OF THE LOTTERY AND ITS PREDECESSORS ARE HEREBY TRANSFERRED TO THE COMMISSION.

S 118. TRANSFER OF EMPLOYEES. 1. UPON THE TRANSFER OF FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS TO THE COMMISSION PURSUANT TO THIS ARTICLE, PROVISION SHOULD BE MADE FOR THE TRANSFER TO THE COMMISSION OF SUCH EMPLOYEES OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD WHO ARE ENGAGED IN CARRYING OUT SUCH FUNCTIONS AS THE CHAIR OF THE COMMISSION MAY DEEM NECESSARY FOR THE EXERCISE OF THE FUNCTIONS HEREIN TRANSFERRED TO THE COMMISSION. EMPLOYEES SO TRANSFERRED SHALL BE TRANSFERRED WITHOUT FURTHER EXAMINATION OR QUALIFICATION AND SHALL RETAIN THEIR RESPECTIVE CIVIL SERVICE CLASSIFICATIONS AND STATUS. FOR THE PURPOSE OF DETERMINING THE EMPLOYEES HOLDING PERMANENT APPOINTMENTS IN COMPETITIVE CLASS POSITIONS TO BE TRANSFERRED, SUCH EMPLOYEES SHALL BE SELECTED WITHIN EACH CLASS OF POSITIONS IN THE ORDER OF THEIR ORIGINAL APPOINTMENT, WITH DUE REGARD TO THE RIGHT OF PREFERENCE IN RETENTION OF DISABLED AND NON-DISABLED VETERANS. ANY SUCH EMPLOYEE WHO, AT THE TIME OF SUCH TRANSFER, HAS A TEMPORARY OR PROVISIONAL APPOINTMENT SHALL BE TRANSFERRED SUBJECT TO THE SAME RIGHT OF REMOVAL, EXAMINATION OR TERMINATION AS THOUGH SUCH TRANSFER HAD NOT BEEN MADE. EMPLOYEES HOLDING PERMANENT APPOINTMENTS IN COMPETITIVE CLASS POSITIONS WHO ARE NOT TRANSFERRED PURSUANT TO THIS SECTION SHALL HAVE THEIR NAMES ENTERED UPON AN APPROPRIATE PREFERRED LIST FOR REINSTATEMENT PURSUANT TO THE CIVIL SERVICE LAW.

2. A TRANSFERRED EMPLOYEE SHALL REMAIN IN THE SAME COLLECTIVE BARGAINING UNIT AS WAS THE CASE PRIOR TO HIS OR HER TRANSFER; SUCCESSOR EMPLOYEES TO THE POSITIONS HELD BY SUCH TRANSFERRED EMPLOYEES SHALL, CONSISTENT WITH THE PROVISIONS OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, BE INCLUDED IN THE SAME UNIT AS THEIR PREDECESSORS. EMPLOYEES OTHER THAN MANAGEMENT OR CONFIDENTIAL PERSONS AS DEFINED IN ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW SERVING POSITIONS IN NEWLY CREATED TITLES SHALL BE ASSIGNED TO THE APPROPRIATE BARGAINING UNIT. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO AFFECT:

(A) THE RIGHTS OF EMPLOYEES PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT;

(B) THE REPRESENTATIONAL RELATIONSHIPS AMONG EMPLOYEE ORGANIZATIONS OR THE BARGAINING RELATIONSHIPS BETWEEN THE STATE AND AN EMPLOYEE ORGANIZATION; OR

(C) EXISTING LAW WITH RESPECT TO AN APPLICATION TO THE PUBLIC EMPLOYMENT RELATIONS BOARD, PROVIDED, HOWEVER, THAT THE MERGER OF SUCH NEGOTIATING UNITS OF EMPLOYEES SHALL BE EFFECTED ONLY WITH THE CONSENT OF THE RECOGNIZED AND CERTIFIED REPRESENTATIVE OF SUCH UNITS AND OF THE DEPARTMENT OF LAW.

S 119. TRANSFER OF RECORDS. ALL BOOKS, PAPERS, RECORDS AND PROPERTY OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD WITH RESPECT TO THE FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS TRANSFERRED BY THIS ARTICLE ARE TO BE DELIVERED TO THE APPROPRIATE SUCCESSOR OFFICES WITHIN THE COMMISSION, AT SUCH PLACE AND TIME, AND IN SUCH MANNER AS THE CHAIR OF THE COMMISSION MAY REQUIRE.

S 120. CONTINUITY OF AUTHORITY. FOR THE PURPOSE OF SUCCESSION TO ALL FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD TRANSFERRED TO AND ASSUMED BY THE COMMISSION, SUCH COMMISSION SHALL BE DEEMED TO AND HELD TO CONSTITUTE THE CONTINUATION OF SUCH FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS, AND NOT A DIFFERENT AGENCY OR AUTHORITY.

S 121. COMPLETION OF UNFINISHED BUSINESS. ANY BUSINESS OR OTHER MATTER UNDERTAKEN OR COMMENCED BY THE FORMER DIVISION OF THE LOTTERY AND THE FORMER RACING AND WAGERING BOARD PERTAINING TO OR CONNECTED WITH THE FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS TRANSFERRED AND ASSIGNED TO THE STATE GAMING COMMISSION AND PENDING ON THE EFFECTIVE DATE OF THIS ARTICLE SHALL BE CONDUCTED AND COMPLETED BY THE APPROPRIATE SUCCESSOR OFFICES WITHIN THE COMMISSION IN THE SAME MANNER AND UNDER THE SAME TERMS AND CONDITIONS AND WITH THE SAME EFFECT AS IF CONDUCTED AND COMPLETED BY THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD.

S 122. CONTINUATION OF RULES AND REGULATIONS. ALL RULES, REGULATIONS, ACTS, ORDERS, DETERMINATIONS, AND DECISIONS OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD IN FORCE AT THE TIME OF SUCH TRANSFER AND ASSUMPTION, SHALL CONTINUE IN FORCE AND EFFECT AS RULES, REGULATIONS, ACTS, ORDERS, DETERMINATIONS AND DECISIONS OF THE COMMISSION UNTIL DULY MODIFIED OR ABROGATED BY SUCH COMMISSION.

S 123. TERMS OCCURRING IN LAWS, CONTRACTS AND OTHER DOCUMENTS. UNLESS THE CONTEXT SHALL OTHERWISE REQUIRE, WHENEVER THE "RACING AND WAGERING BOARD" OR "BOARD", "STATE RACING COMMISSION", "STATE HARNESS RACING COMMISSION", "STATE QUARTER HORSE RACING COMMISSION", OR "DIVISION OF THE LOTTERY" ARE REFERRED TO OR DESIGNATED IN ANY LAW, CONTRACT OR DOCUMENT PERTAINING TO THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES TRANSFERRED AND ASSIGNED TO THE COMMISSION, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO REFER TO THE "STATE GAMING COMMISSION".

S 124. EXISTING RIGHTS AND REMEDIES PRESERVED. NO EXISTING RIGHT OR REMEDY OF ANY CHARACTER SHALL BE LOST, IMPAIRED OR AFFECTED BY REASON OF THE TRANSFER OR ASSIGNMENT OF FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES FROM THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD TO THE COMMISSION.

S 125. PENDING ACTIONS OR PROCEEDINGS. NO ACTION OR PROCEEDING PENDING AT THE TIME THAT THIS ARTICLE SHALL TAKE EFFECT RELATING TO THE FUNCTIONS, POWERS AND DUTIES OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD TRANSFERRED PURSUANT TO THIS ARTICLE, BROUGHT BY OR AGAINST THE FORMER DIVISION OF THE LOTTERY OR FORMER RACING AND WAGERING BOARD, OR THE OFFICERS THEREOF, SHALL BE AFFECTED BY THE TRANSFER OR ASSIGNMENT OF FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES FROM THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD TO THE COMMISSION, BUT THE SAME MAY BE PROSECUTED OR DEFENDED IN THE NAME OF THE COMMISSION. IN ALL SUCH ACTIONS AND PROCEEDINGS, THE COMMISSION, UPON APPLICATION TO THE COURT, SHALL BE SUBSTITUTED AS A PARTY.

S 126. TRANSFER OF APPROPRIATIONS HERETOFORE MADE. SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, ANY AND ALL APPROPRIATIONS AND REAPPROPRIATIONS HERETOFORE MADE TO THE FORMER DIVISION OF THE LOTTERY, STATE POLICE, AND FORMER RACING AND WAGERING BOARD FOR THE FUNCTIONS AND PURPOSES TRANSFERRED BY THIS ARTICLE TO THE COMMISSION TO THE EXTENT OF REMAINING UNEXPENDED OR UNENCUMBERED BALANCES THEREOF, WHETHER ALLOCATED OR UNALLOCATED AND WHETHER OBLIGATED OR UNOBLIGATED, ARE HEREBY TRANSFERRED TO AND MADE AVAILABLE FOR USE AND EXPENDITURE BY THE COMMISSION FOR THE SAME PURPOSES FOR WHICH ORIGINALLY APPROPRIATED OR REAPPROPRI-

ATED AND SHALL BE PAYABLE ON VOUCHERS CERTIFIED OR APPROVED BY THE CHAIR OF THE COMMISSION OR HIS OR HER DESIGNEE ON AUDIT AND WARRANT OF THE COMPTROLLER. PAYMENTS FOR LIABILITIES FOR EXPENSES OF PERSONAL SERVICES, MAINTENANCE AND OPERATION HERETOFORE INCURRED BY AND FOR LIABILITIES INCURRED AND TO BE INCURRED IN COMPLETING THE AFFAIRS OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD WITH RESPECT TO THE POWERS, DUTIES AND FUNCTIONS TRANSFERRED HEREIN, SHALL ALSO BE MADE ON VOUCHERS OR CERTIFICATES APPROVED BY THE CHAIR OF THE COMMISSION OR HIS OR HER DESIGNEE ON AUDIT AND WARRANT OF THE COMPTROLLER.

S 127. TRANSFER OF ASSETS AND LIABILITIES. ALL ASSETS AND LIABILITIES OF THE FORMER DIVISION OF THE LOTTERY AND FORMER RACING AND WAGERING BOARD ARE HEREBY TRANSFERRED TO AND ASSUMED BY THE COMMISSION.

S 128. PROMULGATION OF RULES AND REGULATIONS. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THE STATE ADMINISTRATIVE PROCEDURE ACT, THE COMMISSION SHALL BE AUTHORIZED TO PROMULGATE REGULATIONS ON AN EMERGENCY BASIS TO ENSURE THE IMPLEMENTATION OF THIS ARTICLE.

S 129. CONSTRUCTION OF OTHER LAWS OR PROVISIONS. UNLESS THE CONTEXT SHALL REQUIRE OTHERWISE, THE TERMS "DIVISION OF THE LOTTERY", "STATE QUARTER HORSE RACING COMMISSION", "STATE RACING COMMISSION", "STATE HARNESS RACING COMMISSION", "STATE RACING AND WAGERING BOARD" OR "BOARD" WHEREVER OCCURRING IN ANY OF THE PROVISIONS OF THIS CHAPTER OR OF ANY OTHER LAW, OR, IN ANY OFFICIAL BOOKS, RECORDS, INSTRUMENTS, RULES OR PAPERS, SHALL HEREAFTER MEAN AND REFER TO THE STATE GAMING COMMISSION CREATED BY SECTION ONE HUNDRED TWO OF THIS ARTICLE. THE PROVISIONS OF ARTICLE THREE OF THIS CHAPTER SHALL BE INAPPLICABLE TO ARTICLE TWO OF THIS CHAPTER; AND THE PROVISIONS OF SUCH ARTICLE TWO SHALL BE INAPPLICABLE TO SUCH ARTICLE THREE, EXCEPT THAT SECTION TWO HUNDRED THIRTY-ONE OF SUCH ARTICLE TWO SHALL APPLY TO SUCH ARTICLE THREE.

S 2. Subdivision 2 of section 186 of the general municipal law, as amended by chapter 574 of the laws of 1978, is amended to read as follows:

2. "Board" shall mean New York state [racing and wagering board] GAMING COMMISSION CREATED PURSUANT TO SECTION ONE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

S 3. Subdivision 2 of section 476 of the general municipal law, as amended by chapter 46 of the laws of 1977, is amended to read as follows:

2. "Control commission" or "commission" shall mean the NEW YORK state [racing and wagering board] GAMING COMMISSION CREATED PURSUANT TO SECTION ONE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

S 4. Subdivision 1 of section 432 of the executive law, as amended by chapter 46 of the laws of 1977, is amended to read as follows:

1. "Control commission" or "commission" shall mean the NEW YORK state [racing and wagering board] GAMING COMMISSION CREATED PURSUANT TO SECTION ONE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

S 5. The racing, pari-mutuel wagering and breeding law is amended by adding a new article 12 to read as follows:

ARTICLE 12

OFFICE OF RACING PROMOTION AND DEVELOPMENT

SECTION 1201. NEW YORK STATE OFFICE OF RACING PROMOTION AND DEVELOPMENT.
1202. USE OF SERVICE EMPLOYEES.

S 1201. NEW YORK STATE OFFICE OF RACING PROMOTION AND DEVELOPMENT. THERE IS HEREBY CREATED WITHIN THE NEW YORK STATE GAMING COMMISSION A

SEPARATE AND INDEPENDENT OFFICE OF RACING PROMOTION AND DEVELOPMENT. THE OFFICE SHALL PROMOTE THE BREEDING OF HORSES AND THE CONDUCT OF EQUINE RESEARCH IN THIS STATE AND SHALL ADMINISTER THE "STATE THOROUGHBRED BREEDING AND DEVELOPMENT FUND", "AGRICULTURE AND NEW YORK STATE HORSE BREEDING DEVELOPMENT FUND" AND "NEW YORK STATE QUARTER HORSE BREEDING AND DEVELOPMENT FUND CORPORATION."

S 1202. USE OF SERVICE EMPLOYEES. THE OFFICE SHALL UTILIZE, PURSUANT TO A CONTRACT APPROVED BY THE DIRECTOR OF THE BUDGET, THE SERVICE EMPLOYEES OF THE STATE GAMING COMMISSION.

S 6. Sections 1602 and 1603 of the tax law are REPEALED and two new sections 1602 and 1603 are added to read as follows:

S 1602. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "LOTTERY" MEANS THE LOTTERY OPERATED BY THE STATE PURSUANT TO THIS ARTICLE.

2. "DIVISION": (A) MEANS THE DIVISION OF THE LOTTERY, AS ESTABLISHED WITHIN THE NEW YORK STATE GAMING COMMISSION; AND (B) FOR THE PURPOSES OF SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THIS ARTICLE, THE TERM "DIVISION OF THE LOTTERY" OR "DIVISION" MEANS THE "DIVISION OF GAMING" AS CREATED PURSUANT TO SECTION ONE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

3. "COMMISSIONER" MEANS THE COMMISSIONER OF TAXATION AND FINANCE OR HIS OR HER DULY APPOINTED DELEGATE.

4. "COMMISSION" MEANS THE NEW YORK STATE GAMING COMMISSION.

5. "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF THE LOTTERY.

S 1603. DIVISION OF THE LOTTERY. THERE IS HEREBY CREATED WITHIN THE COMMISSION THE DIVISION OF THE LOTTERY.

S 7. Subdivision 3 of section 252 of the racing, pari-mutuel wagering and breeding law, such section as renumbered by chapter 18 of the laws of 2008, is amended to read as follows:

3. The board may delegate to one or more of the directors[,] OR officers[, agents or employees] of the fund such powers and duties as it may deem proper and [may] SHALL utilize, pursuant to a contract approved by the director of the budget, the service employees of the state racing and wagering board AND THE STATE OFFICE OF RACING PROMOTION AND DEVELOPMENT.

S 8. Section 330 of the racing, pari-mutuel wagering and breeding law, the opening paragraph as amended by chapter 197 of the laws of 2007, is amended to read as follows:

S 330. Agriculture and New York state horse breeding development fund. 1. There is hereby created within the state [racing and wagering board] GAMING COMMISSION the "agriculture and New York state horse breeding development fund". Such fund shall be a body corporate and politic constituting a public benefit corporation. It shall be administered by the commissioner of agriculture and markets, the [chairman] CHAIR of the New York state [racing and wagering board] GAMING COMMISSION or his or her designee, and [the chairman and] THREE members of the state [harness racing] GAMING commission as [reconstituted pursuant to article one of this chapter] DESIGNATED BY THE GOVERNOR. Members shall continue to hold office until their successors are appointed and qualified. The [chairman] CHAIR shall be designated by the members of the fund. The members of the fund shall receive no compensation from the fund for their services as such members but shall be reimbursed by the fund for the expenses actually and necessarily incurred by them in the performance of their duties under sections two hundred twenty-two through seven hundred five of this chapter. Such fund shall have perpetual existence and shall exercise all powers authorized by this chapter and reasonably

necessary for accomplishing its purposes. Such powers shall be exercised in the name of the fund.

2. THE BOARD MAY DELEGATE TO ONE OR MORE OF THE MEMBERS OR OFFICERS OF THE FUND SUCH POWERS AND DUTIES AS IT MAY DEEM PROPER AND SHALL UTILIZE, PURSUANT TO A CONTRACT APPROVED BY THE DIRECTOR OF THE BUDGET, THE SERVICE EMPLOYEES OF THE STATE RACING AND WAGERING BOARD AND THE STATE OFFICE OF RACING PROMOTION AND DEVELOPMENT.

3. The fund is created in order that it may promote the breeding of horses and the conduct of equine research in this state on its own responsibility and under its own business management. The policy, good faith and interest of the state are concerned with the management and development of the fund and are committed to promotion of horse breeding and equine research in this state in active cooperation with the fund. The promotion and encouragement of equine research shall be through a fund of a land grant university within this state with a regents approved veterinary college facility. Nothing herein, however, shall be deemed in any way to obligate the state to any bondholder or other creditor of the fund.

4. The fund is directed to report annually, on or before January thirty-first, to the governor and the legislature, on the state of the standardbred breeding industry in this state. Such reports shall include, but not be limited to, the impact of the fund's programs on the breeding and racing aspects of the industry; economic factors affecting the industry such as employment and employment growth, state and local benefits of breeding farms, income and the production of income within this state, economic comparisons with other states; and data relative to mares and stallions standing in this state to include such information as the number in this state, racing quality as measured by wins and stakes won and placed and money won, the number of foals and foal racing quality as measured by sales value and number of starts, races and money won, the progeny quality, including earnings, and the success of New York-breds nationally.

The fund is further directed to incorporate into its reports comments from spokesmen representing all segments of the industry as well as recommendations on preserving and enhancing the standardbred breeding industry in this state.

S 9. Subdivision 3 of section 431 of the racing, pari-mutuel wagering and breeding law is amended to read as follows:

3. The board may delegate to one or more of the directors[,] OR officers[, agents or employees] of the fund such powers and duties as it may deem proper and [may] SHALL utilize, pursuant to a contract approved by the director of the budget, the service employees of the state racing and wagering board AND THE STATE OFFICE OF RACING PROMOTION AND DEVELOPMENT.

