

6260--B

I N S E N A T E

January 17, 2012

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 intentionally omitted (Part A); intentionally omitted (Part B); to amend the public authorities law, in relation to Belleayre Mountain ski center (Part C); and to repeal section 285-a and subdivision 12 of section 283 of the agriculture and markets law, relating to direct marketing advisory councils for regional marketing areas; to repeal section 7 of chapter 654 of the laws of 1994, amending the transportation law and other laws relating to equipment requirements for registered farm vehicles, relating to the agricultural transportation review panel; to repeal section 285-b of the agriculture and markets law, relating to the Hudson valley agricultural advisory council; to repeal article 4 of the state technology law, relating to the state-wide wireless network advisory council; to repeal section 372-a of the social services law, relating to the child welfare research advisory panel; to amend the public health law, in relation to provision of information about the abandoned infant protection act; to repeal sections 520 and 521 of the executive law, relating to the boards of visitors; to repeal article 28 of the executive law and paragraph (p) of subdivision 1 of section 17 of the public officers law, relating to the upstate and downstate New York tourism councils; to repeal section 92-y of the state finance law, relating to the upstate New York tourism council fund; to amend the highway law and the education law, in relation to removing reference to the upstate and downstate New York tourism councils; to repeal section 120 of the economic development law, relating to the advisory board within the division of minority and women's business development; to repeal section 27-0702 of the environmental conservation law, relating to the solid waste management board; to amend the environmental conservation law and the state finance law, in relation to removing reference to the solid waste management board; to amend the public authorities law, in relation to doing away with a technical advisory committee and the hazardous waste disposal advisory committee and to repeal certain provisions of law

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

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relating thereto; to repeal section 216-b of the vehicle and traffic law, relating to the tow truck advisory board; to repeal section 191 of the executive law, relating to the temporary advisory committee on restoration and display of New York state's military battle flags; to repeal subdivision 9 of section 3.23 of the parks, recreation and historic preservation law, relating to the advisory council within the New York state conservation corps; to repeal section 89-mmm of the general business law, relating to the armored car carrier advisory board; to amend the executive law and the general business law, in relation to removing reference to the armored car carrier advisory board and to repeal certain provisions of the general business law relating thereto; to repeal section 923 of the executive law, relating to the Long Island Sound coastal advisory commission; to repeal subdivision 14 of section 601 and sections 611 and 612 of the executive law, relating to the manufactured housing advisory council; to amend the executive law, in relation to removing reference to the manufactured housing advisory council; to repeal section 433-a of the general business law, relating to the barbers board; to amend the social services law, in relation to doing away with the advisory committee on legal advocacy; to repeal subdivisions 8 and 9 of section 350, subdivision 16 of section 353, and sections 365, 365-a, 365-b, 365-c, 365-d, 365-e, 365-f and 365-g of the executive law, relating to the veterans' hall of fame and the New York state veterans' hall of fame council; to repeal section 154 of the labor law, relating to the child performer advisory board to prevent eating disorders; to repeal title 11 of article 24 of the environmental conservation law, relating to appeal and review of matters affecting freshwater wetlands; to amend the environmental conservation law, in relation to appeal and reviews of matters affecting freshwater wetlands; to repeal subdivision 3 of section 1-0303, article 5, section 19-0917 and subdivision 4 of section 29-0103 of the environmental conservation law, relating to the state environmental board; to amend the environmental conservation law, in relation to removing reference to the state environmental board; to repeal sections 9-0705, 9-0707, 9-0709 and 9-0711 of the environmental conservation law, relating to the regional forest practice boards and the state forest practice board; to amend the environmental conservation law, in relation to removing reference to the regional forest practice boards; to repeal subdivision 1 of section 444-b of the real property law, relating to the state home inspection council; to amend the real property law, in relation to removing reference to the state home inspection council; to repeal subdivision 6 of section 69-n of the general business law, in relation to the advisory committee on the business of installing security or fire alarm systems; to repeal chapter 868 of the laws of 1976 relating to the organic food advisory committee, relating thereto; to repeal subdivisions 6, 7, 8, and 9 of section 73-b of the agriculture and markets law, relating to the New York state veterinary diagnostic laboratory; to amend the agriculture and markets law, in relation to duties of the New York state veterinary diagnostic laboratory and in relation to the New York state animal health issues committee; to repeal section 13-0308 of the environmental conservation law, relating to the surf clam/ocean quahog management advisory board; to amend the environmental conservation law and the state finance law, in relation to removing reference to the surf clam/ocean quahog management advisory board; to repeal section 2407 and subdivision 5 of section 2409 of the public health law, relating to the breast and cervical cancer

detection and education program advisory council and the ovarian cancer information advisory council; to amend the public health law, in relation to creating the breast, cervical and ovarian cancer detection and education program advisory council; and to repeal section 844-a of the executive law, relating to the New York statewide law enforcement telecommunications committee (Part D)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2012-2013
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through D. 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 Intentionally Omitted

14 PART B
15 Intentionally Omitted

16 PART C

17 Section 1. Section 2607 of the public authorities law is amended by
18 adding a new subdivision 8 to read as follows:

19 8. THE TERM "BELLEAYRE MOUNTAIN SKI CENTER" SHALL MEAN THE STATE OWNED
20 SKI CENTER LOCATED IN THE TOWN OF SHANDAKEN, ULSTER COUNTY, AS WELL AS
21 APPURTENANT FACILITIES USED IN CONJUNCTION WITH THE RECREATIONAL MISSION
22 OF THE SKI CENTER DURING THE CALENDAR YEAR, AND SHALL ALSO INCLUDE ALL
23 SKI TRAILS NOW EXISTING OR HEREINAFTER CREATED WHICH ARE A PART OF THE
24 SKI CENTER. THE APPURTENANT FACILITIES SHALL BE DEFINED SPECIFICALLY BY
25 THE AUTHORITY AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION AND
26 SUCH DEFINITION SHALL BE FILED IN THE OFFICES OF THE AUTHORITY AND WITH
27 THE CLERKS OF THE TOWNS OF SHANDAKEN, ULSTER COUNTY AND MIDDLETOWN IN
28 DELAWARE COUNTY.

