

2810--B

I N S E N A T E

February 1, 2011

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

AN ACT to authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2011-2012 and to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend chapter 279 of the laws of 1998 amending the transportation law relating to enabling the commissioner of transportation to establish a single audit pilot program, in relation to making such provisions permanent (Part B); to amend chapter 312 of the laws of 1994, amending the vehicle and traffic law relating to suspensions of licenses pending prosecution of certain alcohol-related charges, and authorizations for probationary and conditional drivers' licenses, in relation to the effectiveness thereof (Part C); to amend chapter 533 of the laws of 1993, amending the vehicle and traffic law and the correction law relating to suspension and revocation of driver's licenses upon conviction of certain drug-related offenses, in relation to the effectiveness thereof (Part D); to amend chapter 569 of the laws of 1981, amending the vehicle and traffic law relating to motor vehicle liability insurance, financial security, criminal acts and penalties for non-compliance, in relation to making provisions permanent; and to amend chapter 781 of the laws of 1983, amending the vehicle and traffic law and other laws relating to motor vehicle liability insurance, financial security, criminal acts and certain penalties for non-compliance, in relation to making provisions permanent (Part E); to amend the vehicle and traffic law and the criminal procedure law, in relation to governing operators of commercial motor vehicles and federal requirements for medical certification pertaining to such operators (Part F); to amend chapter 393 of the laws of 1994 amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make

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

LBD12573-04-1

loans, in relation to the effectiveness thereof (Part G); to amend the state finance law, in relation to the excelsior linked deposit act (Part H); to amend part U of chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to New York state higher education matching grant program for independent colleges, in relation to the effectiveness thereof (Part I); to amend the public authorities law, in relation to the state governmental cost recovery system; and to repeal section 2975-a of such law relating thereto (Part J); to amend the executive law, in relation to the community services block grant program; and to amend chapter 728 of the laws of 1982 and chapter 710 of the laws of 1983, amending the executive law relating to community services block grant programs, in relation to the effectiveness thereof (Part K); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to the effectiveness thereof (Part L); Intentionally omitted (Part M); Intentionally omitted (Part N); to amend the executive law, the economic development law and the state administrative procedure act, in relation to the removal of statutory references to the governor's office of regulatory reform; and to repeal subdivision 8 of section 202-b of the state administrative procedure act, relating thereto (Part O); to authorize and direct the New York state energy research and development authority to make a payment to the general fund of up to \$913,000 (Part P); to authorize the New York State Energy Research and Development Authority to finance a portion of its research, development and demonstration and policy and planning programs from assessments on gas and electric corporations (Part Q); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part R); to amend the environmental conservation law and chapter 67 of the laws of 1992 amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to pesticide registration time frames and fees (Part S); Intentionally omitted (Part T); to amend the New York state urban development corporation act, in relation to the healthy food/communities initiative; to amend the agriculture and markets law, in relation to authorizing the establishment of a revolving loan fund; and to amend the agriculture and markets law, in relation to state aid for farmers' markets (Part U); Intentionally omitted (Part V); to amend the state finance law, in relation to the transfer of tribal compact revenue to the general fund and to the city of Niagara Falls (Part W); Intentionally omitted (Part X); to amend the general business law, in relation to increasing the term of licensure and registration from two to four years (Part Y); to amend the real property tax law, the general municipal law, the public officers law, the tax law and the administrative code of the city of New York, in relation to establishing standards for electronic real property tax administration, allowing the department of taxation and finance to use electronic communication means to furnish tax notices and other documents, and mandatory electronic filing of tax documents (Part Z); to amend the transportation law, in relation to airport improvement and revitalization (Part AA); to amend the transportation law, in relation to requiring sign properties, in cities having a population of one million or more, to be licensed by the department of transportation

(Part BB); to amend the environmental conservation law, in relation to the amount of sulfur content that may be in heating oil and the effective date for sulfur reductions (Part CC); to amend the environmental conservation law, in relation to bottle collection and recycling (Part DD); directing the power authority of the state of New York to release requests for proposals on certain natural gas powered generating facilities in and around New York city (Part EE); to amend the environmental conservation law, in relation to establishing a registration system for saltwater recreational fishing; and to repeal part LL of chapter 59 of the laws of 2009 amending the environmental conservation law, relating to recreational marine fishing licenses, relating thereto (Part FF); to amend the environmental conservation law, in relation to the use of ultra low sulfur diesel fuel and best available technology by the state (Part GG); to amend the public authorities law, in relation to directing the metropolitan transportation authority to contract for the provision of an independent forensic audit of such authority; and providing for the repeal of such provisions upon the expiration thereof (Part HH); and to amend the public service law, in relation to authority of the public service commission over services of a telephone corporation or cable television company (Part II)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2011-2012
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through II. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

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

25 SCHEDULE

26 (a) Thirty-nine million seven hundred thousand dollars (\$39,700,000)
27 to municipalities for repayment of eligible costs of federal aid municip-
28 al street and highway projects pursuant to section 15 of chapter 329 of
29 the laws of 1991, as added by section 9 of chapter 330 of the laws of

1991, as amended. The department of transportation shall provide such information to the municipalities as may be necessary to maintain the federal tax exempt status of any bonds, notes, or other obligations issued by such municipalities to provide for the non-federal share of the cost of projects pursuant to chapter 330 of the laws of 1991 or section 80-b of the highway law.

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

State Fiscal Year	Amount
2011-12	\$39,700,000

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

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

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

1	State Fiscal Year	Amount
2	2011-12	\$363,097,000

3 S 2. Section 16 of chapter 329 of the laws of 1991, amending the state
4 finance law and other laws relating to the establishment of the dedi-
5 cated highway and bridge trust fund, is amended by adding a new subdivi-
6 sion (f) to read as follows:

7 (F) FOR PURPOSES OF THIS SECTION AND SECTION 10-C OF THE HIGHWAY LAW,
8 FOR PROJECTS COMPLETED ON OR BEFORE MARCH 31, 2012 LOCAL HIGHWAY AND
9 BRIDGE PROJECTS MAY ALSO INCLUDE THE FOLLOWING WORK TYPES: (1) MICROSUR-
10 FACING, (2) PAVER PLACED SURFACE TREATMENT, (3) SINGLE COURSE SURFACE
11 TREATMENT INVOLVING CHIP SEALS AND OIL AND STONE, AND (4) DOUBLE COURSE
12 SURFACE TREATMENT INVOLVING CHIP SEALS AND OIL AND STONE, HOWEVER, NO
13 REIMBURSEMENT SHALL BE MADE FOR (1) MICROSURFACING, (2) PAVER PLACED
14 SURFACE TREATMENT, (3) SINGLE COURSE SURFACE TREATMENT INVOLVING CHIP
15 SEALS AND OIL AND STONE, AND (4) DOUBLE COURSE SURFACE TREATMENT INVOLV-
16 ING CHIP SEALS AND OIL AND STONE AFTER MARCH 31, 2012. REIMBURSEMENT FOR
17 PROJECTS USING THESE TREATMENTS MAY BE MADE FROM THE PROCEEDS OF BONDS,
18 NOTES OR OTHER OBLIGATIONS ISSUED BY THE NEW YORK STATE THRUWAY AUTHORI-
19 TY PURSUANT TO SECTION 380 OF THE PUBLIC AUTHORITIES LAW OR OTHERWISE AS
20 DETERMINED BY THE DIRECTOR OF THE BUDGET.

21 S 3. Section 16-a of chapter 329 of the laws of 1991, amending the
22 state finance law and other laws relating to the establishment of the
23 dedicated highway and bridge trust fund, is amended by adding a new
24 subdivision (f) to read as follows:

25 (F) FOR PURPOSES OF THIS SECTION AND SECTION 10-C OF THE HIGHWAY LAW,
26 FOR PROJECTS COMPLETED ON OR BEFORE MARCH 31, 2012 LOCAL HIGHWAY AND
27 BRIDGE PROJECTS MAY ALSO INCLUDE THE FOLLOWING WORK TYPES: (1) MICROSUR-
28 FACING, (2) PAVER PLACED SURFACE TREATMENT, (3) SINGLE COURSE SURFACE
29 TREATMENT INVOLVING CHIP SEALS AND OIL AND STONE, AND (4) DOUBLE COURSE
30 SURFACE TREATMENT INVOLVING CHIP SEALS AND OIL AND STONE, HOWEVER, NO
31 REIMBURSEMENT SHALL BE MADE FOR (1) MICROSURFACING, (2) PAVER PLACED
32 SURFACE TREATMENT, (3) SINGLE COURSE SURFACE TREATMENT INVOLVING CHIP
33 SEALS AND OIL AND STONE, AND (4) DOUBLE COURSE SURFACE TREATMENT INVOLV-
34 ING CHIP SEALS AND OIL AND STONE AFTER MARCH 31, 2012. REIMBURSEMENT FOR
35 PROJECTS USING THESE TREATMENTS MAY BE MADE FROM THE PROCEEDS OF BONDS,
36 NOTES OR OTHER OBLIGATIONS ISSUED BY THE NEW YORK STATE THRUWAY AUTHORI-
37 TY PURSUANT TO SECTION 380 OF THE PUBLIC AUTHORITIES LAW OR OTHERWISE AS
38 DETERMINED BY THE DIRECTOR OF THE BUDGET.

39 S 4. Subdivision (d) of section 11 of chapter 329 of the laws of 1991,
40 amending the state finance law and other laws relating to the establish-
41 ment of the dedicated highway and bridge trust fund, as amended by chap-
42 ter 432 of the laws of 1997, is amended to read as follows:

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

1 construction, reconstruction or improvement of local highways, bridges
2 and/or highway-railroad crossings, including right of way acquisition,
3 preliminary engineering, and construction supervision and inspection,
4 where the service life of the project is at least ten years OR FOR
5 PROJECTS COMPLETED ON OR BEFORE MARCH 31, 2012 WHERE THE PROJECT IS:
6 (1) MICROSURFACING, (2) PAVER PLACED SURFACE TREATMENT, (3) SINGLE
7 COURSE SURFACE TREATMENT INVOLVING CHIP SEALS AND OIL AND STONE AND (4)
8 DOUBLE COURSE SURFACE TREATMENT INVOLVING CHIP SEALS AND OIL AND STONE,
9 and unless the director of the budget has certified to the chairman of
10 the thruway authority that a spending plan has been submitted by the
11 commissioner of transportation and has been approved by the director of
12 the budget. NO REIMBURSEMENT SHALL BE MADE FOR (1) MICROSURFACING, (2)
13 PAVER PLACED SURFACE TREATMENT, (3) SINGLE COURSE SURFACE TREATMENT
14 INVOLVING CHIP SEALS AND OIL AND STONE, AND (4) DOUBLE COURSE SURFACE
15 TREATMENT INVOLVING CHIP SEALS AND OIL AND STONE AFTER MARCH 31, 2012.

16 S 5. Subdivision (b) of section 16 of chapter 329 of the laws of 1991,
17 amending the state finance law and other laws relating to the establish-
18 ment of the dedicated highway and bridge trust fund, as added by chapter
19 330 of the laws of 1991, is amended to read as follows:

20 (b) Each county, city, town and village shall certify to the commis-
21 sioner of transportation that amounts to be reimbursed are for
22 construction, reconstruction or improvement of local highways, bridges
23 and/or highway-railroad crossings, including right of way acquisition,
24 preliminary engineering, and construction supervision and inspection
25 where the service life of the project is at least ten years OR FOR
26 PROJECTS COMPLETED ON OR BEFORE MARCH 31, 2012 WHERE THE PROJECT IS: (1)
27 MICROSURFACING, (2) PAVER PLACED SURFACE TREATMENT, (3) SINGLE COURSE
28 SURFACE TREATMENT INVOLVING CHIP SEALS AND OIL AND STONE AND (4) DOUBLE
29 COURSE SURFACE TREATMENT INVOLVING CHIP SEALS AND OIL AND STONE. NO
30 REIMBURSEMENT SHALL BE MADE FOR (1) MICROSURFACING, (2) PAVER PLACED
31 SURFACE TREATMENT, (3) SINGLE COURSE SURFACE TREATMENT INVOLVING CHIP
32 SEALS AND OIL AND STONE, AND (4) DOUBLE COURSE SURFACE TREATMENT INVOLV-
33 ING CHIP SEALS AND OIL AND STONE AFTER MARCH 31, 2012. Such certif-
34 ication shall include any such information as may be necessary to main-
35 tain the federal tax exempt status of bonds, notes or other obligations
36 issued by the New York state thruway authority pursuant to section 380
37 of the public authorities law. The commissioner of transportation shall
38 in writing request the municipalities to furnish such information as may
39 be necessary to comply with this section.

40 S 6. Subdivision (b) of section 16-a of chapter 329 of the laws of
41 1991, amending the state finance law and other laws relating to the
42 establishment of the dedicated highway and bridge trust fund, as added
43 by chapter 330 of the laws of 1991, is amended to read as follows:

44 (b) Each county, city, town and village shall certify to the commis-
45 sioner of transportation that amounts to be reimbursed are for
46 construction, reconstruction or improvement of local highways, bridges
47 and/or highway-railroad crossings, including right of way acquisition,
48 preliminary engineering, and construction supervision and inspection
49 where the service life of the project is at least ten years OR FOR
50 PROJECTS COMPLETED ON OR BEFORE MARCH 31, 2012 WHERE THE PROJECT IS: (1)
51 MICROSURFACING, (2) PAVER PLACED SURFACE TREATMENT, (3) SINGLE COURSE
52 SURFACE TREATMENT INVOLVING CHIP SEALS AND OIL AND STONE AND (4) DOUBLE
53 COURSE SURFACE TREATMENT INVOLVING CHIP SEALS AND OIL AND STONE. NO
54 REIMBURSEMENT SHALL BE MADE FOR (1) MICROSURFACING, (2) PAVER PLACED
55 SURFACE TREATMENT, (3) SINGLE COURSE SURFACE TREATMENT INVOLVING CHIP
56 SEALS AND OIL AND STONE, AND (4) DOUBLE COURSE SURFACE TREATMENT INVOLV-

1 ING CHIP SEALS AND OIL AND STONE AFTER MARCH 31, 2012. Such certif-
2 ication shall include any such information as may be necessary to main-
3 tain the federal tax exempt status of bonds, notes or other obligations
4 issued by the New York state thruway authority pursuant to section 380
5 of the public authorities law. The commissioner shall in writing request
6 the municipalities to furnish such information as may be necessary to
7 comply with this section.
8 S 7. This act shall take effect immediately; provided, however, that
9 sections two, three, four, five and six of this act shall expire and be
10 deemed repealed on April 1, 2012.

11 PART B

12 Section 1. Section 2 of chapter 279 of the laws of 1998, amending the
13 transportation law relating to enabling the commissioner of transporta-
14 tion to establish a single audit pilot program, as amended by section 1
15 of part E of chapter 59 of the laws of 2010, is amended to read as
16 follows:
17 S 2. This act shall take effect on December 31, 1998, except that the
18 commissioner of transportation is immediately authorized to promulgate
19 rules and regulations necessary for the implementation of this act [and
20 shall expire December 31, 2011 when upon such date the provisions of
21 this act shall be deemed repealed].
22 S 2. This act shall take effect immediately.

23 PART C

24 Section 1. Section 7 of chapter 312 of the laws of 1994, amending the
25 vehicle and traffic law relating to suspensions of licenses pending
26 prosecution of certain alcohol-related charges, and authorizations for
27 probationary and conditional drivers' licenses, as amended by section 1
28 of part C of chapter 59 of the laws of 2009, is amended to read as
29 follows:
30 S 7. This act shall take effect immediately; provided however that
31 sections three, four, five and six of this act shall take effect on the
32 first day of November next succeeding the date on which it shall have
33 become a law and shall apply to offenses committed on or after such
34 date; provided further, however, that the amendment to paragraph (c) of
35 subdivision 2 of section 1193 of the vehicle and traffic law made by
36 section two of this act shall take effect on the same date as such para-
37 graph takes effect pursuant to section 9 of chapter 533 of the laws of
38 1993, as amended[, provided, further, that the provisions of section
39 four of this act shall remain in full force and effect until October 1,
40 2011 when upon such date the provisions of such section shall be deemed
41 repealed and the provisions of law amended by such section shall revert
42 to and be read as if the provisions of such section had not been
43 enacted].
44 S 2. This act shall take effect immediately, and shall be deemed to
45 have been in full force and effect on and after April 1, 2011.

46 PART D

47 Section 1. Section 9 of chapter 533 of the laws of 1993, amending the
48 vehicle and traffic law and the correction law relating to suspension
49 and revocation of driver's licenses upon conviction of certain drug-re-

lated offenses, as amended by section 1 of part D of chapter 59 of the laws of 2009, is amended to read as follows:

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

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011.

PART E

Section 1. Section 12 of chapter 569 of the laws of 1981, amending the vehicle and traffic law relating to motor vehicle liability insurance, financial security, criminal acts and penalties for non-compliance, as amended by section 1 of part J of chapter 59 of the laws of 2009, is amended to read as follows:

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

S 2. Section 15 of chapter 781 of the laws of 1983, amending the vehicle and traffic law and other laws relating to motor vehicle liability insurance, financial security, criminal acts and certain penalties for non-compliance, as amended by section 2 of part J of chapter 59 of the laws of 2009, is amended to read as follows:

S 15. This act shall take effect immediately except that sections ten and eleven hereof shall NOT take effect [on June 30, 2011; the amendments made to the provisions of the vehicle and traffic law and the insurance law by sections one through seven of this act shall expire June 30, 2011; upon such date the provisions of such sections of such laws shall revert to and be read as set out in law on the date immediately preceding the effective date of this act] AND ARE HEREBY REPEALED.

S 3. This act shall take effect immediately.