S 10. Subdivision 1 of section 169 of the executive law, as added by chapter 986 of the laws of 1984, paragraph (a) as amended by section 94 of subpart B of part C of chapter 62 of the laws of 2011, paragraphs (b) and (e) as amended by section 14 of part A of chapter 62 of the laws of 2011, paragraph (c) as separately amended by section 66 of part A and section 2 of part W of chapter 56 of the laws of 2010, paragraph (d) as amended by chapter 220 of the laws of 2005, and paragraph (f) as separately amended by section 1 of part E and section 1 of part H of chapter 57 of the laws of 2011, is amended to read as follows:

1. Salaries of certain state officers holding the positions indicated hereinbelow shall be as set forth in subdivision two of this section:

(a) commissioner of corrections and community supervision, commissioner of education, commissioner of health, commissioner of mental health, commissioner of developmental disabilities, commissioner of children and family services, commissioner of temporary and disability assistance, chancellor of the state university of New York, commissioner of transportation, commissioner of environmental conservation, superintendent of state police, commissioner of general services and commissioner of the division of homeland security and emergency services;

(b) commissioner of labor, chairman of public service commission, commissioner of taxation and finance, superintendent of financial services, commissioner of criminal justice services, CHAIR OF THE STATE GAMING COMMISSION and commissioner of parks, recreation and historic preservation;

(c) commissioner of agriculture and markets, commissioner of alcoholism and substance abuse services, adjutant general, commissioner and president of state civil service commission, commissioner of economic development, chair of the energy research and development authority, president of higher education services corporation, commissioner of motor vehicles, member-chair of board of parole, chair of public employment relations board, secretary of state, [chair of the state racing and wagering board,] commissioner of alcoholism and substance abuse services, executive director of the housing finance agency, commissioner of housing and community renewal, executive director of state insurance fund, commissioner-chair of state liquor authority, chair of the workers' compensation board;

(d) director of office for the aging, commissioner of human rights, commissioners of the department of public service, chairman of state commission on quality of care for the mentally disabled, chairman of commission on alcoholism and substance abuse prevention and education, executive director of the council on the arts and executive director of the board of social welfare;

(e) chairman of state athletic commission, director of the office of victim services, chairman of human rights appeal board, chairman of the industrial board of appeals, chairman of the state commission of correction, members of the board of parole, members of the state [racing and wagering board] GAMING COMMISSION, member-chairman of unemployment insurance appeal board, director of veterans' affairs, and vice-chairman of the workers' compensation board;

(f) executive director of adirondack park agency, members of state commission of correction, members of unemployment insurance appeal board, and members of the workers' compensation board.

S 11. Terms. (a) Wherever the term "racing and wagering board", "state racing commission" or "state harness racing commission" appears in the executive law, the general municipal law, article 34 of the tax law or the racing, pari-mutuel wagering and breeding law or otherwise in the consolidated or unconsolidated laws of this state, such term is hereby changed to "state gaming commission".

(b) Wherever the terms "chairman of the racing and wagering board", or "director of the division of the lottery" appear in article 34 of the tax law, or otherwise in the consolidated or unconsolidated laws of this state, such terms are hereby changed to "chair of the state gaming commission".

(c) The legislative bill drafting commission is hereby directed to effectuate this provision, and shall be guided by a memorandum of instruction setting forth the specific provisions of law to be amended. Such memorandum shall be transmitted to the legislative bill drafting

commission within sixty days of the effective date of this provision. Such memorandum shall be issued jointly by the governor, the temporary president of the senate and the speaker of the assembly, or by the delegate of each.

S 12. Subdivision 1 of section 252 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 197 of the laws of 2007 and such section as renumbered by chapter 18 of the laws of 2008, is amended to read as follows:

1. A corporation to be known as the New York state thoroughbred breeding and development fund corporation is hereby created. Such corporation shall be a body corporate and politic constituting a public benefit corporation. It shall be administered by a board of directors consisting of the [chairman] CHAIR of the state [racing and wagering board] GAMING COMMISSION or his or her designee, the commissioner of agriculture and markets, [the] THREE members of the state [racing] GAMING commission as [defined in section one hundred three of this chapter,] DESIGNATED BY THE GOVERNOR and six members appointed by the governor, all of whom are experienced or have been actively engaged in the breeding of thoroughbred horses in New York state, one, the president or the executive director of the statewide thoroughbred breeders association representing the majority of breeders of registered thoroughbreds in New York state, one upon the recommendation of the majority leader of the senate, one upon the recommendation of the speaker of the assembly, one upon the recommendation of the minority leader of the senate, and one upon the recommendation of the minority leader of the assembly. Two of the appointed members shall initially serve for a two year term, two of the appointed members shall initially serve for a three year term and two of the appointed members shall initially serve for a four year term. All successors appointed members shall serve for a four year term. All members shall continue in office until their successors have been appointed and qualified. The governor shall designate the chair from among the sitting members who shall serve as such at the pleasure of the governor.

S 13. This act shall take effect May 1, 2012.

PART B

Section 1. The section heading and subdivision 1 of section 5 of the civil service law, as added by chapter 790 of the laws of 1958, are amended to read as follows:

Department of [civil service] WORKFORCE MANAGEMENT; state civil service commission.

1. The department. There shall [continue to] be in the state government a department of [civil service] WORKFORCE MANAGEMENT. The head of the department shall be the president of the state civil service commission who shall be responsible for the discharge of the duties and functions of the department.

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

7. THE PRESIDENT OF THE COMMISSION SHALL PROMOTE HARMONIOUS AND COOPERATIVE RELATIONSHIPS BETWEEN THE STATE AND ITS EMPLOYEES TO PROTECT THE PUBLIC BY ASSURING, AT ALL TIMES, THE ORDERLY AND UNINTERRUPTED OPERATIONS AND FUNCTIONS OF STATE GOVERNMENT; ASSIST THE GOVERNOR IN CONDUCTING COLLECTIVE NEGOTIATIONS; ASSURE THE PROPER IMPLEMENTATION AND ADMINISTRATION OF AGREEMENTS REACHED PURSUANT TO SUCH NEGOTIATIONS; AND ASSIST THE GOVERNOR AND DIRECT AND COORDINATE THE STATE'S EFFORTS WITH

REGARD TO THE STATE'S POWERS AND DUTIES UNDER THE PUBLIC EMPLOYEES' FAIR EMPLOYMENT ACT.

S 3. Transfer of powers of the department of civil service and the office of employee relations to the department of workforce management. The functions and powers possessed by and all of the obligations and duties of the department of civil service, as established pursuant to chapter 7 of the consolidated laws, shall be transferred and assigned to, and assumed by and devolved upon, the department of workforce management. The functions and powers possessed by and all of the obligations and duties of the office of employee relations, as established pursuant to article 24 of the executive law shall be transferred and assigned to, and assumed by and devolved upon, the department of workforce management.

S 4. Transfer of employees. (i) All employees of the department of civil service shall be transferred to the department of workforce management. This transfer of employees shall be deemed to be a transfer of function pursuant to subdivision 2 of section 70 of the civil service law. Officers and employees of the state department of civil service shall be transferred without further examination or qualification, and shall retain their respective civil service classification, status and bargaining unit representation.

(ii) All employees in the office of employee relations shall be transferred to the department of workforce management. This transfer of employees shall be deemed to be a transfer of function pursuant to subdivision 2 of section 70 of the civil service law. Officers and employees of the office of employee relations shall be transferred without further examination or qualification, and shall retain their respective civil service classification, status and bargaining unit representation.

S 5. Abolition of the department of civil service and the office of employee relations. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the department of civil service and the office of employee relations, as established pursuant to the civil service law, the executive law, and other laws, the department of civil service and the office of employee relations shall be abolished.

S 6. Continuity of authority of the civil service department and office of employee relations. Except as herein otherwise provided, upon the transfer pursuant to this act of the functions and powers possessed by, and all of the obligations and duties of, the civil service department and the office of employee relations as established pursuant to the civil service law, the executive law and other laws, to the department of workforce management as prescribed by this act, for the purpose of succession all functions, powers, duties and obligations of the department of workforce management shall be deemed and be held to constitute the continuation of such functions, powers, duties and obligations and not those of a different agency.

S 7. Transfer of records of the civil service department and the office of employee relations. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the civil service department and the office of employee relations as established pursuant to the civil service law, the executive law and other laws, to the department of workforce management as prescribed by this act, all books, papers, records and property pertaining to the civil service department and the office of employee relations

shall be transferred to and maintained by the department of workforce management, as appropriate.

S 8. Completion of unfinished business of the civil service department and the office of employee relations. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the civil service department and the office of employee relations as established pursuant to the civil service law, the executive law and other laws, to the department of workforce management as prescribed by this act, any business or other matter undertaken or commenced by the civil service department and the office of employee relations pertaining to or connected with the functions, powers, obligations and duties so transferred and assigned to the department of workforce management may be conducted or completed by the department of workforce management, as appropriate.

S 9. Terms occurring in laws, contracts or other documents of or pertaining to the civil service department and the office of employee relations. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the civil service department and the office of employee relations as established pursuant to the civil service law, the executive law and other laws, as prescribed by this act, whenever the civil service department and the president thereof or the office of employee relations and the director thereof, the functions, powers, obligations and duties of which are transferred to the department of workforce management, are referred to or designated in any law, regulation, contract or document pertaining to the functions, powers, obligations and duties transferred and assigned pursuant to this act, such reference or designation shall be deemed to refer to the department of workforce management and its president. In the case of any boards or other organizations where the president of the civil service department and the director of the office of employee relations both sit, the references or designations shall be deemed to refer solely to the president of the department of workforce management.

S 10. (a) Wherever the terms "civil service department" or "department of civil service" appear in the civil service law, such terms are hereby changed to "department of workforce management".

(b) Wherever the term "office of employee relations" appears in the civil service law, such term is hereby changed to "department of workforce management".

(c) Wherever the terms "civil service department", "department of civil service", "office of employee relations" or "director of employee relations" appears in the consolidated or unconsolidated laws of this state other than the civil service law, such terms are hereby changed to "department of workforce management".

(d) The legislative bill drafting commission is hereby directed to effectuate this provision, and shall be guided by a memorandum of instruction setting forth the specific provisions of law to be amended. Such memorandum shall be transmitted to the legislative bill drafting commission within sixty days of enactment of this provision. Such memorandum shall be issued jointly by the governor, the temporary president of the senate and the speaker of the assembly, or by the delegate of each.

S 11. Existing rights and remedies of or pertaining to the civil service department and the office of employee relations preserved. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the civil service department and of the office of employee relations as established pursuant to the

civil service law, the executive law and other laws, to the department of workforce management as prescribed by this act, no existing right or remedy of the state, including the civil service department and office of employee relations, shall be lost, impaired or affected by reason of this act.

S 12. Pending actions and proceedings of or pertaining to the civil service department or the office of employee relations. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the civil service department and the office of employee relations as established pursuant to the civil service law, the executive law and other laws, to the department of workforce management as prescribed by this act, no action or proceeding pending on the effective date of this act, brought by or against the civil service department or the commissioners thereof or the office of employee relations and the director thereof shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the New York state department of workforce management. In all such actions and proceedings, the New York state department of workforce management, upon application to the court, shall be substituted as a party.

S 13. Continuation of rules and regulations of or pertaining to the civil service department and the office of employee relations. Upon the transfer pursuant to this act of the functions and powers possessed by and all the obligations and duties of the civil service department and the office of employee relations as established pursuant to the civil service law, the executive law and other laws, to the department of workforce management as prescribed by this act, all rules, regulations, acts, orders, determinations, decisions, of the civil service department and the office of employee relations pertaining to the functions transferred and assigned by this act to the department of workforce management in force at the time of such transfer, assignment, assumption or devolution shall continue in force and effect as rules, regulations, acts, determinations and decisions of the department of workforce management until duly modified or repealed.

S 14. Transfer of appropriations heretofore made to the civil service department and the office of employee relations. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the civil service department and the office of employee relations as established pursuant to the civil service law, the executive law and other laws, to the department of workforce management as prescribed by this act, all appropriations and reappropriations which shall have been made available as of the date of such transfer to the civil service department or the office of employee relations or segregated pursuant to law, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, shall be transferred to and made available for use and expenditure by the department of workforce management. Payments of liabilities for expenses of personnel services, maintenance and operation which shall have been incurred as of the date of such transfer by the civil service department or the office of employee relations, and for liabilities incurred and to be incurred in completing its affairs shall also be made.

S 15. Sections 650, 651, 652, 653 and 654 of the executive law are REPEALED.

S 16. Severability. If any clause, sentence, paragraph or part of this act shall be adjudged by any court of competent jurisdiction to be

invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 17. This act shall take effect July 1, 2012; provided, however, that the memorandum provided for in section ten of this act may be prepared before the effective date of this act, provided that it shall not be implemented until such effective date.

PART C

Section 1. The legislature finds and determines that Belleayre Mountain ski center, an intensive use area of the forest preserve lands in the Catskills, has required financial support from the department of environmental conservation in each of the past five years to cover operating losses and capital investment. Community leaders have raised a concern that, in light of the department's broad responsibilities for managing state-owned land and regulating air, water and solid waste facilities, the department may not be the best long-term manager of the Belleayre Mountain ski center. The olympic regional development authority, established in 1981 to create and administer a post-olympic program for the Lake Placid facilities and to manage the ski center at Whiteface Mountain, expanded its responsibility in 1984 to include the operation and management of the Gore Mountain ski center, an intensive use area of the forest preserve lands in the Adirondacks. Through its operation of these ski centers, the authority has proven that it has expertise to manage such centers effectively and efficiently for the benefit of the community and in accordance with appropriate management of forest preserve lands. Given this focus, core mission and expertise, the legislature finds that the Belleayre Mountain ski center can be more effectively and efficiently operated, maintained and managed by the olympic regional development authority.

S 2. Subdivision 1 of section 2608 of the public authorities law, as amended by chapter 592 of the laws of 1984, is amended to read as follows:

1. For the purposes of effectuating the policy declared in section twenty-six hundred six of this title, there is hereby created the "New York state olympic regional development authority", referred to in this title as "the authority", which shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of [ten] ELEVEN members who shall be the commissioner of environmental conservation, the commissioner of [commerce] ECONOMIC DEVELOPMENT, the commissioner of parks, recreation and historic preservation and [seven] EIGHT persons to be appointed by the governor, by and with the advice and consent of the senate. Of the [seven] EIGHT persons appointed by the governor, by and with the advice and consent of the senate, one each shall be appointed upon the recommendation of the temporary president of the senate and the speaker of the assembly. Three of the persons appointed by the governor, by and with the advice and consent of the senate, shall be appointed upon the recommendation of the town board of the town of North Elba and shall be residents of the park district. One of the persons appointed by the governor, by and with the advice and consent of the senate, shall be a resident of Warren county. ONE OF THE PERSONS APPOINTED BY THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, SHALL BE A RESIDENT OF ULSTER OR DELAWARE COUNTY. The governor shall appoint a [chairman] CHAIR and a vice [chairman] CHAIR from

among any of the members of the authority and such [chairman] CHAIR and vice [chairman] CHAIR shall serve at the pleasure of the governor, provided, however, that the vice [chairman] CHAIR shall be appointed on the recommendation of the town board of North Elba. From among any candidates recommended by the [chairman] CHAIR, the members shall appoint a president/chief executive officer of the authority.

The members first appointed by the governor shall be appointed within thirty days of the effective date of this title. The members first appointed by the governor upon the recommendation of the temporary president of the senate and the speaker of the assembly shall serve terms of three years respectively from January first next succeeding their appointment. The remaining four members first appointed by the governor shall serve terms of one, two, four and five years respectively from January first next succeeding their appointment. The fifth member appointed by the governor shall serve a term of two years from January first, next succeeding his or her appointment. Each appointment of a member following the expiration of the original terms of the appointment shall be for a term of five years. Members shall continue to hold office until their successors have been appointed and qualified. In the event of a vacancy occurring during the term of a member's appointment, by reason of death, resignation, disqualification or otherwise, such vacancy shall be filled for the unexpired term in the same manner as the original appointment.

S 3. Subdivision 4 of section 2614 of the public authorities law is renumbered subdivision 5 and a new subdivision 4 is added to read as follows:

4. THE AUTHORITY SHALL OPERATE, MAINTAIN AND MANAGE THE BELLEAYRE MOUNTAIN SKI CENTER LOCATED IN ULSTER AND DELAWARE COUNTIES, STATE OF NEW YORK. ALL OF THE POWERS OF THE AUTHORITY PROVIDED BY THIS TITLE OR ANY OTHER LAW, INCLUDING THOSE PERTAINING TO PARTICIPATING OLYMPIC FACILITIES, SHALL APPLY IN CONNECTION WITH THE OPERATION AND MANAGEMENT OF THE BELLEAYRE MOUNTAIN SKI CENTER.

S 4. Subdivision 2 of section 2616 of the public authorities law, as amended by chapter 99 of the laws of 1984, is amended to read as follows:

2. On or before August fifteenth, nineteen hundred eighty-one, and on each August fifteenth thereafter the [chairman] CHAIR of the authority shall make and deliver to the director of the budget for his approval and for submission to the legislature a budget for the operation of the authority for the forthcoming fiscal year of the state. The [chairman] CHAIR of the authority shall deliver a copy of such budget to the [chairman] CHAIR of the senate finance committee and the [chairman] CHAIR of the assembly ways and means committee at the same time that the budget is delivered to the director of the budget. The budget shall delineate the total amount needed for authority purposes, including the funds required by the authority for operation of the olympic facilities [and], the Gore Mountain ski center AND THE BELLEAYRE MOUNTAIN SKI CENTER pursuant to agreements made in accordance with sections twenty-six hundred twelve and twenty-six hundred fourteen of this title, the source of all funds that the authority expects to receive and such other information as the director of the budget shall require. The director of the budget shall approve the budget for the operation of the authority and the governor shall recommend in his OR HER annual budget appropriations to the authority if the director of the budget determines that the budget demonstrates that the authority, without operating at a deficit, can continue in the forthcoming fiscal year of the state, in the

exercise of its corporate purposes, powers, duties and functions with the appropriations from the state and park district in the amounts determined in accordance with sections twenty-six hundred twelve and twenty-six hundred fourteen of this title and income received by the authority from other sources. The director of the budget shall notify the park district, the [chairman] CHAIR of the senate finance committee and the [chairman] CHAIR of the assembly ways and means committee not later than October first of each year whether or not he has approved the budget.