29 S 2. Section 2608 of the public authorities law, as added by chapter
30 404 of the laws of 1981, subdivision 1 as amended by chapter 592 of the
31 laws of 1984, subdivision 2 as amended by chapter 55 of the laws of
32 1992, subdivisions 3 and 4 as amended by chapter 99 of the laws of 1984,
33 is amended to read as follows:

34 S 2608. New York state olympic regional development authority. 1. For
35 the purposes of effectuating the policy declared in section twenty-six
36 hundred six of this title, there is hereby created the "New York state
37 olympic regional development authority", referred to in this title as
38 "the authority", which shall be a body corporate and politic constitut-
39 ing a public benefit corporation. The authority shall consist of [ten]

1 TWELVE members who shall be the commissioner of environmental conserva-
2 tion, the commissioner of [commerce] ECONOMIC DEVELOPMENT, the commis-
3 sioner of parks, recreation and historic preservation and [seven] NINE
4 persons to be appointed by the governor, by and with the advice and
5 consent of the senate. Of the [seven] NINE persons appointed by the
6 governor, by and with the advice and consent of the senate, one each
7 shall be appointed upon the recommendation of the temporary president of
8 the senate and the speaker of the assembly. Three of the persons
9 appointed by the governor, by and with the advice and consent of the
10 senate shall be appointed upon the recommendation of the town board of
11 the town of North Elba and shall be residents of the park district. TWO
12 PERSONS SHALL BE APPOINTED BY THE GOVERNOR, BY AND WITH THE ADVICE AND
13 CONSENT OF THE SENATE, ONE OF WHOM SHALL RESIDE IN ULSTER COUNTY AND THE
14 OTHER OF WHOM SHALL RESIDE IN DELAWARE COUNTY. One of the persons
15 appointed by the governor, by and with the advice and consent of the
16 senate, shall be a resident of Warren county. The governor shall
17 appoint a [chairman and] CHAIRPERSON, a [vice chairman] VICE-CHAIRPERSON
18 AND A SECOND VICE-CHAIRPERSON from among any of the members of the
19 authority and such [chairman and vice chairman] CHAIRPERSON, VICE-CHAIR-
20 PERSON AND SECOND VICE-CHAIRPERSON shall serve at the pleasure of the
21 governor, provided, however, that the [vice chairman] VICE-CHAIRPERSON
22 shall be appointed on the recommendation of the town board of North
23 Elba; AND THE SECOND VICE-CHAIRPERSON SHALL BE APPOINTED UPON THE RECOM-
24 MENDATION OF THE TOWN BOARDS OF THE TOWN OF SHANDAKEN IN ULSTER COUNTY
25 AND THE TOWN OF MIDDLETOWN IN DELAWARE COUNTY; AND MUST BE A RESIDENT OF
26 ULSTER OR DELAWARE COUNTIES; WITH A MAJORITY VOTE OF THE COMBINED TWO
27 TOWN BOARDS DETERMINING WHO SHALL BE RECOMMENDED TO THE GOVERNOR FOR
28 APPOINTMENT OF THAT POSITION. From among any candidates recommended by
29 the chairman, the members shall appoint a president/chief executive
30 officer of the authority.

31 The members first appointed by the governor shall be appointed within
32 thirty days of the effective date of this title. THE MEMBERS APPOINTED
33 AS A RESULT OF THE ENACTMENT OF THE CHAPTER OF THE LAWS OF TWO THOUSAND
34 TWELVE WHICH AMENDED THIS SECTION, CONSISTING OF THE ELEVENTH AND
35 TWELFTH BOARD MEMBERS, SHALL BE APPOINTED WITHIN NINETY DAYS OF THE
36 EFFECTIVE DATE OF SUCH CHAPTER. The FIRST members [first] appointed by
37 the governor upon the recommendation of the temporary president of the
38 senate and the speaker of the assembly shall serve terms of three years
39 respectively from January first next succeeding their appointment. The
40 remaining four members first appointed by the governor shall serve terms
41 of one, two, four and five years respectively from January first next
42 succeeding their appointment. The fifth member appointed by the governor
43 shall serve a term of two years from January first, next succeeding his
44 or her appointment. Each appointment of a member following the expira-
45 tion of the original terms of the appointment shall be for a term of
46 five years. THE MEMBERS APPOINTED BY THE GOVERNOR WHO ARE REQUIRED TO
47 RESIDE IN EITHER DELAWARE OR ULSTER COUNTIES OR IN THE TOWNS OF SHANDAK-
48 EN OR MIDDLETOWN SHALL BE APPOINTED FOR TERMS OF FOUR YEARS. Members
49 shall continue to hold office until their successors have been appointed
50 and qualified. In the event of a vacancy occurring during the term of a
51 member's appointment, by reason of death, resignation, disqualification
52 or otherwise, such vacancy shall be filled for the unexpired term in the
53 same manner as the original appointment.

54 2. The members of the authority shall not receive a salary or other
55 compensation for their services as members of the authority but each
56 member shall be allowed reimbursement for the necessary and actual

1 expenses which he or she shall incur in the performance of his or her
2 duties under this title.

3 3. The president/chief executive officer shall serve at the pleasure
4 of the members and shall be responsible for the discharge of the execu-
5 tive and administrative functions and exercise of any power or function
6 of the authority.