PART F

Section 1. Item 1 of clause (A) of subparagraph ii of paragraph (i) of subdivision 1 of section 201 of the vehicle and traffic law, as amended by section 2 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(1) fifty-five years where the conviction and suspension or revocation order relates to a conviction, suspension or revocation by the holder OF ANY DRIVER'S LICENSE WHEN OPERATING A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SUBDIVISION FOUR OF SECTION FIVE HUNDRED ONE-A OF THIS CHAPTER, OR BY THE HOLDER of a commercial driver's license who, when operating any motor vehicle, has refused to submit to a chemical test pursuant to section eleven hundred ninety-four of this chapter, or has been

1 convicted of any of the following offenses while operating any motor
2 vehicle: any violation of subdivision two, three or four of section
3 eleven hundred ninety-two of this chapter, any violation of subdivision
4 one or two of section six hundred of this chapter, any felony involving
5 the use of a motor vehicle, other than the use of a motor vehicle in the
6 commission of a felony involving manufacturing, distributing, dispensing
7 a controlled substance; or the conviction, suspension or revocation
8 involves any of the following offenses while operating a commercial
9 motor vehicle: any violation of subdivision five or six of section eleven
10 hundred ninety-two of this chapter, driving a commercial motor vehicle
11 when as a result of prior violations committed while operating a
12 commercial motor vehicle, the driver's commercial driver's license is
13 suspended or revoked, or has been convicted of causing a fatality
14 through the negligent operation of a commercial motor vehicle, including
15 but not limited to the crimes of vehicular manslaughter and criminally
16 negligent homicide as set forth in article one hundred twenty-five of
17 the penal law;

18 S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
19 amended by chapter 639 of the laws of 2006, is amended to read as
20 follows:

21 1. Application for license. Application for a driver's license shall
22 be made to the commissioner. The fee prescribed by law may be submitted
23 with such application. The applicant shall furnish such proof of identity,
24 age, and fitness as may be required by the commissioner. The commissioner
25 may also provide that the application procedure shall include the
26 taking of a photo image or images of the applicant in accordance with
27 rules and regulations prescribed by the commissioner. In addition, the
28 commissioner also shall require that the applicant provide his or her
29 social security number and provide space on the application so that the
30 applicant may register in the New York state organ and tissue donor
31 registry under section forty-three hundred ten of the public health law.
32 In addition, an applicant for a commercial driver's license who will
33 operate a commercial motor vehicle in interstate commerce shall certify
34 that such applicant meets the requirements to operate a commercial motor
35 vehicle, as set forth in public law 99-570, title XII, and title 49 of
36 the code of federal regulations, and all regulations promulgated by the
37 United States secretary of transportation under the hazardous materials
38 transportation act. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S
39 LICENSE SHALL SUBMIT MEDICAL CERTIFICATION AT SUCH INTERVALS AS REQUIRED
40 BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND REGULATIONS
41 ADOPTED PURSUANT THERETO RELATING TO MEDICAL CERTIFICATION AND
42 IN A MANNER PRESCRIBED BY THE COMMISSIONER. Upon a determination that
43 the holder of a commercial driver's license has made any false statement,
44 with respect to the application for such license, the commissioner
45 shall revoke such license.

46 S 3. Paragraph (b) of subdivision 1 of section 503 of the vehicle and
47 traffic law, as amended by chapter 435 of the laws of 1997, is amended
48 to read as follows:

49 (b) An application for a license shall be valid for a period of time
50 specified by regulation of the commissioner not to exceed five years. A
51 learner's permit shall be valid from its issuance until the expiration
52 of the application for a driver's license for which it was issued.
53 PROVIDED, HOWEVER, THAT IF THE MEDICAL CERTIFICATION SUBMITTED IN
54 ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL MOTOR CARRIER SAFETY
55 IMPROVEMENT ACT OF 1999 AND REGULATIONS ADOPTED PURSUANT THERETO RELATING
56 TO MEDICAL CERTIFICATION BY AN APPLICANT FOR A COMMERCIAL DRIVER'S

LICENSE EXPIRES, ANY LEARNER'S PERMIT THAT MAY HAVE BEEN ISSUED BY THE COMMISSIONER IN CONNECTION WITH THE APPLICATION SHALL BE SUSPENDED.

S 4. Subdivision 1 of section 510-a of the vehicle and traffic law, as amended by section 13 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

1. Revocation. A commercial driver's license shall be revoked by the commissioner whenever the holder is convicted within or outside of this state (a) of a felony involving the use of a motor vehicle except a felony as described in paragraph (b) of this subdivision; (b) of a felony involving manufacturing, distributing or dispensing a drug as defined in section one hundred fourteen-a of this chapter or possession of any such drug with intent to manufacture, distribute or dispense such drug in which a motor vehicle was used; (c) of a violation of subdivision one or two of section six hundred of this chapter; (d) of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle; (e) [or] has been convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide; OR (F) THE COMMISSIONER DETERMINES THAT THE HOLDER FALSIFIED INFORMATION: (I) REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND REGULATIONS ADOPTED PURSUANT THERETO RELATING TO COMMERCIAL DRIVER'S LICENSE DOCUMENT IN AN APPLICATION FOR A COMMERCIAL DRIVER'S LICENSE; (II) REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND REGULATIONS ADOPTED PURSUANT THERETO RELATING TO INITIAL COMMERCIAL DRIVER'S LICENSE OR EXISTING COMMERCIAL DRIVER'S LICENSE HOLDER'S SELF-CERTIFICATION IN ANY OF THE SELF-CERTIFICATIONS REGARDING THE TYPE OF DRIVING ENGAGED OR TO BE ENGAGED IN BY THE HOLDER OR REGARDING THE NON-APPLICABILITY OF THE PHYSICAL QUALIFICATION REQUIREMENTS OF THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND REGULATIONS ADOPTED PURSUANT THERETO RELATING TO QUALIFICATIONS OF DRIVERS TO THE HOLDER; OR (III) REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND REGULATIONS ADOPTED PURSUANT THERETO RELATING TO COMMERCIAL DRIVER'S LICENSE REQUIREMENTS IN ANY MEDICAL CERTIFICATION.

FOR PURPOSES OF PARAGRAPH (F) OF THIS SUBDIVISION THE TERM FALSIFY SHALL INCLUDE ADDING OR INSERTING FALSE INFORMATION ON A WRITTEN INSTRUMENT, FALSELY MAKING, COMPLETING, OR ALTERING A WRITTEN INSTRUMENT, AND CAUSING A FALSE WRITTEN INSTRUMENT OR A WRITTEN INSTRUMENT CONTAINING FALSE INFORMATION TO BE MADE.

S 5. Paragraph (a) of subdivision 2 of section 510-a of the vehicle and traffic law, as amended by section 6 of part K of chapter 59 of the laws of 2009, is amended to read as follows:

(a) Except as otherwise provided in paragraph (b) of this subdivision, where revocation of a commercial driver's license is mandatory pursuant to paragraph (a), (c), (d) [or], (e) OR (F) of subdivision one of this section no new commercial driver's license shall be issued for at least one year nor thereafter except in the discretion of the commissioner, except that FOR REVOCATIONS PURSUANT TO PARAGRAPH (A), (C), (D) OR (E) OF SUBDIVISION ONE OF THIS SECTION, if such person has previously been found to have refused a chemical test pursuant to section eleven hundred ninety-four of this chapter or has a prior conviction of any of the following offenses: any violation of section eleven hundred ninety-two of this chapter, any violation of subdivision one or two of section six hundred of this chapter, or any felony involving the use of a motor

1 vehicle pursuant to paragraph (a) of subdivision one of this section, or
2 has been convicted of operating a commercial motor vehicle when, as a
3 result of prior violations committed while operating a commercial motor
4 vehicle, the driver's commercial driver's license is revoked, suspended,
5 or canceled, or the driver is disqualified from operating a commercial
6 motor vehicle, or has been convicted of causing a fatality through the
7 negligent operation of a commercial motor vehicle, including but not
8 limited to the crimes of vehicular manslaughter or criminally negligent
9 homicide, then such commercial driver's license revocation shall be
10 permanent.

11 S 6. Subdivision 3 of section 510-a of the vehicle and traffic law is
12 amended by adding a new paragraph (f) to read as follows:

13 (F) A COMMERCIAL DRIVER'S LICENSE SHALL BE SUSPENDED BY THE COMMIS-
14 SIONER UPON THE HOLDER'S FAILURE TO SUBMIT MEDICAL CERTIFICATION OR
15 MEDICAL VARIANCE DOCUMENTATION, AT SUCH INTERVALS AS ARE REQUIRED BY THE
16 FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND REGULATIONS
17 ADOPTED PURSUANT THERETO RELATING TO COMMERCIAL DRIVER'S LICENSE
18 REQUIREMENTS AND IN A MANNER PRESCRIBED BY THE COMMISSIONER. A COMMER-
19 CIAL DRIVER'S LICENSE SHALL ALSO BE SUSPENDED BY THE COMMISSIONER UPON
20 RECEIPT OF INFORMATION FROM THE ISSUING MEDICAL EXAMINER OR THE FEDERAL
21 MOTOR CARRIER SAFETY ADMINISTRATION THAT A MEDICAL CERTIFICATION OR
22 MEDICAL VARIANCE WAS ISSUED IN ERROR. SUCH SUSPENSION SHALL BE TERMI-
23 NATED UPON: (I) THE HOLDER'S SUBMISSION OF THE REQUIRED VALID MEDICAL
24 EXAMINER'S CERTIFICATE OR MEDICAL VARIANCE DOCUMENTATION; (II) THE HOLD-
25 ER'S SELF-CERTIFICATION SPECIFYING THE TYPE OF COMMERCIAL MOTOR VEHICLE
26 OPERATION HE OR SHE ENGAGES IN, OR EXPECTS TO ENGAGE IN, AND THAT THE
27 HOLDER IS NOT SUBJECT TO THE PHYSICAL QUALIFICATION REQUIREMENTS OF THE
28 FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND REGULATIONS
29 ADOPTED PURSUANT THERETO RELATING TO DISQUALIFICATION OF DRIVERS; (III)
30 THE HOLDER'S SURRENDER OF HIS OR HER COMMERCIAL DRIVER'S LICENSE TO THE
31 DEPARTMENT OR TO THE APPROPRIATE LICENSING AUTHORITY OF ANOTHER JURIS-
32 DICTION; OR (IV) THE HOLDER'S DOWNGRADE OF HIS OR HER COMMERCIAL DRIV-
33 ER'S LICENSE TO A NON-COMMERCIAL DRIVER'S LICENSE.

34 S 7. Subdivision 1 of section 514 of the vehicle and traffic law is
35 amended by adding a new paragraph (d) to read as follows:

36 (D) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (A), (B) AND (C) OF
37 THIS SUBDIVISION, UPON A JUDGMENT OF CONVICTION FOR A VIOLATION OF ANY
38 PROVISIONS OF THIS CHAPTER OR OF ANY LOCAL LAW, RULE, ORDINANCE OR REGU-
39 LATION RELATING TO TRAFFIC, THE COURT OR THE CLERK THEREOF SHALL, WITHIN
40 NINETY-SIX HOURS OF THE IMPOSITION OF THE SENTENCE, FILE THE CERTIFICATE
41 REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION, IF THE PERSON CONVICTED:
42 (I) IS THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE ISSUED BY ANOTHER
43 STATE; OR (II) DOES NOT HOLD A COMMERCIAL DRIVER'S LICENSE, BUT HAS BEEN
44 ISSUED A LICENSE BY ANOTHER STATE AND IS CONVICTED OF A VIOLATION THAT
45 WAS COMMITTED IN A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SUBDIVISION
46 FOUR OF SECTION FIVE HUNDRED ONE-A OF THIS TITLE.

47 S 8. Section 170.55 of the criminal procedure law is amended by adding
48 a new subdivision 9 to read as follows:

49 9. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A COURT MAY
50 NOT ISSUE AN ORDER ADJOURNING AN ACTION IN CONTEMPLATION OF DISMISSAL IF
51 THE OFFENSE IS FOR A VIOLATION OF THE VEHICLE AND TRAFFIC LAW RELATED TO
52 THE OPERATION OF A MOTOR VEHICLE, OR A VIOLATION OF A LOCAL LAW, RULE OR
53 ORDINANCE RELATED TO THE OPERATION OF A MOTOR VEHICLE, IF SUCH OFFENSE
54 WAS COMMITTED BY THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE OR WAS
55 COMMITTED IN A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SUBDIVISION FOUR
56 OF SECTION FIVE HUNDRED ONE-A OF THE VEHICLE AND TRAFFIC LAW.

1 S 9. This act shall take effect on the sixtieth day after it shall
2 have become a law; provided, however, that sections two, three, four,
3 five and six of this act shall take effect January 30, 2012, provided,
4 however, that the addition, amendment and/or repeal of any rule or regu-
5 lation necessary for the implementation of this act on its effective
6 date are authorized and directed to be made and completed on or before
7 such effective date.

8 PART G

9 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
10 New York state urban development corporation act relating to the powers
11 of the New York state urban development corporation to make loans, as
12 amended by section 1 of part P of chapter 59 of the laws of 2010, is
13 amended to read as follows:

14 S 2. This act shall take effect immediately provided, however, that
15 section one of this act shall expire on July 1, [2011] 2012, at which
16 time the provisions of subdivision 26 of section 5 of the New York state
17 urban development corporation act shall be deemed repealed; provided,
18 however, that neither the expiration nor the repeal of such subdivision
19 as provided for herein shall be deemed to affect or impair in any manner
20 any loan made pursuant to the authority of such subdivision prior to
21 such expiration and repeal.

22 S 2. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after April 1, 2011.

24 PART H

25 Section 1. Section 217 of the state finance law, as amended by chapter
26 291 of the laws of 2004, is amended to read as follows:

27 S 217. Linked loans. Linked loans shall be made by lenders pursuant to
28 the program only to eligible businesses in connection with eligible
29 projects. A linked loan shall be limited to a maximum amount of [one]
30 TWO million dollars. An eligible business may receive more than one
31 linked loan. During the life of the linked loan program, the total
32 amount of money that a business can borrow from the linked program is
33 [one] TWO million dollars. The credit decision for making a linked loan
34 shall be made solely by the lender. Notwithstanding the length of the
35 term of a linked loan, the linked deposit relating to the linked loan
36 shall be for a period of not more than four years.

37 S 2. The state finance law is amended by adding a new section 220 to
38 read as follows:

39 S 220. RENEWAL OF LINKED DEPOSIT. A LENDER MAY, ON BEHALF OF A BORROW-
40 ER, APPLY TO THE COMMISSIONER OF ECONOMIC DEVELOPMENT TO REQUEST A
41 RENEWAL OF THE LINKED DEPOSIT FOR AN ADDITIONAL FOUR YEAR PERIOD TO
42 CORRESPOND WITH A SECOND FOUR YEAR PERIOD OF A BORROWER'S LINKED LOAN.
43 THE COMMISSIONER MAY GRANT SUCH APPLICATION IF THE COMMISSIONER DETER-
44 MINES THAT THE BORROWER, DURING THE SECOND FOUR YEAR PERIOD OF THE
45 LINKED LOAN, WILL CREATE ADDITIONAL INDUSTRIAL MODERNIZATION BENEFITS OR
46 ADDITIONAL EXPORT TRADE BENEFITS OR ADDITIONAL JOBS. IF THE COMMISSIONER
47 OF ECONOMIC DEVELOPMENT GRANTS SUCH APPLICATION, THE COMMISSIONER SHALL
48 NOTIFY THE AUTHORIZED DEPOSITOR WHO MADE THE LINKED DEPOSIT THAT THE
49 COMMISSIONER HAS DETERMINED THAT THE APPLICATION SATISFIES THE REQUIRE-
50 MENTS OF THIS ARTICLE AND SHALL REQUEST THE AUTHORIZED DEPOSITOR TO
51 CONTINUE THE LINKED DEPOSIT WITH THE LENDER FOR AN ADDITIONAL FOUR YEAR
52 PERIOD IN ACCORDANCE WITH SECTION NINETY-EIGHT-A OF THIS CHAPTER AND

1 WITH THE AUTHORIZED DEPOSITOR'S ESTABLISHED PROCEDURES. SUCH LINKED
2 DEPOSIT SHALL CONTINUE TO BE SECURED IN ACCORDANCE WITH THE PROVISIONS
3 OF SECTION ONE HUNDRED FIVE OF THIS CHAPTER. THE FIXED INTEREST RATE ON
4 THE CONTINUED LINKED DEPOSIT SHALL BE THE LINKED DEPOSIT INTEREST RATE
5 IN EFFECT ON THE FIRST DAY OF THE CONTINUATION OF THE LINKED DEPOSIT.
6 THE AUTHORIZED DEPOSITOR AND THE LENDER SHALL ENTER INTO A WRITTEN
7 DEPOSIT AGREEMENT GOVERNING THE CONTINUATION OF THE LINKED DEPOSIT. THE
8 INTEREST RATE PAYABLE ON THE LINKED LOAN FOR THE SECOND FOUR YEAR PERIOD
9 SHALL BE, IN THE CASE OF A CERTIFIED BUSINESS IN AN ECONOMIC DEVELOPMENT
10 ZONE OR AN ELIGIBLE BUSINESS LOCATED IN AN ECONOMICALLY DISTRESSED AREA
11 OR FEDERAL EMPOWERMENT ZONE OR ENTERPRISE OR RENEWAL COMMUNITY OR A
12 MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISE, THREE PERCENTAGE POINTS
13 BELOW THE INTEREST RATE THE LENDER WOULD HAVE CHARGED FOR THE LOAN IN
14 EFFECT ON THE FIRST DAY OF THE CONTINUATION OF THE LINKED DEPOSIT; OR IN
15 THE CASE OF A BUSINESS NOT LOCATED IN AN ECONOMIC DEVELOPMENT ZONE OR
16 ECONOMICALLY DISTRESSED AREA OR FEDERAL EMPOWERMENT ZONE OR ENTERPRISE
17 OR RENEWAL COMMUNITY OR WHICH IS NOT A MINORITY OR WOMEN-OWNED BUSINESS
18 ENTERPRISE, TWO PERCENTAGE POINTS BELOW THE INTEREST RATE THE LENDER
19 WOULD HAVE CHARGED FOR THE LOAN IN THE ABSENCE OF A LINKED DEPOSIT IN
20 EFFECT ON THE FIRST DAY OF THE CONTINUATION OF THE LINKED DEPOSIT.
21 S 3. This act shall take effect immediately.