S 5. Section 2619 of the public authorities law, as amended by chapter 99 of the laws of 1984, is amended to read as follows:

S 2619. Capital repair and improvement account. At the end of any authority fiscal year the members of the authority shall deposit not less than twenty-five percent of the profits, if any, of the preceding year's operations into a sinking fund for capital improvements. At the discretion of the members, the authority may undertake capital improvements and major repairs to the participating olympic facilities [and], to the Gore Mountain ski center AND TO THE BELLEAYRE MOUNTAIN SKI CENTER; provided, however, that no such repairs may be undertaken without specific written approval by the entity which contracted with the authority for the operation of said facility. Any such repairs or improvements to real property shall upon completion become the property of and be vested in the owners of said real property. In the event of termination of the authority, the state and the park district each shall receive fifty percent of all moneys in the sinking fund. If an agreement between the authority and the park district or the state shall be terminated, the park district or the state, as the case may be, shall receive that portion of the moneys in the sinking fund it would have received if the authority were terminated as of the date of the termination of the agreement.

S 6. Subdivision 4 of section 2622 of the public authorities law, as added by chapter 169 of the laws of 1994, is amended to read as follows:

4. Notwithstanding subdivision three of this section, exclusive jurisdiction is hereby conferred upon the court of claims to hear and determine any claim of any person brought hereafter against the authority to recover damages for injuries to property or for personal injury arising out of the operation by the authority of any participating olympic facility owned by the state [or], OUT of the Gore mountain ski center OR OUT OF THE BELLEAYRE MOUNTAIN SKI CENTER, in the same manner and to the extent provided and subject to the provisions of the court of claims act with respect to claims against the state, and to make awards and render judgments therefor. The payment of awards and judgments for any such claims brought in the supreme court pursuant to this title or in the court of claims shall be made from appropriations for judgments against the state pursuant to section twenty of the court of claims act.

S 7. Section 2629 of the public authorities law, as amended by chapter 99 of the laws of 1984, is amended to read as follows:

S 2629. Transfer of officers and employees. 1. Upon execution of the agreements for operation of the olympic facilities and the Gore Mountain ski center made pursuant to sections two thousand six hundred twelve and two thousand six hundred fourteen of this title, those employees of the state and the park district who are determined by the authority to be essential to the operation of the olympic facilities and the Gore Mountain ski center shall, with the approval of the employer and the employee, be transferred to the employment of the authority and shall be eligible for such transfer and appointment without examination to compa-

rable offices, positions and employment under the authority. The salary or compensation of any such officer or employee shall, after such transfer, be paid by the authority. Notwithstanding the provisions of this act, any such officers or employees so transferred to the authority, pursuant to the provisions of this section, who are members of or beneficiaries under any existing pension or retirement system, shall continue to have all rights, privileges, obligations and status with respect to such fund system or systems as are prescribed by law, but during the period of their employment by the authority, all contributions to any pension or retirement fund or system to be paid by the employer on account of such officers or employees, shall be paid by the authority; and all such officers and employees who have been appointed to positions under the rules and classifications of the state civil service commission shall have the same status with respect thereto after transfer to the authority as they had under their original appointments.

2. NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF 2012 ENACTING THIS SUBDIVISION, PROVISION SHALL BE MADE FOR THE TRANSFER TO THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY SUCH EMPLOYEES OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ENGAGED IN CARRYING OUT SUCH FUNCTIONS WITH RESPECT TO THE OPERATION, MAINTENANCE AND MANAGEMENT OF THE BELLEAYRE MOUNTAIN SKI CENTER AS THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY DEEMS NECESSARY FOR THE EXERCISE OF THE FUNCTIONS TRANSFERRED TO THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY. EMPLOYEES SO TRANSFERRED SHALL BE TRANSFERRED WITHOUT FURTHER EXAMINATION OR QUALIFICATIONS AND SHALL RETAIN THEIR RESPECTIVE CIVIL SERVICE CLASSIFICATIONS AND STATUS. THE SALARY OR COMPENSATION OF ANY SUCH EMPLOYEES, AFTER SUCH TRANSFER, SHALL BE PAID BY THE AUTHORITY. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, ANY SUCH OFFICERS OR EMPLOYEES SO TRANSFERRED TO THE AUTHORITY, PURSUANT TO THE PROVISIONS OF THIS SECTION, WHO ARE MEMBERS OF OR BENEFICIARIES UNDER ANY EXISTING PENSION OR RETIREMENT SYSTEM, SHALL CONTINUE TO HAVE ALL RIGHTS, PRIVILEGES, OBLIGATIONS AND STATUS WITH RESPECT TO SUCH FUND SYSTEM OR SYSTEMS AS ARE PRESCRIBED BY LAW, BUT DURING THE PERIOD OF THEIR EMPLOYMENT BY THE AUTHORITY, ALL CONTRIBUTIONS TO ANY PENSION OR RETIREMENT FUND OR SYSTEM TO BE PAID BY THE EMPLOYER ON ACCOUNT OF SUCH OFFICERS OR EMPLOYEES, SHALL BE PAID BY THE AUTHORITY. FOR THE PURPOSE OF DETERMINING THE EMPLOYEES HOLDING PERMANENT APPOINTMENTS IN COMPETITIVE CLASS POSITIONS TO BE TRANSFERRED, SUCH EMPLOYEES SHALL BE SELECTED WITHIN EACH TITLE IN THE ORDER OF THEIR ORIGINAL APPOINTMENT, WITH DUE REGARD FOR THE RIGHT OF PREFERENCE IN RETENTION OF DISABLED AND NON-DISABLED VETERANS. ANY SUCH EMPLOYEE WHO, AT THE TIME OF SUCH TRANSFER, HAS AN HOURLY, TEMPORARY OR PROVISIONAL APPOINTMENT SHALL BE TRANSFERRED SUBJECT TO THE SAME RIGHT OF REMOVAL, EXAMINATION OR TERMINATION AS THOUGH SUCH TRANSFER HAS NOT BEEN MADE. EMPLOYEES HOLDING PERMANENT APPOINTMENTS IN COMPETITIVE CLASS POSITIONS WHO ARE NOT TRANSFERRED PURSUANT TO THIS SECTION SHALL HAVE THEIR NAMES ENTERED UPON AN APPROPRIATE PREFERRED LIST FOR REINSTATEMENT PURSUANT TO THE CIVIL SERVICE LAW.

S 8. Transfer of appropriations. Upon the execution of an agreement as set forth in section three of this act and notwithstanding any provisions of the state finance law to the contrary, all appropriations or reappropriations for the functions transferred pursuant to this act heretofore made to the department of environmental conservation or segregated pursuant to law, to the extent that unexpended or unencumbered balances remain, whether allocated or unallocated and whether obligated or unobligated, are hereby transferred to and made available

for use and expenditure by the olympic regional development authority, for the same purposes for which originally appropriated or reappropriated and shall be payable on vouchers certified or approved by the chair of the olympic regional development authority on audit and warrant of the comptroller. Payments for liabilities for expenses of personal service, maintenance and operation heretofore incurred by the department of environmental conservation in connection with the functions transferred pursuant to this act, and for liabilities incurred and to be incurred in completing its affairs in relation to such functions, shall also be made on vouchers or certificates approved by the commissioner of the department of environmental conservation on audit or warrant of the comptroller.

S 9. This act shall take effect immediately.

PART D

Section 1. Section 285-a of the agriculture and markets law is REPEALED.

S 2. Subdivision 12 of section 283 of the agriculture and markets law is REPEALED and subdivisions 13 and 14 are renumbered subdivisions 12 and 13.

S 3. Section 7 of chapter 654 of the laws of 1994, amending the transportation law and other laws relating to equipment requirements for registered farm vehicles, is REPEALED.

S 4. Section 285-b of the agriculture and markets law is REPEALED.

S 5. Article 4 of the state technology law is REPEALED.

S 6. Section 372-a of the social services law is REPEALED.

S 7. Subdivision 1 of section 2803-r of the public health law, as added by chapter 439 of the laws of 2005, is amended to read as follows:

1. All hospitals and clinics shall notify their prenatal care and obstetric patients of the provisions of the abandoned infant protection act[, using materials provided by the office of children and family services, pursuant to section three hundred seventy-two-a of the social services law]. The department shall develop agreements with societies and organizations of medical practitioners under which the department or the office of children and family services shall provide materials to such societies to provide appropriate education and outreach concerning the abandoned infant protection act to their members and the public. Criminal penalties for violation pursuant to subdivisions one and two of section twelve-b of this chapter shall not apply to this section.

S 8. Sections 520 and 521 of the executive law are REPEALED.

S 9. Article 28 of the executive law is REPEALED.

S 10. Paragraph (p) of subdivision 1 of section 17 of the public officers law is REPEALED.

S 11. Section 92-y of the state finance law is REPEALED.

S 12. Paragraph (b) of subdivision 1 of section 88-a of the highway law, as amended by section 4 of part Z of chapter 383 of the laws of 2001, is amended to read as follows:

(b) the chairperson, or his or her designated representative, of the New York state thruway authority, the adirondack park agency[,] AND the tourism advisory council[, the upstate New York tourism council and the downstate New York tourism council];

S 13. Subdivision 3 of section 349-bb of the highway law, as amended by section 5 of part Z of chapter 383 of the laws of 2001, is amended to read as follows:

3. The commissioner is hereby authorized to enter into contracts with qualified, responsible not-for-profit organizations involved in scenic byways activities [and the upstate New York tourism council] for services relating to the development of the New York state scenic byways program or services relating to the operation, development or promotion of a specific scenic byway.

S 14. Subdivision 1 of section 349-cc of the highway law, as amended by chapter 399 of the laws of 2005, is amended to read as follows:

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

S 15. Paragraph a of subdivision 1 of section 233-b of the education law, as amended by section 3 of part Z of chapter 383 of the laws of 2001, is amended to read as follows:

a. There is hereby established within the department the New York state freedom trail commission. The commission shall consist of twelve members, to be appointed as follows: three members to be appointed by the governor, three members to be appointed by the board of regents, two members to be appointed by the temporary president of the senate, one member to be appointed by the minority leader of the senate, two members to be appointed by the speaker of the assembly, and one member to be appointed by the minority leader of the assembly. Such members shall be

representative of academic or public historians, corporations, foundations, historical societies, civic organizations, and religious denominations. In addition, the following state officers, or their designees, shall serve as members of the commission: the commissioner of education, the head of the state museum, the head of the state archives, the head of the office of state history, the commissioner of economic development, the head of the state tourism advisory council[, the chairperson of the upstate New York tourism council, the chairperson of the downstate New York tourism council,] and the commissioner of parks, recreation and historic preservation.

S 16. Section 120 of the economic development law is REPEALED.

S 17. Section 27-0702 of the environmental conservation law is REPEALED.

S 18. The opening paragraph of subdivision 2 of section 27-0103 of the environmental conservation law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

The commissioner shall[, with the advice of the state solid waste management board established pursuant to section 27-0702 of this article,] biennially review the status of programs and information contained within the plan and make recommendations for legislation or other state action related to:

S 19. Paragraph g of subdivision 3 of section 165 of the state finance law, as amended by chapter 95 of the laws of 2000, is amended to read as follows:

g. In addition to carrying out the provisions of paragraphs e and f of this subdivision, the commissioner shall identify and implement specific steps which will reduce, to the maximum extent practicable, waste generated in state facilities and maximize the recovery and reuse of secondary materials from such facilities. Such steps and their implementation shall be reviewed from time to time but no less frequently than annually or upon receiving recommendations for additional steps from [the solid waste management board,] the department of environmental conservation or the environmental facilities corporation.

S 20. Subdivision 3 and the closing paragraph of section 1285-d of the public authorities law, subdivision 3 as amended by chapter 283 of the laws of 1979 and the closing paragraph as added by chapter 639 of the laws of 1978, are amended to read as follows:

3. [To advise the corporation on technical matters, a technical advisory committee shall be constituted to be composed of the commissioners of transportation, commerce, health and environmental conservation, the secretary of state, and five persons representative of affected industries to be appointed by the governor with the advice and consent of the senate. Upon dissolution of the hazardous waste disposal advisory committee pursuant to subdivision three of section twelve hundred eighty-five-f of this article, two members of that committee designated by the governor shall become members of the committee established by this subdivision which committee shall be expanded by two members.]

In [excercising] EXERCISING its responsibilities, the corporation shall also cooperate and act in conjunction with industrial, commercial, medical, scientific, public interest and educational organizations within the state, and with agencies of the federal government, of the state and its political subdivisions, of other states, and joint agencies thereof.

S 21. Paragraph (c) of subdivision 3 of section 1285-f of the public authorities law is REPEALED.

S 22. Section 216-b of the vehicle and traffic law is REPEALED.

S 23. Section 191 of the executive law is REPEALED.

S 24. Subdivision 9 of section 3.23 of the parks, recreation and historic preservation law is REPEALED.

S 25. Section 89-mmm of the general business law is REPEALED.

S 26. Subdivision 2 of section 100 of the executive law, as added by chapter 557 of the laws of 1997, is amended to read as follows:

2. The secretary of state shall maintain all records collected for applicants pursuant to the armored car guard act for a period of five years after the applicant's termination as an armored car guard, retirement, resignation, death, failure to be rehired, or non-renewal of the applicant's registration card. Every armored car carrier shall file with the secretary, on a monthly basis, a report, stating all armored car guards in their employ who have retired, resigned, died, been terminated, have [hot] NOT been rehired, or have otherwise been removed from active duty, in such form and on such media as approved for such purpose by the secretary[, upon recommendation of the armored car carrier advisory board established pursuant to the provisions of section eighty-nine-mmm of the general business law].

S 27. Subdivision 5 of section 89-bbb of the general business law is REPEALED.

S 28. Section 89-lll of the general business law, as added by chapter 557 of the laws of 1997, is amended to read as follows:

S 89-lll. Regulations. The secretary[, in consultation with the board,] is hereby authorized and empowered to promulgate rules and regulations necessary for the proper conduct of the business authorized under this article, and not inconsistent herewith.

S 29. Subdivision 5 of section 89-ppp of the general business law is REPEALED.

S 30. Section 923 of the executive law is REPEALED.

S 31. Subdivision 14 of section 601 and sections 611 and 612 of the executive law are REPEALED.

S 32. Subdivision 12 of section 604 of the executive law, as added by chapter 729 of the laws of 2005, is amended to read as follows:

12. To create and maintain a consumer awareness pamphlet, [in conjunction with the advisory council,] to include, but not be limited to, detailing the certification process, installer selection rights, the dispute resolution process, the differences between the types of housing, and other consumer protection issues. Such pamphlet shall be available to the public, and published on the department's website.

S 33. Section 433-a of the general business law is REPEALED.

S 34. The section heading of section 35 of the social services law, as amended by chapter 300 of the laws of 1992, is amended to read as follows:

Legal representation of individuals whose federal disability benefits have been denied or may be discontinued[; advisory committee].

S 35. Subdivision 1 of section 35 of the social services law, as amended by chapter 300 of the laws of 1992, is amended to read as follows:

1. [a. There is hereby established within the department an advisory committee on legal advocacy (hereinafter to be referred to as the "advisory committee") which shall consist of nine members or their designated representatives. The advisory committee shall consist of the following nine members: the commissioner of mental health, the commissioner of mental retardation and developmental disabilities, the advocate for the disabled and six members appointed by the governor. The six members appointed by the governor shall include three representatives of inter-

ested public and private groups, and shall include three representatives of county government and the city of New York to be appointed from a list of six names submitted by the New York state association of counties. The commissioner shall coordinate the functions and activities of the department with those of the advisory committee.

b.] The [advisory committee] COMMISSIONER shall [make recommendations regarding] ESTABLISH criteria for selection of grant applications, review applications awarded pursuant to the provisions of this section, [make recommendations thereon to the commissioner] and exercise and perform such other [advisory] functions as are related to the purposes of this section[; provided however that the committee shall meet at least once every six months].

S 36. Subdivisions 2 and 4 of section 35 of the social services law, subdivision 2 as amended and subdivision 4 as added by chapter 300 of the laws of 1992, are amended to read as follows:

2. The commissioner[, after consultation with the advisory committee,] shall make grants, within the amounts appropriated for that purpose, to not-for-profit legal services corporations and not-for-profit agencies serving the disabled and local social services districts, to provide for representation of persons whose federal disability benefits including supplemental security income and social security disability insurance have been denied or may be discontinued for the purpose of representing these persons in appropriate proceedings. When the commissioner has contracted with a local social services district to provide such representation, the legislative body of such district may authorize and make provision for the commissioner of social services of the district to obtain necessary legal services on a fee for services basis or other appropriate basis which the department may approve. Such legal services may be provided by not-for-profit legal services corporations, not-for-profit agencies serving the disabled or private attorneys.

4. Responsibility for local financial participation shall be determined by the commissioner based on either costs of and the number of district residents served by each local entity or the alternative cost allocation procedure deemed appropriate by the commissioner [in consultation with the advisory committee].

S 37. Subdivisions 8 and 9 of section 350 of the executive law are REPEALED.

S 38. Subdivision 16 of section 353 of the executive law is REPEALED.

S 39. Sections 365, 365-a, 365-b, 365-c, 365-d, 365-e, 365-f and 365-g of the executive law are REPEALED.

S 40. Section 154 of the labor law is REPEALED.

S 41. Title 11 of article 24 of the environmental conservation law is REPEALED.

S 42. Subdivision 1 of section 24-0301 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

1. The commissioner shall, as soon as practicable, conduct a study to identify and map those individual freshwater wetlands in the state of New York which shall have an area of at least twelve and four-tenths acres or more, or if less than twelve and four-tenths acres, (a) have, in the discretion of the commissioner[, and subject to review of his action by the board created pursuant to title eleven of this article,] unusual local importance for one or more of the specific benefits set forth in subdivision seven of section 24-0105 OF THIS ARTICLE or (b) are located within the Adirondack park and meet the definition of wetlands contained in subdivision sixty-eight of section eight hundred two [of

article twenty-seven] of the executive law, and shall determine their characteristics. This study shall, in addition to such other data as the commissioner may determine to be included, consist of the freshwater wetlands inventory of the department of environmental conservation, currently being made, together with other available data on freshwater wetlands, whether assisted by the state of New York under the tidal wetlands act or otherwise, or assembled by federal or local governmental or private agencies, all of which information shall be assembled and integrated, as applicable, into a map of freshwater wetlands of the state of New York. Such study may, in the discretion of the commissioner, be carried out on a sectional or regional basis, as indicated by need, subject to overall completion in an expeditious fashion subject to the terms of this chapter. This map, and any orders issued pursuant to the provisions of this article, shall comprise a part of the statewide environmental plan as provided for in section 3-0303 of this chapter. As soon as practicable the commissioner shall file with the secretary of state a detailed description of the technical methods and requirements to be utilized in compiling the inventory, and he shall afford the public an opportunity to submit comments thereon.