7 4. [Six] SEVEN members of the authority shall constitute a quorum for
8 the transaction of any business or the exercise of any power or function
9 of the authority. The authority may delegate to one or more of its
10 members, officers, agents and employees, such powers and duties as it
11 may deem proper. The commissioner of environmental conservation, the
12 commissioner of [commerce] ECONOMIC DEVELOPMENT, the commissioner of
13 parks and recreation and any other member of the authority who is a full
14 time employee of the state or who holds public office may designate one
15 person from his department or from the public corporation in which he
16 holds a public office to represent him at all meetings of the authority
17 from which such member may be absent. Any representative so designated
18 shall have the power to attend and to vote at any meeting of the author-
19 ity from which the member so designating him is absent, with the same
20 force and effect as if the member designating him were present and
21 voting. Such designation shall be by written notice filed with the
22 chairman of the authority by the member making the designation and shall
23 be for a term of one year or until such representative shall resign or
24 shall no longer be employed by the department of which such member
25 making the designation is an employee or by the public corporation of
26 which such member making the designation holds a public office or until
27 revoked by the person making such designation. Such designation shall
28 not limit the power of the member making the designation to attend and
29 vote in person at any meeting of the authority.

30 5. The authority shall be a "state agency" for the purposes of
31 sections seventy-three and seventy-four of the public officers law.

32 6. Notwithstanding any inconsistent provisions of this or any other
33 law, general, special or local, no officer or employee of the state, as
34 defined in the public officers law, or of the park district shall be
35 deemed to have forfeited or shall forfeit his office of employment or
36 any benefits provided under the retirement and social security law or
37 under any public retirement system maintained by the state or any of its
38 subdivisions by reason of his acceptance of membership on or chairman-
39 ship of the authority; provided, however, a member or chairman who holds
40 such other public office of employment shall receive no additional
41 compensation for services rendered pursuant to this title, but shall be
42 entitled to reimbursement for his actual and necessary expenses incurred
43 in the performance of such services.

44 7. The governor may remove any member of the authority for cause,
45 other than the commissioner of environmental conservation, the commis-
46 sioner of [commerce] ECONOMIC DEVELOPMENT and the commissioner of parks
47 and recreation, after giving him a copy of the charges against him and
48 an opportunity to be heard, in person or by counsel in his defense, upon
49 not less than ten days' notice. If any member shall be so removed, the
50 governor shall file in the office of the department of state a complete
51 statement of charges made against such member, and his findings thereon,
52 together with a complete record of the proceedings.

53 8. The principal office of the authority shall be located in the town
54 of North Elba AND THE AUTHORITY SHALL ESTABLISH A SECOND OFFICE, IN THE
55 TOWN OF EITHER SHANDAKEN IN ULSTER COUNTY OR MIDDLETOWN IN DELAWARE
56 COUNTY.

1 9. VOTES OF THE BOARD OF THE AUTHORITY RELATING TO THE EXPENDITURES OF
2 FUNDS FOR THE ASSETS MANAGED OR OWNED BY THE AUTHORITY SHALL REQUIRE THE
3 AFFIRMATIVE VOTE OF AT LEAST ONE OF THE TWO PERSONS APPOINTED BY THE
4 GOVERNOR WHO ARE REQUIRED TO RESIDE IN ULSTER OR DELAWARE COUNTIES OR,
5 EXCEPT THAT IF EIGHT OF THE REMAINING TEN MEMBERS VOTE IN THE AFFIRMA-
6 TIVE ON A MATTER BEFORE THE BOARD, THEN THE VOTE OF AT LEAST ONE OF THE
7 MEMBERS REQUIRED TO RESIDE IN ULSTER OR DELAWARE COUNTIES SHALL NOT BE
8 NECESSARY IN ORDER TO ACT. NOTHING SHALL PRECLUDE THE USE OF MEETINGS
9 AND VOTES BY VIDEO CONFERENCE OR OTHER CONFERENCING WHICH PERMITS
10 CONFEREES TO SEE THE OTHER MEMBERS DURING BOARD MEETINGS THROUGH TELE-
11 VISION OR THE INTERNET.

12 S 3. Section 2609 of the public authorities law is amended by adding a
13 new subdivision 4 to read as follows:

14 4. ON OR PRIOR TO JANUARY FIRST, TWO THOUSAND THIRTEEN, AN ADDITIONAL
15 SIX PERSONS SHALL BE APPOINTED TO THE COMMUNITY ADVISORY COUNCIL, WHO
16 SHALL BE FROM THE COUNTIES OF DELAWARE OR ULSTER, AND WHO SHALL BE
17 APPOINTED UPON THE UNANIMOUS RECOMMENDATION OF THE CHAIRPERSON OF THE
18 DELAWARE COUNTY BOARD OF SUPERVISORS AND THE CHAIRPERSON OF THE ULSTER
19 COUNTY LEGISLATURE TO SERVE TERMS OF TWO YEARS EACH. ALL OTHER REQUIRE-
20 MENTS OF SUBDIVISIONS ONE, TWO, AND THREE OF THIS SECTION SHALL BE MET.

21 S 4. Subdivisions 4, 6, 7, 9, 12 and 15 of section 2611 of the public
22 authorities law, as added by chapter 404 of the laws of 1981, subdivi-
23 sion 15 as renumbered by chapter 38 of the laws of 1987, are amended to
24 read as follows:

25 4. To make and alter by-laws for its organization and internal manage-
26 ment, and rules and regulations governing the exercise of its powers and
27 the fulfillment of its purposes under this title. Such rules and regu-
28 lations must be filed with the secretary of state and the town clerk of
29 North Elba AND THE TOWN CLERK OF THE TOWNS OF SHANDAKEN AND MIDDLETOWN;

30 6. To schedule and book events at participating olympic facilities,
31 AND THE FACILITIES OF BELLEAYRE MOUNTAIN SKI CENTER AND OTHER PROPERTIES
32 OWNED OR CONTROLLED BY THE AUTHORITY with public and private individ-
33 uals, organizations, groups and other entities desiring to use such
34 facilities for conducting events and activities appropriate to the
35 purposes of the authority;

36 7. To enter into contracts, leases and subleases and to execute all
37 instruments necessary or convenient for the conduct of authority busi-
38 ness, including BUT NOT LIMITED TO agreements with the park district and
39 any state agency which administers, owns or supervises any olympic
40 facility, as provided in sections twenty-six hundred twelve and twenty-
41 six hundred fourteen of this title;