22

PART I

23 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of
24 chapter 57 of the laws of 2005 amending the labor law and other laws
25 implementing the state fiscal plan for the 2005-2006 state fiscal year,
26 relating to the New York state higher education capital matching grant
27 program for independent colleges, as amended by part M of chapter 59 of
28 the laws of 2010, is amended to read as follows:

29 (a) The New York state higher education capital matching grant board
30 is hereby created to have and exercise the powers, duties and preroga-
31 tives provided by the provisions of this section and any other provision
32 of law. The board shall remain in existence during the period of the New
33 York state higher education capital matching grant program from the
34 effective date of this section through March 31, [2011] 2012, or the
35 date on which the last of the funds available for grants under this
36 section shall have been disbursed, whichever is earlier; provided,
37 however, that the termination of the existence of the board shall not
38 [effect] AFFECT the power and authority of the dormitory authority to
39 perform its obligations with respect to any bonds, notes, or other
40 indebtedness issued or incurred pursuant to authority granted in this
41 section.

42 S 2. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of
43 section 1 of part U of chapter 57 of the laws of 2005 amending the labor
44 law and other laws implementing the state fiscal plan for the 2005-2006
45 state fiscal year, relating to New York state higher education matching
46 grant program for independent colleges, as amended by section 3 of part
47 M of chapter 59 of the laws of 2010, is amended to read as follows:

48 (A) Notwithstanding the provision of any general or special law to the
49 contrary, and subject to the provisions of chapter 59 of the laws of
50 2000 and to the making of annual appropriations therefor by the legisla-
51 ture, in order to assist the dormitory authority in providing such high-
52 er education capital matching grants, the director of the budget is
53 authorized in any state fiscal year commencing April 1, 2005 or any
54 state fiscal year thereafter for a period ending on March 31, [2011]

1 2012, to enter into one or more service contracts, none of which shall
2 exceed 30 years in duration, with the dormitory authority, upon such
3 terms as the director of the budget and the dormitory authority agree.
4 S 3. Paragraph (b) of subdivision 7 of section 1 of part U of chapter
5 57 of the laws of 2005 amending the labor law and other laws implement-
6 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
7 to New York state higher education matching grant program for independ-
8 ent colleges, as amended by section 4 of part M of chapter 59 of the
9 laws of 2010, is amended to read as follows:
10 (b) Any eligible institution receiving a grant pursuant to this arti-
11 cle shall report to the dormitory authority no later than June 1, [2011]
12 2012, on the use of funding received and its programmatic and economic
13 impact. The dormitory authority shall submit a report no later than
14 November 1, [2011] 2012 to the board, the governor, the director of the
15 budget, the temporary president of the senate, and the speaker of the
16 assembly on the aggregate impact of the higher education capital match-
17 ing grant program. Such report shall provide information on the progress
18 and economic impact of such project.
19 S 4. This act shall take effect immediately and shall be deemed to
20 have been in full force and effect on and after April 1, 2011.

21

PART J

22 Section 1. Paragraph (b) of subdivision 2 of section 2975 of the
23 public authorities law, as amended by section 1 of part O of chapter 59
24 of the laws of 2008, is amended to read as follows:
25 (b) On or before November first, two thousand three and on or before
26 November first of each year thereafter, the director of the budget shall
27 determine the amount owed under this section by each public benefit
28 corporation. The director of the budget may reduce, in whole or part,
29 the amount of such assessment if the payment thereof would necessitate a
30 state appropriation for the purpose, or would otherwise impose an
31 extraordinary hardship upon the affected public benefit corporation. The
32 aggregate amount assessed under this section in any given state fiscal
33 year may not exceed [fifty-five million dollars] SIXTY MILLION DOLLARS.
34 S 2. Section 2975-a of the public authorities law is REPEALED.
35 S 3. Notwithstanding any other provision of law, liabilities incurred
36 on or before March 31, 2011 pursuant to section 2975-a of the public
37 authorities law as repealed by section two of this act, shall continue
38 as legal liabilities of industrial development agencies or authorities
39 created pursuant to title one of article eighteen-A of the general
40 municipal law or any other provision of law.
41 S 4. This act shall take effect immediately.

42

PART K

43 Section 1. Section 159-i of the executive law, as amended by section 1
44 of part Y of chapter 59 of the laws of 2010, is amended to read as
45 follows:
46 S 159-i. Distribution of funds. [For federal fiscal year two thousand
47 eleven at] AT least ninety percent of the community services block grant
48 funds received by the state shall be distributed pursuant to a contract
49 by the secretary to eligible entities as defined in subdivision one of
50 section one hundred fifty-nine-e of this article. Each such eligible
51 entity shall receive the same proportion of community services block
52 grant funds as was the proportion of funds received in the immediately

1 preceding federal fiscal year under the federal community services block
2 grant program as compared to the total amount received by all eligible
3 entities in the state, under the federal community services block grant
4 program.

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

9 [For federal fiscal year two thousand eleven the] THE remainder of the
10 community services block grant funds received by the state shall be
11 distributed pursuant to a contract by the secretary in the following
12 order of preference: a sum of up to one-half of one percent of the
13 community services block grant funds received by the state to Indian
14 tribes and tribal organizations as defined in this article, on the basis
15 of need; and to community based organizations. Such remainder funds
16 received by eligible entities will not be included in determining the
17 proportion of funds received by any such entity in the immediately
18 preceding federal fiscal year under the federal community services block
19 grant program.

20 S 2. Section 5 of chapter 728 of the laws of 1982, amending the execu-
21 tive law relating to community services block grant programs, as amended
22 by section 2 of part Y of chapter 59 of the laws of 2010, is amended to
23 read as follows:

24 S 5. This act shall take effect immediately provided, however, that
25 section four hereof shall take effect October 1, 1982 and provided
26 further, however, that the provisions of sections two, three and four of
27 this act shall be in full force and effect only until September 30, 1983
28 [and section one of this act shall be in full force and effect until
29 September 30, 2011, provided, however, that the distribution of funds
30 pursuant to section 159-i of the executive law shall be limited to the
31 federal fiscal year expressly set forth in such section].

32 S 3. Section 7 of chapter 710 of the laws of 1983, amending the execu-
33 tive law relating to community services block grant programs, as amended
34 by section 3 of part Y of chapter 59 of the laws of 2010, is amended to
35 read as follows:

36 S 7. This act shall take effect September 30, 1983 [and shall be in
37 full force and effect only until September 30, 2011 at which time the
38 amendments and additions made pursuant to the provisions of this act
39 shall be deemed to be repealed, provided, however, that the distribution
40 of funds pursuant to section 159-i of the executive law shall be limited
41 to the federal fiscal year expressly set forth in such section].

42 S 4. This act shall take effect immediately.

43 PART L

44 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
45 executive law relating to permitting the secretary of state to provide
46 special handling for all documents filed or issued by the division of
47 corporations and to permit additional levels of such expedited service,
48 as amended by section 1 of part B of chapter 19 of the laws of 2010, is
49 amended to read as follows:

50 S 2. This act shall take effect immediately[, provided however, that
51 section one of this act shall be deemed to have been in full force and
52 effect on and after April 1, 2003 and shall expire March 31, 2011].

53 S 2. This act shall take effect immediately and shall be deemed to
54 have been in full force and effect on and after March 31, 2011.

1 PART M

2 Intentionally omitted.

3 PART N

4 Intentionally omitted.

5 PART O

6 Section 1. Subdivision 3 of section 164-d of the executive law, as
7 added by chapter 65 of the laws of 2005, is amended to read as follows:

8 3. The office for technology[, in consultation with the governor's
9 office of regulatory reform,] shall promulgate rules and regulations to
10 implement the provisions of this section. Such rules shall at least
11 provide for the prioritization and timing for making application forms
12 available on the internet.

13 S 2. Subdivision 46 of section 100 of the economic development law, as
14 added by chapter 427 of the laws of 2008, is amended to read as follows:

15 46. to prepare[, in cooperation with the governor's office of regula-
16 tory reform,] an annual summary for the small business community of the
17 key legislative, budgetary and regulatory changes impacting small busi-
18 nesses. Agencies shall cooperate with the department [and the governor's
19 office of regulatory reform] in developing the annual summary. The
20 annual summary shall be written in plain language and shall provide
21 specific contact information within the appropriate agency for inquiries
22 regarding implementation and compliance. The annual summary shall be
23 posted on the department website on or before September first of each
24 year.

25 S 3. Section 102-a of the state administrative procedure act, as added
26 by chapter 419 of the laws of 2007, is amended to read as follows:

27 S 102-a. Small business regulation guides. For each rule or group of
28 related rules which significantly impact a substantial number of small
29 businesses, the agency which adopted the rule shall post on its website
30 one or more guides explaining the actions a small business may take to
31 comply with such rule or group of rules if the agency determines[, in
32 conjunction with the governor's office of regulatory reform,] that such
33 guide or guides will assist small businesses in complying with the rule,
34 and shall designate each such posting as a "small business regulation
35 guide". The guide shall explain the actions a small business may take to
36 comply with a rule or group of rules. The agency shall, in its sole
37 discretion, taking into account the subject matter of the rule and the
38 language of relevant statutes, ensure that the guide is written using
39 sufficiently plain language that it is likely to be understood by
40 affected small businesses. Agencies shall cooperate with [the governor's
41 office of regulatory reform and] other state agencies in developing such
42 guides. [The governor's office of regulatory reform shall oversee and
43 coordinate the preparation of such small business regulation guides by
44 agencies.]

45 S 4. Subparagraph (iii) of paragraph (b) of subdivision 9 of section
46 202 of the state administrative procedure act, as added by chapter 230
47 of the laws of 2006, is amended to read as follows:

48 (iii) The secretary of state shall provide that the direct link
49 between the electronic copy of the state register and the electronic
50 mail address provided by an agency [shall also deliver to the governor's
51 office of regulatory reform a copy of all comments submitted].

1 S 5. Subdivision 8 of section 202-b of the state administrative proce-
2 dure act is REPEALED.

3 S 6. Paragraph (d) of subdivision 1 of section 202-d of the state
4 administrative procedure act, as added by chapter 193 of the laws of
5 2008, is amended to read as follows:

6 (d) An agency shall identify each rule described in its regulatory
7 agenda for which a regulatory flexibility analysis or a rural area flex-
8 ibility analysis may be required, and shall provide outreach as appro-
9 priate to potentially affected small businesses, local governments and
10 public and private interests in rural areas. Such outreach may include
11 solicitation of input from potentially affected parties through elec-
12 tronic means or through any of the activities listed in subdivision six
13 of section two hundred two-b and subdivision seven of section two
14 hundred two-bb of this article. [In addition, the agency shall provide a
15 copy of the description of each rule subject to the provisions of this
16 paragraph to the governor's office of regulatory reform, which may in
17 its discretion include the description and additional information on the
18 rule in the quarterly report issued pursuant to subdivision eight of
19 section two hundred two-b of this article.]

20 S 6-a. Every director, counsel, or other staff position established
21 pursuant to the creation, continued management or function of the gover-
22 nor's office of regulatory reform shall be abolished. All aforementioned
23 positions shall not be transferred, reassigned or otherwise moved to the
24 New York state division of the budget or any other administrative unit
25 of state government, including, but not limited to, any agency, board,
26 bureau, commission, department, division, institution, office, state
27 public authority, state task force, or other body.

28 S 7. This act shall take effect immediately; provided, that the amend-
29 ment to paragraph (d) of subdivision 1 of section 202-d of the state
30 administrative procedure act made by section six of this act shall not
31 affect the expiration of such paragraph and shall be deemed to expire
32 therewith.

33 PART P

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

38 S 2. This act shall take effect immediately and shall be deemed to
39 have been in full force and effect on and after April 1, 2011.

40 PART Q

41 Section 1. Expenditures of moneys appropriated in a chapter of the
42 laws of 2011 to the energy research and development authority, under the
43 research, development and demonstration program, from the special reven-
44 ue funds - other/state operations, miscellaneous special revenue fund -
45 339, energy research and planning account, and special revenue funds -
46 other/aid to localities, miscellaneous special revenue fund - 339, ener-
47 gy research and planning account shall be subject to the provisions of
48 this section. Notwithstanding the provisions of subdivision 4-a of
49 section 18-a of the public service law, all moneys committed or expended
50 shall be reimbursed by assessment against gas corporations and electric
51 corporations as defined in section 2 of the public service law, and the
52 total amount which may be charged to any gas corporation and any elec-

1 tric corporation shall not exceed one cent per one thousand cubic feet
2 of gas sold and .010 cent per kilowatt-hour of electricity sold by such
3 corporations in their intrastate utility operations in calendar year
4 2009. Such amounts shall be excluded from the general assessment
5 provisions of subdivision 2 of section 18-a of the public service law,
6 but shall be billed and paid in the manner set forth in such subdivision
7 and upon receipt shall be paid to the state comptroller for deposit in
8 the state treasury for credit to the miscellaneous special revenue fund.
9 The director of the budget shall not issue a certificate of approval
10 with respect to the commitment and expenditure of moneys hereby appro-
11 priated until the chair of such authority shall have submitted, and the
12 director of the budget shall have approved, a comprehensive financial
13 plan encompassing all moneys available to and all anticipated commit-
14 ments and expenditures by such authority from any source for the oper-
15 ations of such authority. Copies of the approved comprehensive financial
16 plan shall be immediately submitted by the director of the budget to the
17 chairs and secretaries of the legislative fiscal committees.
18 S 2. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on and after April 1, 2011.

20

PART R

21 Section 1. Notwithstanding any other law, rule or regulation to the
22 contrary, expenses of the department of health public service education
23 program incurred pursuant to appropriations from the cable television
24 account of the state miscellaneous special revenue funds shall be deemed
25 expenses of the department of public service.
26 S 2. This act shall take effect immediately and shall be deemed to
27 have been in full force and effect on and after April 1, 2011.

28

PART S

29 Section 1. Section 9 of chapter 67 of the laws of 1992, amending the
30 environmental conservation law relating to pesticide product registra-
31 tion timetables and fees, as amended by section 1 of part FF of chapter
32 59 of the laws of 2008, is amended to read as follows:
33 S 9. This act shall take effect April 1, 1992 provided, however, that
34 section [3] THREE of this act shall take effect July 1, 1993 and shall
35 expire and be deemed repealed on July 1, [2011] 2014.
36 S 2. Section 33-0705 of the environmental conservation law, as
37 amended by section 2 of part FF of chapter 59 of the laws of 2008,
38 subdivisions a and b as amended by section 5 of part YY of chapter 59 of
39 the laws of 2009, is amended to read as follows:
40 S 33-0705. Fee for registration.
41 The applicant for registration shall pay a fee as follows:
42 a. On or before July 1, [2011] 2014, six hundred dollars for each
43 pesticide proposed to be registered, provided that the applicant has
44 submitted to the department proof in the form of a federal income tax
45 return for the previous year showing gross annual sales, for federal
46 income tax purposes, of three million five hundred thousand dollars or
47 less;
48 b. On or before July 1, [2011] 2014, for all others, six hundred twen-
49 ty dollars for each pesticide proposed to be registered;
50 c. After July 1, [2011] 2014, fifty dollars for each pesticide
51 proposed to be registered.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011.

PART T

Intentionally omitted.

PART U

Section 1. Subparagraph (i) of paragraph c of subdivision 3 of section 16-s of section 1 of chapter 174 of the laws of 1968, constituting the urban development corporation act, as amended by section 1 of part XX of chapter 59 of the laws of 2009, is amended to read as follows:

(i) An eligible food market applicant may be a for-profit business enterprise (including a corporation, limited liability company, sole proprietor, cooperative or partnership), [a nonprofit organization] NOT-FOR-PROFIT CORPORATION, AGRICULTURAL COOPERATIVE CORPORATION, PUBLIC BENEFIT CORPORATION, MUNICIPAL CORPORATION, REGIONAL MARKET FACILITY, or a food cooperative.

S 2. Section 16 of the agriculture and markets law is amended by adding new subdivision 46 to read as follows:

46. WITHIN THE AMOUNT OF MONIES APPROPRIATED OR OTHERWISE MADE AVAILABLE THEREFOR, ESTABLISH, ADMINISTER AND OPERATE, OR PROVIDE FOR THE ADMINISTRATION AND OPERATION OF, A PROGRAM, WHICH MAY INCLUDE ESTABLISHMENT OF A REVOLVING LOAN FUND, TO ASSIST IN THE DEVELOPMENT, IMPLEMENTATION AND OPERATION OF AGRICULTURAL PROGRAMS.

S 3. Section 260 of the agriculture and markets law is amended by adding a new subdivision 9 to read as follows:

9. "FOOD DESERT" SHALL MEAN AN AREA WITH LIMITED ACCESS TO AFFORDABLE AND NUTRITIOUS FOOD, PARTICULARLY SUCH AN AREA THAT IS COMPOSED OF PREDOMINATELY LOWER-INCOME NEIGHBORHOODS AND COMMUNITIES.