S 43. Subdivision 5 of section 24-0703 of the environmental conservation law, as amended by chapter 233 of the laws of 1979, is amended to read as follows:

5. Prior to the promulgation of the final freshwater wetlands map in a particular area and the implementation of a freshwater wetlands protection law or ordinance, no person shall conduct, or cause to be conducted, any activity for which a permit is required under section 24-0701 of this [article] TITLE on any freshwater wetland unless he has obtained a permit from the commissioner under this section. Any person may inquire of the department as to whether or not a given parcel of land will be designated a freshwater wetland subject to regulation. The department shall give a definite answer in writing within thirty days of such request as to whether such parcel will or will not be so designated. Provided that, in the event that weather or ground conditions prevent the department from making a determination within thirty days, it may extend such period until a determination can be made. Such answer in the affirmative shall be reviewable [pursuant to title eleven of this article]; such an answer in the negative shall be a complete defense to the enforcement of this article as to such parcel of land. The commissioner may by regulation adopted after public hearing exempt categories or classes of wetlands or individual wetlands which he determines not to be critical to the furtherance of the policies and purposes of this article.

S 44. Subdivision 6 of section 24-0705 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

6. Review of the determination of the local government or of the commissioner shall be, within a period of thirty days after the filing thereof, pursuant to the provisions of [title eleven of this article or] article seventy-eight of the civil practice law and rules. Any owner of the wetland affected and any resident or citizen of the local government shall be deemed to have the requisite standing to seek review.

S 45. Subdivision 2 of section 24-0801 of the environmental conservation law, as added by chapter 654 of the laws of 1977, is amended to read as follows:

2. Where the activities otherwise subject to regulation under this article involve freshwater wetlands located within the boundaries of the

Adirondack park, the inquiries referred to and the applications provided for in section 24-0703 of this article shall be made to and filed with the Adirondack park agency at its headquarters office, under such regulations and procedures as the Adirondack park agency may promulgate. The Adirondack park agency shall review the application in place of the commissioner or local government as provided in section 24-0705 of this article, having due regard for the declaration of policy and statement of findings set forth in this article and for the considerations set forth in subdivision one of section 24-0705 of this article. The agency shall in addition determine prior to the granting of any permit that the proposed activity will be consistent with the Adirondack park land use and development plan and would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park, taking into account the economic and social or other benefits to be derived from the activity. Any person may seek review of a ruling made solely pursuant to the provisions of this article by the Adirondack park agency pursuant to the provisions of [title eleven of this article or] article seventy-eight of the civil practice law and rules.

S 46. Subdivision 7 of section 24-0903 of the environmental conservation law, as added by chapter 614 of the laws of 1975, is amended to read as follows:

7. Any person aggrieved by any such order or regulation may seek [review pursuant to the provisions of title eleven of this article or] judicial review pursuant to article seventy-eight of the civil practice law and rules in the supreme court for the county in which the freshwater wetland is located, within thirty days after the date of the filing of the order with the clerk of the county in which the wetland is located.

S 47. Section 24-0507 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

S 24-0507. Reservation of local jurisdiction.

Except as provided in this article, jurisdiction over all areas which would qualify as freshwater wetlands except that they are not designated as such on the freshwater wetlands map pursuant to section 24-0301 of this article because they are less than twelve and four-tenths acres in size and are not of unusual local importance is reserved to the city, town or village in which they are wholly or partially located, and the implementation of this article with respect thereto is the responsibility of said city, town or village, in accordance with section 24-0501 and title twenty-three of article seventy-one of this chapter, except that a city, town or village in the exercise of its powers under this section, shall not be subject to the provisions of subdivision four of section 24-0501, subdivisions two and three of section 24-0503, or section 24-0505[, but shall be subject to judicial review under subdivision two of section 24-1105] of this article.

S 48. Subdivision 3 of section 1-0303 of the environmental conservation law is REPEALED.

S 49. Paragraph a of subdivision 2 of section 3-0301 of the environmental conservation law, as amended by chapter 469 of the laws of 1974, is amended to read as follows:

a. [With the advice and approval of the board, adopt] ADOPT, amend or repeal environmental standards, criteria and those rules and regulations having the force and effect of standards and criteria to carry out the purposes and provisions of this act. [Upon approval by the board of any]

ANY such environmental standard, criterion, rule or regulation or change thereto[, it] shall become effective thirty days after being filed with the Secretary of State for publication in the "Official Compilation of Codes, Rules, and Regulations of the State of New York" published pursuant to section 102 of the Executive Law. This provision shall not in any way restrict the commissioner in the exercise of any function, power or duty transferred to him OR HER and heretofore authorized to be exercised by any other department acting through its commissioner to promulgate, adopt, amend or repeal any standards, rules and regulations. No such environmental standards, criterion, rule or regulation or change thereto shall be proposed for approval unless a public hearing relating to the subject of such standard shall be held by the commissioner prior thereto not less than 30 days after date of notice therefor, any provision of law to the contrary notwithstanding. Notice shall be given by public advertisement of the date, time, place and purpose of such hearing. [Members of the board shall be entitled to participate in such hearing and opportunity to be heard by the commissioner with respect to the subject thereof shall be given to the public.]

S 50. Article 5 of the environmental conservation law is REPEALED.

S 51. Section 17-1411 of the environmental conservation law, as added by chapter 436 of the laws of 1989, is amended to read as follows:

S 17-1411. Regulations.

[1.] The commissioner may promulgate regulations necessary to effectuate the purposes of section 17-1409 of this title including, but not limited to, regulations setting forth criteria for submission and processing of grant applications, components of best management practices and state standards necessary to control nonpoint source pollution.

[2. Regulations promulgated pursuant to subdivision one of this section shall not require the approval of the state environmental board pursuant to paragraph a of subdivision two of section 3-0301 or subdivision two of section 5-0107 of this chapter.]

S 52. Subdivision 4 of section 19-0303 of the environmental conservation law, as added by chapter 608 of the laws of 1993, is amended to read as follows:

4. In adopting any code, rule or regulation which contains a requirement that is more stringent than the Act or regulations issued pursuant to the Act by the United States environmental protection agency, the commissioner shall, in addition to the provisions of section two hundred two-a of the state administrative procedure act, include in the regulatory impact statement:

(a) a detailed explanation of the reason or reasons that justify exceeding federal minimum requirements, including:

(i) satisfying any requirement of the Act as it relates to New York state, including any requirement for demonstrating attainment or maintenance of ambient air quality standards or meeting reasonable further progress pursuant to Title I of the Act;

(ii) preventing an assessment or imposition of sanctions, or the imposition of a federal implementation plan, pursuant to the Act;

(iii) complying with a final decree of a court; or

(iv) protecting public health or the environment;

(b) an evaluation of the cost-effectiveness of the proposed code, rule or regulation, in comparison with the cost-effectiveness of reasonably available alternatives; and

(c) a review of the reasonably available alternative measures considered by the commissioner and an explanation of the reasons for rejecting such alternatives.

[Any code, rule or regulation to which this subdivision is applicable shall be subject to the approval of the environmental board pursuant to subdivision 2 of section 5-0107 of this chapter.]

S 53. Section 19-0917 of the environmental conservation law is REPEALED.

S 54. Subdivision 3 of section 27-0903 of the environmental conservation law, as amended by chapter 831 of the laws of 1990, is amended to read as follows:

3. The regulations setting forth the criteria for identification and listing, and the list of, hazardous wastes subject to this title may be amended by the commissioner from time to time as appropriate, based upon hazardous waste conditions of particular relevance to the state. The commissioner may promulgate the appropriately amended regulations only [after approval of the state environmental board based] upon a showing of the circumstances constituting the hazardous waste conditions of particular relevance to this state, and then in a manner consistent with the state administrative procedure act.

S 55. Subdivision 1 of section 27-1315 of the environmental conservation law, as amended by section 7 of part E of chapter 1 of the laws of 2003, is amended to read as follows:

1. The commissioner shall have the power to promulgate rules and regulations necessary and appropriate to carry out the purposes of this title. Any [such] regulations shall include provisions which establish the procedures for a hearing pursuant to subdivision four of section 27-1313 of this title[. Any such provisions] AND shall ensure a division of functions between the commissioner, the staff who present the case, and any hearing officers appointed. In addition, any [such] regulations shall set forth findings to be based on a factual record, which must be made before the commissioner determines that a significant threat to the environment exists. [Rules and regulations promulgated pursuant to this title shall be subject to the approval of a board, which shall be known as the inactive hazardous waste disposal site regulation review board, which shall have the same members, rules, and procedures as the state environmental board.]

S 56. Subdivision 1 of section 27-1504 of the environmental conservation law, as added by chapter 180 of the laws of 1989, is amended to read as follows:

1. The commissioner shall promulgate new regulations or amend existing regulations establishing a program for the tracking of the regulated medical waste which is generated in this state. Such regulations shall not be subject to the requirements of subdivision 2 of section 3-0301 [or subdivision 2 of section 5-0107] of this chapter.

S 57. Subdivision 4 of section 29-0103 of the environmental conservation law is REPEALED.

S 58. Subdivision 4 of section 70-0117 of the environmental conservation law, as added by chapter 723 of the laws of 1977, is amended to read as follows:

4. In conjunction with one or more applications for permits, the department may, on request of an applicant undertake a conceptual review of a proposed project evaluating the general approvability or nonapprovability of a proposed project, including all proposed phases or segments thereof, subject to the development and submission of more detailed plans and information and such additional applications for permits in the future as may be necessary. The department shall, in rules and regulations [approved by the state environmental board], establish criteria and guidelines for the conceptual review of proposed projects. The

department shall establish, in rules and regulations adopted pursuant to section 70-0107 of this chapter, procedures governing the conceptual review of proposed projects.

S 59. Sections 9-0705, 9-0707, 9-0709 and 9-0711 of the environmental conservation law are REPEALED.

S 60. Section 9-0713 of the environmental conservation law, as amended by chapter 386 of the laws of 1980, is amended to read as follows:

S 9-0713. State assistance.

[Upon the establishment of regional forest practice boards, and upon the adoption and promulgation of] THE COMMISSIONER SHALL ADOPT forest practice standards[, the regional forest practice boards]. THE DEPARTMENT shall notify [all the] owners of forest land [in their regions] that the commissioner is prepared to assist cooperating owners in connection with the application of [approved] forest practice standards. The commissioner shall provide to cooperating forest and farm woodland owners technical services in connection with all phases of forest management including but not limited to, plantation establishment and care, the marking of timber, marketing assistance and silvicultural treatment of immature stands.

S 61. Subdivision 1 of section 444-b of the real property law is REPEALED and subdivisions 2, 3, 4, 5, 6, 7 and 8 are renumbered subdivisions 1, 2, 3, 4, 5, 6 and 7.

S 62. Subdivision 4 of section 444-b of the real property law, as amended by chapter 225 of the laws of 2005 and as renumbered by section sixty-one of this act, is amended to read as follows:

4. "Home inspection" means the process by which a home inspector observes and provides a written report of the systems and components of a residential building including but not limited to heating system, cooling system, plumbing system, electrical system, structural components, foundation, roof, masonry structure, exterior and interior components or any other related residential building component as recommended [by the home inspection council and implemented] OR REQUIRED by the department through regulation to provide a client with objective information about the condition of the residential building. The home inspector shall clearly identify in the written report which systems and components of the residential building were observed. A home inspection shall not include an inspection for radon or pests.

S 63. Section 444-c of the real property law, as added by chapter 461 of the laws of 2004, subdivisions 1, 2 and 3 as amended by chapter 225 of the laws of 2005, is amended to read as follows:

S 444-c. [State home inspection council] CODE OF ETHICS AND STANDARDS OF PRACTICE. 1. [There is hereby established a state home inspection council within the department. The council shall consist of the secretary or the secretary's designee and six additional members who are residents of the state, of whom three shall be persons licensed and actively engaged in the business of home inspection in the state of New York for at least five years immediately preceding their appointment and three of whom shall be consumers who are the owners and principal residents of a residential building in the state of New York. Appointments shall reflect the geographical diversity of the state.

2. For a period of one year after the effective date of this section, and notwithstanding any other provisions of this section to the contrary, the first three home inspectors appointed as members of the committee shall not be required, at the time of their first appointment, to be licensed to practice home inspection, provided that such members be licensed pursuant to this article within one year of appointment.

3. The governor shall appoint each member of the council for a term of three years except that of the members first appointed, two shall serve for terms of three years, two shall serve for terms of two years and two shall serve for a term of one year. The governor shall appoint one home inspector and one consumer solely in his or her discretion, one home inspector and one consumer upon the recommendation of the temporary president of the senate, and one home inspector and one consumer upon the recommendation of the speaker of the assembly. Each member shall hold office until his or her successor has been qualified. Any vacancy in the membership of the council shall be filled for the unexpired term in the manner provided for the original appointment. No member of the council may serve more than two successive terms in addition to any unexpired term to which he or she has been appointed.

4. Members of the council shall receive no compensation but shall be reimbursed for their actual and necessary expenses and provided with office and meeting facilities and personnel required for the proper conduct of the council's business.

5. The council shall annually elect from among its members a chair and vice-chair and may appoint a secretary, who need not be a member of the council. The council shall meet at least twice a year and may hold additional meetings as necessary to discharge its duties.

6. The role of the council shall be advisory.] The [council shall advise the secretary in the administration and enforcement of the provisions of this article and recommend to the] secretary SHALL PROMULGATE regulations to implement the provisions of this article including but not limited to:

(a) standards for training including approval of the course of study and examination required for licensure of home inspectors;

(b) requirements and standards for continuing education of home inspectors;

(c) a code of ethics and standards of practice for licensed home inspectors consistent with the provisions of this article and sound ethical practices which code and standards shall be subject to public notice and comment prior to [a council recommendation to the secretary] ADOPTION OF THE REGULATIONS. The standards of practice shall not require a reporting format or limit information which licensees are authorized to provide a client pursuant to this article; and

(d) development of information and educational materials about home inspection for distribution to clients.

2. Nothing in this section shall be deemed to supersede any established authority, duty and power established by local law, state law or regulation or otherwise granted to any agency, body or entity.

S 64. Section 444-e of the real property law, as added by chapter 461 of the laws of 2004, paragraphs (b) and (c) of subdivision 1 and subdivision 3 as amended by chapter 225 of the laws of 2005, is amended to read as follows:

S 444-e. Qualifications for licensure. 1. An applicant for a license as a home inspector shall:

(a) have successfully completed high school or its equivalent; and

(b) (i) have successfully completed a course of study of not less than one hundred forty hours approved by the secretary[, in consultation with the council], of which at least forty hours shall have been in the form of unpaid field based inspections in the presence of and under the direct supervision of a home inspector licensed by the state of New York or a professional engineer or architect regulated by the state of New

York who oversees and takes full responsibility for the inspection and any report provided to a client; or

(ii) have performed not less than one hundred home inspections in the presence of and under the direct supervision of a home inspector licensed by the state of New York or a professional engineer or architect regulated by the state of New York who oversees and takes full responsibility for the inspection and any report provided to a client; and

(c) have passed a written or electronic examination approved by the secretary[, in consultation with the council], and designed to test competence in home inspection practice as determined by a recognized role definition methodology and developed and administered to the extent practicable in a manner consistent with the American Educational Research Association's "Standards for Educational and Psychological Testing." An applicant who has passed an existing nationally recognized examination, as approved by the secretary, prior to the effective date of this article shall be in compliance with this paragraph; and

(d) pay the applicable fees.

2. The provisions of this section shall not apply to a person performing a home inspection pursuant to subparagraph (ii) of paragraph (b) of subdivision one of this section for the purpose of meeting requirements for a home inspector license.

3. Upon submission of an application and payment of the application and licensure fee to the secretary, the secretary shall issue a home inspector's license to a person who holds a valid license as a home inspector issued by another state or possession of the United States or the District of Columbia which has standards substantially equivalent to those of this state as determined by the secretary[, in consultation with the council].

4. On or before the effective date of this article, the secretary shall, upon application, issue a home inspector license to a person who:

(a) meets the requirements of paragraphs (a) and (c) of subdivision one of this section and has performed one hundred or more home inspections for compensation within two years prior to the effective date of this section; or

(b) meets the requirements of paragraph (a) of subdivision one of this section and has been engaged in the practice of home inspection for compensation for not less than three years prior to the effective date of this section during which such person has performed two hundred fifty home inspections for compensation within three years prior to the effective date of this section; or

(c) has education and experience which the secretary[, in consultation with the council], considers equivalent to that required pursuant to paragraphs (a) and (b) of this subdivision.

S 65. Subdivision 1 of section 444-f of the real property law, as amended by chapter 225 of the laws of 2005, is amended to read as follows:

1. Home inspector licenses and renewals thereof shall be issued for a period of two years, except that the secretary may, in order to stagger the expiration date thereof, provide that those licenses first issued or renewed after the effective date of this section shall expire or become void on a date fixed by the secretary, not sooner than six months nor later than twenty-nine months after the date of issue. No renewal of a license shall be issued unless the applicant has successfully completed a course of continuing education approved by the secretary[, in consultation with the council].

S 66. Subdivision 1 of section 444-k of the real property law, as added by chapter 461 of the laws of 2004, is amended to read as follows:

1. Every licensed home inspector who is engaged in home inspection shall secure, maintain, and file with the secretary proof of a certificate of liability coverage, which terms and conditions shall be determined by the secretary [in consultation with the council].

S 67. Section 444-l of the real property law, as added by chapter 461 of the laws of 2004, is amended to read as follows:

S 444-l. Duties of the secretary. The secretary shall[, in consultation with the council,] establish such rules and regulations as shall be necessary to implement the provisions of this article.

S 68. Subdivision 6 of section 69-n of the general business law is REPEALED.

S 69. Chapter 868 of the laws of 1976, relating to the organic food advisory committee, is REPEALED.

S 70. Subdivisions 6, 7, 8 and 9 of section 73-b of the agriculture and markets law are REPEALED and subdivision 10 is renumbered subdivision 6.

S 71. Subdivision 5 of section 73-b of the agriculture and markets law, as added by chapter 276 of the laws of 2001, is amended to read as follows:

5. The advisory board, which shall be chaired by the commissioner, shall:

(a) evaluate and prioritize the veterinary diagnostic laboratory needs of industry, government and consumer entities;

(b) provide advice and recommendations to the dean of the New York state college of veterinary medicine for strategic direction of diagnostic laboratory services;

(c) make recommendations to the dean regarding appointment of the director of the laboratory; [and]

(d) assess the feasibility of the consolidation, expansion and modernization of the current physical facilities of the laboratory; AND

(E) PROVIDE ADVICE AND RECOMMENDATIONS TO THE DIRECTOR OF THE DIAGNOSTIC LABORATORY REGARDING INDUSTRY NEEDS AND THE EFFECTIVENESS OF VETERINARY DIAGNOSTIC LABORATORY SERVICES.

S 72. Paragraph (g) of subdivision 3 of section 73-b of the agriculture and markets law, as added by chapter 276 of the laws of 2001, is amended to read as follows:

(g) one member to be appointed by the governor, upon recommendation by the commissioner[, from nominations received from the animal health issues committee];

S 73. Section 13-0308 of the environmental conservation law is REPEALED.