42 9. To enter into contracts to operate, maintain and manage olympic
43 facilities AND THE BELLEAYRE MOUNTAIN SKI CENTER;

44 12. To operate, or contract for the operation of, concession services
45 at any participating olympic facility OR THE BELLEAYRE MOUNTAIN SKI
46 CENTER;

47 15. To procure insurance against any loss or liability in connection
48 with the use, management, maintenance and operation of the participating
49 olympic facilities AND/OR BELLEAYRE MOUNTAIN SKI CENTER, in such amounts
50 and from such insurers, subject to public bidding as it deems desirable;
51 and

52 S 5. Section 2614 of the public authorities law is amended by adding a
53 new subdivision 5 to read as follows:

54 5. THE AUTHORITY SHALL OPERATE THE BELLEAYRE MOUNTAIN SKI CENTER IN A
55 MANNER WHICH INCLUDES SNOW SKIING AND SNOW-BOARDING DURING ALL OR PARTS
56 OF THE MONTHS OF NOVEMBER, DECEMBER, JANUARY, FEBRUARY, MARCH, AND

1 APRIL, CONDITIONS PERMITTING; AND SHALL INCLUDE THE OPERATION OF A LAKE
2 AND BEACH AND SHALL ALSO INCLUDE A SUMMER CONCERT SERIES IF IT CAN
3 CONTRACT WITH AN ENTITY TO OPERATE SUCH SERIES; AND MAY INCLUDE MOUNTAIN
4 BIKING AND CHAIR LIFT RIDES DURING THE SUMMER MONTHS AND SUCH OTHER
5 SERVICES AND ATTRACTIONS AT ANY TIME AS THE AUTHORITY SHALL DEEM APPRO-
6 PRIATE INCLUDING BUT NOT LIMITED TO THE OPERATION OF A LAKE AND BEACH.
7 THE AUTHORITY SHALL RETAIN AN ON-SITE GENERAL MANAGER APPOINTED BY THE
8 AUTHORITY BOARD FOR THE BELLEAYRE MOUNTAIN SKI CENTER ON A YEAR ROUND
9 BASIS. SUCH GENERAL MANAGER SHALL BE RESPONSIBLE FOR THE ON-MOUNTAIN
10 MANAGEMENT OF THE FACILITY AND THE MARKETING OF THE FACILITY ON A YEAR
11 ROUND BASIS, CONSISTENT FUNDS MADE AVAILABLE FROM THE AUTHORITY AND
12 CONSISTENT WITH THE PRACTICES OTHERWISE GENERALLY EXISTING IN THE SKI
13 INDUSTRY. EXAMPLES OF SUCH PRACTICES MAY INCLUDE JOINT PROMOTIONAL
14 VENTURES WITH LOCAL CHAMBERS OF COMMERCE OF LODGING AND TOURISM BUREAUS,
15 JOINT PROMOTIONS WITH OTHER ATTRACTIONS IN THE CATSKILLS TOURISM REGION
16 AND, TO THE EXTENT APPROVED BY THE AUTHORITY, JOINT PROMOTIONAL EFFORTS
17 WITH OTHER ASSETS OF THE AUTHORITY. THE GENERAL MANAGER RETAINED BY THE
18 AUTHORITY SHALL HAVE A DEMONSTRATED KNOWLEDGE OF THE SKI AND TOURISM
19 INDUSTRY WITH SUBSTANTIAL EXPERIENCE AND RESPONSIBILITY IN THE MANAGE-
20 MENT OF THE OPERATIONS AND PROMOTION OF A SKI CENTER. THE TWO MEMBERS OF
21 THE AUTHORITY WHO ARE REQUIRED TO RESIDE IN DELAWARE OR ULSTER COUNTIES
22 SHALL BE CONSULTED WITH BY THE EXECUTIVE DIRECTOR OR HEAD OF THE AUTHOR-
23 ITY IN THE HIRING OF THE FIRST GENERAL MANAGER PRIOR TO THE EXECUTIVE
24 DIRECTOR'S RECOMMENDING A PARTICULAR PERSON FOR SUCH POSITION. THE
25 VIEWS OF THE TWO BOARD MEMBERS OF THE AUTHORITY WHO ARE REQUIRED TO
26 RESIDE IN DELAWARE AND ULSTER COUNTIES SHALL BE GIVEN SUBSTANTIAL
27 CONSIDERATION BY THE EXECUTIVE DIRECTOR OR HEAD OF THE AUTHORITY IN
28 SUBMITTING HIS OR HER RECOMMENDATION TO THE FULL AUTHORITY BOARD FOR ITS
29 ULTIMATE DECISION RELATING TO THE HIRING OF THE FIRST GENERAL MANAGER.
30 UNTIL SUCH TIME AS A GENERAL MANAGER IS RETAINED BY THE AUTHORITY, THE
31 CURRENT SUPERINTENDENT OF THE BELLEAYRE MOUNTAIN SKI CENTER SHALL ACT AS
32 GENERAL MANAGER. IT IS EXPRESSLY PROVIDED THAT NOTHING SHALL PRECLUDE
33 THE CURRENT SUPERINTENDENT OF BELLEAYRE MOUNTAIN SKI CENTER FROM BEING
34 CONSIDERED TO BE RETAINED AS THE FIRST GENERAL MANAGER TO BE APPOINTED
35 BY THE AUTHORITY.