S 4. Subdivision 1 of section 262 of the agriculture and markets law, as amended by chapter 612 of the laws of 2006, and paragraph (b) as amended by chapter 126 of the laws of 2007, is amended to read as follows:

1. There is hereby created within the department a program of grants for the purpose of providing state assistance for farmer's markets. In administering such program, the commissioner, to the extent feasible, shall ensure an equitable distribution of awards to rural areas and other areas of the state. State assistance provided pursuant to this section may be awarded for:

(a) the construction, reconstruction, improvement, expansion or rehabilitation of farmers' markets. Grants provided pursuant to this paragraph shall not exceed the lesser of fifty percent of project cost or fifty thousand dollars per project in any fiscal year.

(b) the purpose of providing promotional support for farmer's markets. Grants provided pursuant to this paragraph shall not exceed the lesser of fifty percent of project cost or [five] SEVEN thousand FIVE HUNDRED dollars per applicant in any fiscal year.

(C) EQUIPMENT COSTS ASSOCIATED WITH IMPROVING FARMERS' MARKET FUNCTIONS, INCLUDING BUT NOT LIMITED TO EXPANDING ACCESS TO ELECTRONIC BENEFIT TRANSFER TECHNOLOGY FOR FARMERS' MARKETS AND OTHER NON-TRADITIONAL FOOD ACCESS POINTS IN FOOD DESERTS IN THE STATE.

S 5. This act shall take effect immediately.

PART V

1 Intentionally omitted.

2 PART W

3 Section 1. Subdivision 3 of section 99-h of the state finance law, as
4 amended by section 1 of part QQ of chapter 59 of the laws of 2009, is
5 amended to read as follows:

6 3. Moneys of the account, following [appropriation] THE SEGREGATION OF
7 APPROPRIATIONS ENACTED by the legislature, shall be available for
8 purposes including but not limited to: (a) reimbursements or payments to
9 municipal governments that host tribal casinos pursuant to a tribal-
10 state compact for costs incurred in connection with services provided to
11 such casinos or arising as a result thereof, for economic development
12 opportunities and job expansion programs authorized by the executive
13 law; provided, however, that for any gaming facility located in the city
14 of Buffalo, the city of Buffalo shall receive a minimum of twenty-five
15 percent of the negotiated percentage of the net drop from electronic
16 gaming devices the state receives pursuant to the compact, and provided
17 further that for any gaming facility located in the city of Niagara
18 Falls, county of Niagara a minimum of twenty-five percent of the negoti-
19 ated percentage of the net drop from electronic gaming devices the state
20 receives pursuant to the compact shall be distributed in accordance with
21 subdivision four of this section, and provided further that for any
22 gaming facility located in the county or counties of Cattaraugus, Chau-
23 tauqua or Allegany, the municipal governments of the state hosting the
24 facility shall collectively receive a minimum of twenty-five percent of
25 the negotiated percentage of the net drop from electronic gaming devices
26 the state receives pursuant to the compact; and provided further that
27 pursuant to chapter five hundred ninety of the laws of two thousand
28 four, a minimum of twenty-five percent of the revenues received by the
29 state pursuant to the state's compact with the St. Regis Mohawk tribe
30 shall be made available to the counties of Franklin and St. Lawrence,
31 and affected towns in such counties. Each such county and its affected
32 towns shall receive fifty percent of the moneys made available by the
33 state; and (b) support and services of treatment programs for persons
34 suffering from gambling addictions. Moneys not [appropriated] SEGREGATED
35 for such purposes shall be transferred to the general fund for the
36 support of government during the fiscal year in which they are received.

37 S 2. Subdivision 3 of section 99-h of the state finance law, as
38 amended by section 1 of part V of chapter 59 of the laws of 2006, is
39 amended to read as follows:

40 3. Moneys of the account, following [appropriation] THE SEGREGATION OF
41 APPROPRIATIONS ENACTED by the legislature, shall be available for
42 purposes including but not limited to: (a) reimbursements or payments to
43 municipal governments that host tribal casinos pursuant to a tribal-
44 state compact for costs incurred in connection with services provided to
45 such casinos or arising as a result thereof, for economic development
46 opportunities and job expansion programs authorized by the executive
47 law; provided, however, that for any gaming facility located in the
48 county of Erie or Niagara, the municipal governments hosting the facili-
49 ty shall collectively receive a minimum of twenty-five percent of the
50 negotiated percentage of the net drop from electronic gaming devices the
51 state receives pursuant to the compact and provided further that for any
52 gaming facility located in the county or counties of Cattaraugus, Chau-
53 tauqua or Allegany, the municipal governments of the state hosting the
54 facility shall collectively receive a minimum of twenty-five percent of

1 the negotiated percentage of the net drop from electronic gaming devices
2 the state receives pursuant to the compact; and provided further that
3 pursuant to chapter five hundred ninety of the laws of two thousand
4 four, a minimum of twenty-five percent of the revenues received by the
5 state pursuant to the state's compact with the St. Regis Mohawk tribe
6 shall be made available to the counties of Franklin and St. Lawrence,
7 and affected towns in such counties. Each such county and its affected
8 towns shall receive fifty percent of the moneys made available by the
9 state; and (b) support and services of treatment programs for persons
10 suffering from gambling addictions. Moneys not [appropriated] SEGREGATED
11 for such purposes shall be transferred to the general fund for the
12 support of government during the fiscal year in which they are received.

13 S 3. Clause 5 of subparagraph (ii) of paragraph (a) of subdivision 4
14 of section 99-h of the state finance law, as amended by section 2 of
15 part QQ of chapter 59 of the laws of 2009, is amended to read as
16 follows:

17 (5) within thirty-five days upon receipt of such funds by such city,
18 one percent [or three hundred fifty thousand dollars, whichever is
19 greater,] of the total annual amount received in each year, NOT TO
20 EXCEED THREE HUNDRED FIFTY THOUSAND DOLLARS ANNUALLY shall be trans-
21 ferred to the Niagara Falls Underground Railroad Heritage Commission,
22 established pursuant to article forty-three of the parks, recreation and
23 historic preservation law to be used for, but not limited to, develop-
24 ment, capital improvements, acquisition of real property, and acquisi-
25 tion of personal property within the heritage area in the city of
26 Niagara Falls as established pursuant to the commission; and

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

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

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

37 PART X

38 Intentionally omitted.

39 PART Y

40 Section 1. Subdivisions 1 and 6 of section 408 of the general business
41 law, as added by chapter 509 of the laws of 1992, are amended to read as
42 follows:

43 1. All licenses shall expire [two] FOUR years from the date of issu-
44 ance.

45 6. Any license, which has not been suspended or revoked, may, upon the
46 payment of the renewal fee, be renewed for additional periods of [two]
47 FOUR years from its application, without further examination, upon the
48 filing of an application for such renewal, on a form to be prescribed by
49 the secretary.

50 S 2. Subdivisions 1, 2 and 7 of section 409 of the general business
51 law, subdivision 1 as amended by chapter 341 of the laws of 1998 and

1 subdivisions 2 and 7 as added by chapter 509 of the laws of 1992, are
2 amended to read as follows:

3 1. The non-refundable fee for an application for a license to engage
4 in the practice of nail specialty, waxing, natural hair styling, esthet-
5 ics or cosmetology, shall be [twenty] FORTY dollars initially and for
6 each renewal thereof the fee shall be [twenty] FORTY dollars; the fee
7 for a temporary license and each renewal shall be ten dollars.

8 2. The fee for an appearance enhancement business license shall be
9 [thirty] SIXTY dollars initially and [thirty] SIXTY dollars for each
10 renewal thereof.

11 7. The fees herein set forth shall be those for licenses issued for
12 the license period of [two] FOUR years.

13 S 3. Subdivisions 2 and 4 of section 437 of the general business law,
14 subdivision 2 as amended by chapter 497 of the laws of 1985 and subdivi-
15 sion 4 as added by chapter 801 of the laws of 1946 and as renumbered by
16 chapter 263 of the laws of 1949, are amended to read as follows:

17 2. A certificate of registration as an apprentice shall be for a peri-
18 od of [two] FOUR years.

19 4. A certificate of registration expiring in any year, which has not
20 been revoked, may, upon payment of the fee prescribed by this article,
21 be renewed for additional periods of [two] FOUR years upon filing an
22 application therefor and the certificate mentioned in subdivision two on
23 condition, however, that no certificate of registration may be issued
24 after one renewal, unless the applicant for such certificate of regis-
25 tration has complied with all the provisions of this article relating to
26 apprentices.

27 S 4. Subdivisions 1 and 4 of section 439 of the general business law,
28 subdivision 1 as amended by chapter 497 of the laws of 1985 and subdivi-
29 sion 4 as amended by chapter 243 of the laws of 1999, are amended to
30 read as follows:

31 1. All licenses, except temporary licenses, shall be for a period of
32 [two] FOUR years.

33 4. Any license or certificate, except a temporary license, which has
34 not been suspended or revoked, may, upon the payment of the renewal fee
35 prescribed by this article, be renewed for additional periods of [two]
36 FOUR years from its expiration, without further examination, upon the
37 filing of any application for such renewal, on a form to be prescribed
38 by the secretary of state, accompanied by the certificate required by
39 paragraph (c) and the certificate of completion required by paragraph
40 (e-1) of subdivision one of section four hundred thirty-four of this
41 article.

42 S 5. Subdivisions 1, 2, 4 and 8 of section 440 of the general business
43 law, as amended by chapter 61 of the laws of 1989, are amended to read
44 as follows:

45 1. The fee for a license to engage in the practice of barbering shall
46 be [twenty] FORTY dollars and for each renewal thereof the fee shall be
47 [twenty] FORTY dollars.

48 2. The fee for a license to conduct a barber shop shall be [thirty]
49 SIXTY dollars and for each renewal thereof the fee shall be [thirty]
50 SIXTY dollars.

51 4. The fee for the registration or the renewal of the registration of
52 an apprentice shall be [ten] TWENTY dollars.

53 8. The fees hereinabove set forth shall be those for licenses issued
54 for the license period of [two] FOUR years. Notwithstanding the
55 provisions of subdivision one of section four hundred thirty-nine of
56 this article, after [January first, nineteen hundred eighty-six] APRIL

1 FIRST, TWO THOUSAND ELEVEN, the secretary of state shall assign stag-
2 gered expiration dates for outstanding licenses that have been previous-
3 ly renewed [on June thirtieth of each year] and such licenses shall
4 thereafter expire [two] FOUR years from the assigned date unless
5 renewed. [If the assigned date results in a term that exceeds twenty-
6 four months, the applicant shall pay an additional prorated adjustment
7 together with the regular renewal fee.] The secretary of state shall
8 assign dates to existing licenses in a manner which shall result in a
9 term of not less than [two] FOUR years.
10 S 6. This act shall take effect immediately.

PART Z

12 Section 1. The real property tax law is amended by adding a new
13 section 104 to read as follows:

14 S 104. ELECTRONIC REAL PROPERTY TAX ADMINISTRATION. 1. NOTWITHSTAND-
15 ING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER IS HEREBY
16 AUTHORIZED TO ESTABLISH STANDARDS FOR ELECTRONIC REAL PROPERTY TAX
17 ADMINISTRATION (E-RPT). SUCH STANDARDS SHALL SET FORTH THE TERMS AND
18 CONDITIONS UNDER WHICH THE VARIOUS TASKS ASSOCIATED WITH REAL PROPERTY
19 TAX ADMINISTRATION MAY BE EXECUTED ELECTRONICALLY, DISPENSING WITH THE
20 NEED FOR PAPER DOCUMENTS. SUCH TASKS SHALL INCLUDE BUT NOT BE LIMITED
21 TO:

22 (A) THE FILING OF EXEMPTION APPLICATIONS;
23 (B) THE FILING OF PETITIONS FOR ADMINISTRATIVE REVIEW OF ASSESSMENTS;
24 (C) THE FILING OF PETITIONS FOR JUDICIAL REVIEW OF ASSESSMENTS;
25 (D) THE FILING OF APPLICATIONS FOR ADMINISTRATIVE CORRECTIONS OF
26 ERRORS;
27 (E) THE ISSUANCE OF STATEMENTS OF TAXES;
28 (F) THE PAYMENT OF TAXES, SUBJECT TO THE PROVISIONS OF SECTIONS FIVE
29 AND FIVE-B OF THE GENERAL MUNICIPAL LAW;
30 (G) THE PROVISION OF RECEIPTS FOR THE PAYMENT OF TAXES;
31 (H) THE ISSUANCE OF TAXPAYER NOTICES REQUIRED BY LAW, INCLUDING
32 SECTIONS FIVE HUNDRED EIGHT, FIVE HUNDRED TEN, FIVE HUNDRED TEN-A, FIVE
33 HUNDRED ELEVEN, FIVE HUNDRED TWENTY-FIVE AND FIVE HUNDRED FIFTY-ONE-A
34 THROUGH FIVE HUNDRED FIFTY-SIX-B OF THIS CHAPTER; AND
35 (I) THE FURNISHING OF NOTICES AND CERTIFICATES UNDER THIS CHAPTER
36 RELATING TO STATE EQUALIZATION RATES, RESIDENTIAL ASSESSMENT RATIOS,
37 SPECIAL FRANCHISE ASSESSMENTS, RAILROAD CEILINGS, TAXABLE STATE LANDS,
38 ADVISORY APPRAISALS, AND THE CERTIFICATION OF ASSESSORS AND COUNTY
39 DIRECTORS OR REAL PROPERTY TAX SERVICES.

40 2. SUCH STANDARDS SHALL BE DEVELOPED AFTER CONSULTATION WITH LOCAL
41 GOVERNMENT OFFICIALS, THE OFFICE OF COURT ADMINISTRATION AND THE OFFICE
42 OF THE STATE COMPTROLLER.

43 3. (A) TAXPAYERS SHALL NOT BE OBLIGED TO ACCEPT NOTICES, STATEMENTS OF
44 TAXES, RECEIPTS FOR THE PAYMENT OF TAXES, OR OTHER DOCUMENTS ELECTRON-
45 ICALLY UNLESS THEY HAVE SO ELECTED. TAXPAYERS WHO HAVE NOT SO ELECTED
46 SHALL BE SENT SUCH COMMUNICATIONS IN THE MANNER OTHERWISE PROVIDED BY
47 LAW.

48 (B) THE GOVERNING BOARD OF ANY LOCAL GOVERNMENT MAY, BY LOCAL LAW,
49 ORDINANCE OR RESOLUTION, DETERMINE THAT IT IS IN THE PUBLIC INTEREST AND
50 AUTHORIZE SUCH LOCAL GOVERNMENT TO PROVIDE FOR ELECTRONIC REAL PROPERTY
51 TAX ADMINISTRATION. UPON AUTHORIZATION SUCH LOCAL GOVERNMENT SHALL
52 COMPLY WITH REGULATIONS AND PROCEDURES SET FORTH BY THE COMMISSIONER.

53 (C) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ASSESSORS
54 AND OTHER MUNICIPAL OFFICIALS, SPECIAL FRANCHISE OWNERS AND RAILROAD

1 COMPANIES SHALL BE OBLIGED, UPON THEIR OPTION, TO ACCEPT AND RESPOND TO
2 COMMUNICATIONS FROM THE COMMISSIONER ELECTRONICALLY.

3 (D) THE STANDARDS PRESCRIBED BY THE COMMISSIONER PURSUANT TO THIS
4 SECTION SHALL PROVIDE FOR THE COLLECTION OF ELECTRONIC CONTACT INFORMA-
5 TION, SUCH AS E-MAIL ADDRESSES AND/OR SOCIAL NETWORK USERNAMES, FROM
6 TAXPAYERS WHO HAVE ELECTED TO RECEIVE ELECTRONIC COMMUNICATIONS IN
7 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH INFORMATION SHALL
8 BE EXEMPT FROM PUBLIC DISCLOSURE IN ACCORDANCE WITH SECTION EIGHTY-NINE
9 OF THE PUBLIC OFFICERS LAW.

10 4. WHEN A DOCUMENT HAS BEEN TRANSMITTED ELECTRONICALLY IN ACCORDANCE
11 WITH THE PROVISIONS OF THIS SECTION AND THE STANDARDS ADOPTED BY THE
12 COMMISSIONER HEREUNDER, IT SHALL BE DEEMED TO SATISFY THE APPLICABLE
13 LEGAL REQUIREMENTS TO THE SAME EXTENT AS IF IT HAD BEEN MAILED VIA THE
14 UNITED STATES POSTAL SERVICE.

15 S 2. Subdivision 1 of section 500 of the real property tax law, as
16 amended by chapter 479 of the laws of 2008, is amended to read as
17 follows:

18 1. The assessors in each city and town shall maintain an inventory of
19 all the real property located therein including the names of the owners
20 thereof and complete an annual update thereto on or before the first day
21 of March. The physical characteristics of real property included in such
22 inventory shall constitute a public record and shall be available for
23 public inspection and copying in accordance with paragraph (b) of subdi-
24 vision two of section eighty-seven of the public officers law except as
25 provided in paragraphs (d) and (f) of subdivision two of section eight-
26 y-seven of the public officers law. Disclosure of the inventory data
27 shall not be considered an unwarranted invasion of personal privacy as
28 defined in subdivision two of section eighty-nine of the public officers
29 law. FOR ASSESSMENT ROLLS WITH TAXABLE STATUS DATES OCCURRING ON AND
30 AFTER MARCH FIRST, TWO THOUSAND TWELVE, ALL SUCH RECORDS MAY BE MAIN-
31 TAINED ELECTRONICALLY, AT LOCAL GOVERNMENT OPTION, IN A FORMAT
32 PRESCRIBED OR APPROVED BY THE COMMISSIONER.