S 74. The opening paragraph of subdivision 15 of section 13-0309 of the environmental conservation law, as added by chapter 512 of the laws of 1994, is amended to read as follows:

Unless and until regulations are adopted implementing a comprehensive long-term management plan for the protection of surf clams and ocean quahogs in New York waters [prepared in conjunction with the surf clam/ocean quahog management advisory board pursuant to section 13-0308, of this title], the following restrictions shall apply in addition to any consistent regulations adopted prior to the date upon which such section shall take effect:

S 75. Subparagraph (ii) of paragraph 3 of subdivision (a) of section 83 of the state finance law, as amended by section 6 of part A of chapter 58 of the laws of 1998, is amended to read as follows:

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, moneys arising out of the application of subdivision fourteen of section 13-0309 of the environmental conservation law, shall be deposited in a special account within the conservation fund, to be known as the surf clam/ocean quahog account, and shall be available to the department of environmental conservation, including contracts for such purposes with a New York State institution of higher education currently involved in local marine research, after appropriation, for the research and stock assessment of surf clams and ocean quahogs [and the operations of the surf clam/ocean quahog management advisory board].

S 76. Section 3000 of the public health law, as amended by chapter 804 of the laws of 1992, is amended to read as follows:

S 3000. Declaration of policy and statement of purpose. The furnishing of medical assistance in an emergency is a matter of vital concern affecting the public health, safety and welfare. Prehospital emergency medical care, the provision of prompt and effective communication among ambulances and hospitals and safe and effective care and transportation of the sick and injured are essential public health services.

It is the purpose of this article to promote the public health, safety and welfare by providing for certification of all advanced life support first response services and ambulance services; the creation of regional emergency medical services [councils] ADVISORY BOARDS; and a New York state emergency medical services [council] ADVISORY BOARD to [develop] ADVISE THE DEPARTMENT AND THE COMMISSIONER IN THE DEVELOPMENT OF minimum training standards for certified first responders, emergency medical technicians and advanced emergency medical technicians and minimum equipment and communication standards for advanced life support first response services and ambulance services.

S 77. Subdivision 2 and paragraphs (a), (c) and (e) of subdivision 3 of section 3000-b of the public health law, subdivision 2 as amended by chapter 583 of the laws of 1999, paragraph (a) of subdivision 3 as amended by chapter 243 of the laws of 2010 and paragraphs (c) and (e) of subdivision 3 as added by chapter 552 of the laws of 1998, are amended to read as follows:

2. Collaborative agreement. A person, firm, organization or other entity may purchase, acquire, possess and operate an automated external defibrillator pursuant to a collaborative agreement with an emergency health care provider. The collaborative agreement shall include a written agreement and written practice protocols, and policies and procedures that shall assure compliance with this section. The public access defibrillation provider shall file a copy of the collaborative agreement with the department and with the appropriate regional [council] BOARD prior to operating the automated external defibrillator.

(a) No person may operate an automated external defibrillator unless the person has successfully completed a training course in the operation of an automated external defibrillator approved by a nationally-recognized organization or the [state emergency medical services council] COMMISSIONER AND THE COMPLETION OF THE COURSE WAS RECENT ENOUGH TO STILL BE EFFECTIVE UNDER THE STANDARDS OF THE APPROVING ORGANIZATION. However, this section shall not prohibit operation of an automated external defibrillator, (i) by a health care practitioner licensed or certified under title VIII of the education law or a person certified under this article acting within his or her lawful scope of practice; (ii) by a person acting pursuant to a lawful prescription; or (iii) by a person who operates the automated external defibrillator other than as part of or incidental to his or her employment or regular duties, who is acting

in good faith, with reasonable care, and without expectation of monetary compensation, to provide first aid that includes operation of an automated external defibrillator; nor shall this section limit any good samaritan protections provided in section three thousand-a of this article.

(c) The public access defibrillation provider shall notify the APPROPRIATE regional [council] BOARD of the existence, location and type of any automated external defibrillator it possesses.

(e) The emergency health care provider shall participate in the regional quality improvement program pursuant to subdivision one of section three thousand [four-a] FOUR of this article.

S 78. Subdivision 2 and paragraph (a) of subdivision 3 of section 3000-c of the public health law, as added by chapter 578 of the laws of 1999, are amended to read as follows:

2. Collaborative agreement. Any eligible person, firm, organization or other entity may purchase, acquire, possess and use epinephrine auto-injector devices pursuant to a collaborative agreement with an emergency health care provider. The collaborative agreement shall include a written agreement that incorporates written practice protocols, and policies and procedures that shall ensure compliance with the provisions of this section. The person, firm, organization or entity shall file a copy of the collaborative agreement with the department and with the appropriate regional [council] BOARD prior to using any epinephrine auto-injector device.

(a) No person shall use an epinephrine auto-injector device unless such person shall have successfully completed a training course in the use of epinephrine auto-injector devices approved by the commissioner [pursuant to the rules of the department]. This section does not prohibit the use of an epinephrine auto-injector device (i) by a health care practitioner licensed or certified under title eight of the education law acting within the scope of his or her practice, or (ii) by a person acting pursuant to a lawful prescription.

S 79. Section 3001 of the public health law, as amended by chapter 804 of the laws of 1992, subdivisions 13 and 15 as amended by chapter 445 of the laws of 1993, is amended to read as follows:

S 3001. Definitions. As used in this article, unless the context otherwise requires:

1. "Emergency medical service" means initial emergency medical assistance including, but not limited to, the treatment of trauma, burns, respiratory, circulatory and obstetrical emergencies.

1-A. "PEDIATRIC CARE" MEANS MEDICAL CARE PROVIDED TO NEONATES, INFANTS, TODDLER, PRESCHOOLERS, SCHOOL AGERS AND ADOLESCENTS.

1-B. "TRAUMA CARE" MEANS HEALTH CARE PROVIDED TO PATIENTS AT HIGH RISK OF DEATH OR DISABILITY FROM MULTIPLE AND SEVERE INJURIES.

1-C. "DISASTER CARE" MEANS CARE PROVIDED TO PATIENTS WHO ARE THE VICTIMS OF NATURAL OR MAN-MADE DISASTERS, INCLUDING BUT NOT LIMITED TO BIOLOGIC, NUCLEAR, INCENDIARY, CHEMICAL AND EXPLOSIVE DISASTERS.

2. "Ambulance service" means an individual, partnership, association, corporation, municipality or any legal or public entity or subdivision thereof engaged in providing emergency medical care and the transportation of sick or injured persons by motor vehicle, aircraft or other forms of transportation to, from, or between general hospitals or other health care facilities.

3. "Voluntary ambulance service" means an ambulance service (i) operating not for pecuniary profit or financial gain, and (ii) no part of the assets or income of which is distributable to, or enures to the

benefit of, its members, directors or officers except to the extent permitted under this article.

4. "Voluntary advanced life support first response service" means advanced life support first response service (i) operating not for pecuniary profit or financial gain, and (ii) no part of the assets or income of which is distributable to, or enures to the benefit of, its members, directors or officers except to the extent permitted under this article.

5. "Certified first responder" means an individual who meets the minimum TRAINING, EDUCATION AND CERTIFICATION requirements established by [regulations pursuant to section three thousand two of this article] THE COMMISSIONER and who is responsible for administration of initial life saving care of sick and injured persons.

6. "Emergency medical technician" means an individual who meets the minimum TRAINING, EDUCATION AND CERTIFICATION requirements established by [regulations pursuant to section three thousand two of this article] THE COMMISSIONER and who is responsible for administration or supervision of initial emergency medical care and transportation of sick or injured persons.

7. "Advanced emergency medical technician" means an emergency medical technician who [has satisfactorily completed an advanced course of training approved by the state council under regulations pursuant to section three thousand two of this article] MEETS THE MINIMUM TRAINING, EDUCATION AND CERTIFICATION REQUIREMENTS ESTABLISHED BY THE COMMISSIONER AND WHO IS RESPONSIBLE FOR ADMINISTRATION OR SUPERVISION OF ADVANCED EMERGENCY MEDICAL CARE AND TRANSPORTATION OF SICK OR INJURED PERSONS.

8. "State [council] BOARD" means the New York state emergency medical services [council] ADVISORY BOARD established pursuant to this article.

9. "Regional [council] BOARD" means a regional emergency medical services [council] ADVISORY BOARD established pursuant to this article.

10. "Enrolled member" means any member of a voluntary ambulance service or voluntary advanced life support first response service who provides emergency medical care or transportation of sick or injured persons without expectation of monetary compensation.

11. "Advanced life support care" means definitive acute medical care provided, under medical control, by advanced emergency medical technicians within an advanced life support system.

12. "Advanced life support system" means an organized acute medical care system to provide advanced life support care on site or en route to, from, or between general hospitals or other health care facilities.

13. "Advanced life support mobile unit" means an ambulance or advanced life support first response vehicle approved to provide advanced life support services pursuant to this article.

14. "Qualified medical and health personnel" means physicians, registered professional nurses and advanced emergency medical technicians competent in the management of patients requiring advanced life support care.

15. "Medical control" means: (a) advice and direction provided by a physician or under the direction of a physician to certified first responders, emergency medical technicians or advanced emergency medical technicians who are providing medical care at the scene of an emergency or en route to a health care facility; and (b) indirect medical control including the written policies, procedures, and protocols for prehospital emergency medical care and transportation developed by [the state emergency medical advisory committee, approved by the state emergency medical services council and] the commissioner, and implemented by regional EMERGENCY medical advisory committees.

16. "Regional EMERGENCY medical advisory committee" means a group of five or more physicians, and one or more non-voting individuals representative of each of the following: hospitals, basic life support providers, advanced life support providers and emergency medical services training sponsor medical directors approved by the affected regional [emergency medical services councils] BOARDS.

17. "Advanced life support first response service" means an organization which provides advanced life support care, but does not transport patients.

18. ["EMS program agency" means a not-for-profit corporation or municipality designated by the state council and approved by the affected regional council or councils to facilitate the development and operation of an emergency medical services system within a region as directed by the regional council under this article.

19.] "Operator" means any person who by reason of a direct or indirect ownership interest (whether of record or beneficial) has the ability, acting either alone or in concert with others with ownership interests, to direct or cause the direction of the management or policies of an ambulance service or advanced life support first response service.

19. "MUTUAL AID" MEANS THE PRE-PLANNED AND ORGANIZED RESPONSE OF EMERGENCY MEDICAL SERVICES, AND OTHER EMERGENCY PERSONNEL AND EQUIPMENT, TO A REQUEST FOR ASSISTANCE IN AN EMERGENCY WHEN LOCAL RESOURCES HAVE BEEN EXPENDED. THE RESPONSE IS PREDICATED ON FORMAL AGREEMENTS AMONG PARTICIPATING AGENCIES OR JURISDICTIONS.

20. "Mutual aid agreement" means a written agreement, entered into by two or more ambulance services or advanced life support first response services possessing valid [ambulance service or advanced life support first response service certificates or statements of registration] OPERATING AUTHORITY, FIRE SERVICES AS DEFINED BY SECTION TWO HUNDRED NINE-B OF THE GENERAL MUNICIPAL LAW, OR THE GOVERNING BODY OF ANY CITY, TOWN OR VILLAGE, for the organized, SUPERVISED, coordinated, and cooperative reciprocal mobilization of personnel, equipment, services, or facilities for [back-up or support upon request as required pursuant to a written mutual aid plan] OUTSIDE SERVICE UPON REQUEST. An ambulance service and advanced life support first response service may participate in one or more mutual aid agreements.

21. "Primary territory" means the geographic area or subdivisions listed on an ambulance service certificate [or statement of registration within which the ambulance service may receive patients for transport].

22. "STATEWIDE EMS MOBILIZATION PLAN" MEANS AN ESTABLISHED PLAN FOR THE FORMAL AND UNIFORM NOTIFICATION AND ACTIVATION OF AMBULANCE OR ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICES.

23. "COUNTY MUTUAL AID PLAN" MEANS A WRITTEN MUTUAL AID AGREEMENT, ENTERED INTO BY TWO OR MORE AMBULANCE SERVICES OR ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICES POSSESSING VALID OPERATING AUTHORITY, FIRE SERVICES AS DEFINED BY SECTION TWO HUNDRED NINE-B OF THE GENERAL MUNICIPAL LAW, OR THE GOVERNING BODY OF ANY CITY, TOWN OR VILLAGE, FACILITATED OR COORDINATED BY THE COUNTY FOR THE ORGANIZED, SUPERVISED, COORDINATED, AND COOPERATIVE RECIPROCAL MOBILIZATION OF PERSONNEL, EQUIPMENT, SERVICES, OR FACILITIES FOR OUTSIDE SERVICE UPON REQUEST FOR THE PURPOSES OF PROVIDING EMERGENCY MEDICAL TREATMENT AND/OR TRANSPORTATION.

S 80. Section 3002 of the public health law is REPEALED and a new section 3002 is added to read as follows:

S 3002. NEW YORK STATE EMERGENCY MEDICAL SERVICES ADVISORY BOARD. 1. THERE IS HEREBY CREATED WITHIN THE DEPARTMENT OF HEALTH THE NEW YORK STATE EMERGENCY MEDICAL SERVICES ADVISORY BOARD. THE BOARD SHALL CONSIST

OF TWENTY-THREE MEMBERS, APPOINTED BY THE COMMISSIONER, WHO SHALL BE REPRESENTATIVE OF THE DIVERSITY OF THE EMERGENCY MEDICAL AND TRAUMA SYSTEM IN THE STATE, PARTICULARLY REGARDING DIVERSITY IN GEOGRAPHY, INDUSTRY AND PATIENT CARE. MEMBERS SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER FOR THREE YEAR TERMS, EXCEPT THAT THE TERM OF ELEVEN OF THE INITIAL ADVISORY MEMBERS SHALL BE FOR TWO YEARS; PROVIDED THAT A MEMBER SHALL CONTINUE TO SERVE IN FULL CAPACITY UNTIL SUCH TIME AS THE MEMBER RESIGNS, IS REMOVED OR REPLACED. NO PERSON MAY SERVE AS A MEMBER FOR MORE THAN TWO CONSECUTIVE TERMS TOTAL. THE COMMISSIONER SHALL APPOINT A CHAIR AND A VICE-CHAIR. MEMBERS OF THE STATE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES AS MEMBERS.

2. NO CIVIL ACTION SHALL BE BROUGHT IN ANY COURT AGAINST ANY MEMBER, OFFICER OR EMPLOYEE OF THE STATE BOARD FOR ANY ACT DONE, FAILURE TO ACT, OR STATEMENT OR OPINION MADE, WHILE DISCHARGING HIS OR HER DUTIES AS A MEMBER, OFFICER OR EMPLOYEE OF THE STATE BOARD, WITHOUT LEAVE FROM A JUSTICE OF THE SUPREME COURT, FIRST HAD AND OBTAINED. IN NO EVENT SHALL SUCH MEMBER, OFFICER OR EMPLOYEE BE LIABLE FOR DAMAGES IN ANY SUCH ACTION IF HE OR SHE SHALL HAVE ACTED IN GOOD FAITH, WITH REASONABLE CARE AND UPON PROBABLE CAUSE.

3. THE STATE BOARD SHALL ADVISE THE DEPARTMENT ON ISSUES RELATED TO EMERGENCY MEDICAL SERVICES, PEDIATRIC CARE, TRAUMA CARE AND DISASTER CARE, AND ASSIST IN THE COORDINATION OF SUCH, INCLUDING BUT NOT LIMITED TO THE DEVELOPMENT, PERIODIC REVISION, AND APPLICATION OF RULES AND REGULATIONS, APPROPRIATENESS REVIEW STANDARDS, AND QUALITY IMPROVEMENT GUIDELINES, AS THE COMMISSIONER AND THE DEPARTMENT MAY REQUEST. THE STATE BOARD SHALL HAVE THE SAME AUTHORITY GRANTED TO REGIONAL BOARDS BY THE ARTICLE IN ANY REGION OF THE STATE IN WHICH A REGIONAL BOARD HAS NOT BEEN ESTABLISHED. THE STATE BOARD MAY MEET AS FREQUENTLY AS REQUESTED BY THE DEPARTMENT.

4. UPON APPEAL FROM ANY CONCERNED PARTY, THE STATE BOARD MAY RECOMMEND AMENDMENT, MODIFICATION AND REVERSAL OF DETERMINATIONS OF THE REGIONAL BOARDS AND REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEES MADE PURSUANT TO ANY SECTION OF THIS ARTICLE. THE COMMISSIONER SHALL REVIEW ALL DETERMINATIONS OF THE STATE BOARD AND MAY APPROVE, DISAPPROVE OR MODIFY SUCH DETERMINATIONS. ALL DETERMINATIONS APPROVED, DISAPPROVED OR MODIFIED BY THE COMMISSIONER SHALL BE SUBJECT TO REVIEW AS PROVIDED IN ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES. APPLICATION FOR SUCH REVIEW MUST BE MADE WITHIN SIXTY DAYS AFTER SERVICE IN PERSON OR BY REGISTERED OR CERTIFIED MAIL.

5. THE COMMISSIONER MAY APPOINT A TECHNICAL ADVISORY GROUP TO COMPILE AND REVIEW DATA, DRAFT DOCUMENTS, OR PERFORM OTHER TASKS RELATED TO THE DISCOVERY OR PRODUCTION OF INFORMATION NEEDED IN ORDER FOR THE STATE BOARD TO PROPERLY CONSIDER A MATTER. TECHNICAL ADVISORY GROUPS SHALL BE APPOINTED ONLY FOR A LIMITED AND DEFINED PERIOD OF TIME IN THE PERFORMANCE OF A SPECIFIC TASK IN RELATION TO A SPECIFIC MATTER. INFORMATION OBTAINED OR PRODUCED BY THE TECHNICAL ADVISORY GROUP SHALL BE PROVIDED TO AND EXAMINED BY THE STATE ADVISORY BOARD.

S 81. Section 3002-a of the public health law is REPEALED.

S 82. Section 3003 of the public health law, as added by chapter 1053 of the laws of 1974, subdivision 1 as amended by chapter 1054 of the laws of 1974, subdivisions 2 and 5 as amended by chapter 445 of the laws of 1993, subdivisions 3 and 5-a as added and paragraph (a) of subdivision 10 as amended by chapter 804 of the laws of 1992, subdivision 4 as amended by chapter 580 of the laws of 2007 and subdivision 10 as added by chapter 1016 of the laws of 1981, is amended to read as follows:

S 3003. Regional emergency medical services [councils] ADVISORY BOARDS. 1. The commissioner[, with the approval of the state council,] shall designate regional emergency medical services [councils on or before January first, nineteen hundred seventy-eight] BOARDS but in no event shall the number of regional [councils] BOARDS exceed [eighteen] SIX. Such A regional [councils] BOARD shall be established on the basis of application for designation as A regional [councils] BOARD submitted by local organizations, the members of which are knowledgeable in various aspects of emergency medical services. Such application shall describe the geographic area to be served and contain a list of nominees for appointment to membership on such regional [councils] BOARD and a statement as to the proposed method of operation in such detail as the commissioner[, with the approval of the state council,] shall prescribe.