36 S 6. Subdivision 2 of section 2616 of the public authorities law, as
37 amended by chapter 99 of the laws of 1984, is amended and a new subdivi-
38 sion 7 is added to read as follows:

39 2. On or before August fifteenth, nineteen hundred eighty-one, and on
40 each August fifteenth thereafter the chairman of the authority shall
41 make and deliver to the director of the budget for his approval and for
42 submission to the legislature a budget for the operation of the authori-
43 ty for the forthcoming fiscal year of the state. The chairman of the
44 authority shall deliver a copy of such budget to the chairman of the
45 senate finance committee and the chairman of the assembly ways and means
46 committee at the same time that the budget is delivered to the director
47 of the budget. The budget shall delineate the total amount needed for
48 authority purposes, including the funds required by the authority for
49 operation of the olympic facilities and the Gore Mountain ski center AND
50 THE BELLEAYRE MOUNTAIN SKI CENTER pursuant to agreements made in accord-
51 ance with sections twenty-six hundred twelve and twenty-six hundred
52 fourteen of this title, the source of all funds that the authority
53 expects to receive and such other information as the director of the
54 budget shall require. The director of the budget shall approve the
55 budget for the operation of the authority and the governor shall recom-
56 mend in his annual budget appropriations to the authority if the direc-

1 tor of the budget determines that the budget demonstrates that the
2 authority, without operating at a deficit, can continue in the forthcom-
3 ing fiscal year of the state, in the exercise of its corporate purposes,
4 powers, duties and functions with the appropriations from the state and
5 park district in the amounts determined in accordance with sections
6 twenty-six hundred twelve and twenty-six hundred fourteen of this title
7 and income received by the authority from other sources. The director of
8 the budget shall notify the park district, the chairman of the senate
9 finance committee and the chairman of the assembly ways and means
10 committee not later than October first of each year whether or not he
11 has approved the budget.

12 7. NOTHING SHALL PRECLUDE THE STATE FROM AUTHORIZING EXPENDITURES FROM
13 AVAILABLE FUNDS FOR THE AUTHORITY.

14 S 7. Section 2619 of the public authorities law, as amended by chapter
15 99 of the laws of 1984, is amended to read as follows:

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

35 S 8. Section 2621 of the public authorities law, as added by chapter
36 404 of the laws of 1981, is amended to read as follows:

37 S 2621. Annual report. The authority shall submit to the governor, the
38 chairman of the senate finance committee, the chairman of the assembly
39 ways and means committee, the comptroller, the director of the budget,
40 THE SUPERVISOR OF THE TOWN OF SHANDAKEN, THE SUPERVISOR OF THE TOWN OF
41 MIDDLETOWN, and the supervisor of the town of North Elba within ninety
42 days after the end of its fiscal year, a complete and detailed report
43 setting forth: (1) its operations and accomplishments and (2) its
44 receipts and expenditures during such fiscal year in accordance with the
45 categories or classifications established by the authority for its oper-
46 ating and capital outlay purposes. SUCH REPORT SHALL NOT BE REQUIRED TO
47 BE SUBMITTED IN PRINT IF THE RECIPIENT OF THE REPORT AGREES TO ACCEPT
48 SUCH REPORT IN ELECTRONIC FORMAT.

49 S 9. Subdivision 4 of section 2622 of the public authorities law, as
50 added by chapter 169 of the laws of 1994, is amended to read as follows:

51 4. Notwithstanding subdivision three of this section, exclusive juris-
52 diction is hereby conferred upon the court of claims to hear and deter-
53 mine any claim of any person brought hereafter against the authority to
54 recover damages for injuries to property or for personal injury arising
55 out of the operation by the authority of any participating olympic
56 facility owned by the state or of THE BELLEAYRE MOUNTAIN SKI CENTER OR

1 OF the Gore mountain ski center, in the same manner and to the extent
2 provided and subject to the provisions of the court of claims act with
3 respect to claims against the state, and to make awards and render judgments
4 therefor. The payment of awards and judgments for any such claims
5 brought in the supreme court pursuant to this title or in the court of
6 claims shall be made from appropriations for judgments against the state
7 pursuant to section twenty of the court of claims act.

8 S 10. Section 2629 of the public authorities law, as amended by chapter
9 99 of the laws of 1984, is amended to read as follows:

10 S 2629. Transfer of officers and employees. Upon execution of the
11 agreements for operation of the olympic facilities and the Gore Mountain
12 ski center AND THE BELLEAYRE MOUNTAIN SKI CENTER made pursuant to
13 sections two thousand six hundred twelve and two thousand six hundred
14 fourteen of this title, those employees of the state and the park
15 district who are determined by the authority to be essential to the
16 operation of the olympic facilities AND THE BELLEAYRE MOUNTAIN SKI
17 CENTER and the Gore Mountain ski center shall, with the approval of the
18 employer and the employee, be transferred to the employment of the
19 authority and shall be eligible for such transfer and appointment without
20 examination to comparable offices, positions and employment under
21 the authority. The salary or compensation of any such officer or employee
22 shall, after such transfer, be paid by the authority. Notwithstanding
23 the provisions of this act, any such officers or employees so transferred
24 to the authority, pursuant to the provisions of this section, who
25 are members of or beneficiaries under any existing pension or retirement
26 system, shall continue to have all rights, privileges, obligations and
27 status with respect to such fund system or systems as are prescribed by
28 law, but during the period of their employment by the authority, all
29 contributions to any pension or retirement fund or system to be paid by
30 the employer on account of such officers or employees, shall be paid by
31 the authority; and all such officers and employees who have been
32 appointed to positions under the rules and classifications of the state
33 civil service commission shall have the same status with respect thereto
34 after transfer to the authority as they had under their original
35 appointments.

36 S 11. This act shall take effect immediately.

37 PART D

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

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

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

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

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

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

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

51 1. All hospitals and clinics shall notify their prenatal care and
52 obstetric patients of the provisions of the abandoned infant protection
53 act[, using materials provided by the office of children and family
54 services, pursuant to section three hundred seventy-two-a of the social

services law]. The department shall develop agreements with societies and organizations of medical practitioners under which the department or the office of children and family services shall provide materials to such societies to provide appropriate education and outreach concerning the abandoned infant protection act to their members and the public. Criminal penalties for violation pursuant to subdivisions one and two of section twelve-b of this chapter shall not apply to this section.