33 S 3. The opening paragraph of paragraph (a) of subdivision 1 of
34 section 922 of the real property tax law, as amended by section 5 of
35 part B of chapter 389 of the laws of 1997, is amended to read as
36 follows:

37 Upon receipt of the tax roll and warrant, the collecting officer shall
38 mail OR, SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED FOUR OF THIS
39 CHAPTER, TRANSMIT ELECTRONICALLY to each owner of real property at the
40 tax billing address listed thereon a statement showing the amount of
41 taxes due on the property. The statement must contain:

42 S 4. Subdivision 1 of section 925 of the real property tax law, as
43 separately amended by chapters 513 and 568 of the laws of 2002, is
44 amended to read as follows:

45 1. (A) Notwithstanding any contrary provision of this chapter, or of
46 any general, special or local law, code or charter, if payment for the
47 amount of any taxes on real property, accompanied by the statement of
48 such taxes, is enclosed in a postpaid wrapper properly addressed to the
49 appropriate collecting officer and is deposited in a post office or
50 official depository under the exclusive care and custody of the United
51 States [post office] POSTAL SERVICE, such payment shall, upon delivery,
52 be deemed to have been made to such officer on the date of the United
53 States postmark on such wrapper. If the postmark does not appear on such
54 wrapper or the postmark is illegible such payment shall be deemed to
55 have been made on the date of delivery to such collecting officer. As

1 used in this section, "taxes on real property" includes special ad valo-
2 rem levies and special assessments.

3 (B) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO A PAYMENT
4 THAT HAS BEEN MADE ELECTRONICALLY PURSUANT TO SECTION FIVE-B OF THE
5 GENERAL MUNICIPAL LAW, BUT SHALL APPLY TO A PAYMENT THAT HAS BEEN MAILED
6 VIA THE UNITED STATES POSTAL SERVICE BY A FINANCIAL INSTITUTION ACTING
7 PURSUANT TO INSTRUCTIONS GIVEN TO IT BY A TAXPAYER ELECTRONICALLY.

8 S 5. Section 925-c of the real property tax law, as added by section
9 11 of part X of chapter 62 of the laws of 2003, is amended to read as
10 follows:

11 S 925-c. Payment of real property taxes via the internet. [1.]
12 Notwithstanding any contrary provision of this chapter, or of any gener-
13 al[,] OR special [or local] law, [code or charter, if payment for the
14 amount of any taxes on real property, accompanied by sufficient language
15 to identify the property and tax levy, is received via the internet,
16 such payment is considered received by the appropriate officer and paid
17 by the taxpayer at the time the internet transaction is completed and
18 sent by the taxpayer.

19 2. Any local government authorizing the payment of taxes via the
20 internet pursuant to section five-b of the general municipal law shall
21 provide a confirmation page to the taxpayer following the completion of
22 the internet transaction. Such confirmation page shall include, at
23 least, the following:

24 (a) the date the transaction was completed and sent by the taxpayer;
25 and

26 (b) a notice to the taxpayer to print out and retain the confirmation
27 page as his or her receipt] REAL PROPERTY TAXES MAY BE PAID VIA THE
28 INTERNET UNDER THE TERMS AND CONDITIONS SET FORTH IN SECTION FIVE-B OF
29 THE GENERAL MUNICIPAL LAW.

30 S 6. Subdivisions 3 and 3-a of section 955 of the real property tax
31 law, subdivision 3 as amended by section 7 of part B of chapter 389 of
32 the laws of 1997 and subdivision 3-a as added by chapter 365 of the laws
33 of 2010, are amended to read as follows:

34 3. No later than three weeks after a tax has been paid by a mortgage
35 investing institution pursuant to this title, the collecting officer
36 shall deliver [or], mail, OR, SUBJECT TO THE PROVISIONS OF SECTION ONE
37 HUNDRED FOUR OF THIS CHAPTER, TRANSMIT ELECTRONICALLY a receipt to the
38 mortgagor for whom the real property tax escrow account is maintained.
39 Each such receipt shall be in the same format as a statement of taxes,
40 except that the word "Paid" (or an equivalent word or words) and the
41 date of payment shall be clearly displayed thereon. The receipt may
42 also display, if the collecting officer so elects, the name, title and
43 signature (or initials) of the collecting officer or of the authorized
44 subordinate who received the payment.

45 [3-a. (a) The collecting officer shall deliver or mail the receipt
46 required under subdivision three of this section unless a taxpayer
47 requests to receive such receipt electronically, in which case the
48 collecting officer shall make an electronic receipt available to the
49 taxpayer. The collecting officer shall notify all taxpayers that any
50 availability of electronic receipts does not preclude a taxpayer from
51 electing to receive a copy of his or her tax receipt in the mail or in
52 person.

53 (b) The provisions of paragraph (a) of this subdivision shall apply
54 only to a city, town, or village which by local law provides that elec-
55 tronic availability of such receipts shall be an authorized means of
56 delivery.]

1 S 7. Subdivision 1 of section 986 of the real property tax law, as
2 amended by section 8 of part B of chapter 389 of the laws of 1997, is
3 amended to read as follows:

4 1. The collecting officer shall upon request or by notice on the tax
5 bill of a person paying a tax, deliver [or], forward by mail, OR,
6 SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED FOUR OF THIS CHAPTER,
7 TRANSMIT ELECTRONICALLY a receipt to such person specifying the date of
8 such payment, the name of such person, the description of the property
9 as shown on the tax roll, the name of the person to whom the same is
10 assessed, the amount of such tax and the date of delivery to such offi-
11 cer of the tax roll on account of which such tax was paid, except that
12 the collecting officer of the city of New York shall not be required to
13 give such a receipt unless payment of a tax is made in money or unless
14 the person paying the tax makes a request therefor in writing. Nothing
15 contained in this subdivision shall prevent the collecting officer from
16 delivering [or], forwarding by mail, OR TRANSMITTING ELECTRONICALLY a
17 receipt to any person paying a tax who does not request such a receipt
18 or make a proper notation on the tax bill. Provided, however, if a tax
19 is paid by a mortgage investing institution pursuant to title three-A of
20 this article, a receipt for each paid tax bill shall be delivered [or],
21 mailed, OR TRANSMITTED ELECTRONICALLY to the mortgagor pursuant to the
22 provisions of section nine hundred fifty-five of this article.

23 S 8. Subdivision 1 of section 1590 of the real property tax law, as
24 amended by section 3 of part X of chapter 56 of the laws of 2010, and as
25 further amended by subdivision (b) of section 1 of part W of chapter 56
26 of the laws of 2010, is amended to read as follows:

27 1. (A) A municipal corporation, other than a school district or a
28 village, which prepares assessment rolls by means of electronic data
29 processing, shall annually submit to the commissioner the data files
30 used in the preparation of each tentative and final assessment roll and
31 summaries of the information from the final assessment roll including as
32 a minimum the number of parcels, the total assessed value thereof, and
33 the total taxable assessed value thereof. Such information shall be
34 submitted within ten days of the time of filing the tentative or final
35 assessment roll, as provided for pursuant to section five hundred six or
36 five hundred sixteen of this chapter or such other law as may be appli-
37 cable.

38 (B)(I) In addition, if the assessing unit maintains a website, then
39 within ten days of the filing of the tentative assessment roll, it shall
40 post a copy of such roll on its website, with a link thereto prominently
41 displayed on its home page, and shall not remove the same before the
42 final assessment roll has been filed. In lieu of posting a copy of such
43 roll on its website, the assessing unit may cause such copy to be posted
44 on the website of the county in which it is located for the same period
45 of time as otherwise required by this subdivision, provided that a link
46 thereto shall be prominently displayed on the website of the assessing
47 unit.

48 (II) IF THE ASSESSING UNIT DOES NOT MAINTAIN A WEBSITE, THEN, WITHIN
49 TEN DAYS OF THE FILING OF THE TENTATIVE ASSESSMENT ROLL, IT SHALL CAUSE
50 A COPY OF SUCH ROLL TO BE POSTED ON THE WEBSITE OF THE COUNTY IN WHICH
51 IT IS LOCATED FOR THE SAME PERIOD OF TIME AS OTHERWISE REQUIRED BY THIS
52 SUBDIVISION.

53 (C) WITHIN TEN DAYS OF THE FILING OF THE FINAL ASSESSMENT ROLL, THE
54 ASSESSING UNIT SHALL CAUSE A COPY OF SUCH FINAL ROLL TO BE POSTED EITHER
55 ON ITS OWN WEBSITE OR ON THE COUNTY'S WEBSITE, IN THE SAME MANNER AND

1 SUBJECT TO THE SAME CONDITIONS AS PROVIDED IN PARAGRAPH (B) OF THIS
2 SUBDIVISION.

3 S 9. The real property tax law is amended by adding a new section 1591
4 to read as follows:

5 S 1591. PARCEL-BASED E-GOVERNMENT DATA SYSTEM. 1. THE COMMISSIONER IS
6 HEREBY AUTHORIZED TO IMPLEMENT A PARCEL-BASED ELECTRONIC GOVERNMENT
7 (E-GOVERNMENT) SYSTEM AS PROVIDED HEREIN; PROVIDED HOWEVER THAT PRIOR TO
8 THE IMPLEMENTATION OF SUCH A PARCEL-BASED E-GOVERNMENT DATA SYSTEM, THE
9 COMMISSIONER SHALL SUBMIT TO THE LEGISLATURE A PLAN THAT SHALL INCLUDE
10 AND DOCUMENT ALL ESTIMATED NECESSARY COSTS ASSOCIATED WITH THE IMPLEMEN-
11 TATION AND ADMINISTRATION OF SUCH A SYSTEM. LEGISLATIVE APPROVAL OF THIS
12 PLAN SHALL BE REQUIRED BEFORE ANY STATE FUNDS ARE USED FOR THE IMPLEMEN-
13 TATION AND ADMINISTRATION OF SUCH A PARCEL-BASED E-GOVERNMENT DATA
14 SYSTEM.

15 2. THE SYSTEM SHALL COMPILE ALL ASSESSMENT-RELATED DATA, INCLUDING
16 ASSESSMENT ROLLS, INVENTORY, AND SALES DATA.

17 3. THE SYSTEM SHALL, AT A MINIMUM: (A) MAKE AVAILABLE TO ALL ASSESSING
18 UNITS AND COUNTIES THE LATEST VERSION OF THE SOFTWARE DEVELOPED BY THE
19 COMMISSIONER FOR PROCESSING ASSESSMENT DATA, PROVIDED THAT SOFTWARE
20 UPDATES SHALL BE INCORPORATED AS NEEDED THROUGH AN ELECTRONIC MEANS THAT
21 SHALL REQUIRE NO ACTION ON THE PART OF THE USER;

22 (B) REDUCE OR ELIMINATE THE INEFFICIENCIES AND REDUNDANCIES IN THE
23 EXISTING SYSTEM, SUCH AS BY ENABLING ASSESSORS TO FILE REPORTS WITH THE
24 COMMISSIONER ELECTRONICALLY;

25 (C) BE A SECURE SYSTEM THAT IS ACCESSIBLE ONLY TO AUTHORIZED USERS OF
26 GEOGRAPHICALLY REFERENCED PARCEL-LEVEL INFORMATION, PROVIDED THAT
27 DIFFERENT CLASSES OF USERS SHALL BE GIVEN DIFFERENT LEVELS OF ACCESS, AS
28 DEFINED BY THE COMMISSIONER, LOCAL GOVERNMENTS SHALL HAVE UNRESTRICTED
29 ACCESS TO THE DATA RELATING TO THE PROPERTY WITHIN THEIR BORDERS, AND
30 THE COMMISSIONER SHALL HAVE UNLIMITED ACCESS TO ALL DATA;

31 (D) ENABLE ALL DATA QUERIES TO BE MADE IN A UNIFORM MANNER, REGARDLESS
32 OF WHERE THE DATA MAY RESIDE; AND

33 (E) ENSURE THAT ALL DATA IS REGULARLY BACKED UP FOR SECURITY PURPOSES.

34 4. THE COMMISSIONER IS AUTHORIZED TO ENTER INTO SERVICE AGREEMENTS
35 WITH LOCAL OFFICIALS TO ENSURE THAT THE SYSTEM MAINTAINS ITS FUNCTIONAL-
36 ITY AND THAT THE DATA THEREON IS KEPT CURRENT AND ACCESSIBLE.

37 S 10. Section 5-b of the general municipal law, as added by section 10
38 of part X of chapter 62 of the laws of 2003, subdivision 1 as amended by
39 chapter 741 of the laws of 2005, is amended to read as follows:

40 S 5-b. Collection of fines, civil penalties, rent, rates, taxes, fees,
41 charges and other amounts via the internet. 1. The governing board of
42 any local government, as that term is defined in section ten of this
43 article, may, by local law, ordinance or resolution, determine that it
44 is in the public interest and authorize such local government to provide
45 for the acceptance of penalties, rents, rates, taxes, fees, charges,
46 revenue, financial obligations or other amounts, including penalties,
47 special assessments or interest via a municipal internet website OR THE
48 WEBSITE OF A THIRD-PARTY VENDOR THAT HAS CONTRACTED WITH THE LOCAL
49 GOVERNMENT TO RECEIVE SUCH PAYMENTS ON ITS BEHALF. Submission via the
50 internet may not, however, be required as the sole method for the
51 collection of fines, civil penalties, rent, rates, taxes, fees, charges
52 and other amounts. Such payments shall be accepted via the internet in a
53 manner and condition defined by such local government. Any method used
54 to receive internet payments shall comply with article three of the
55 state technology law and any rules and regulations promulgated and
56 guidelines developed thereunder and, at a minimum must (a) authenticate

1 the identity of the sender; and (b) ensure the security of the informa-
2 tion transmitted.

3 2. Any local government authorizing the payment of taxes via the
4 internet shall provide OR DIRECT ITS VENDOR TO PROVIDE a confirmation
5 page to the taxpayer following the completion of the internet trans-
6 action. Such confirmation page shall include, at least, the following:

7 (a) the date the internet transaction was completed and sent by the
8 taxpayer; [and]

9 (b) THE AMOUNT PAID;

10 (C) A UNIQUE CONFIRMATION NUMBER; AND

11 (D) a notice [to] ADVISING the taxpayer to print out and retain the
12 confirmation page as his or her receipt.

13 3. Payments received via the internet shall be considered received by
14 the appropriate officer and paid by the taxpayer at the time the inter-
15 net transaction is completed and sent by the taxpayer.

16 4. The underlying debt, lien, obligation, bill, account or other
17 amount owed to the local government for which payment by internet is
18 accepted by the local government shall not be expunged, cancelled,
19 released, discharged or satisfied, and any receipt or other evidence of
20 payment shall be deemed conditional, until the local government has
21 received final and unconditional payment of the full amount due.

22 5. The governing board, in enacting a local law, ordinance or resol-
23 ution pursuant to this section, shall designate which of its officers,
24 charged with the duty of collecting or receiving moneys on behalf of the
25 local government, shall be authorized to accept such payments via the
26 internet.

27 6. THE STATE COMPTROLLER MAY ISSUE SUCH GUIDELINES AS HE OR SHE DEEMS
28 APPROPRIATE GOVERNING THE USE OF THIRD PARTY VENDORS FOR THIS PURPOSE.

29 S 11. Subdivision 2 of section 89 of the public officers law, as added
30 by chapter 933 of the laws of 1977, subparagraph (iii) of paragraph (b)
31 and subparagraph (iii) of paragraph (c) as amended and subparagraph (iv)
32 of paragraph (c) as added by chapter 223 of the laws of 2008, subpara-
33 graph (v) of paragraph (b) as amended and subparagraph (vi) of paragraph
34 (b) as added by chapter 545 of the laws of 1998, is amended to read as
35 follows:

36 2. (a) The committee on public access to records may promulgate guide-
37 lines regarding deletion of identifying details or withholding of
38 records otherwise available under this article to prevent unwarranted
39 invasions of personal privacy. In the absence of such guidelines, an
40 agency may delete identifying details when it makes records available.

41 (b) An unwarranted invasion of personal privacy includes, but shall
42 not be limited to:

43 i. disclosure of employment, medical or credit histories or personal
44 references of applicants for employment;

45 ii. disclosure of items involving the medical or personal records of a
46 client or patient in a medical facility;

47 iii. sale or release of lists of names and addresses if such lists
48 would be used for solicitation or fund-raising purposes;

49 iv. disclosure of information of a personal nature when disclosure
50 would result in economic or personal hardship to the subject party and
51 such information is not relevant to the work of the agency requesting or
52 maintaining it; [or]

53 v. disclosure of information of a personal nature reported in confi-
54 dence to an agency and not relevant to the ordinary work of such agency;
55 [or]

1 vi. information of a personal nature contained in a workers' compen-
2 sation record, except as provided by section one hundred ten-a of the
3 workers' compensation law; OR

4 VII. DISCLOSURE OF ELECTRONIC CONTACT INFORMATION, SUCH AS AN E-MAIL
5 ADDRESS OR A SOCIAL NETWORK USERNAME, THAT HAS BEEN COLLECTED FROM A
6 TAXPAYER UNDER SECTION ONE HUNDRED FOUR OF THE REAL PROPERTY TAX LAW.

7 (c) Unless otherwise provided by this article, disclosure shall not be
8 construed to constitute an unwarranted invasion of personal privacy
9 pursuant to paragraphs (a) and (b) of this subdivision:

10 i. when identifying details are deleted;

11 ii. when the person to whom a record pertains consents in writing to
12 disclosure;

13 iii. when upon presenting reasonable proof of identity, a person seeks
14 access to records pertaining to him or her; or

15 iv. when a record or group of records relates to the right, title or
16 interest in real property, or relates to the inventory, status or char-
17 acteristics of real property, in which case disclosure and providing
18 copies of such record or group of records shall not be deemed an unwar-
19 ranted invasion of personal privacy, PROVIDED THAT NOTHING HEREIN SHALL
20 BE CONSTRUED TO AUTHORIZE THE DISCLOSURE OF ELECTRONIC CONTACT INFORMA-
21 TION, SUCH AS AN E-MAIL ADDRESS OR A SOCIAL NETWORK USERNAME, THAT HAS
22 BEEN COLLECTED FROM A TAXPAYER UNDER SECTION ONE HUNDRED FOUR OF THE
23 REAL PROPERTY TAX LAW.