2. Each regional [council] BOARD shall be comprised of at least fifteen but not more than thirty members to be initially appointed by the commissioner, [with the approval of the state council] IN CONSULTATION WITH THE STATE BOARD, from nominations submitted by local organizations applying for establishment as the regional [council] BOARD. SUCH MEMBERS SHALL BE REPRESENTATIVE OF THE DIVERSITY OF EMERGENCY MEDICAL SERVICES IN THE REGION; PARTICULARLY WITH RESPECT TO DIVERSITY IN GEOGRAPHY, INDUSTRY AND PATIENT CARE. Not less than one-third of the membership of the regional [councils] BOARDS shall be representatives of ambulance services and the remaining membership of the regional [councils] BOARDS shall consist of, but not be limited to, representatives of existing local emergency medical care committees, physicians, nurses, hospitals, health planning agencies, fire department emergency and rescue squads, public health officers and the general public. The county EMS coordinator, established pursuant to section two hundred twenty-three-b of the county law, of any county within the region shall serve as an ex officio member of the regional [council] BOARD; provided, however, nothing in this subdivision shall prevent a county EMS coordinator from serving as a voting member of a regional [council] BOARD. Members of each regional [council] BOARD shall be residents living within the geographic area to be served by the regional [council] BOARD. The presence of a majority of members shall constitute a quorum.

3. Each regional [council] BOARD shall ASSIST THE REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEES, OTHER REGIONAL BOARDS, STATE BOARD, DEPARTMENT AND COMMISSIONER, AS REQUIRED BY THIS ARTICLE AND REQUESTED BY THE DEPARTMENT AND COMMISSIONER, IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE, AND SHALL have the power to:

(a) [have a seal and alter the same at pleasure;

(b) acquire, lease, hold, and dispose of real and personal property or any interest therein for its purposes;

(c) make and alter by-laws for its organization and internal management, and rules and regulations governing the exercise of its powers and the fulfillment of its purposes under this article; such rules and regulations must be filed with the secretary of state and the state EMS council;

(d) enter into contracts for employment of such officers and employees as it may require for the performance of its duties; and to fix and determine their qualifications, duties, and compensation, and to retain and employ such personnel as may be required for its purposes; and private consultants on a contract basis or otherwise, for the rendering of professional or technical services and advice;

(e) enter into contracts, leases, and subleases and to execute all instruments necessary or convenient for the conduct of its business,

including contracts with the commissioner and any state agency or municipal entity; and contracts with hospitals and physicians for the purposes of carrying out its powers under this article;

(f)] undertake or cause to be undertaken plans, surveys, analyses and studies necessary, convenient or desirable for the effectuation of its purposes and powers, and to prepare recommendations and reports in regard thereto;

[(g)] (B) fix and collect reasonable fees, rents, and other charges for the use of its equipment and the provision of its services;

[(h) contract for and to accept any gifts or grants, subsidies, or loans of funds or property, or financial or other aid in any form from the federal or state government or any agency or instrumentality thereof; or from any other source, public or private, and to comply, subject to the provisions of this article, with the terms and conditions thereof; provided, however, that the councils may contract for payment of debt evidenced by bonds or notes or other evidence of indebtedness, either directly or through a lease purchase agreement;

(i)] (C) recommend to the department approval of training course sponsors within its region, and to develop, promulgate and implement annually an EMS training plan which addresses the needs of its region;

[(j)] (D) enter into [contracts or memoranda of agreement] AGREEMENTS with other regional [councils] BOARDS to provide services in a joint or cooperative manner; and [to enter into contracts or memoranda of agreement with an EMS program agency to carry out one or more of its responsibilities under this article;

(k) procure insurance against any loss or liability in connection with the use, management, maintenance, and operation of its equipment and facilities, in such amounts and from such insurers as it reasonably deems necessary;

(l) approve] (E) RECOMMEND TO THE COMMISSIONER INDIVIDUALS FOR APPOINTMENT TO ITS regional medical advisory committee [nominees;

(m) provide focused technical assistance and support to those voluntary ambulance services operating under exemptions, to assist such services in progressing toward the uniform standards established pursuant to this section. Such assistance and support shall include, but not be limited to, volunteer recruitment and management training; and

(n) do all things necessary, convenient and desirable to carry out its purposes and for the exercise of the powers granted in this article].

4. Each regional [council] BOARD shall have the responsibility to coordinate emergency medical services programs within its region, including but not limited to, the establishment of emergency medical technician courses and the issuance of uniform emergency medical technician insignia and certificates. Such training courses shall be made available by video or computer to the maximum extent possible.

5. [The] EACH regional [council] BOARD shall have the responsibility to make determinations of public need for the establishment of additional emergency medical services and ambulance services WITHIN ITS GEOGRAPHIC AREA and to make the determinations of public need as provided in section three thousand eight OF THIS ARTICLE. The regional [council] BOARD shall make such determination by an affirmative vote of a majority of all of those members consisting of voting members.

[5-a. The regional emergency medical services council is authorized to grant an exemption from the staffing standards set forth in section three thousand five-a of this article to a voluntary ambulance service operating solely with enrolled members or paid emergency medical technicians which has demonstrated a good faith effort to meet the standards

and is unable to meet such standards because of factors deemed appropriate by the regional council. An exemption shall be for a period not to exceed two years and shall be conditioned on the participation by the voluntary service in a program to achieve compliance which shall include technical assistance and support from the regional council tailored to the needs and resources at the local level, as provided by paragraph (m) of subdivision three of this section, to be funded by the New York state emergency medical services training account established pursuant to section ninety-seven-q of the state finance law, such account as funded by a chapter of the laws of nineteen hundred ninety-three. Nothing shall prevent the regional council from issuing subsequent exemptions. Such exemptions shall have no effect whatsoever on the insurability of the organization receiving such exemption and such exemption shall not be used as a basis for increasing insurance rates or premiums related thereto, notwithstanding any other provision of law, rule, regulation, or commissioner's ruling or advisory to the contrary. Prior to issuing an exemption, the regional council shall provide written notice by certified mail to the chief executive officers of all general hospitals and municipalities in the county or counties within which the service requesting an exemption operates. Such notice shall provide opportunity for comment on the issuance of the exemption. Notice of the determination of the regional council shall be provided within ten days of the determination to the applicant, the department, and any party receiving notification of the application who requests notice of the determination. The applicant, the department, or any concerned party may appeal the determination of the regional council to the state council within thirty days after the regional council makes its determination.]

6. The term of office of members of [the] EACH regional [council] BOARD shall be four years, except that of those members first appointed, at least one-half but not more than two-thirds shall be for [terms] A TERM not to exceed two years.

7. Each regional [council] BOARD shall meet as frequently as its business may require.

8. [The commissioner, upon request of the regional council, may designate an officer or employee of the department to act as secretary of the regional council, and may assign from time to time such other employees as the regional council may require.

9.] No civil action shall be brought in any court against any member, officer or employee of any designated regional [council] BOARD for any act done, failure to act, or statement or opinion made, while discharging his duties as a member, officer or employee of the regional [council] BOARD, without leave from a justice of the supreme court, first had and obtained. In any event such member, officer or employee shall not be liable for damages in any such action if he shall have acted in good faith, with reasonable care and upon probable cause.

[10. (a) The department shall provide each regional council with the funds necessary to enable such regional council to carry out its responsibilities as mandated under this section within amounts appropriated therefor.

(b) Such funds shall be provided upon approval by the department of an application submitted by a regional council. The application shall contain such information and be in such form as the commissioner shall require pursuant to rules and regulations which he shall promulgate after consultation with the state council in order to effect the purposes and provisions of this subdivision.]

9. ALL DETERMINATIONS OF THE REGIONAL BOARDS MAY BE APPEALED TO THE STATE BOARD PURSUANT TO SUBDIVISION THREE OF SECTION THREE THOUSAND TWO OF THIS ARTICLE.

S 83. Section 3003-a of the public health law is REPEALED.

S 84. Section 3004-a of the public health law, as added by chapter 804 of the laws of 1992, subdivision 4 as added by chapter 445 of the laws of 1993, is renumbered section 3004 and amended to read as follows:

S 3004. Regional emergency medical advisory committees. 1. Regional emergency medical advisory committees shall develop policies, procedures, and triage, treatment, and transportation protocols FOR EMERGENCY MEDICAL SERVICES which are consistent with the STATE-WIDE MINIMUM standards [of the state emergency medical advisory committee] ESTABLISHED BY THE COMMISSIONER IN CONSULTATION WITH THE STATE BOARD, and which address specific local conditions. Regional emergency medical advisory committees may also approve physicians to provide on line medical control, coordinate the development of regional medical control systems, and participate in quality improvement activities addressing system-wide concerns. Hospitals and prehospital medical care services shall be authorized to release patient outcome information to regional emergency medical advisory committees for purposes of assessing prehospital care concerns. Regional quality improvement programs shall be presumed to be an extension of the quality improvement program set forth in section three thousand six of this article, and the provisions of subdivisions two and three of such section three thousand six shall apply to such programs.

2. [The committee shall nominate to the commissioner a physician with demonstrated knowledge and experience in emergency medical services to serve on the state emergency medical advisory committee.

3.] No civil action shall be brought in any court against any member, officer or employee of the committee for any act done, failure to act, or statement or opinion made, while discharging his or her duties as a member, officer, or employee of the committee, without leave from a justice of the supreme court, first had and obtained. In no event shall such member, officer, or employee be liable for damages in any such action if he or she shall have acted in good faith, with reasonable care and upon probable cause.

[4.] 3. Any decision of a regional emergency medical advisory committee regarding provision of a level of care, including staffing requirements, may be appealed to the state [emergency medical advisory committee] BOARD by any regional [EMS council] BOARD, ambulance service, advanced life support service, certified first responder, emergency medical technician, or advanced emergency medical technician adversely affected. No action shall be taken to implement a decision regarding existing levels of care or staffing while an appeal of such decision is pending. [Any decision of the state emergency medical advisory committee may be appealed pursuant to subdivision two-a of section three thousand two-a of this article.]

S 85. Section 3005 of the public health law, as amended by chapter 804 of the laws of 1992, subdivision 5 as amended and subdivision 8 as added by chapter 445 of the laws of 1993, is amended to read as follows:

S 3005. Ambulance service certificates. 1. No ambulance service [operating for profit, hospital ambulance service or municipal ambulance service of a city of over one million population shall operate on or after September first, nineteen hundred seventy-five unless it possesses a valid ambulance service certificate issued pursuant to this article. Effective January first, nineteen hundred ninety-seven, no ambulance

service shall be operated unless it possesses a valid ambulance service operating certificate issued pursuant to this article or has been issued a statement of registration. No advanced life support first response service shall operate unless it possesses a valid advanced life support first responder service operating certificate. Effective January first, two thousand, no ambulance service] OR ADVANCE LIFE SUPPORT FIRST RESPONSE SERVICE shall be operated unless it possesses a valid operating certificate.

2. [The department shall issue an initial certificate to an ambulance service certified prior to the effective date of this section upon submission of proof that it is the holder of a valid ambulance service certificate and is otherwise in compliance with provisions of section three thousand nine of this article.

2-a. Prior to January first, two thousand, the department shall issue an initial certificate to a registered ambulance service in possession of a valid registration provided that such service has been issued an exemption issued by a regional council pursuant to subdivision five-a of section three thousand three of this article.

3. The department shall issue an initial certificate to an advanced life support first response service upon submission of proof that such advanced life support first response service is staffed and equipped in accordance with rules and regulations promulgated pursuant to this article and is otherwise in compliance with provisions of section three thousand nine of this article.

4.] A certificate issued BY THE DEPARTMENT to an ambulance service or advanced life support first response service shall be valid for two years. The initial certification fee shall be [one] THREE hundred dollars. Thereafter the biennial fee shall be in accordance with the schedule of fees established by the commissioner pursuant to this article. However, there shall be no initial or renewal certification fee required of a voluntary ambulance service or voluntary advanced life support first response service.

[5.] 3. No initial certificate [(except initial certificates issued pursuant to subdivision two of this section)] shall be issued unless the commissioner finds that the proposed operator or operators are competent and fit to operate the service and that the ambulance service or advanced life support first response service is staffed and equipped in accordance with rules and regulations promulgated pursuant to this article.

[6.] 4. No ambulance service or advanced life support first response service shall begin operation without prior approval of the appropriate regional [council] BOARD, or if there is no appropriate regional [council] BOARD established such ambulance service or advanced life support first response service shall apply for approval from the state [council] BOARD as to the public need for the establishment of additional ambulance service or advanced life support first response service, pursuant to section three thousand eight of this article.

[7.] 5. Applications for a certificate shall be made by the owner of an ambulance service or advanced life support first response service operating for profit or the responsible official of a voluntary ambulance service or advanced life support first response service upon forms provided by the department. The application shall state the name and address of the owner and PROVIDE such other information as the department may require pursuant to rules and regulations.

[8.] 6. For purposes of this article, competent means that any proposed operator of any ambulance service or advanced life support

first response service who is already or had been within the last ten years an incorporator, director, sponsor, principal stockholder, or operator of any ambulance service, hospital, private proprietary home for adults, residence for adults, or non-profit home for the aged or blind which has been issued an operating certificate by the state department of social services, or a halfway house, hostel, or other residential facility or institution for the care, custody, or treatment of the mentally disabled subject to the approval by the department of mental hygiene, or any invalid coach service subject to approval by the department of transportation, is rendering or did render a substantially consistent high level of care. For purposes of this subdivision, the [state emergency medical services council] COMMISSIONER, IN CONSULTATION WITH THE STATE BOARD, shall [adopt] PROMULGATE rules and regulations[, subject to the approval of the commissioner,] to establish the criteria to be used to define substantially consistent high level of care with respect to ambulance services, advanced life support first response services, and invalid coaches, except that the commissioner may not find that a consistently high level of care has been rendered where there have been violations of the state EMS code, or other applicable rules and regulations, that (i) threatened to directly affect the health, safety, or welfare of any patient, and (ii) were recurrent or were not promptly corrected. For purposes of this article, the rules adopted by the state [hospital review and planning council] PUBLIC HEALTH AND PLANNING COUNCIL with respect to subdivision three of section twenty-eight hundred one-a of this chapter shall apply to other types of operators. Fit means that the operator or proposed operator (a) has not been convicted of a crime or pleaded nolo contendere to a felony charge involving murder, manslaughter, assault, sexual abuse, theft, robbery, fraud, embezzlement, drug abuse, or sale of drugs and (b) is not or was not subject to a state or federal administrative order relating to fraud or embezzlement, unless the commissioner finds that such conviction or such order does not demonstrate a present risk or danger to patients or the public.

S 86. Section 3005-a of the public health law, as added by chapter 804 of the laws of 1992, subdivision 1 as amended by chapter 445 of the laws of 1993, is amended to read as follows:

S 3005-a. Staffing standards; ambulance services and advanced life support first response services. [1.] The following staffing standards shall be in effect unless otherwise provided by this section:

[(a) effective January first, nineteen hundred ninety-seven the minimum staffing standard for a registered ambulance service shall be a certified first responder with the patient;

(b) effective January first, two thousand, the] 1. THE minimum staffing standard for [a voluntary] EACH ambulance service shall be an emergency medical technician with the patient;

[(c) the minimum staffing standard for all other ambulance services shall be an emergency medical technician with the patient; and

(d)] 2. the minimum staffing standard for an advanced life support first response service shall be an advanced emergency medical technician with the patient. Circumstances permitting other than advanced life support care by an advanced life support first response service may be established by rule PROMULGATED by [the state council, subject to the approval of] the commissioner, IN CONSULTATION WITH THE STATE BOARD.

[2. Any service granted an exemption by the regional council pursuant to subdivision five-a of section three thousand three of this article shall be subject to the standards and terms of the exemption.

3. Notwithstanding any other provision of this article, the effective date of the standards established by this section shall be delayed by one year for each fiscal year, prior to January first, two thousand, in which the amounts appropriated are less than that which would have been expended pursuant to the provisions of section ninety-seven-q of the state finance law.]

S 87. Section 3005-b of the public health law, as added by chapter 563 of the laws of 2001, subdivision 2 as amended by chapter 643 of the laws of 2006, is amended to read as follows:

S 3005-b. Emergency medical technician five year re-certification demonstration program. 1. There is hereby created within the department a demonstration program (referred to in this section as the "program") to allow emergency medical technicians and advanced emergency medical technicians who have been in continuous practice and who have demonstrated competence in applicable behavioral and performance objectives, to be re-certified for a five year period. No person shall be re-certified under the program unless he or she has completed at least one hundred thirty hours of instruction in emergency medical services as approved by the commissioner including but not limited to pediatrics, geriatrics, environmental emergencies, legal issues, emergency vehicle operations course and medical emergencies. [Renewals of certification under the program shall be deemed equivalent to renewals under subdivision two of section three thousand two of this article.]

2. The program shall be limited to persons who are employed by the New York city fire department [or who are in practice in the following counties: Delaware, Fulton, Hamilton, Montgomery, Nassau, Otsego, Schoharie or Suffolk]. The commissioner may limit the number of participants in the program, except that such limit shall be no less than four thousand participants.

[3. Within a year after implementing the program and annually thereafter, the commissioner shall report to the governor and the legislature on the impact of the program on the quality of patient care and the effectiveness of the program in retaining and recruiting certified emergency medical technicians and advanced emergency medical technicians.

4. The commissioner, in consultation with the state emergency medical services council, shall make regulations necessary to implement this section.]

S 88. Section 3006 of the public health law, as added by chapter 804 of the laws of 1992, subdivision 1 as amended and subdivision 4 as added by chapter 445 of the laws of 1993, is amended to read as follows:

S 3006. Quality improvement program. 1. [By January first, nineteen hundred ninety-seven, every] EVERY ambulance service and advanced life support first response service shall establish or participate in a quality improvement program, which shall be an ongoing system to monitor and evaluate the quality and appropriateness of the medical care provided by the ambulance service or advanced life support first response service, and which shall pursue opportunities to improve patient care and to resolve identified problems. The quality improvement program may be conducted independently or in collaboration with other services, with the appropriate regional [council, with an EMS program agency] BOARD, with a hospital, or with another appropriate organization approved by the department. Such program shall include a committee of at least five members, at least three of whom do not participate in the provision of care by the service. At least one member shall be a physician, and the others shall be nurses, or emergency medical technicians, or advanced emergency medical technicians, or other appropriately qualified allied

health personnel. The quality improvement committee shall have the following responsibilities:

(a) to review the care rendered by the service, as documented in prehospital care reports and other materials. The committee shall have the authority to use such information to review and to recommend to the governing body changes in administrative policies and procedures, as may be necessary, and shall notify the governing body of significant deficiencies;

(b) to periodically review the credentials and performance of all persons providing emergency medical care on behalf of the service;

(c) to periodically review information concerning compliance with standard of care procedures and protocols, grievances filed with the service by patients or their families, and the occurrence of incidents injurious or potentially injurious to patients. A quality improvement program shall also include participation in the department's prehospital care reporting system and the provision of continuing education programs to address areas in which compliance with procedures and protocols is most deficient and to inform personnel of changes in procedures and protocols. Continuing education programs may be provided by the service itself or by other organizations; and

(d) to present data to the regional EMERGENCY medical advisory committee and to participate in system-wide evaluation.