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

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

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

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

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

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

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

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

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

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

1 within the Adirondack Park. The advisory board shall also consult with
2 the Hudson River Valley Communities Council regarding scenic byways
3 within the Hudson River Valley Greenway as defined in article forty-four
4 of the environmental conservation law. The advisory board shall consult
5 with the Niagara River Greenway Commission regarding scenic byways with-
6 in the Niagara River Greenway as defined in article thirty-nine of the
7 parks, recreation and historic preservation law. [The advisory board
8 shall consult with the upstate New York tourism council regarding scenic
9 byways in the upstate New York region, and with the downstate New York
10 tourism council regarding scenic byways in the downstate New York
11 region.]

12 S 15. Paragraph a of subdivision 1 of section 233-b of the education
13 law, as amended by section 3 of part Z of chapter 383 of the laws of
14 2001, is amended to read as follows:

15 a. There is hereby established within the department the New York
16 state freedom trail commission. The commission shall consist of twelve
17 members, to be appointed as follows: three members to be appointed by
18 the governor, three members to be appointed by the board of regents, two
19 members to be appointed by the temporary president of the senate, one
20 member to be appointed by the minority leader of the senate, two members
21 to be appointed by the speaker of the assembly, and one member to be
22 appointed by the minority leader of the assembly. Such members shall be
23 representative of academic or public historians, corporations, founda-
24 tions, historical societies, civic organizations, and religious denomi-
25 nations. In addition, the following state officers, or their designees,
26 shall serve as members of the commission: the commissioner of education,
27 the head of the state museum, the head of the state archives, the head
28 of the office of state history, the commissioner of economic develop-
29 ment, the head of the state tourism advisory council[, the chairperson
30 of the upstate New York tourism council, the chairperson of the down-
31 state New York tourism council,] and the commissioner of parks, recre-
32 ation and historic preservation.

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

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

36 S 18. The opening paragraph of subdivision 2 of section 27-0103 of the
37 environmental conservation law, as amended by chapter 55 of the laws of
38 1992, is amended to read as follows:

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

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

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

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

5 3. [To advise the corporation on technical matters, a technical advi-
6 sory committee shall be constituted to be composed of the commissioners
7 of transportation, commerce, health and environmental conservation, the
8 secretary of state, and five persons representative of affected indus-
9 tries to be appointed by the governor with the advice and consent of the
10 senate. Upon dissolution of the hazardous waste disposal advisory
11 committee pursuant to subdivision three of section twelve hundred eight-
12 y-five-f of this article, two members of that committee designated by
13 the governor shall become members of the committee established by this
14 subdivision which committee shall be expanded by two members.]

15 In [exercising] EXERCISING its responsibilities, the corporation
16 shall also cooperate and act in conjunction with industrial, commercial,
17 medical, scientific, public interest and educational organizations with-
18 in the state, and with agencies of the federal government, of the state
19 and its political subdivisions, of other states, and joint agencies
20 thereof.

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

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

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

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

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

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

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

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

44 S 28. Section 89-lll of the general business law, as added by chapter
45 557 of the laws of 1997, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

1. [a. There is hereby established within the department an advisory committee on legal advocacy (hereinafter to be referred to as the "advisory committee") which shall consist of nine members or their designated representatives. The advisory committee shall consist of the following nine members: the commissioner of mental health, the commissioner of mental retardation and developmental disabilities, the advocate for the disabled and six members appointed by the governor. The six members appointed by the governor shall include three representatives of interested public and private groups, and shall include three representatives of county government and the city of New York to be appointed from a list of six names submitted by the New York state association of counties. The commissioner shall coordinate the functions and activities of the department with those of the advisory committee.

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

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

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

4. Responsibility for local financial participation shall be determined by the commissioner based on either costs of and the number of district residents served by each local entity or the alternative cost

allocation procedure deemed appropriate by the commissioner [in consultation with the advisory committee].

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

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

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

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

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

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

1. The commissioner shall, as soon as practicable, conduct a study to identify and map those individual freshwater wetlands in the state of New York which shall have an area of at least twelve and four-tenths acres or more, or if less than twelve and four-tenths acres, (a) have, in the discretion of the commissioner[, and subject to review of his action by the board created pursuant to title eleven of this article,] unusual local importance for one or more of the specific benefits set forth in subdivision seven of section 24-0105 OF THIS ARTICLE or (b) are located within the Adirondack park and meet the definition of wetlands contained in subdivision sixty-eight of section eight hundred two [of article twenty-seven] of the executive law, and shall determine their characteristics. This study shall, in addition to such other data as the commissioner may determine to be included, consist of the freshwater wetlands inventory of the department of environmental conservation, currently being made, together with other available data on freshwater wetlands, whether assisted by the state of New York under the tidal wetlands act or otherwise, or assembled by federal or local governmental or private agencies, all of which information shall be assembled and integrated, as applicable, into a map of freshwater wetlands of the state of New York. Such study may, in the discretion of the commissioner, be carried out on a sectional or regional basis, as indicated by need, subject to overall completion in an expeditious fashion subject to the terms of this chapter. This map, and any orders issued pursuant to the provisions of this article, shall comprise a part of the statewide environmental plan as provided for in section 3-0303 of this chapter. As soon as practicable the commissioner shall file with the secretary of state a detailed description of the technical methods and requirements to be utilized in compiling the inventory, and he shall afford the public an opportunity to submit comments thereon.

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

5. Prior to the promulgation of the final freshwater wetlands map in a particular area and the implementation of a freshwater wetlands protection law or ordinance, no person shall conduct, or cause to be conducted, any activity for which a permit is required under section 24-0701 of this [article] TITLE on any freshwater wetland unless he has obtained a permit from the commissioner under this section. Any person may inquire of the department as to whether or not a given parcel of land will be designated a freshwater wetland subject to regulation. The department shall give a definite answer in writing within thirty days of such request as to whether such parcel will or will not be so designated. Provided that, in the event that weather or ground conditions

1 prevent the department from making a determination within thirty days,
2 it may extend such period until a determination can be made. Such answer
3 in the affirmative shall be reviewable [pursuant to title eleven of this
4 article]; such an answer in the negative shall be a complete defense to
5 the enforcement of this article as to such parcel of land. The commis-
6 sioner may by regulation adopted after public hearing exempt categories
7 or classes of wetlands or individual wetlands which he determines not to
8 be critical to the furtherance of the policies and purposes of this
9 article.