24 S 12. The tax law is amended by adding a new section 35 to read as
25 follows:

26 S 35. USE OF ELECTRONIC MEANS OF COMMUNICATION. NOTWITHSTANDING ANY
27 OTHER PROVISION OF NEW YORK STATE LAW, WHERE THE DEPARTMENT HAS OBTAINED
28 AUTHORIZATION OF AN ONLINE SERVICES ACCOUNT HOLDER, IN SUCH FORM AS MAY
29 BE PRESCRIBED BY THE COMMISSIONER, THE DEPARTMENT MAY USE ELECTRONIC
30 MEANS OF COMMUNICATION TO FURNISH ANY DOCUMENT IT IS REQUIRED TO MAIL
31 PER LAW OR REGULATION. IF THE DEPARTMENT FURNISHES SUCH DOCUMENT IN
32 ACCORDANCE WITH THIS SECTION, DEPARTMENT RECORDS OF SUCH TRANSACTION
33 SHALL CONSTITUTE APPROPRIATE AND SUFFICIENT PROOF OF DELIVERY THEREOF
34 AND BE ADMISSIBLE IN ANY ACTION OR PROCEEDING.

35 S 13. Subdivision (b) of section 29 of the tax law, as added by
36 section 1 of part UU1 of chapter 57 of the laws of 2008, is amended to
37 read as follows:

38 (b)(I) If a tax return preparer prepared more than one hundred
39 original tax documents during any calendar year beginning on or after
40 January first, two thousand seven, and if, in any succeeding calendar
41 year that tax return preparer prepares one or more authorized tax docu-
42 ments using tax software, then, for that succeeding calendar year and
43 for each subsequent calendar year thereafter, all authorized tax docu-
44 ments prepared by that tax return preparer must be filed electronically,
45 in accordance with instructions prescribed by the commissioner.

46 (II) IF A TAX RETURN PREPARER PREPARED MORE THAN TEN ORIGINAL TAX
47 DOCUMENTS DURING ANY CALENDAR YEAR BEGINNING ON OR AFTER JANUARY FIRST,
48 TWO THOUSAND ELEVEN, AND IF, IN ANY SUCCEEDING CALENDAR YEAR THAT TAX
49 RETURN PREPARER PREPARES ONE OR MORE AUTHORIZED TAX DOCUMENTS USING TAX
50 SOFTWARE, THEN, FOR THAT SUCCEEDING CALENDAR YEAR AND FOR EACH SUBSE-
51 QUENT CALENDAR YEAR THEREAFTER, ALL AUTHORIZED TAX DOCUMENTS PREPARED BY
52 THAT TAX RETURN PREPARER MUST BE FILED ELECTRONICALLY, IN ACCORDANCE
53 WITH INSTRUCTIONS PRESCRIBED BY THE COMMISSIONER.

54 S 14. Subparagraph (A) of paragraph 10 of subsection (g) of section
55 658 of the tax law is amended by adding a new clause (iii) to read as
56 follows:

(III) IF A TAX RETURN PREPARER PREPARED MORE THAN TEN ORIGINAL RETURNS DURING ANY CALENDAR YEAR BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, AND IF, IN ANY SUCCEEDING CALENDAR YEAR SUCH TAX RETURN PREPARER PREPARES ONE OR MORE AUTHORIZED RETURNS USING TAX SOFTWARE, THEN, FOR SUCH SUCCEEDING CALENDAR YEAR AND FOR EACH SUBSEQUENT CALENDAR YEAR THEREAFTER, ALL AUTHORIZED RETURNS PREPARED BY SUCH TAX RETURN PREPARER SHALL BE FILED ELECTRONICALLY, IN ACCORDANCE WITH INSTRUCTIONS PRESCRIBED BY THE COMMISSIONER.

S 15. Subparagraph (A) of paragraph 10 of subdivision (g) of section 11-1758 of the administrative code of the city of New York is amended by adding a new clause (iii) to read as follows:

(III) IF A TAX RETURN PREPARER PREPARED MORE THAN TEN ORIGINAL RETURNS DURING ANY CALENDAR YEAR BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, AND IF, IN ANY SUCCEEDING CALENDAR YEAR SUCH TAX RETURN PREPARER PREPARES ONE OR MORE AUTHORIZED RETURNS USING TAX SOFTWARE, THEN, FOR SUCH SUCCEEDING CALENDAR YEAR AND FOR EACH SUBSEQUENT CALENDAR YEAR THEREAFTER, ALL AUTHORIZED RETURNS PREPARED BY SUCH TAX RETURN PREPARER SHALL BE FILED ELECTRONICALLY, IN ACCORDANCE WITH INSTRUCTIONS PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE.

S 16. Subparagraph (A) of paragraph 3 of subsection (c) of section 658 of the tax law, as amended by section 1 of part H-1 of chapter 57 of the laws of 2009, is amended to read as follows:

(A) Every subchapter K limited liability company, every limited liability company that is a disregarded entity for federal income tax purposes, and every partnership which has any income derived from New York sources, determined in accordance with the applicable rules of section six hundred thirty-one of this article as in the case of a nonresident individual, shall, within [thirty] SIXTY days after the last day of the taxable year, make a payment of a filing fee. The amount of the filing fee is the amount set forth in subparagraph (B) of this paragraph. The minimum filing fee is twenty-five dollars for taxable years beginning in two thousand eight and thereafter. Limited liability companies that are disregarded entities for federal income tax purposes must pay a filing fee of twenty-five dollars for taxable years beginning on or after January first, two thousand eight.

S 17. This act shall take effect immediately.

PART AA

Section 1. Subdivision 2 of section 14-1 of the transportation law is amended by adding a new paragraph (j) to read as follows:

(J) ANY FUNDS APPROPRIATED FOR STATE AID TO MUNICIPAL CORPORATIONS, PRIVATE AIRPORTS AS AUTHORIZED BY SECTION FOURTEEN-H OF THIS ARTICLE AND FOR PAYMENT OF THE COST OF PROJECTS AT STEWART AND REPUBLIC AIRPORTS MAY ALSO BE UTILIZED FOR GRANTS TO MUNICIPAL CORPORATIONS AND PRIVATE AIRPORTS FOR THE COST OF PROJECTS AUTHORIZED BY THIS SECTION, INCLUDING THE ACQUISITION OF REAL PROPERTY AND LIABILITIES INCURRED PRIOR TO APRIL FIRST, TWO THOUSAND ELEVEN; PROVIDED, HOWEVER, THAT FUNDS AVAILABLE FOR THIS PURPOSE SHALL NOT EXCEED THE AMOUNT BY WHICH FOUR MILLION DOLLARS EXCEEDS THE SUM OF THE AMOUNT IN STATE FISCAL YEAR TWO THOUSAND ELEVENTWO THOUSAND TWELVE NECESSARY FOR THE STATE SHARE OF FEDERAL PROJECTS PROVIDED PURSUANT TO SECTION FOURTEEN-H OF THIS ARTICLE AND THE AMOUNT IN SUCH STATE FISCAL YEAR REQUIRED FOR PAYMENT OF THE COSTS OF PROJECTS AT STEWART AND REPUBLIC AIRPORTS, UPON CERTIFICATION BY THE COMMISSIONER AT THE END OF THE CALENDAR YEAR.

S 2. This act shall take effect immediately.

1

PART BB

2 Section 1. The transportation law is amended by adding a new section
3 23 to read as follows:

4 S 23. SIGN PROPERTY LICENSING; CERTAIN CITIES. 1. AS USED IN THIS
5 SECTION, THE FOLLOWING TERMS SHALL MEAN:

6 (A) "CITY" MEANS A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

7 (B) "MAINTAIN" MEANS THE MAINTENANCE OF A SIGN PROPERTY INCLUDING, BUT
8 NOT LIMITED TO, THE INSTALLATION, MAINTENANCE AND REMOVAL OF ON-PREMISES
9 AND OFF-PREMISES ADVERTISING COPY ON A SIGN PROPERTY.

10 (C) "SIGN PROPERTY" MEANS AND INCLUDES BILLBOARDS, BULLETINS, WALLS-
11 CAPES, OR ANY OTHER LARGE FORMAT STATIC OR DIGITAL SIGN.

12 2. NO OUTDOOR ADVERTISING COMPANY SHALL MAINTAIN A SIGN PROPERTY IN A
13 CITY UNLESS THE DEPARTMENT HAS ISSUED AN OUTDOOR ADVERTISING LICENSE TO
14 THE COMPANY FOR EACH SUCH PROPERTY MAINTAINED. FURTHERMORE, THE MAINTENANCE
15 OF A SIGN PROPERTY IN A CITY SHALL ONLY BE AUTHORIZED DURING THE
16 TERM OF THE OUTDOOR ADVERTISING LICENSE ISSUED THEREFOR. NO CITY SHALL
17 IMPOSE ANY ADDITIONAL LICENSING REQUIREMENT FOR SIGN PROPERTIES OTHER
18 THAN THOSE CONTAINED IN THIS SECTION, AND THE PROVISIONS OF THIS SECTION
19 SHALL PREEMPT AND SUPERSEDE ANY LOCAL LAW, CODE OR ORDINANCE.

20 3. AN OUTDOOR ADVERTISING LICENSE MAY BE ISSUED FOR A SIGN PROPERTY
21 UPON THE APPLICATION OF THE OUTDOOR ADVERTISING COMPANY SUBMITTED TO THE
22 DEPARTMENT. THE APPLICATION SHALL BE IN SUCH FORM AND INCLUDE SUCH
23 INFORMATION AS THE DEPARTMENT SHALL DETERMINE. IN ADDITION, EACH SUCH
24 APPLICATION SHALL BE SUBMITTED WITH THE APPROPRIATE ANNUAL LICENSING FEE
25 AS FOLLOWS:

26 (A) FOR STATIC SIGN FACES:

27 (I) WITH A SURFACE AREA OF LESS THAN TWO HUNDRED TWENTY SQUARE FEET:
28 THREE DOLLARS AND FIFTY CENTS PER SQUARE FOOT OF SURFACE AREA;

29 (II) WITH A SURFACE AREA OF TWO HUNDRED TWENTY OR MORE SQUARE FEET,
30 BUT LESS THAN SIX HUNDRED SEVENTY-TWO SQUARE FEET: THREE DOLLARS AND
31 SEVENTY-FIVE CENTS PER SQUARE FOOT OF SURFACE AREA;

32 (III) WITH A SURFACE AREA OF SIX HUNDRED SEVENTY-TWO OR MORE SQUARE
33 FEET, BUT NOT MORE THAN ONE THOUSAND ONE HUNDRED SQUARE FEET: FOUR
34 DOLLARS PER SQUARE FOOT OF SURFACE AREA;

35 (IV) WITH A SURFACE AREA OF MORE THAN ONE THOUSAND ONE HUNDRED SQUARE
36 FEET: FOUR DOLLARS AND TWENTY-FIVE CENTS PER SQUARE FOOT OF SURFACE
37 AREA; OR

38 (B) FOR DIGITAL SIGN FACES: EIGHT DOLLARS AND FIFTY CENTS PER SQUARE
39 FOOT OF SURFACE AREA; AND

40 (C) AN ADDITIONAL FEE OF ONE HUNDRED DOLLARS FOR EACH LATE APPLICATION
41 FOR AN OUTDOOR ADVERTISING LICENSE OR RENEWAL THEREOF, IF ACCEPTED BY
42 THE DEPARTMENT.

43 4. UPON RECEIPT OF AN APPLICATION AND THE APPROPRIATE FEE PURSUANT TO
44 THIS SECTION, THE DEPARTMENT SHALL MARK SUCH APPLICATION WITH THE DATE
45 AND TIME THE APPLICATION WAS RECEIVED. THE DEPARTMENT SHALL MAKE A
46 DETERMINATION OF WHETHER TO APPROVE OR DENY EACH APPLICATION WITHIN ONE
47 HUNDRED EIGHTY DAYS OF THE RECEIPT THEREOF. ANY DETERMINATION WHICH
48 EXCEEDS SUCH PERIOD OF TIME SHALL BE DEEMED AN APPROVAL.

49 5. IN THE EVENT OF THE LOSS, MUTILATION OR DESTRUCTION OF AN OUTDOOR
50 ADVERTISING LICENSE, UPON THE FILING OF A STATEMENT OF THE HOLDER OF
51 SUCH LICENSE, PROOF OF SUCH FACTS AS THE DEPARTMENT MAY REQUIRE AND A
52 FEE OF FIFTY DOLLARS, THE DEPARTMENT SHALL ISSUE A DUPLICATE OR SUBSTITUTE
53 LICENSE.

54 6. ANY OUTDOOR ADVERTISING COMPANY WHICH UTILIZES A SIGN PROPERTY
55 WHICH WAS ERECTED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION PURSUANT

1 TO ANY PERMITS ISSUED BY THE DEPARTMENT OF BUILDINGS OF A CITY, SHALL BE
2 ENTITLED TO THE ISSUANCE OF A LICENSE PURSUANT TO THIS SECTION FOR SUCH
3 SIGN PROPERTY AS A MATTER OF RIGHT AND RENEWALS THEREOF IN ACCORDANCE
4 WITH THIS SECTION. FURTHERMORE, DURING THE PENDENCY OF THE DETERMINATION
5 BY THE DEPARTMENT UPON AN APPLICATION FOR A LICENSE RELATING TO A SIGN
6 PROPERTY IN EXISTENCE PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, THE
7 OUTDOOR ADVERTISING COMPANY MAINTAINING SUCH SIGN PROPERTY SHALL CONTIN-
8 UE TO MAINTAIN THE SIGN PROPERTY.

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

11 PART CC

12 Section 1. Subdivision 1 of section 19-0325 of the environmental
13 conservation law, as added by chapter 203 of the laws of 2010, is
14 amended to read as follows:

15 (1) On or after July first, two thousand [twelve] FOURTEEN, all number
16 two heating oil sold for use in residential, commercial, or industrial
17 heating within the state shall not have a sulfur content greater than
18 fifteen parts per million.

19 S 2. This act shall take effect immediately.

20 PART DD

21 Section 1. Subdivisions 5, 6, 7 and 8 of section 27-1007 of the envi-
22 ronmental conservation law, as added by section 4 of part SS of chapter
23 59 of the laws of 2009, are amended and a new subdivision 12 is added to
24 read as follows:

25 5. A deposit initiator's or distributor's failure to pick up empty
26 beverage containers[, including containers processed in a reverse vend-
27 ing machine,] from a redemption center, dealer or the operator of a
28 reverse vending machine, shall be a violation of this title.

29 6. In addition to the refund value of a beverage container as estab-
30 lished by section 27-1005 of this title, a deposit initiator shall pay
31 to any dealer or operator of a redemption center a handling fee of three
32 and one-half cents for each beverage container accepted by the deposit
33 initiator from such dealer or operator of a redemption center. Payment
34 of the handling fee shall be as compensation for collecting, sorting,
35 SEPARATING PLASTIC CONTAINERS FROM GLASS AND SEPARATING GLASS CONTAINERS
36 BY COLOR, and packaging of empty beverage containers for transport back
37 to the deposit initiator or its designee. Payment of the handling fee
38 may not be conditioned on the purchase of any goods or services[, nor
39 may such payment be made out of the refund value account established
40 pursuant to section 27-1012 of this title]. A distributor who does not
41 initiate deposits on a type of beverage container is considered a dealer
42 only for the purpose of receiving a handling fee from a deposit initi-
43 ator.

44 7. A deposit initiator on a brand shall accept from a distributor who
45 does not initiate deposits on that brand any empty beverage containers
46 of that brand accepted by the distributor from a dealer or operator of a
47 redemption center and shall reimburse the distributor the refund value
48 of each such beverage container, as established by section 27-1005 of
49 this title. In addition, the deposit initiator shall reimburse such
50 distributor for each such beverage container the handling fee estab-
51 lished under subdivision six of this section. [Without limiting the
52 rights of the department or any person, firm or corporation under this

subdivision or any other provision of this section, a distributor shall have a civil right of action to enforce this subdivision, including, upon three days notice, the right to apply for temporary and preliminary injunctive relief against continuing violations, and until arrangements for collection and return of empty containers or reimbursement of such distributor for such deposits and handling fees are made.]

8. [It shall be the responsibility of the deposit initiator or distributor to provide to a dealer or redemption center a sufficient number of bags, cartons, or other suitable containers, at no cost, for the packaging, handling and pickup of empty beverage containers that are not redeemed through a reverse vending machine. The bags, cartons, or containers must be provided by the deposit initiator or distributor on a schedule that allows the dealer or redemption center sufficient time to sort the empty beverage containers prior to pick up by the deposit initiator or distributor. In addition:]

(a) [When picking up empty beverage containers, a deposit initiator or distributor shall not require a dealer or redemption center to load their own bags, cartons or containers onto or into the deposit initiator's or distributor's vehicle or vehicles or provide the staff or equipment needed to do so.

(b)] A deposit initiator or distributor [shall not] MAY require empty containers to be counted at a location other than the redemption center or dealer's place of business. The dealer or redemption center shall have the right to be present at the count.

[(c)] (B) A deposit initiator or distributor shall pick up empty beverage containers from the dealer or redemption center at reasonable times and intervals as determined in rules or regulations promulgated by the department.

12. NOTWITHSTANDING ANYTHING CONTAINED IN THIS SECTION TO THE CONTRARY, WITH RESPECT TO EMPTY BEVERAGE CONTAINERS OF BEVERAGES SOLD OR CONSUMED ON-PREMISES OR AT OUTDOOR OR INDOOR GATHERINGS, FUNCTIONS, OCCASIONS OR EVENTS, NO HANDLING FEE SHALL BE PAYABLE TO ANY DISTRIBUTOR, DEALER OR OPERATOR OF A REDEMPTION CENTER.

