

6357--C

I N S E N A T E

January 21, 2014

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

AN ACT to amend the highway law 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, in relation to the consolidated local street and highway improvement program (CHIPS), suburban highway improvement program (SHIPS), multi-modal and Marchiselli programs; and to repeal certain provisions of chapter 329 of the laws of 1991 relating thereto (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend chapter 58 of the laws of 2013, relating to the hours of operation of the department of motor vehicles and providing for the repeal of such provisions upon expiration thereof, in relation to the effectiveness thereof (Part D); to amend the vehicle and traffic law and the state finance law, in relation to the authorization of the department of motor vehicles to provide the accident prevention course internet program; to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law, relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof; and to repeal certain provisions of the vehicle and traffic law relating thereto (Part E); intentionally omitted (Part F); to amend the public authorities law, in relation to toll collection regulations; to amend the vehicle and traffic law, in relation to liability of vehicle owners for toll collection violations; and to amend chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, in relation to tolls and other charges (Part G); to amend chapter 67 of the laws of 1992, amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to the effective date

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

LBD12673-05-4

thereof; and to amend the environmental conservation law, in relation to pesticide registration fees and reporting (Part H); to amend the environmental conservation law, the penal law and the vehicle and traffic law, in relation to authorizing crossbow hunting and issuance of distinctive "I Love New York" plates; and to repeal subdivisions 11 and 16 of section 11-0901 of the environmental conservation law relating thereto (Part I); to amend the agriculture and markets law, in relation to granting, suspending or revoking licenses for food processing establishments (Part J); intentionally omitted (Part K); 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 L); intentionally omitted (Part M); 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 extending the expiration date thereof (Part N); to amend the business corporation law and the not-for-profit corporation law, in relation to the transmission of incorporation certificates to county clerks (Part O); to amend the executive law, in relation to the national registry fee (Part P); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part Q); to amend the public service law, in relation to authorizing the department of public service to increase program efficiencies; and to repeal certain provisions of the public service law relating thereto (Part R); to amend the public service law, in relation to the temporary state energy and utility service conservation assessment (Part S); to amend the insurance law, in relation to unauthorized providers of health services and the examination of providers of health services; to amend the penal law and the criminal procedure law, in relation to criminalizing acting as a runner or soliciting or employing a runner to procure patients or clients; to amend the penal law, in relation to staging a motor vehicle accident; and to amend the insurance law and the vehicle and traffic law, in relation to permitting an insurer to rescind or retroactively cancel a policy in certain circumstances (Part T); to amend the insurance law, the public health law and the financial services law, in relation to establishing protections to prevent surprise medical bills including network adequacy requirements, claim submission requirements, access to out-of-network care and prohibition of excessive emergency charges (Part U); to amend the insurance law, in relation to the licensing of agents of authorized title insurance corporations; to amend the tax law, in relation to excluding abstracts of title and other public records from the imposition of sales tax; and to repeal certain provisions of the insurance law relating thereto (Part V); to amend chapter 58 of the laws of 2012 amending the public authorities law relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to extending certain authority of the dormitory authority of the state of New York (Part W); intentionally omitted (Part X); to amend the public health law, in relation to fees in connection with certain health care facility financings; and to repeal section 2976-a of the public authorities law relating thereto (Part Y); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part Z); to amend chapter 393 of the laws of 1994, amending the New York state

urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part AA); to amend the tax law and the state finance law, in relation to deposits in the upstate special aid account (Part BB); to amend the vehicle and traffic law, in relation to the definition of an all terrain vehicle or "ATV" (Part CC); to amend the real property tax law, in relation to establishing a green development home tax exemption (Part DD); to amend the highway law, in relation to the "St. Lawrence Wine Trail" (Part EE); to amend the state finance law, in relation to establishing the bridge and road investment and dedicated fund guaranteed enforcement "BRIDGE" reform act (Part FF); to amend the highway law, in relation to the establishment of roadside rest areas along certain interstate highways (Part GG); to amend the state finance law, in relation to how amounts appropriated to the department of transportation shall be made available (Part HH); to amend the economic development law and the public authorities law, in relation to enacting the northern New York power proceeds allocation act (Part II); to amend the labor law, in relation to exempting contractors employed by certain municipalities from payment of asbestos project notification fees for demolitions and in relation to asbestos project notification fees (Part JJ); to amend part A of chapter 173 of the laws of 2013, amending the public service law and other laws relating to the powers and duties of the department of public service and the Long Island power authority, in relation to the repowering of certain power generating facilities (Part KK); to amend the urban development corporation act, in relation to a young farmers NY fund (Part LL); to amend the vehicle and traffic law, in relation to non-divisible load permits; providing for the repeal of such provisions upon expiration thereof (Part MM); to amend the agriculture and markets law, in relation to the young farmer revolving loan fund program (Part NN); to amend the vehicle and traffic law, in relation to providing for a discount on driver's license renewal fees for senior citizens (Part OO); to amend the education law, in relation to establishing a young farmer apprentice program (Part PP); to amend the public authorities law, in relation to payments of grants to farm operations by NYSEDA (Part QQ); to amend the public service law, in relation to a study by the public service commission on net metering (Part RR); to amend the economic development law, in relation to the New York state biomedical and biotechnological translational research and entrepreneurship initiative (Part SS); to amend the agriculture and markets law, in relation to requests for public information regarding certain farm operations (Part TT); 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 UU); in relation to a proposed electric generating facility in the county of Suffolk; and providing for the repeal of such provisions upon expiration thereof (Part VV); to amend the agriculture and markets law, in relation to limiting disclosure of certain information (Part WW); to amend the state finance law, in relation to requiring that annual reports be made concerning revenues of and disbursements from the New York state autism awareness and research fund, the New York state "drive out diabetes research and education fund" and the New York state "multiple sclerosis research fund"; to amend the vehicle and traffic law, in relation to requiring that annual reports be made concerning the Distinctive "keep kids drug free" license plate revenues and disbursements (Part XX); to provide for the administration of

certain funds and accounts related to the 2014-15 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to school tax relief fund; to amend the state finance law, in relation to payments, transfers and deposits; to amend the state finance law, in relation to the period for which appropriations can be made; to transfer certain employees of the division of military and naval affairs to the office of general services; to amend the state finance law, in relation to the issuance of bonds and notes; to amend the state finance law, in relation to the general fund; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; 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, in relation to the issuance of bonds; to amend the public authorities law, in relation to the dormitory authority; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the Clarkson-trudeau partnership, the New York genome center, the Cornell University college of veterinary medicine, the Olympic regional development authority, a project at nano Utica, Onondaga county revitalization projects; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the state finance law, in relation to the New York state storm recovery capital fund; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the public authorities law, in relation to authorization for the issuance of bonds for the capital restructuring bond finance program; to amend chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to environmental remediation; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes and providing for the repeal of certain provisions upon expiration thereof; and to amend the public authorities law, in relation to authorizing the dormitory authority to issue bonds for the hospital transition programs (Part YY); and in relation to directing the public service commission to undertake a comprehensive examination and study of the state of the telecommunications industry in this state (Part ZZ)

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 2014-2015
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through ZZ. 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. Subdivision (d) of section 11 of chapter 329 of the laws of
14 1991 amending the state finance law and other laws relating to the
15 establishment of the dedicated highway and bridge trust fund, as amended
16 by section 4 of part A of chapter 58 of the laws of 2012, is amended to
17 read as follows:

18 (d) Any such service contract (i) shall provide that the obligation of
19 the director of the budget or the state to fund or to pay the amounts
20 therein provided for shall not constitute a debt of the state within the
21 meaning of any constitutional or statutory provisions in the event the
22 thruway authority assigns or pledges service contract payments as secu-
23 rity for its bonds or notes, (ii) shall be deemed executory only to the
24 extent moneys are available and SHALL PROVIDE that no liability shall be
25 incurred by the state beyond the moneys available for the purpose, and
26 that such obligation is subject to annual appropriation by the legisla-
27 ture, and (iii) shall provide that no funds shall be made available from
28 the proceeds of bonds or notes issued pursuant to this chapter unless
29 the commissioner of transportation has certified to the [chairman of the
30 thruway authority] DIRECTOR OF THE BUDGET that such funds shall be used
31 exclusively for the purposes authorized by subdivision (a) of this
32 section, and/or construction, reconstruction or improvement of local
33 highways, bridges and/or highway-railroad crossings, including right of
34 way acquisition, preliminary engineering, and construction supervision
35 and inspection, where the service life of the project is at least ten
36 years or where the project is: (1) microsurfacing, (2) paver placed
37 surface treatment, (3) single course surface treatment involving chip
38 seals and oil and stone and (4) double course surface treatment involv-
39 ing chip seals and oil and stone, and unless [the director of the budget
40 has certified to the chairman of the thruway authority that] a spending
41 plan has been submitted by the commissioner of transportation and has
42 been approved by the director of the budget.