1-A. THE DEPARTMENT SHALL DEVELOP AND MAINTAIN STATEWIDE AND REGIONAL QUALITY IMPROVEMENT PROGRAMS FOR TRAUMA AND DISASTER CARE, WHICH SHALL BE INTEGRATED WITH THE QUALITY IMPROVEMENT PROGRAM FOR EMERGENCY MEDICAL SERVICES, AND INCORPORATE QUALITY IMPROVEMENT PROGRAMS FROM ALL COMPONENTS OF THE TRAUMA SYSTEM, INCLUDING, BUT NOT LIMITED TO, FULLY INTEGRATED STATEWIDE AND REGIONAL TRAUMA REGISTRIES.

2. The information required to be collected and maintained, including [information from the prehospital care reporting system which identifies an individual] PATIENT IDENTIFYING INFORMATION AND PROTECTED HEALTH INFORMATION, shall be kept confidential and shall not be released except to the department or pursuant to section three thousand [four-a] FOUR of this article.

3. Notwithstanding any other provisions of law, none of the MEDICAL records, documentation, or [committee] actions or records required OF ANY QUALITY IMPROVEMENT COMMITTEE pursuant to this section shall be subject to disclosure under article six of the public officers law or article thirty-one of the civil practice law and rules, except as hereinafter provided or as provided in any other provision of law. No person in attendance at a meeting of any [such] QUALITY IMPROVEMENT committee shall be required to testify as to what transpired thereat. The prohibition related to disclosure of testimony shall not apply to the statements made by any person in attendance at such a meeting who is a party to an action or proceeding the subject of which was reviewed at the meeting. The prohibition of disclosure of information from the prehospital care reporting system shall not apply to information which does not identify a particular ambulance service or individual.

4. Any person who in good faith and without malice provides information to further the purpose of this section or who, in good faith and without malice, participates on the quality improvement committee shall not be subject to any action for civil damages or other relief as a result of such activity.

S 89. Section 3008 of the public health law, as added by chapter 1053 of the laws of 1974, subdivisions 1 and 2 as amended by chapter 804 of the laws of 1992, subdivision 3 as amended by chapter 252 of the laws of

1981, subdivision 6 as added by chapter 850 of the laws of 1992 and subdivision 7 as added by chapter 510 of the laws of 1997, is amended to read as follows:

S 3008. Applications for determinations of public need. 1. Every application for a determination of public need shall be made in writing to the appropriate regional [council] BOARD, shall specify the primary territory within which the applicant requests to operate, be verified under oath, and shall be in such form and contain such information as required by the rules and regulations promulgated pursuant to this article.

2. Notice of the application shall be forwarded by registered or certified mail by the appropriate regional [council] BOARD to the chief executive officers of all general hospitals, ambulance services, and municipalities operating within the same county or counties where the services seeks to operate. The notice shall provide opportunity for comment.

3. Notice pursuant to this section shall be deemed filed with the ambulance service and municipality upon being mailed by the appropriate regional BOARD or state [council] BOARD by registered or certified mail.

4. The appropriate regional [council] BOARD or the state [council] BOARD shall make its determination of public need within sixty days after receipt of the application.

5. The applicant or any concerned party may appeal the determination of the appropriate regional [council] BOARD to the state council within thirty days after the regional [council] BOARD makes its determination.

6. In the case of an application for certification under this article by a municipal ambulance service to serve the area within the municipality, and the municipal ambulance service meets appropriate training, staffing and equipment standards, there should be a presumption in favor of approving the application.

7. (a) Notwithstanding any other provision of law and subject to the provisions of this article, any municipality within this state, or fire district acting on behalf of any such municipality, and acting through its local legislative body, is hereby authorized and empowered to adopt and amend local laws, ordinances or resolutions to establish and operate advanced life support first responder services or municipal ambulance services within the municipality, upon meeting or exceeding all standards set by the department for appropriate training, staffing and equipment, and upon filing with the [New York state emergency medical services council] DEPARTMENT, a written request for such authorization. Upon such filing, such municipal advanced life support first responder service or municipal ambulance service shall be deemed to have satisfied any and all requirements for determination of public need for the establishment of additional emergency medical services pursuant to this article for a period of two years following the date of such filing. Nothing in this article shall be deemed to exclude the municipal advanced life support first responder service or municipal ambulance service authorized to be established and operated pursuant to this article from complying with any other requirement or provision of this article or any other applicable provision of law.

(b) In the case of an application for certification pursuant to this subdivision, for a municipal advanced life support or municipal ambulance service, to serve the area within the municipality, where the proposed service meets or exceeds the appropriate training, staffing and equipment standards, there shall be a strong presumption in favor of approving the application.

S 90. Section 3009 of the public health law is REPEALED.

S 91. Section 3010 of the public health law, as amended by chapter 804 of the laws of 1992, subdivision 1 as amended by chapter 588 of the laws of 1993 and subdivisions 2 and 3 as amended by chapter 445 of the laws of 1993, is amended to read as follows:

S 3010. Area of operation; transfers. 1. Every ambulance service certificate [or statement of registration] issued under this article shall specify the primary territory within which the ambulance service shall be permitted to operate. An ambulance service shall receive patients only within the primary territory specified on its ambulance service certificate [or statement of registration], except: (a) when receiving a patient which it initially transported to a facility or location outside its primary territory; (b) as required for the fulfillment of a mutual aid agreement authorized by the regional [council] BOARD, DEPARTMENT AND COMMISSIONER; (c) upon express approval of the department and the appropriate regional [emergency medical services council] BOARD for a maximum of sixty days if necessary to meet an emergency need; provided that in order to continue such operation beyond the sixty day maximum period necessary to meet an emergency need, the ambulance service must satisfy the requirements of this article, regarding determination of public need and specification of the primary territory on the ambulance service certificate or statement of registration; or (d) an ambulance service or advanced life support first response service organization formed to serve the need for the provision of emergency medical services in accordance with the religious convictions of a religious denomination may serve such needs in an area adjacent to such primary territory and, while responding to a call for such service, the needs of other residents of such area at the emergency scene. Any ambulance service seeking to operate in more than one region shall make application to each appropriate regional [council] BOARD. Whenever an application is made simultaneously to more than one regional [council] BOARD, the applications submitted to the regional [councils] BOARDS shall be identical, or copies of each application shall be submitted to all the regional [councils] BOARDS involved.

2. No ambulance service certificate shall be transferable unless the regional [council] BOARD and the department [reviews] REVIEW and [approves] APPROVE the transfer as follows:

a. Any change in the individual who is the sole proprietor of an ambulance service shall only be approved upon a determination that the proposed new operator is competent and fit to operate the service.

b. Any change in a partnership which is the owner of an ambulance service shall be approved based upon a determination that the new partner or partners are competent and fit to operate the service. The remaining partners shall not be subject to a character and fitness review.

c. Any transfer, assignment or other disposition of ten percent or more of the stock or voting rights thereunder of a corporation which is the owner of an ambulance service, or any transfer, assignment or other disposition of the stock or voting rights thereunder of such a corporation which results in the ownership or control of ten percent or more of the stock or voting rights thereunder by any person, shall be approved based upon a determination that the new stockholder or stockholder proposing to obtain ten percent or more of the stock or voting rights thereunder of such corporation is competent and fit to operate the service. The remaining stockholders shall not be subject to a character and fitness review.

d. Any transfer of all or substantially all of the assets of a corporation which owns or operates a certified ambulance service shall be approved based upon a determination that the individual, partnership, or corporation proposing to obtain all or substantially all of the assets of the corporation is competent and fit to operate the service.

e. Any transfer affected in the absence of the review and approval required by this section shall be null and void and the certificate of such ambulance service shall be subject to revocation or suspension.

3. Nothing contained in this section shall be construed to prohibit any voluntary ambulance service authorized by its governing authority to do so from transporting any sick or injured resident of its primary territory from any general hospital or other health care facility licensed by the department, whether or not such general hospital or health care facility is within the service's primary territory, to any other general hospital or health care facility licensed by the department for further care, or to such resident's home. Nothing contained in this section shall be construed to prohibit any proprietary ambulance service authorized by its governing body to do so from transporting any sick or injured patient from any general hospital or other health care facility licensed by the department whether or not such general hospital or health care facility is within the service's primary territory, to any other general hospital or health care facility licensed by the department within the service's primary territory for further care, or to such patient's home, if such patient's home is within its primary territory. Any ambulance service owned by or under contract to a general hospital licensed by the department may transport any specialty patient from any other general hospital or health care facility licensed by the department to the hospital owning such ambulance service, or with which it has a contract. Categories of specialty patients shall be defined by rule PROMULGATED by [the state emergency medical services council, subject to the approval of] the commissioner.

4. No ambulance service certificate of an ambulance service which has discontinued operations for a continuous period in excess of thirty days shall be transferable without the approval of the appropriate regional [council] BOARD AND THE DEPARTMENT.

S 92. Section 3011 of the public health law, as amended by chapter 804 of the laws of 1992, subdivision 3 as amended and subdivision 3-a as added by chapter 501 of the laws of 2000, subdivision 10 as amended by chapter 206 of the laws of 2008 and subdivision 11 as added by chapter 542 of the laws of 1995, is amended to read as follows:

S 3011. Powers and duties of the department and the commissioner. 1. THE COMMISSIONER SHALL ISSUE CERTIFICATION FOR CERTIFIED FIRST RESPONDER, EMERGENCY MEDICAL TECHNICIAN OR ADVANCED EMERGENCY MEDICAL TECHNICIAN TO AN INDIVIDUAL WHO MEETS THE MINIMUM REQUIREMENTS ESTABLISHED BY REGULATIONS.

2. THE COMMISSIONER SHALL ISSUE CERTIFICATION FOR AMBULANCE AND ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICES WHO HAVE RECEIVED A DETERMINATION OF NEED BY THE APPROPRIATE REGIONAL ADVISORY BOARD AND MEET THE MINIMUM REQUIREMENTS ESTABLISHED BY REGULATIONS.

3. The department may inquire into the operation of ambulance services and advanced life support first response services and conduct periodic inspections of facilities, communication services, vehicles, methods, procedures, materials, [staff and] STAFFING, RECORDS, equipment AND QUALITY ASSURANCE ACTIVITIES AND DOCUMENTATION. It may also evaluate data received from ambulance services and advanced life support first response services.

[2.] 4. The department may require ambulance services and advanced life support first response services to submit periodic reports of calls received, services performed and such other information as may be necessary to carry out the provisions of this article.

[3.] 5. THE COMMISSIONER, IN CONSULTATION WITH THE STATE BOARD, SHALL DEVELOP STATEWIDE MINIMUM STANDARDS FOR: (A) MEDICAL CONTROL; (B) SCOPE OF PREHOSPITAL CARE PRACTICE; (C) TREATMENT, TRANSPORTATION AND TRIAGE PROTOCOLS, INCLUDING PROTOCOLS FOR INVASIVE PROCEDURES AND INFECTION CONTROL; AND (D) THE USE OF REGULATED MEDICAL DEVICES AND DRUGS BY EMERGENCY MEDICAL SERVICES PERSONNEL CERTIFIED PURSUANT TO THIS ARTICLE. THE COMMISSIONER MAY ISSUE ADVISORY GUIDELINES IN ANY OF THESE AREAS. THE DEPARTMENT SHALL REVIEW PROTOCOLS DEVELOPED BY REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEES FOR CONSISTENCY WITH STATEWIDE STANDARDS.

6. The commissioner, [with the advice and consent of the state council] IN CONSULTATION WITH THE STATE BOARD, shall designate not more than [eighteen] SIX geographic areas within the state wherein a regional [emergency medical services council] BOARD shall be established. In making the determination of a geographic area, the commissioner shall take into consideration the presence of ambulance services, hospital facilities, existing emergency medical services committees, trained health personnel, health planning agencies and communication and transportation facilities[; and shall establish separate regional emergency medical services councils for the counties of Nassau and Westchester]. The commissioner shall [promote and encourage the establishment of] ESTABLISH a regional [emergency medical services council] BOARD in each of said designated areas.

[3-a. Notwithstanding any inconsistent provision of this article:

a. The creation of any regional council or emergency medical services program agency on or after January first, two thousand shall not diminish any then existing funding appropriated after the effective date of this subdivision to regional councils or emergency medical services program agencies;

b. Subject to the provisions of paragraph c of this subdivision, funding for regional councils and emergency medical services program agencies existing on or after January first, two thousand shall be increased in proportion to any funding appropriated therefor by the department and in such proportion as determined by the department;

c. Funding for any regional council or emergency medical services program agency created on or after January first, two thousand shall be in addition to any funds appropriated on the effective date of this subdivision for regional councils or emergency medical services program agencies existing on January first, two thousand. Funding for any regional council or emergency medical services program agency created after January first, two thousand shall be in an amount at least equal to the minimum funding level appropriated to regional councils or emergency medical services program agencies existing on such date, or in an amount equal to the proportion that such new regional council or emergency medical services program agency represented on the basis of population in its former regional council or emergency medical services program agency, whichever is larger.

4. The commissioner may propose rules and regulations and amendments thereto for consideration by the state council.] 7. The commissioner shall establish a schedule of certification fees for ambulance services and advanced life support first response services other than voluntary ambulance services and voluntary advanced life support first response services.

[5.] 8. For the purpose of promoting the public health, safety and welfare the commissioner is hereby authorized and empowered to contract with voluntary ambulance services and municipal ambulance services, or with the fire commissioners of fire districts operating voluntary ambulance services, upon such terms and conditions as he OR SHE shall deem appropriate and within amounts made available therefor, for reimbursement of the necessary and incidental costs incurred by such ambulance services in order to effectuate the provisions of this article.

[6.] 9. The commissioner is hereby authorized, for the purposes of effectuating the provisions of this article in the development of a statewide emergency medical service system, to contract with any ambulance service or with the fire commissioners of fire districts operating certified voluntary ambulance services for the use of necessary equipment upon such terms and conditions as the commissioner shall deem appropriate.

[7.] 10. THE DEPARTMENT AND COMMISSIONER SHALL PREPARE, AND PERIODICALLY UPDATE AS NECESSARY, A STATEWIDE EMERGENCY MEDICAL SERVICES MOBILIZATION PLAN, WHICH PROVIDES FOR THE IDENTIFICATION AND DEPLOYMENT OF EMERGENCY MEDICAL SERVICES PERSONNEL AND RESOURCES THROUGHOUT THE STATE IN RESPONSE TO A LOCAL OR REGIONAL REQUEST. UPON NOTIFICATION TO THE STATE BOARD, THE REGIONAL BOARDS, AND THE REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEES, THE PLAN SHALL BECOME THE STATEWIDE EMERGENCY MEDICAL SERVICES MOBILIZATION PLAN.

11. The commissioner [may recommend to the state council minimum qualifications] SHALL, IN CONSULTATION WITH THE STATE BOARD, ESTABLISH A MINIMUM SCOPE OF PRACTICE, EDUCATION, TRAINING, CERTIFICATION AND CREDENTIALING QUALIFICATIONS for certified first responders [(which shall not exceed fifty-one hours)], emergency medical technicians and advanced emergency medical technicians in all phases of emergency medical technology including but not limited to, communications, first aid, equipment, maintenance, emergency techniques and procedures, patient management and knowledge of procedures and equipment for emergency medical care.

[8. The commissioner shall provide every certified ambulance service and advanced life support first response service with an official insignia which may be attached to every vehicle owned or operated by a certified ambulance service or advanced life support first response service.

9. The department shall provide the state council with such assistance as the council may request in order to carry out its responsibilities as set forth in subdivision two-a of section three thousand two of this article.

10.] 12. THE DEPARTMENT SHALL REQUIRE EVERY CERTIFIED AMBULANCE SERVICE AND ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICE TO DISPLAY AN OFFICIAL INSIGNIA WHICH MUST BE ATTACHED TO EVERY VEHICLE OWNED OR OPERATED BY A CERTIFIED AMBULANCE SERVICE OR ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICE.

13. The commissioner is hereby authorized and empowered to extend the certification for emergency medical technicians, advanced emergency medical technicians or certified first responders who have been ordered to active military duty, other than for training, [on or after the eleventh day of September, two thousand one] and whose certification will expire during their military duty [or within the six months immediately following separation from military service]. The extended certification shall be for the period of military duty and for twelve months after they have been released from active military duty.

[11.] 14. The commissioner, [with the advice and consent of the state council] IN CONSULTATION WITH THE STATE BOARD, shall promulgate rules and regulations necessary to ensure compliance with the provisions of subdivision two of section sixty-seven hundred thirteen of the education law; AND MAY FACILITATE DEVELOPMENT AND PERIODIC REVISION OF APPROPRIATENESS REVIEW STANDARDS FOR EMERGENCY MEDICAL SERVICES AND EMERGENCY DEPARTMENTS, PEDIATRIC SERVICES AND PEDIATRIC CENTERS, TRAUMA SERVICES AND TRAUMA CENTERS, BURN SERVICES AND BURN CENTERS, AND DISASTER CARE UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER, FOR ADOPTION BY THE COMMISSIONER OR STATE PUBLIC HEALTH AND HEALTH PLANNING COUNCIL, AS APPROPRIATE.

15. THE DEPARTMENT AND COMMISSIONER, IN CONSULTATION WITH THE STATE BOARD, SHALL CONTINUE THE CATEGORIZATION OF GENERAL HOSPITALS AND OTHER HEALTH CARE FACILITIES FOR EMERGENCY MEDICAL CARE AND TRAUMA CARE UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER, AND THE DESIGNATION OF EMERGENCY FACILITIES IN GENERAL HOSPITALS AND OTHER HEALTH CARE FACILITIES, AS EMERGENCY DEPARTMENTS OR EMERGENCY SERVICES APPROPRIATE FOR EMERGENCY MEDICAL CARE AND GENERAL HOSPITALS AND OTHER HEALTH CARE FACILITIES AS TRAUMA CENTERS OR TRAUMA STATIONS APPROPRIATE FOR TRAUMA CARE, BASED UPON SUCH CATEGORIZATION.

16. THE DEPARTMENT AND COMMISSIONER, IN CONSULTATION WITH THE STATE BOARD, SHALL DEVELOP AND MAINTAIN A STATEWIDE SYSTEM FOR RECOGNITION OF FACILITIES ABLE TO PROVIDE SUSTENTATIVE OR DEFINITIVE SPECIALTY PEDIATRIC EMERGENCY MEDICAL AND TRAUMA CARE FOR SUDDEN CHILDHOOD ILLNESS AND INJURY AND FOR PREFERENTIAL TRANSPORT OF SUDDENLY ILL OR INJURED CHILDREN TO SUCH FACILITIES, AND SHALL PROMOTE THE USE OF SUCH FACILITIES IN ACCORDANCE WITH WRITTEN PROTOCOLS OR TRANSFER AGREEMENTS AS APPROPRIATE.