S. 2. Section 27-1012 of the environmental conservation law, as added by section 8 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

S 27-1012. [Deposit and disposition] DISPOSITION of refund values; registration; reports.

1. [Each deposit initiator shall deposit in a refund value account an amount equal to the refund value initiated under section 27-1005 of this title which is received with respect to each beverage container sold by such deposit initiator. Such deposit initiator shall hold the amounts in the refund value account in trust for the state. A refund value account shall be an interest-bearing account established in a banking institution located in this state, the deposits in which are insured by an agency of the federal government. Deposits of such amounts into the refund value account shall be made not less frequently than every five business days. All interest, dividends and returns earned on the refund value account shall be paid directly into said account. The monies in such accounts shall be kept separate and apart from all other monies in the possession of the deposit initiator. The commissioner of taxation and finance may specify a system of accounts and records to be maintained with respect to accounts established under this subdivision.

2. Payments of refund values pursuant to section 27-1007 of this title shall be paid from each deposit initiator's refund value account. No

1 other payment or withdrawal from such account may be made except as
2 prescribed by this section.

3 3.] Each deposit initiator shall file quarterly reports with the
4 commissioner of taxation and finance on a form and in the manner
5 prescribed by such commissioner. The commissioner of taxation and
6 finance may require such reports to be filed electronically. The quar-
7 terly reports required by this subdivision shall be filed for the quar-
8 terly periods ending on the last day of May, August, November and Febru-
9 ary of each year, and each such report shall be filed within twenty days
10 after the end of the quarterly period covered thereby. Each such report
11 shall include all information such commissioner shall determine appro-
12 priate including but not limited to the following information:

13 a. [the balance in the refund value account at the beginning of the
14 quarter for which the report is prepared;

15 b. all such deposits credited to the refund value account and all
16 interest, dividends or returns received on such account, during such
17 quarter;

18 c. all withdrawals from the refund value account during such quarter,
19 including all reimbursements paid pursuant to subdivision two of this
20 section, all service charges on the account, and all payments made
21 pursuant to subdivision four of this section; and

22 d. the balance in the refund value account at the close of such quar-
23 ter.] THE NUMBER OF CONTAINERS REQUIRED TO HAVE A REFUND VALUE SOLD BY
24 THE DEPOSIT INITIATOR DURING THE QUARTERLY PERIOD;

25 B. THE NUMBER OF CONTAINERS THAT WERE REDEEMED BY THE DEPOSIT INITI-
26 ATOR DURING THE QUARTERLY PERIOD;

27 C. THE NUMBER OF CONTAINERS THAT WERE UNREDEEMED BY THE DEPOSIT INITI-
28 ATOR DURING THE QUARTERLY PERIOD; AND

29 D. THE AMOUNTS PAID TO ANY DISTRIBUTOR, DEALER OR OPERATOR OF A
30 REDEMPTION CENTER FOR HANDLING FEES DURING THE QUARTER.

31 [4.] 2. a. Quarterly payments. [An] PAYMENTS OF REFUND VALUES PURSUANT
32 TO SECTION 27-1007 OF THIS TITLE, IN AN amount equal to eighty percent
33 of the [balance outstanding in the refund value account] UNREDEEMED
34 DEPOSITS HELD BY A DEPOSIT INITIATOR at the close of each quarter shall
35 be paid to the commissioner of taxation and finance at the time the
36 report provided for in subdivision [three] ONE of this section is
37 required to be filed. The commissioner of taxation and finance may
38 require that the payments be made electronically. The remaining twenty
39 percent of the balance outstanding at the close of each quarter shall be
40 the monies of the deposit initiator [and may be withdrawn from such
41 account by the deposit initiator]. If the provisions of this section
42 with respect to such account have not been fully complied with, each
43 deposit initiator shall pay to such commissioner at such time, in lieu
44 of the amount described in the preceding sentence, an amount equal to
45 the balance which would have been outstanding on such date had such
46 provisions been fully complied with. The commissioner of taxation and
47 finance may require that the payments be made electronically.

48 b. [Refund value account shortfall] OVER REDEMPTION. In the event a
49 deposit initiator pays out more in refund values than it collects in
50 deposits of refund values during the course of a quarterly period as
51 described in subdivision [three] ONE of this section, the deposit initi-
52 ator may apply to the commissioner of taxation and finance for a refund
53 of the amount of such excess payment of refund values [from sources
54 other than the refund value account], in the manner as provided by the
55 commissioner of taxation and finance. A deposit initiator must apply for
56 a refund no later than twelve months after the due date for filing the

1 quarterly report for the quarterly period for which the refund claim is
2 made. No interest shall be payable for any refund paid pursuant to this
3 paragraph.

4 c. Final report. A deposit initiator who ceases to do business in this
5 state as a deposit initiator shall file a final report and remit payment
6 of eighty percent of all [amounts remaining in the refund value account]
7 REFUND VALUES HELD BY THE DEPOSIT INITIATOR as of the close of the
8 deposit initiator's last day of business. The commissioner of taxation
9 and finance may require that the payments be made electronically. The
10 deposit initiator shall indicate on the report that it is a "final
11 report". The final report is due to be filed with payment twenty days
12 after the close of the quarterly period in which the deposit initiator
13 ceases to do business. In the event the deposit initiator pays out more
14 in refund values than it collects in such final quarterly period, the
15 deposit initiator may apply to the commissioner of taxation and finance
16 for a refund of the amount of such excess payment of refund values [from
17 sources other than the refund value account,] in the manner as provided
18 by the commissioner of taxation and finance.

19 [5.] 3. All monies collected or received by the department of taxation
20 and finance pursuant to this title shall be deposited to the credit of
21 the comptroller with such responsible banks, banking houses or trust
22 companies as may be designated by the comptroller. Such deposits shall
23 be kept separate and apart from all other moneys in the possession of
24 the comptroller. The comptroller shall require adequate security from
25 all such depositories. Of the total revenue collected, the comptroller
26 shall retain the amount determined by the commissioner of taxation and
27 finance to be necessary for refunds out of which the comptroller must
28 pay any refunds to which a deposit initiator may be entitled. After
29 reserving the amount to pay refunds, the comptroller must, by the tenth
30 day of each month, pay into the state treasury to the credit of the
31 general fund the revenue deposited under this subdivision during the
32 preceding calendar month and remaining to the comptroller's credit on
33 the last day of that preceding month.

34 [6.] 4. The commissioner and the commissioner of taxation and finance
35 shall promulgate, and shall consult each other in promulgating, such
36 rules and regulations as may be necessary to effectuate the purposes of
37 this title. The commissioner and the commissioner of taxation and
38 finance shall provide all necessary aid and assistance to each other,
39 including the sharing of any information that is necessary to their
40 respective administration and enforcement responsibilities pursuant to
41 the provisions of this title.

42 [7. a.] 5. Any person who is a deposit initiator under this title
43 before April first, two thousand nine, must apply by June first, two
44 thousand nine to the commissioner of taxation and finance for registra-
45 tion as a deposit initiator. Any person who becomes a deposit initiator
46 on or after April first, two thousand nine shall apply for registration
47 prior to collecting any deposits as such a deposit initiator. Such
48 application shall be in a form prescribed by the commissioner of tax-
49 ation and finance and shall require such information deemed to be neces-
50 sary for proper administration of this title. The commissioner of tax-
51 ation and finance may require that applications for registration must be
52 submitted electronically. The commissioner of taxation and finance shall
53 electronically issue a deposit initiator registration certificate in a
54 form prescribed by the commissioner of taxation and finance within
55 fifteen days of receipt of such application or may take an additional
56 ten days if the commissioner of taxation and finance deems it necessary

1 to consult with the commissioner before issuing such registration
2 certificate. A registration certificate issued pursuant to this subdivi-
3 sion may be issued for a specified term of not less than three years and
4 shall be subject to renewal in accordance with procedures specified by
5 the commissioner of taxation and finance. The commissioner of taxation
6 and finance shall furnish to the commissioner a complete list of regis-
7 tered deposit initiators and shall continually update such list as
8 warranted. The commissioner shall share any information with the commis-
9 sioner of taxation and finance that is necessary for the administration
10 of this subdivision.

11 [b. The commissioner of taxation and finance shall have the authority
12 to revoke or refuse to renew any registration issued pursuant to this
13 subdivision when he or she has determined or has been informed by the
14 commissioner that any of the provisions of this title or rules and regu-
15 lations promulgated thereunder have been violated. Such violations shall
16 include, but not be limited to, the failure to file quarterly reports,
17 the failure to make payments pursuant to this subdivision, the providing
18 of false or fraudulent information to either the department of taxation
19 and finance or the department, or knowingly aiding or abetting another
20 person in violating any of the provisions of this title. A notice of
21 proposed revocation or non-renewal shall be given to the deposit initi-
22 ator in the manner prescribed for a notice of deficiency of tax and all
23 the provisions applicable to a notice of deficiency under article twen-
24 ty-seven of the tax law shall apply to a notice issued pursuant to this
25 paragraph, insofar as such provisions can be made applicable to a notice
26 authorized by this paragraph, with such modifications as may be neces-
27 sary in order to adapt the language of such provisions to the notice
28 authorized by this paragraph. All such notices issued by the commission-
29 er of taxation and finance pursuant to this paragraph shall contain a
30 statement advising the deposit initiator that the revocation or non-re-
31 newal of registration may be challenged through a hearing process and
32 the petition for such a challenge must be filed with the commissioner of
33 taxation and finance within ninety days after such notice is issued. A
34 deposit initiator whose registration has been so revoked or not renewed
35 shall cease to do business as a deposit initiator in this state, until
36 this title has been complied with and a new registration has been
37 issued. Any deposit initiator whose registration has been so revoked may
38 not apply for registration for two years from the date such revocation
39 takes effect.

40 8.] 6. The commissioner of taxation and finance may require the main-
41 tenance of such [accounts,] records or documents relating to the sale of
42 beverage containers, by any deposit initiator, bottler, distributor,
43 dealer or redemption center as such commissioner may deem appropriate
44 for the administration of this section. Such commissioner may make exam-
45 inations, including the conduct of facility inspections during regular
46 business hours, with respect to the [accounts,] records or documents
47 required to be maintained under this subdivision. Such [accounts,]
48 records and documents shall be preserved for a period of three years,
49 except that such commissioner may consent to their destruction within
50 that period or may require that they be kept longer. Such [accounts,]
51 records and documents may be kept within the meaning of this subdivision
52 when reproduced by any photographic, photostatic, microfilm, micro-card,
53 miniature photographic or other process which actually reproduces the
54 original [accounts,] records or documents.

55 [9.] 7. a. Any person required to be registered under this section
56 who, without being so registered, sells or offers for sale beverage

containers in this state, in addition to any other penalty imposed by this title, shall be subject to a penalty to be assessed by the commissioner of taxation and finance in an amount not to exceed five hundred dollars for the first day on which such sales or offers for sale are made, plus an amount not to exceed five hundred dollars for each subsequent day on which such sales or offers for sale are made, not to exceed twenty-five thousand dollars in the aggregate.

b. Any deposit initiator who fails to maintain [accounts or] records pursuant to this section, unless it is shown that such failure was due to reasonable cause and not due to negligence or willful neglect, in addition to any other penalty imposed by this title, shall be subject to a penalty to be assessed by the commissioner of taxation and finance of not more than one thousand dollars for each quarter during which such failure occurred, and an additional penalty of not more than one thousand dollars for each quarter such failure continues.

[10.] 8. The provisions of article twenty-seven of the tax law shall apply to the provisions of this title for which the commissioner of taxation and finance is responsible[, including collection of refund value amounts,] in the same manner and with the same force and effect as if the language of such article had been incorporated in full into this section except to the extent that any provision of such article is either inconsistent with a provision of this section or is not relevant to this section as determined by the commissioner of taxation and finance. [Furthermore, for purposes of applying the provisions of article twenty-seven of the tax law, where the terms "tax" and "taxes" appear in such article, such terms shall be construed to mean "refund value" or "balance in the refund value account".

11.] 9. If any deposit initiator fails or refuses to file a report or furnish any information requested in writing by the department of taxation and finance or the department, the department of taxation and finance with the assistance of the department may, from any information in its possession, make an estimate of the deficiency and collect such deficiency from such deposit initiator.

[12.] 10. Beginning on June first, two thousand [nine each deposit initiator] TEN ALL SUPPLIERS AND MANUFACTURES shall register the container label of any beverage offered for sale in the state on which it initiates a deposit. Any such registered container label shall bear a universal product code. [Such universal product code shall be New York state specific, in order to identify the beverage container as offered for sale exclusively in New York state, and as a means of preventing illegal redemption of beverage containers purchased out-of-state.] Registration must be on forms as prescribed by the department and must include the universal product code for each combination of beverage and container manufactured. The commissioner may require that such forms be filed electronically. The deposit initiator shall renew a label registration whenever that label is revised by altering the universal product code or whenever the container on which it appears is changed in size, composition or glass color.

S 3. This act shall take effect on the forty-fifth day after it shall have become a law.

PART EE

Section 1. (a) The power authority of the state of New York shall within 90 days of the effective date of this act, issue a request for proposals to purchase from the authority one or more of the ten gas

1 turbine electric generating facilities with a nameplate capacity of less
2 than 80 megawatts each, owned by the authority as of the effective date
3 of this act and located in and around the city of New York. Such request
4 for proposals to sell such generators shall be put out for bid for a
5 maximum of 90 days and shall include the following sites and generating
6 facilities:

7 (1) Two units at Harlem river yard plant, located in the Harlem River
8 Yards, at E. 132nd street, Bronx, New York 10454;

9 (2) Two units at Vernon Boulevard, located at 41-98, 42-02, 42-16
10 Vernon boulevard, Long Island City, Queens, New York 11101;

11 (3) Two units at the Hell Gate plant, located at Locust Avenue, E.
12 132nd street to E. 134th street, Bronx, New York 10454;

13 (4) Two units at the Windsor Terrace power plant, located at 3rd
14 avenue and 23rd street, Brooklyn, New York 11232;

15 (5) One unit at Pouch terminal; located at 1 Edgewater street, Staten
16 Island, New York 10305; and

17 (6) One unit at North First avenue and River street, located at 47-79
18 River street, Brooklyn, New York 11211.

19 (b) The authority shall issue such request to determine, among other
20 things the likely value to New York state for the sale of such generat-
21 ing facilities. The authority shall, within 30 days of the end of the
22 solicitation period, report on the range of solicited bids to the gover-
23 nor, the temporary president of the senate and the speaker of the assem-
24 bly, subject to all appropriate and applicable confidentiality require-
25 ments with respect to individual bids and information contained therein.

26 (c) On or before March 31, 2012, the authority is required to make a
27 report to the governor, the temporary president of the senate and the
28 speaker of the assembly as to the amount of revenue that could be
29 collected by the authority from the sale of facilities pursuant to this
30 section. The authority may not effectuate such sale until authorized by
31 law.

32 S 2. This act shall take effect immediately.

33

PART FF

34 Section 1. Part LL of chapter 59 of the laws of 2009, amending the
35 environmental conservation law relating to recreational marine fishing
36 licenses, is REPEALED.

37 S 2. The environmental conservation law is amended by adding a new
38 section 13-0355 to read as follows:

39 S 13-0355. SALTWATER RECREATIONAL FISHING REGISTRY.

40 1. DEFINITIONS OF REGISTRATION; PRIVILEGES. REGISTRATION WITH THE
41 SALTWATER RECREATIONAL FISHING REGISTRY ENTITLES THE PERSON SO REGIS-
42 TERED WHO IS SIXTEEN YEARS OF AGE OR OLDER TO TAKE FISH FROM THE WATERS
43 OF THE MARINE AND COASTAL DISTRICT AND TO TAKE MIGRATORY FISH OF THE SEA
44 FROM ALL WATERS OF THE STATE, EXCEPT AS PROVIDED IN SECTIONS 13-0333 AND
45 13-0335 OF THIS TITLE.

46 2. SALTWATER RECREATIONAL FISHING REGISTRY ESTABLISHED. A. THE COMMIS-
47 SIONER SHALL ADMINISTER AND MAINTAIN A REGISTRY OF PERSONS WHO ENGAGE IN
48 SALTWATER RECREATIONAL FISHING. THE COMMISSIONER MAY DESIGNATE BY RULE
49 THE METHODS OF FISHING OR THE SALTWATER AREAS FOR WHICH REGISTRATION IS
50 REQUIRED UNDER THIS SECTION. THE REGISTRY SHALL CONTAIN THE NAME,
51 ADDRESS, DATE OF BIRTH AND TELEPHONE NUMBER FOR EACH PERSON REGISTERED.

52 B. EACH PERSON REGISTERED SHALL BE ASSIGNED A UNIQUE IDENTIFICATION
53 NUMBER. SUCH UNIQUE IDENTIFICATION NUMBER SHALL CONTAIN AN EMBEDDED
54 YEAR CODE, TO BE DETERMINED BY THE COMMISSIONER, DISCRETELY DESIGNATING

1 THE YEAR OF REGISTRATION OR RENEWAL OF REGISTRATION, TO ENSURE COMPLI-
2 ANCE WITH ANNUAL RENEWAL REQUIREMENTS PURSUANT TO PARAGRAPH A OF SUBDI-
3 VISION THREE OF THIS SECTION.

4 3. REGISTRY PROCEDURES. A. AN INDIVIDUAL'S SALTWATER RECREATIONAL
5 FISHING REGISTRATION SHALL EXPIRE AT THE END OF EACH CALENDAR YEAR, AND
6 MAY BE RENEWED FOR EACH SUBSEQUENT CALENDAR YEAR PURSUANT TO PARAGRAPH C
7 OF THIS SUBDIVISION.