43 S 2. Subdivision (g) of section 15 of chapter 329 of the laws of 1991,
44 as added by section 9 of chapter 330 of the laws of 1991, is REPEALED,
45 and subdivision (f) of section 15 of chapter 329 of the laws of 1991,
46 amending the state finance law and other laws relating to the establish-
47 ment of the dedicated highway and bridge trust fund, as added by section
48 9 of chapter 330 of the laws of 1991, is amended to read as follows:

49 (f) The commissioner of transportation shall certify to the [New York
50 state thruway authority] DIRECTOR OF THE BUDGET AND THE COMPTROLLER
51 amounts eligible for repayments as specified herein. Such certification

1 shall include any such information as may be necessary to maintain the
2 federal tax exempt status of bonds, notes or other obligations issued by
3 the New York state thruway authority pursuant to section 380 of the
4 public authorities law.

5 S 3. Subdivision 1 of section 80-b of the highway law, as amended by
6 chapter 161 of the laws of 2008, is amended to read as follows:

7 1. In connection with the undertaking of any project for which the
8 commissioner is authorized to use moneys of the federal government
9 pursuant to the provisions of subdivision thirty-four-a of section ten
10 and section eighty of this chapter to assure the effective discharge of
11 state responsibilities with respect to regional transportation needs, on
12 highways, roads, streets, bicycle paths or pedestrian paths that are not
13 on the state highway system, the commissioner shall submit such project
14 to the governing body or bodies of the affected municipality or municipi-
15 palities together with estimates of costs thereof. If such project
16 includes a municipal project, as that term is defined in accordance with
17 article thirteen of the transportation law, the state share of such
18 municipal project shall also be included. If such project includes a
19 project affecting a highway, road, street, bicycle path or pedestrian
20 path not on the state highway system, the state share shall be equal to
21 eighty percent of the difference between the total project cost and the
22 federal assistance, provided, however, the commissioner may increase the
23 state share to an amount equal to one hundred percent of the difference
24 between the total project cost and the federal assistance where he
25 determines that the need for the project results substantially from
26 actions undertaken pursuant to section ten of this chapter. [Except for
27 individual projects where the non-federal share of a federally aided
28 municipal project is less than five thousand dollars, no state or local
29 shares of municipal streets and highways projects shall be payable from
30 the non-fiduciary funds of the capital projects budget of the depart-
31 ment.] No such project shall proceed without the approval of the govern-
32 ing body of a municipality. Such governing body may request the commis-
33 sioner to undertake the provision of such project. If the commissioner
34 agrees to such undertaking he shall notify the local governing body
35 which shall appropriate sufficient moneys to pay the estimated amount of
36 the municipal share. Such moneys shall be deposited with the state comp-
37 troller who is authorized to receive and accept the same for the
38 purposes of such project, subject to the draft or requisition of the
39 commissioner. When the work of such project has been completed, the
40 commissioner shall render to the governing body of such municipality an
41 itemized statement showing in full (a) the amount of money that has been
42 deposited by such municipality with the state comptroller as hereinbe-
43 fore provided, and (b) all disbursements made pursuant to this section
44 for such project. Any surplus moneys shall be paid to such municipality
45 on the warrant of the comptroller on vouchers therefor approved by the
46 commissioner. When the work of such project has been completed and it is
47 determined by the commissioner that the amount of the cost to be borne
48 by the municipality is in excess of the amount deposited by such municipi-
49 pality with the state comptroller, the commissioner shall then notify
50 the municipality of the deficiency of funds. The municipality shall then
51 within ninety days of the receipt of such notice, pay such amount to the
52 state comptroller. For purposes of this section, the term "municipality"
53 shall include a city, county, town, village or two or more of the fore-
54 going acting jointly.