17. UPON APPEAL OF ANY INTERESTED PARTY, THE COMMISSIONER MAY AMEND, MODIFY, AND REVERSE DECISIONS OF THE STATE BOARD, ANY REGIONAL BOARD, OR ANY REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEE; PROVIDED THAT IN CONSIDERATION OF A REGIONAL BOARD OR REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEE DECISION, THE COMMISSIONER SHALL CONSULT THE STATE ADVISORY BOARD.

S 93. Section 3012 of the public health law, as added by chapter 1053 of the laws of 1974, subdivision 1 as amended by chapter 445 of the laws of 1993, subdivision 2 as amended by chapter 804 of the laws of 1992 and subdivisions 3 and 4 as amended by chapter 252 of the laws of 1981, is amended to read as follows:

S 3012. Enforcement. 1. Any ambulance service or advanced life support first response service certificate issued pursuant to section three thousand five of this article may be revoked, suspended, limited or annulled by the department upon proof that the operator or certificate holder or one or more enrolled members or one or more persons in his OR HER employ:

(a) has been guilty of misrepresentation in obtaining the certificate or in the operation of the ambulance service or advanced life support first response service; or

(b) has not been competent in the operation of the service or has shown inability to provide adequate ambulance services or advanced life support first response service; or

(c) has failed to pay the biennial certification fee as required [except in the case of any voluntary ambulance service or voluntary advanced life support first response service]; or

(d) has failed to file any report required by the provisions of this article or the rules and regulations promulgated thereunder; or

(e) has violated or aided and abetted in the violation of any provision of this article, the rules and regulations promulgated or continued thereunder, or the state sanitary code; or

(f) had discontinued operations for a period in excess of one month; or

(g) a voluntary ambulance service or voluntary advanced life support first response service has failed to meet the minimum staffing standard and has not been issued an exemption[, except that such certificate shall not be suspended or revoked unless the commissioner finds that an adequate alternative service exists. The commissioner shall consider the recommendation of the regional emergency medical services council in making a finding]; or

(h) an ambulance service operating for profit has failed to meet the minimum staffing standard; or

(i) has been convicted of a crime or pleaded nolo contendere to a felony charge involving murder, manslaughter, assault, sexual abuse, theft, robbery, fraud, embezzlement, drug abuse, or sale of drugs, unless the commissioner finds that such conviction does not demonstrate a present risk or danger to patients or the public; or

(j) is or was subject to a state or federal administrative order relating to fraud or embezzlement, unless the commissioner finds that such order does not demonstrate a present risk or danger to patients or the public.

2. Proceedings under this section may be initiated by any person, corporation, association, or public officer, or by the department by the filing of written charges with the department. Whenever the department seeks revocation or suspension of a certificate of an ambulance service or an advanced life support first response service, a copy of the charges shall be referred to the appropriate regional [council] BOARD for review and recommendation to the department prior to a hearing. [Such recommendation shall include a determination as to whether the public need would be served by a revocation, suspension, annulment or limitation. If there is no appropriate regional council established, the state council shall make such determination and present to the department its recommendations.]

3. No certificate shall be revoked, [suspended,] limited or annulled without a hearing. However, a certificate may be [temporarily] suspended without a hearing and without the [approval] REVIEW of the appropriate regional [council] BOARD or state [council] BOARD for a period not in excess of [thirty] NINETY days upon notice to the certificate holder following a finding by the department that the public health, safety or welfare is in imminent danger.

4. The [commissioner] DEPARTMENT shall fix a time and place for the hearing. A copy of the charges and the recommendations of the appropriate regional [council] BOARD or state [council] BOARD together with the notice of the time and place of the hearing, shall be mailed to the certificate holder by registered or certified mail, at the address specified on the certificate, at least fifteen days before the date fixed for the hearing. The appropriate regional [council] BOARD may be a party to such hearing. The certificate holder may file with the department, not less than five days prior to the hearing, a written answer to the charges.

S 94. Section 3016 of the public health law, as amended by chapter 252 of the laws of 1981, is amended to read as follows:

S 3016. Continuance of rules and regulations. All rules and regulations heretofore adopted by the commissioner pertaining to all ambu-

lance services shall continue in full force and effect as rules and regulations until duly modified or superseded by rules and regulations hereafter adopted and enacted by the [state council pursuant to section three thousand two of this article] COMMISSIONER.

S 95. Section 3017 of the public health law is REPEALED.

S 96. Section 3030 of the public health law, as added by chapter 439 of the laws of 1979, is amended to read as follows:

S 3030. Advanced life support services. Advanced life support services provided by an advanced emergency medical technician, shall be (1) provided under the direction of qualified medical and health personnel utilizing patient information and data transmitted by voice or telemetry, (2) limited to the category or categories in which the advanced emergency medical technician is certified pursuant to this article, [and] (3) recorded for each patient, on an individual treatment-management record, AND (4) LIMITED TO PARTICIPATION IN AN ADVANCE LIFE SUPPORT SYSTEM.

S 97. Section 3031 of the public health law, as added by chapter 439 of the laws of 1979, is amended to read as follows:

S 3031. Advanced life support system. Advanced life support system must (1) be under the overall supervision and direction of a qualified physician [with respect to the advanced life support services provided], (2) UTILIZE ADVANCED LIFE SUPPORT PROTOCOLS DEVELOPED BY THE REGIONAL EMERGENCY MEDICAL ADVISORY COMMITTEE AND APPROVED BY THE COMMISSIONER, (3) be staffed by qualified medical and health personnel, [(3)] (4) utilize advanced emergency medical technicians whose certification is appropriate to the advanced life support services provided, [(4)] (5) utilize advanced support mobile units appropriate to the advanced life support services provided, [(5)] (6) maintain a treatment-management record for each patient receiving advanced life support services, and [(6)] (7) be integrated with a hospital emergency, intensive care, coronary care or other appropriate service.

S 98. Section 3032 of the public health law, as amended by chapter 445 of the laws of 1993, is amended to read as follows:

S 3032. Rules and regulations. The [state council, with the approval of the] commissioner, IN CONSULTATION WITH THE STATE BOARD, shall promulgate rules and regulations to effectuate the purposes of sections three thousand thirty and three thousand thirty-one of this article.

S 99. Section 3052 of the public health law, as added by chapter 727 of the laws of 1986, is amended to read as follows:

S 3052. Establishment of a training program for emergency medical services personnel. 1. There is hereby established a training program for emergency medical services personnel including, but not limited to, first responders, emergency medical technicians, advanced emergency medical technicians and emergency vehicle operators.

1-A. SUCH TRAINING PROGRAM MAY USE ANY COMBINATION OF COURSEWORK, TESTING, CONTINUING EDUCATION AND CONTINUOUS PRACTICE TO PROVIDE THE MEANS BY WHICH SUCH PERSONNEL, INCLUDING INSTRUCTOR LEVEL PERSONNEL, MAY BE TRAINED AND CERTIFIED. THE PROGRAM MAY INCLUDE MEANS THAT ALLOW FOR CERTIFICATION OF EMERGENCY MEDICAL TECHNICIANS AND ADVANCED EMERGENCY MEDICAL TECHNICIANS WITHOUT THE REQUIREMENT OF PRACTICAL SKILLS OR WRITTEN EXAMINATION.

1-B. THE COMMISSIONER, IN CONSULTATION WITH THE STATE BOARD, SHALL DEVELOP SUCH TRAINING PROGRAM, PROMULGATING RULES AND REGULATIONS AS MAY BE NECESSARY FOR ADMINISTRATION AND COMPLIANCE.

2. The commissioner shall provide state aid within the amount appropriated to entities such as local governments, regional [emergency

medical services councils] BOARDS, and voluntary agencies and organizations to conduct training courses for emergency medical services personnel and to conduct practical examinations for certification of such personnel. The commissioner shall establish a schedule for determining the amount of state aid provided pursuant to this section.

a. Such schedule may include varying rates for distinct geographic areas of the state and for various course sizes, giving special consideration to areas with the most need for additional emergency medical technicians. In determining the need for additional emergency medical technicians, the commissioner shall use measurements such as the average number of emergency medical technicians per ambulance service, the ratio of emergency medical technicians per square mile, the average number of calls per service and the percentage of calls to which an emergency medical technician has responded, provided such data is available to the commissioner.

b. Such schedule shall provide sufficient reimbursement to permit sponsors to offer basic emergency medical technician courses which adhere to curricula approved by the [New York state emergency medical services council and the] commissioner without the need to charge tuition to participants.

3. Upon request, the [commissioner] DEPARTMENT shall provide management advice and technical assistance to regional [emergency medical services councils] BOARDS, county emergency medical services coordinators, and course sponsors and instructors to stimulate the improvement of training courses and the provision of courses in a manner which encourages participation. Such advice and technical assistance may relate to, but need not be limited to the location, scheduling and structure of courses.

4. The department is authorized, either directly or through contractual arrangement, to develop and distribute training materials for use by course instructors and sponsors, to recruit additional instructors and sponsors and to provide training courses for instructors.

[5. The commissioner shall conduct a public service campaign to recruit additional volunteers to join ambulance services targeted to areas in need for additional emergency medical technicians.]

S 100. Section 3053 of the public health law, as amended by chapter 445 of the laws of 1993, is amended to read as follows:

S 3053. Reporting. Advanced life support first response services and ambulance services [registered or] certified pursuant to article thirty of this chapter shall submit detailed individual call reports on a form to be [provided] DETERMINED by the department, or may submit data electronically in a format approved by the department. The [state emergency medical services council, with the approval of the] commissioner, IN CONSULTATION WITH THE STATE BOARD, may adopt rules and regulations permitting or requiring ambulance AND ADVANCED LIFE SUPPORT FIRST RESPONSE services whose volume exceeds [twenty thousand calls per year] A SPECIFIED ANNUAL THRESHOLD to submit call report data electronically. Such rules shall define the data elements to be submitted, and may include requirements that assure availability of data to the REGIONAL BOARDS AND regional emergency medical advisory [committee] COMMITTEES.

S 101. Articles 30-B and 30-C of the public health law are REPEALED.

S 102. Subdivisions 3 and 4 of section 97-q of the state finance law, as added by chapter 804 of the laws of 1992, are amended to read as follows:

3. Moneys of the account, when allocated, shall be available to the department of health for the purpose of funding the training of emergen-

cy medical services personnel, and funding as shall be provided by appropriation for the [state] OPERATION OF THE STATE'S emergency medical services [council, regional emergency medical services councils, emergency medical services program agencies or other emergency medical services training programs] SYSTEM, in order to carry out the purposes of articles thirty and thirty-A of the public health law.

4. [Not less than fifty percent of the] THE monies of the account shall be expended for the direct costs of providing emergency medical services training at the local level. [The legislature shall annually appropriate from the remaining available monies, funding for the state emergency medical services council, the regional emergency medical services councils, the emergency medical services program agencies and] ANNUAL APPROPRIATIONS SHALL BE USED TO ENABLE the department of health [in order to carry out] TO ACHIEVE the purposes of articles thirty and thirty-A of the public health law. At the end of any fiscal year, any funds not encumbered for these purposes shall be reallocated for the costs of training advanced life support personnel.

S 103. Paragraph 4 of subdivision a of section 19-162.2 of the administrative code of the city of New York, as added by local law number 40 of the city of New York for the year 1997, is amended to read as follows:

4. "certified first responder" shall mean an individual who meets the minimum requirements established by [regulations pursuant to section three thousand two] THE COMMISSIONER OF HEALTH PURSUANT TO ARTICLE THIRTY of the public health law and who is responsible for administration of initial life saving care of sick and injured persons.

S 104. Subdivision 1-a of section 122-b of the general municipal law, as amended by chapter 303 of the laws of 1980, is amended to read as follows:

1-a. As used in this section:

(a) "Emergency medical technician" means an individual who meets the minimum requirements established by [regulations pursuant to section three thousand two] THE COMMISSIONER OF HEALTH PURSUANT TO ARTICLE THIRTY of the public health law and who is responsible for administration or supervision of initial emergency medical assistance and handling and transportation of sick, disabled or injured persons.

(b) "Advanced emergency medical technician" means an emergency medical technician who has satisfactorily completed an advanced course of training approved by the [state council under regulations pursuant to section three thousand two] COMMISSIONER OF HEALTH PURSUANT TO ARTICLE THIRTY of the public health law.

S 105. Subparagraph (iii) of paragraph (e) of subdivision 3 of section 219-e of the general municipal law, as added by chapter 514 of the laws of 1998, is amended to read as follows:

(iii) A volunteer ambulance worker appointed to serve on the New York state emergency medical services [council, the state emergency medical advisory committee] ADVISORY BOARD, a regional emergency medical services [council] ADVISORY BOARD or a regional emergency medical advisory committee, established pursuant to article thirty of the public health law shall also be eligible to receive one point per meeting.

S 106. Subparagraph (iii) of paragraph (e) of subdivision 3 of section 219-m of the general municipal law, as added by chapter 558 of the laws of 1998, is amended to read as follows:

(iii) A volunteer ambulance worker appointed to serve on the New York state emergency medical services [council, the state emergency medical advisory committee] ADVISORY BOARD, a regional emergency medical

services [council] ADVISORY BOARD or a regional emergency medical advisory committee, established pursuant to article thirty of the public health law shall also be eligible to receive one point per meeting.

S 107. Subdivision 2 of section 10 of the workers' compensation law, as added by chapter 872 of the laws of 1985, is amended to read as follows:

2. Notwithstanding any other provisions of this chapter, an injury incurred by an individual currently employed as an emergency medical technician or an advanced emergency medical technician who is certified pursuant to [section three thousand two] ARTICLE THIRTY of the public health law, while voluntarily and without expectation of monetary compensation rendering medical assistance at the scene of an accident shall be deemed to have arisen out of and in the course of the employment with that emergency medical technician or advanced emergency medical technician's current employer.

S 108. Subdivision 1 of section 580 of the executive law, as added by chapter 300 of the laws of 2000, is amended to read as follows:

1. Creation; members. There is hereby created in the department of state an emergency services council, the members of which shall be the directors of the office of fire prevention and control, the bureau of emergency medical services and the state emergency management office, the superintendent of state police, the commissioner of health, the secretary of state and the director of state operations who shall be the chairperson unless otherwise appointed by the governor. There shall also be two representatives appointed by the state emergency medical services [council] ADVISORY BOARD, one of whom shall be a representative of volunteer ambulance service and one of whom shall be a representative of proprietary ambulance service; two representatives appointed by the fire advisory board, one of which shall be representative of volunteer fire service and one of which shall be representative of paid fire service; one representative shall be appointed by the disaster preparedness commission; one physician shall be appointed by the [state emergency medical advisory committee] COMMISSIONER OF HEALTH; one appointment shall be made by the governor; one appointment shall be made by the temporary president of the senate; and one appointment shall be made by the speaker of the assembly.

S 109. Section 804-d of the education law, as added by chapter 315 of the laws of 2005, is amended to read as follows:

S 804-d. Automated external defibrillator instruction. Instructions regarding the correct use of an automated external defibrillator shall be included as a part of the health education curriculum in all senior high schools when cardiopulmonary resuscitation instruction is being provided as authorized by section eight hundred four-c of this article. In addition to the requirement that all teachers of health education shall be certified to teach health, persons instructing pupils in the correct use of automated external defibrillators shall possess valid certification by a nationally recognized organization or the [state emergency medical services council] COMMISSIONER OF HEALTH offering certification in the operation of an automated external defibrillator and in its instruction.

S 110. Section 2407 of the public health law is REPEALED.

S 111. Subdivision 5 of section 2409 of the public health law is REPEALED and subdivisions 6 and 7 are renumbered subdivisions 5 and 6.

S 112. The public health law is amended by adding a new section 2409-a to read as follows:

S 2409-A. ADVISORY COUNCIL. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT THE BREAST, CERVICAL AND OVARIAN CANCER DETECTION AND EDUCATION PROGRAM ADVISORY COUNCIL, FOR THE PURPOSE OF ADVISING THE COMMISSIONER WITH REGARDS TO PROVIDING INFORMATION TO CONSUMERS, PATIENTS, AND HEALTH CARE PROVIDERS RELATING, BUT NOT LIMITED TO, BREAST, CERVICAL AND OVARIAN CANCER, INCLUDING SIGNS AND SYMPTOMS, RISK FACTORS, THE BENEFITS OF PREVENTION AND EARLY DETECTION, GUIDELINE CONCORDANT CANCER SCREENING AND DISEASE MANAGEMENT, OPTIONS FOR DIAGNOSTIC TESTING AND TREATMENT, NEW TECHNOLOGIES, AND SURVIVORSHIP.

2. THE ADVISORY COUNCIL SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE PROMOTION AND IMPLEMENTATION OF PROGRAMS UNDER SECTIONS TWENTY-FOUR HUNDRED SIX AND TWENTY-FOUR HUNDRED NINE OF THIS TITLE.

3. THE COMMISSIONER SHALL APPOINT TWENTY-ONE VOTING MEMBERS, WHICH SHALL INCLUDE REPRESENTATION OF HEALTH CARE PROFESSIONALS, CONSUMERS, PATIENTS AND OTHER APPROPRIATE INTEREST REFLECTIVE OF THE DIVERSITY OF THE STATE, WITH EXPERTISE IN BREAST, CERVICAL AND/OR OVARIAN CANCER. THE COMMISSIONER SHALL APPOINT ONE MEMBER AS A CHAIRPERSON. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN PERFORMANCE OF THEIR DUTIES.

4. A MAJORITY OF THE APPOINTED VOTING MEMBERSHIP OF THE BOARD SHALL CONSTITUTE QUORUM.

5. THE ADVISORY COUNCIL SHALL MEET AT LEAST TWICE A YEAR, AT THE REQUEST OF THE DEPARTMENT.

S 113. Section 844-a of the executive law is REPEALED.

S 114. This act shall take effect immediately; provided that:

(a) the amendments to the opening paragraph of subdivision 15 of section 13-0309 of the environmental conservation law, made by section seventy-four of this act, shall take effect on the same date as the reversion of such subdivision as provided in section 2 of chapter 158 of the laws of 2011, as amended.

(b) the amendments to section 3005-b of the public health law, made by section eighty-seven of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

(c) sections forty-one, forty-two, forty-three, forty-four, forty-five, forty-six and forty-seven of this act shall take effect upon the resolution of all appeals pending before the freshwater appeals board; provided, however, that such board, created by title 11 of article 24 of the environmental conservation law, as repealed by section forty-one of this act, shall not accept any new cases as of the effective date of this act; and

(d) the commissioner of the department of environmental conservation shall notify the legislative bill drafting commission upon the resolution of all appeals pending before the freshwater appeals board in order that the commission may maintain an accurate and timely effective date data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of

the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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