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

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

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

22 2. Where the activities otherwise subject to regulation under this
23 article involve freshwater wetlands located within the boundaries of the
24 Adirondack park, the inquiries referred to and the applications provided
25 for in section 24-0703 of this article shall be made to and filed with
26 the Adirondack park agency at its headquarters office, under such regu-
27 lations and procedures as the Adirondack park agency may promulgate. The
28 Adirondack park agency shall review the application in place of the
29 commissioner or local government as provided in section 24-0705 of this
30 article, having due regard for the declaration of policy and statement
31 of findings set forth in this article and for the considerations set
32 forth in subdivision one of section 24-0705 of this article. The agency
33 shall in addition determine prior to the granting of any permit that the
34 proposed activity will be consistent with the Adirondack park land use
35 and development plan and would not have an undue adverse impact upon the
36 natural, scenic, aesthetic, ecological, wildlife, historic, recreational
37 or open space resources of the park, taking into account the economic
38 and social or other benefits to be derived from the activity. Any person
39 may seek review of a ruling made solely pursuant to the provisions of
40 this article by the Adirondack park agency pursuant to the provisions of
41 [title eleven of this article or] article seventy-eight of the civil
42 practice law and rules.

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

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

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

56 S 24-0507. Reservation of local jurisdiction.

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

15 S 48. Subdivision 3 of section 1-0303 of the environmental conserva-
16 tion law is REPEALED.

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

20 a. [With the advice and approval of the board, adopt] ADOPT, amend or
21 repeal environmental standards, criteria and those rules and regulations
22 having the force and effect of standards and criteria to carry out the
23 purposes and provisions of this act. [Upon approval by the board of any]
24 ANY such environmental standard, criterion, rule or regulation or change
25 thereto[, it] shall become effective thirty days after being filed with
26 the Secretary of State for publication in the "Official Compilation of
27 Codes, Rules, and Regulations of the State of New York" published pursu-
28 ant to section 102 of the Executive Law. This provision shall not in any
29 way restrict the commissioner in the exercise of any function, power or
30 duty transferred to him OR HER and heretofore authorized to be exercised
31 by any other department acting through its commissioner to promulgate,
32 adopt, amend or repeal any standards, rules and regulations. No such
33 environmental standards, criterion, rule or regulation or change thereto
34 shall be proposed for approval unless a public hearing relating to the
35 subject of such standard shall be held by the commissioner prior thereto
36 not less than 30 days after date of notice therefor, any provision of
37 law to the contrary notwithstanding. Notice shall be given by public
38 advertisement of the date, time, place and purpose of such hearing.
39 [Members of the board shall be entitled to participate in such hearing
40 and opportunity to be heard by the commissioner with respect to the
41 subject thereof shall be given to the public.]

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

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

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

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

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

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

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

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

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

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

19 (iv) protecting public health or the environment;

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

23 (c) a review of the reasonably available alternative measures consid-
24 ered by the commissioner and an explanation of the reasons for rejecting
25 such alternatives.

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

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

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

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

43 S 55. Subdivision 1 of section 27-1315 of the environmental conserva-
44 tion law, as amended by section 7 of part E of chapter 1 of the laws of
45 2003, is amended to read as follows:

46 1. The commissioner shall have the power to promulgate rules and regu-
47 lations necessary and appropriate to carry out the purposes of this
48 title. Any [such] regulations shall include provisions which establish
49 the procedures for a hearing pursuant to subdivision four of section
50 27-1313 of this title[. Any such provisions] AND shall ensure a division
51 of functions between the commissioner, the staff who present the case,
52 and any hearing officers appointed. In addition, any [such] regulations
53 shall set forth findings to be based on a factual record, which must be
54 made before the commissioner determines that a significant threat to the
55 environment exists. [Rules and regulations promulgated pursuant to this
56 title shall be subject to the approval of a board, which shall be known

1 as the inactive hazardous waste disposal site regulation review board,
2 which shall have the same members, rules, and procedures as the state
3 environmental board.]

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

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

12 S 57. Subdivision 4 of section 29-0103 of the environmental conserva-
13 tion law is REPEALED.

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

17 4. In conjunction with one or more applications for permits, the
18 department may, on request of an applicant undertake a conceptual review
19 of a proposed project evaluating the general approvability or nonapprov-
20 ability of a proposed project, including all proposed phases or segments
21 thereof, subject to the development and submission of more detailed
22 plans and information and such additional applications for permits in
23 the future as may be necessary. The department shall, in rules and regu-
24 lations [approved by the state environmental board], establish criteria
25 and guidelines for the conceptual review of proposed projects. The
26 department shall establish, in rules and regulations adopted pursuant to
27 section 70-0107 of this chapter, procedures governing the conceptual
28 review of proposed projects.

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

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

33 S 9-0713. State assistance.

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

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

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

51 4. "Home inspection" means the process by which a home inspector
52 observes and provides a written report of the systems and components of
53 a residential building including but not limited to heating system,
54 cooling system, plumbing system, electrical system, structural compo-
55 nents, foundation, roof, masonry structure, exterior and interior compo-
56 nents or any other related residential building component as recommended

[by the home inspection council and implemented] OR REQUIRED by the department through regulation to provide a client with objective information about the condition of the residential building. The home inspector shall clearly identify in the written report which systems and components of the residential building were observed. A home inspection shall not include an inspection for radon or pests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) pay the applicable fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 S 70. Subdivisions 6, 7, 8 and 9 of section 73-b of the agriculture
42 and markets law are REPEALED and subdivision 10 is renumbered subdivision
43 6.