55 S 4. Subdivision (e) of section 16 of chapter 329 of the laws of 1991,
56 amending the state finance law and other laws relating to the establish-

ment of a dedicated highway and bridge trust fund, as added by section 9 of chapter 330 of the laws of 1991, is REPEALED.

S 5. Subdivision (e) of section 16-a of chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of a dedicated highway and bridge trust fund, as added by section 9 of chapter 330 of the laws of 1991, is REPEALED.

S 6. Paragraph (a) of subdivision 5 of section 10-f of the highway law, as added by chapter 725 of the laws of 1993, is amended to read as follows:

(a) Funding of municipal projects will be made upon the application for funding of prior expenditures in a format prescribed by the commissioner. [Funding of qualifying municipal project expenditures shall be made from the proceeds of bonds, notes or other obligations issued pursuant to section three hundred eighty of the public authorities law.] Such funding of state projects may be pursuant to agreements between the commissioner and the New York state thruway authority and may be from the proceeds of bonds, notes or other obligations issued pursuant to section three hundred eighty-five of the public authorities law.

S 7. Paragraph (a) of subdivision 5 of section 10-g of the highway law, as added by chapter 725 of the laws of 1993, is amended to read as follows:

(a) Funding of municipal projects will be made upon the application for funding of prior expenditures in a format prescribed by the commissioner. [Funding of qualifying municipal project expenditures shall be made from the proceeds of bonds, notes or other obligations issued pursuant to section three hundred eighty of the public authorities law.] Such funding of state projects may be pursuant to agreements between the commissioner and the New York state thruway authority and may be from the proceeds of bonds, notes or other obligations issued pursuant to section three hundred eighty-five of the public authorities law.

S 8. This act shall take effect immediately.

PART B

Intentionally Omitted

PART C

Intentionally Omitted

PART D

Section 1. Section 2 of part D of chapter 58 of the laws of 2013, relating to the hours of operation of the department of motor vehicles and providing for the repeal of such provisions upon expiration thereof, is amended to read as follows:

S 2. This act shall take effect immediately [and shall expire and be deemed repealed two years after such date].

S 2. This act shall take effect immediately.

PART E

Section 1. The article heading of article 12-C of the vehicle and traffic law, as added by chapter 751 of the laws of 2005, is amended to read as follows:

ACCIDENT PREVENTION COURSE INTERNET, AND
OTHER TECHNOLOGY [PILOT] PROGRAM

S 2. Sections 399-m and 399-o of the vehicle and traffic law are REPEALED.

S 3. Sections 399-k and 399-l of the vehicle and traffic law, as added by chapter 751 of the laws of 2005, are amended to read as follows:

S 399-k. Accident prevention course internet technology [pilot] program. The commissioner shall establish and implement a comprehensive [pilot] program to [review and study] ALLOW internet, and other technologies as approved by the commissioner, as a training method for the administration and completion of an approved accident prevention course for the purposes of granting point and insurance premium reduction benefits.

S 399-l. Application. Applicants for participation in the [pilot] program established pursuant to this article shall be among those accident prevention course sponsoring agencies that have a course approved by the commissioner pursuant to article twelve-B of this title [prior to the effective date of this article and which deliver] AND HAVE SATISFACTORILY DELIVERED such course to the public FOR A PERIOD OF ONE YEAR AND CONTINUE TO DELIVER SUCH COURSE, UNLESS EXEMPTED BY THE COMMISSIONER. [Provided, however, the commissioner may, in his or her discretion, approve applications after such date.] In order to be approved for participation in such [pilot] program, the course must comply with the provisions of law, rules and regulations applicable thereto. The commissioner may, in his or her discretion, impose a fee for the submission of each application to participate in the [pilot] program established pursuant to this article. Such fee shall not exceed seven thousand five hundred dollars. The proceeds from such fee shall be deposited in the accident prevention course internet technology [pilot] program fund as established by section eighty-nine-g of the state finance law.

S 4. Subdivision 2 of section 399-n of the vehicle and traffic law, as added by chapter 751 of the laws of 2005, is amended to read as follows:

2. The commissioner is authorized to impose a fee upon each accident prevention course sponsoring agency approved for participation in the [pilot] program, which shall not exceed eight dollars for each student who completes an accident prevention course by means of the [pilot] program established pursuant to this article.