8 B. A PERSON MAY INITIALLY REGISTER TO ENGAGE IN SALTWATER RECREATION-
9 AL FISHING:

10 (I) BY APPEARING BEFORE A REGISTRATION AGENT, AS ESTABLISHED BY THE
11 COMMISSIONER; OR

12 (II) THROUGH A PUBLICLY ACCESSIBLE ONLINE REGISTRATION SYSTEM ON THE
13 DEPARTMENT WEBSITE; OR

14 (III) THROUGH A PUBLICLY ACCESSIBLE TELEPHONIC REGISTRATION SYSTEM
15 OPERATED BY THE DEPARTMENT. THE COMMISSIONER SHALL ESTABLISH A TOLL-FREE
16 TELEPHONE NUMBER OR A DEDICATED NUMBER FOR USE TO REGISTER PURSUANT TO
17 THIS SECTION.

18 C. A PERSON MAY RENEW HIS OR HER REGISTRATION UNDER THIS SECTION:

19 (I) BY APPEARING BEFORE A REGISTRATION AGENT, AS ESTABLISHED BY THE
20 COMMISSIONER; OR

21 (II) THROUGH A PUBLICLY ACCESSIBLE ONLINE REGISTRATION SYSTEM ON THE
22 DEPARTMENT WEBSITE; OR

23 (III) THROUGH A PUBLICLY ACCESSIBLE TELEPHONIC REGISTRATION SYSTEM
24 OPERATED BY THE DEPARTMENT. THE COMMISSIONER SHALL ESTABLISH A TOLL-FREE
25 TELEPHONE NUMBER OR A DEDICATED NUMBER FOR USE TO RENEW REGISTRATIONS ON
26 THE REGISTRY.

27 D. A PERSON PURCHASING A FISHING LICENSE UNDER SECTION 11-0701 OF THIS
28 CHAPTER SHALL BE ASKED IF THE PERSON INTENDS TO FISH IN SALTWATER FOR
29 THE CALENDAR YEAR. IF THE PERSON ANSWERS IN THE AFFIRMATIVE, THE PERSON
30 SHALL BE INFORMED OF THE REQUIREMENTS UNDER THIS SECTION.

31 4. UNIQUE IDENTIFICATION NUMBER REQUIRED. A. EACH PERSON REGISTERED
32 SHALL AT ALL TIMES HAVE THEIR UNIQUE IDENTIFICATION NUMBER ON THE HOLD-
33 ER'S PERSON WHILE EXERCISING ANY PRIVILEGE OF THE REGISTRATION.

34 B. FAILURE TO HAVE A UNIQUE IDENTIFICATION NUMBER ON ONE'S PERSON
35 WHILE EXERCISING ANY PRIVILEGE OF THE REGISTRATION IS PRESUMPTIVE
36 EVIDENCE THAT SUCH PERSON IS FISHING WITHOUT BEING REGISTERED AS
37 REQUIRED BY THIS SECTION.

38 5. FEES. A FEE FOR REGISTERING ON THE REGISTRY MAY NOT BE ESTABLISHED
39 OR LEVIED. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON REGIS-
40 TERING THROUGH AN ONLINE OR TELEPHONIC REGISTRATION SYSTEM MAY NOT BE
41 CHARGED A FEE FOR REGISTERING.

42 6. EXEMPTION FROM REQUIREMENT OF SALTWATER RECREATIONAL FISHING REGIS-
43 TRATION. A. MINORS UNDER THE AGE OF SIXTEEN MAY TAKE FISH AS IF THEY
44 WERE REGISTERED WITH THE SALTWATER RECREATIONAL FISHING REGISTRY.

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

48 7. FEDERAL REGISTRATION REQUIREMENTS. A. THE REGISTRY ESTABLISHED
49 PURSUANT TO THIS SECTION SHALL COMPLY WITH THE PROVISIONS OF THE REGIS-
50 TRY PROGRAM TO BE ESTABLISHED PURSUANT TO THE MAGNUSON-STEVEN'S FISHERY
51 CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT, 16 U.S.C. SS 1801 ET
52 SEQ.

53 B. UPON ESTABLISHMENT OF THE REGISTRY PURSUANT TO THIS SECTION, THE
54 COMMISSIONER SHALL APPLY TO THE NATIONAL MARINE FISHERIES SERVICE OF THE
55 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR EXEMPTED STATE
56 DESIGNATION FROM THE FEDERAL REGISTRATION REQUIREMENTS.

1 8. RECIPROCITY IN BOUNDARY WATERS. IF PERSONS REGISTERED PURSUANT TO
2 THIS SECTION IN THE SALTWATER RECREATIONAL FISHING REGISTRY ARE NOT
3 REQUIRED TO HAVE LICENSES ISSUED BY A STATE NAMED IN PARAGRAPH A, B OR C
4 OF THIS SUBDIVISION WHEN FISHING IN THAT PART OF THE WATERS, SPECIFIED
5 IN SUCH PARAGRAPH, WHICH LIES WITHIN THAT STATE THEN, IN SUCH CASE, A
6 PERSON SIMILARLY REGISTERED OR LICENSED BY SUCH STATE MAY, WITHOUT BEING
7 REGISTERED PURSUANT TO THIS SECTION IN THE SALTWATER RECREATIONAL FISH-
8 ING REGISTRY, TAKE FISH AS PROVIDED IN THIS TITLE, FROM THAT PART OF
9 SUCH WATERS SPECIFIED IN PARAGRAPH A, B OR C OF THIS SUBDIVISION WHICH
10 LIES WITHIN THIS STATE:

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

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

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

19 S 3. Any person who purchased a lifetime recreational marine fishing
20 license shall be refunded the amount of the fee he or she paid in excess
21 of a single season license.

22 S 4. This act shall take effect on the one hundred eightieth day after
23 it shall have become a law, provided, however, that effective immediate-
24 ly, any regulations necessary for the timely implementation of this act
25 on its effective date are authorized to be promulgated before such date.

26

PART GG

27 Section 1. Section 19-0323 of the environmental conservation law, as
28 added by chapter 629 of the laws of 2006, subdivision 5 as added and
29 subdivisions 6, 7 and 8 as renumbered by section 1 of part C of chapter
30 59 of the laws of 2010, is amended to read as follows:

31 S 19-0323. Use of ultra low sulfur diesel fuel and best available tech-
32 nology by the state.

33 1. As used in this section, the terms:

34 a. "Ultra low sulfur diesel fuel" means diesel fuel having sulfur
35 content of 0.0015 per cent of sulfur or less.

36 b. "Heavy duty vehicle" or "vehicle" means any on and off-road vehicle
37 powered by diesel fuel and having a gross vehicle weight of greater than
38 8,500 pounds, except that those vehicles defined in section 101 of the
39 vehicle and traffic law, paragraph 2 of schedule E and paragraph (a) of
40 schedule F of subdivision 7 of section 401 of such law, and vehicles
41 specified in subdivision 13 of section 401 of such law, and farm type
42 tractors and all terrain type vehicles used exclusively for agricultural
43 or mowing purposes, or for snow plowing, other than for hire, farm
44 equipment, including self-propelled machines used exclusively in grow-
45 ing, harvesting or handling farm produce, and self-propelled caterpillar
46 or crawler-type equipment while being operated on the contract site, and
47 timber harvesting equipment such as harvesters, wood chippers, forward-
48 ers, log skidders, and other processing equipment used exclusively off
49 highway for timber harvesting and logging purposes, shall not be deemed
50 heavy duty vehicles for purposes of this section. This term shall not
51 include vehicles that are specially equipped for emergency response by
52 the department, office of emergency management, sheriff's office of the
53 department of finance, police department or fire department.

1 c. "Best available retrofit technology" means technology, verified by
2 the United States environmental protection agency for reducing the emis-
3 sion of pollutants that achieves reductions in particulate matter emis-
4 sions at the highest classification level for diesel emission control
5 strategies that is applicable to the particular engine and application.
6 Such technology shall also, at a reasonable cost, achieve the greatest
7 reduction in emissions of nitrogen oxides at such particulate matter
8 reduction level and shall in no event result in a net increase in the
9 emissions of either particulate matter or nitrogen oxides.

10 d. "Reasonable cost" means that such technology does not cost greater
11 than 30 percent more than other technology applicable to the particular
12 engine and application that falls within the same classification level
13 for diesel emission control strategies, as set forth in paragraph c of
14 this subdivision, when considering the cost of the strategies, them-
15 selves, and the cost of installation.

16 2. Any diesel powered heavy duty vehicle that is owned by, operated by
17 [or on behalf of,] or leased by a state agency and state and regional
18 public authority shall be powered by ultra low sulfur diesel fuel.

19 3. Any diesel powered heavy duty vehicle that is owned by, operated by
20 [or on behalf of,] or leased by a state agency and state and regional
21 public authority with more than half of its governing body appointed by
22 the governor shall utilize the best available retrofit technology for
23 reducing the emission of pollutants. The commissioner shall promulgate
24 regulations for the implementation of this subdivision specifying proce-
25 dures for compliance according to the following schedule:

26 a. [Not less than 33% of the vehicles covered by this subdivision
27 shall have best available retrofit technology on or before December 31,
28 2008.

29 b.] Not less than 66% of the vehicles covered by this subdivision
30 shall have best available retrofit technology on or before December 31,
31 [2009] 2012.

32 [c.] B. All vehicles covered by this subdivision shall have best
33 available retrofit technology on or before December 31, [2010] 2014.

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

37 4. In addition to other provisions for regulations in this section,
38 the commissioner shall promulgate regulations as necessary and appropri-
39 ate to carry out the provisions of this act including but not limited to
40 provision for waivers upon written finding by the commissioner that (a)
41 best available retrofit technology for reducing the emissions of pollu-
42 tants as required by subdivision 3 of this section is not available for
43 a particular vehicle or class of vehicles and (b) that ultra low sulfur
44 diesel fuel is not available.

45 5. In addition to any waiver which may be issued pursuant to subdivi-
46 sion four of this section, the department shall issue a waiver to a
47 state agency, a state or regional public authority, [or a person operat-
48 ing any diesel-powered heavy duty vehicle on behalf of a state agency,]
49 state or regional public authority, upon a request in a form acceptable
50 to the department for a waiver from the provisions of subdivision three
51 of this section for a vehicle engine provided that such vehicle engine
52 will cease to be used in the state on or before December thirty-first,
53 two thousand thirteen. Any waiver issued pursuant to this subdivision
54 shall expire when a state agency, a state or regional public authority,
55 [or a person operating any diesel-powered heavy duty vehicle on behalf
56 of a state agency,] state or regional public authority ceases to use the

1 engine in the state but not later than December thirty-first, two thou-
2 sand [thirteen] FOURTEEN.

3 6. This section shall not apply where federal law or funding precludes
4 the state from imposing the requirements of this section.

5 7. On or before January 1, 2008 and every year thereafter, the commis-
6 sioner shall report to the governor and legislature on the use of ultra
7 low sulfur diesel fuel and the use of the best available retrofit tech-
8 nology as required under this section. The information contained in this
9 report shall include, but not be limited to, for each state agency and
10 public authority covered by this section: (a) the total number of diesel
11 fuel-powered motor vehicles owned or operated by such agency and author-
12 ity; (b) the number of such motor vehicles that were powered by ultra
13 low sulfur diesel fuel; (c) the total number of diesel fuel-powered
14 motor vehicles owned or operated by such agency and authority having a
15 gross vehicle weight rating of more than 8,500 pounds; (d) the number of
16 such motor vehicles that utilized the best available retrofit technolo-
17 gy, including a breakdown by motor vehicle model, engine year and the
18 type of technology used for each vehicle; (e) the number of such motor
19 vehicles that are equipped with an engine certified to the applicable
20 2007 United States environmental protection agency standard for particu-
21 late matter as set forth in section 86.007-11 of title 40 of the code of
22 federal regulations or to any subsequent United States environmental
23 protection agency standard for particulate matter that is at least as
24 stringent; and (f) all waivers, findings, and renewals of such findings,
25 which, for each waiver, shall include, but not be limited to, the quan-
26 tity of diesel fuel needed to power diesel fuel-powered motor vehicles
27 owned or operated by such agency and authority; specific information
28 concerning the availability of ultra low sulfur diesel fuel.

29 8. The department shall, to the extent practicable, coordinate with
30 regions which have proposed or adopted heavy duty emission inspection
31 programs to promote regional consistency in such programs.

32 S 2. This act shall take effect immediately.

33

PART HH

34 Section 1. The public authorities law is amended by adding a new
35 section 1265-c to read as follows:

36 S 1265-C. INDEPENDENT FORENSIC AUDIT. 1. NOTWITHSTANDING ANY OTHER
37 PROVISION OF LAW, THE AUTHORITY SHALL, WITHIN SIXTY DAYS OF THE EFFEC-
38 TIVE DATE OF THIS SECTION, CONTRACT WITH A CERTIFIED PUBLIC ACCOUNTING
39 FIRM FOR THE PROVISION OF AN INDEPENDENT, COMPREHENSIVE, FORENSIC AUDIT
40 OF THE AUTHORITY. SUCH AUDIT SHALL BE PERFORMED IN ACCORDANCE WITH
41 GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS. SUCH AUDIT SHALL BE
42 INDEPENDENT OF AND IN ADDITION TO THE INDEPENDENT AUDIT OF THE AUTHORITY
43 CONDUCTED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED TWO OF THIS CHAPTER.

44 2. THE CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM PROVIDING THE
45 AUTHORITY'S INDEPENDENT, COMPREHENSIVE, FORENSIC AUDIT SHALL BE PROHIB-
46 ITED IN PROVIDING AUDIT SERVICES IF THE LEAD (OR COORDINATING) AUDIT
47 PARTNER (HAVING PRIMARY RESPONSIBILITY FOR THE AUDIT), OR THE AUDIT
48 PARTNER RESPONSIBLE FOR REVIEWING THE AUDIT, HAS PERFORMED AUDIT
49 SERVICES FOR THE AUTHORITY WITHIN ANY OF THE TEN PREVIOUS FISCAL YEARS
50 OF THE AUTHORITY.

51 3. THE CERTIFIED INDEPENDENT ACCOUNTING FIRM PERFORMING THE AUDIT
52 PURSUANT TO THIS SECTION SHALL BE PROHIBITED FROM PERFORMING ANY NON-AU-
53 DIT SERVICES FOR THE AUTHORITY CONTEMPORANEOUSLY WITH THE AUDIT.

1 4. IT SHALL BE PROHIBITED FOR THE CERTIFIED INDEPENDENT PUBLIC
2 ACCOUNTING FIRM TO PERFORM FOR THE AUTHORITY ANY AUDIT SERVICE IF THE
3 CHIEF EXECUTIVE OFFICER, COMPTROLLER, CHIEF FINANCIAL OFFICER, CHIEF
4 ACCOUNTING OFFICER OR ANY OTHER PERSON SERVING IN AN EQUIVALENT POSITION
5 IN THE AUTHORITY WAS AN EMPLOYEE, CONSULTANT OR INDEPENDENT CONTRACTOR
6 OF THAT CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM AND PARTICIPATED IN
7 ANY CAPACITY IN THE AUDIT OF THE AUTHORITY AT ANY TIME IN THE PAST.

8 5. THE CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM CONTRACTED TO
9 PERFORM THE INDEPENDENT COMPREHENSIVE, FORENSIC AUDIT OF THE AUTHORITY
10 SHALL, ON OR BEFORE JANUARY FIRST, TWO THOUSAND THIRTEEN, REPORT ITS
11 FINDINGS, CONCLUSIONS AND RECOMMENDATIONS TO THE GOVERNOR, THE STATE
12 COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE
13 ASSEMBLY, THE CHAIR AND RANKING MINORITY MEMBER OF THE SENATE FINANCE
14 COMMITTEE, THE CHAIR AND RANKING MINORITY MEMBER OF THE ASSEMBLY WAYS
15 AND MEANS COMMITTEE, THE CHAIRS AND RANKING MINORITY MEMBERS OF THE
16 SENATE AND THE ASSEMBLY CORPORATIONS, AUTHORITIES AND COMMISSIONS
17 COMMITTEES, AND THE CHAIRS AND RANKING MINORITY MEMBERS OF THE SENATE
18 AND THE ASSEMBLY TRANSPORTATION COMMITTEES.

19 S 2. This act shall take effect immediately, and shall expire and be
20 deemed repealed January 2, 2013.

21 PART II

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

24 7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION SHALL
25 HAVE NO AUTHORITY OVER ANY SERVICE, CLASS OF SERVICES OR TECHNOLOGY
26 OFFERED OR USED BY A TELEPHONE CORPORATION AS DEFINED IN SECTION TWO OF
27 THIS ARTICLE OR BY A CABLE TELEVISION COMPANY AS DEFINED IN SECTION TWO
28 HUNDRED TWELVE OF THIS CHAPTER THAT IT DID NOT ACTIVELY REGULATE AS OF
29 JANUARY FIRST, TWO THOUSAND ELEVEN. THE COMMISSION SHALL HAVE NO AUTHOR-
30 ITY TO PROHIBIT, REQUIRE OR OTHERWISE DIRECT ANY ENTITY'S CHOICE OF
31 TECHNOLOGY FOR ANY PURPOSE.

32 S 2. This act shall take effect immediately.

33 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
34 sion, section or part of this act shall be adjudged by any court of
35 competent jurisdiction to be invalid, such judgment shall not affect,
36 impair, or invalidate the remainder thereof, but shall be confined in
37 its operation to the clause, sentence, paragraph, subdivision, section
38 or part thereof directly involved in the controversy in which such judg-
39 ment shall have been rendered. It is hereby declared to be the intent of
40 the legislature that this act would have been enacted even if such
41 invalid provisions had not been included herein.

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