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

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

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

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

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

1 (d) assess the feasibility of the consolidation, expansion and modern-
2 ization of the current physical facilities of the laboratory;

3 (E) PROVIDE ADVICE AND RECOMMENDATIONS TO THE DIRECTOR OF THE DIAGNOS-
4 TIC LABORATORY REGARDING THE EFFECTIVENESS OF VETERINARY DIAGNOSTIC
5 LABORATORY SERVICES; AND

6 (F) PROVIDE ADVICE AND RECOMMENDATIONS TO THE COMMISSIONER AND THE
7 DIRECTOR OF THE DIAGNOSTIC LABORATORY REGARDING ANIMAL HEALTH PROGRAMS
8 ADMINISTERED BY THE DEPARTMENT, TO INCLUDE BUT NOT BE LIMITED TO THE NEW
9 YORK STATE CATTLE HEALTH ASSURANCE PROGRAM AND THE EGG QUALITY ASSURANCE
10 PROGRAM.

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

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

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

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

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

29 S 75. Subparagraph (ii) of paragraph 3 of subdivision (a) of section
30 83 of the state finance law, as amended by section 6 of part A of chap-
31 ter 58 of the laws of 1998, is amended to read as follows:

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

42 S 76. Intentionally omitted.

43 S 77. Intentionally omitted.

44 S 78. Intentionally omitted.

45 S 79. Intentionally omitted.

46 S 80. Intentionally omitted.

47 S 81. Intentionally omitted.

48 S 82. Intentionally omitted.

49 S 83. Intentionally omitted.

50 S 84. Intentionally omitted.

51 S 85. Intentionally omitted.

52 S 86. Intentionally omitted.

53 S 87. Intentionally omitted.

54 S 88. Intentionally omitted.

55 S 89. Intentionally omitted.

56 S 90. Intentionally omitted.

1 S 91. Intentionally omitted.
2 S 92. Intentionally omitted.
3 S 93. Intentionally omitted.
4 S 94. Intentionally omitted.
5 S 95. Intentionally omitted.
6 S 96. Intentionally omitted.
7 S 97. Intentionally omitted.
8 S 98. Intentionally omitted.
9 S 99. Intentionally omitted.
10 S 100. Intentionally omitted.
11 S 101. Intentionally omitted.
12 S 102. Intentionally omitted.
13 S 103. Intentionally omitted.
14 S 104. Intentionally omitted.
15 S 105. Intentionally omitted.
16 S 106. Intentionally omitted.
17 S 107. Intentionally omitted.
18 S 108. Intentionally omitted.
19 S 109. Intentionally omitted.
20 S 110. Section 2407 of the public health law is REPEALED.
21 S 111. Subdivision 5 of section 2409 of the public health law is
22 REPEALED and subdivisions 6 and 7 are renumbered subdivisions 5 and 6.
23 S 112. The public health law is amended by adding a new section 2409-a
24 to read as follows:
25 S 2409-A. ADVISORY COUNCIL. 1. THERE IS HEREBY ESTABLISHED IN THE
26 DEPARTMENT THE BREAST, CERVICAL AND OVARIAN CANCER DETECTION AND EDUCA-
27 TION PROGRAM ADVISORY COUNCIL, FOR THE PURPOSE OF ADVISING THE COMMIS-
28 SIONER WITH REGARDS TO PROVIDING INFORMATION TO CONSUMERS, PATIENTS, AND
29 HEALTH CARE PROVIDERS RELATING, BUT NOT LIMITED TO, BREAST, CERVICAL AND
30 OVARIAN CANCER, INCLUDING SIGNS AND SYMPTOMS, RISK FACTORS, THE BENEFITS
31 OF PREVENTION AND EARLY DETECTION, GUIDELINE CONCORDANT CANCER SCREENING
32 AND DISEASE MANAGEMENT, OPTIONS FOR DIAGNOSTIC TESTING AND TREATMENT,
33 NEW TECHNOLOGIES, AND SURVIVORSHIP.
34 2. THE ADVISORY COUNCIL SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT
35 REGARDING THE PROMOTION AND IMPLEMENTATION OF PROGRAMS UNDER SECTIONS
36 TWENTY-FOUR HUNDRED SIX AND TWENTY-FOUR HUNDRED NINE OF THIS TITLE.
37 3. THE COMMISSIONER SHALL APPOINT TWENTY-ONE VOTING MEMBERS, WHICH
38 SHALL INCLUDE REPRESENTATION OF HEALTH CARE PROFESSIONALS, CONSUMERS,
39 PATIENTS AND OTHER APPROPRIATE INTEREST REFLECTIVE OF THE DIVERSITY OF
40 THE STATE, WITH EXPERTISE IN BREAST, CERVICAL AND/OR OVARIAN CANCER. THE
41 COMMISSIONER SHALL APPOINT ONE MEMBER AS A CHAIRPERSON. THE MEMBERS OF
42 THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL
43 BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN PERFORMANCE
44 OF THEIR DUTIES.
45 4. A MAJORITY OF THE APPOINTED VOTING MEMBERSHIP OF THE BOARD SHALL
46 CONSTITUTE QUORUM.
47 5. THE ADVISORY COUNCIL SHALL MEET AT LEAST TWICE A YEAR, AT THE
48 REQUEST OF THE DEPARTMENT.
49 S 113. Section 844-a of the executive law is REPEALED.
50 S 114. This act shall take effect immediately; provided that:
51 (a) the amendments to the opening paragraph of subdivision 15 of
52 section 13-0309 of the environmental conservation law, made by section
53 seventy-four of this act, shall take effect on the same date as the
54 reversion of such subdivision as provided in section 2 of chapter 158 of
55 the laws of 2011, as amended.

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

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

15 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
16 sion, section or part of this act shall be adjudged by any court of
17 competent jurisdiction to be invalid, such judgment shall not affect,
18 impair, or invalidate the remainder thereof, but shall be confined in
19 its operation to the clause, sentence, paragraph, subdivision, section
20 or part thereof directly involved in the controversy in which such judg-
21 ment shall have been rendered. It is hereby declared to be the intent of
22 the legislature that this act would have been enacted even if such
23 invalid provisions had not been included herein.

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