S 5. The section heading, subdivisions 1 and 3 of section 89-g of the state finance law, as added by chapter 751 of the laws of 2005, are amended to read as follows:

Accident prevention course internet, and other technology [pilot] program fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a special fund to be known as the "accident prevention course internet, and other technology [pilot] program fund".

3. The moneys in the accident prevention course internet, and other technology [pilot] program fund shall be kept separate and shall not be commingled with any other moneys in the custody of the commissioner of taxation and finance and the state comptroller.

S 6. Section 5 of chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law, relating to establishing the accident prevention course internet technology pilot program, is amended to read as follows:

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law [and shall expire and be deemed repealed five

1 years after the date that the accident prevention course internet, and
2 other technology pilot program is established and implemented by the
3 commissioner of motor vehicles pursuant to article 12-C of the vehicle
4 and traffic law, as added by section three of this act]; provided that
5 any rules and regulations necessary to implement the provisions of this
6 act on its effective date are authorized and directed to be completed on
7 or before such date; and provided, further, that the commissioner of
8 motor vehicles shall notify the legislative bill drafting commission of
9 the date he or she establishes and implements the accident prevention
10 course internet technology pilot program pursuant to article 12-C of the
11 vehicle and traffic law, as added by section three of this act, in order
12 that such commission may maintain an accurate and timely effective data
13 base of the official text of the laws of the state of New York in furth-
14 erance of effecting the provisions of section 44 of the legislative law
15 and section 70-b of the public officers law.

16 S 7. This act shall take effect immediately; provided that sections
17 one through five of this act shall take effect May 18, 2014.

18 PART F
19 Intentionally Omitted

20 PART G

21 Section 1. Section 2985 of title 11 of article 9 of the public author-
22 ities law is designated title 11-A and such title is amended by adding a
23 new title heading to read as follows:

24 TOLL COLLECTIONS

25 S 2. Subdivision 1 of section 2985 of the public authorities law, as
26 added by chapter 379 of the laws of 1992, is amended to read as follows:

27 1. Notwithstanding any other provision of law, every public authority
28 which operates a toll highway bridge and/or tunnel facility is hereby
29 authorized and empowered to impose monetary liability on the owner of a
30 vehicle for failure [of an operator thereof] to comply with the toll
31 collection regulations of such public authority in accordance with the
32 provisions of this section.

33 S 3. Intentionally omitted.

34 S 4. Intentionally omitted.

35 S 5. Subdivision 5 of section 2985 of the public authorities law, as
36 added by chapter 379 of the laws of 1992, is amended to read as follows:

37 5. An owner found liable for a violation of toll collection regu-
38 lations pursuant to this section shall for a first violation thereof be
39 liable for THE FULL AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND
40 FEES IN ADDITION TO a monetary penalty not to exceed [fifty] ONE HUNDRED
41 dollars or two times the toll evaded whichever is greater; for a second
42 violation thereof both within eighteen months be liable for THE FULL
43 AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND FEES IN ADDITION TO a
44 monetary penalty not to exceed [one] TWO hundred dollars or five times
45 the toll evaded whichever is greater; for a third or subsequent
46 violation thereof all within eighteen months be liable for THE FULL
47 AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND FEES IN ADDITION TO a
48 monetary penalty not to exceed [one] THREE hundred [fifty] dollars or
49 ten times the toll evaded whichever is greater.

50 S 6. Paragraphs (a) and (b) of subdivision 7 of section 2985 of the
51 public authorities law, as added by chapter 379 of the laws of 1992, are
52 amended to read as follows:

(a) A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of toll collection regulations. Such notice shall be mailed no later than [thirty] SIXTY days after the alleged violation. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the mailing of the notice.

(b) A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of toll collection regulations pursuant to this section, the registration number AND STATE OF REGISTRATION of the vehicle involved in such violation, the [location where such violation took place, the date and time] LOCATIONS, DATES AND TIMES of such violation, THE AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND FEES, and the identification number of the photo-monitoring system which recorded the violation or other document locator number.

S 7. Subdivision 8 of section 2985 of the public authorities law, as added by chapter 379 of the laws of 1992, is amended to read as follows:

8. Adjudication of the liability imposed upon owners by this section shall be by the entity having jurisdiction over violations of the rules and regulations of the public authority serving the notice of liability or where authorized by an administrative tribunal and all violations shall be heard and determined in the county in which the violation is alleged to have occurred, or in New York city and upon the consent of both parties, in any county within New York city in which the public authority operates or maintains a facility, and in the same manner as charges of other regulatory violations of such public authority or pursuant to the rules and regulations of such administrative tribunal as the case may be. THE ENTITY OR ADMINISTRATIVE TRIBUNAL THAT ADJUDICATES LIABILITY FOR A VIOLATION SHALL COLLECT THE FULL AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND FEES IN ADDITION TO THE MONETARY PENALTY OWED, AND SHALL PAY TO THE PUBLIC AUTHORITY WHOSE TOLL COLLECTION REGULATIONS WERE VIOLATED THE HALF AMOUNT OF THE ASSESSED TOLLS, FULL AMOUNT OF OTHER CHARGES AND FEES AND ONE-HALF OF THE MONETARY PENALTY, AND DEPOSIT REMAINING HALF AMOUNT OF THE ASSESSED TOLLS INTO THE HIGHWAY AND BRIDGE CAPITAL ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

S 8. Subdivision 10 of section 2985 of the public authorities law, as amended by chapter 666 of the laws of 1993, is amended to read as follows:

10. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision seven of this section shall not be liable for the violation of the toll collection regulation provided that he or she sends to the public authority serving the notice of liability and to the court or other entity having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty days after receiving [the original] notice of liability. Failure to send such information within such thirty day time period shall render the lessor liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this subdivision, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section and shall be subject to liability for the violation of toll collection regulations, provided that the public authority mails a notice of liability to the lessee within ten days

1 after the court, or other entity having jurisdiction, deems the lessee
2 to be the owner. For purposes of this subdivision the term "lessor"
3 shall mean any person, corporation, firm, partnership, agency, associ-
4 ation or organization engaged in the business of renting or leasing
5 vehicles to any lessee under a rental agreement, lease or otherwise
6 wherein the said lessee has the exclusive use of said vehicle for any
7 period of time. For purposes of this subdivision, the term "lessee"
8 shall mean any person, corporation, firm, partnership, agency, associ-
9 ation or organization that rents, leases or contracts for the use of one
10 or more vehicles and has exclusive use thereof for any period of time.

11 S 9. Intentionally omitted.

12 S 10. Intentionally omitted.

13 S 11. Section 2985 of the public authorities law is amended by adding
14 two new subdivisions 15 and 16 to read as follows:

15 15. IN ADDITIONAL TO ANY MONETARY LIABILITY THAT MAY BE IMPOSED
16 PURSUANT TO THIS SECTION, A PUBLIC AUTHORITY THAT OPERATES A TOLL HIGH-
17 WAY, BRIDGE OR TUNNEL FACILITY IS HEREBY AUTHORIZED AND EMPOWERED TO
18 IMPOSE AN ADMINISTRATIVE FEE OR FEES ON AN OWNER, AN OPERATOR OR AN
19 ACCOUNT HOLDER THAT HAS VIOLATED TOLL COLLECTION REGULATIONS.

20 16. ANY NOTICE REQUIRED TO BE SENT PURSUANT TO THIS SECTION BY FIRST
21 CLASS MAIL MAY INSTEAD BE SENT, WITH CONSENT, BY ELECTRONIC MEANS OF
22 COMMUNICATION. A MANUAL OR AUTOMATIC RECORD OF ELECTRONIC COMMUNICATIONS
23 PREPARED IN THIS ORDINARY COURSE OF BUSINESS SHALL BE ADEQUATE EVIDENCE
24 OF ELECTRONIC NOTICE.

25 S 12. Intentionally omitted.

26 S 13. Subdivision 4-d of section 510 of the vehicle and traffic law,
27 as added by chapter 379 of the laws of 1992, is amended to read as
28 follows:

29 4-d. Suspension of registration for failure to answer or pay penalties
30 with respect to certain violations. Upon the receipt of a notification,
31 IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSIONER, from a court
32 [or], an administrative tribunal, OR A PUBLIC AUTHORITY that an owner of
33 a motor vehicle failed to appear on the return date or dates or a new
34 subsequent adjourned date or dates or failed to pay any penalty imposed
35 by a court or failed to comply with the rules and regulations of an
36 administrative tribunal following entry of a final decision or deci-
37 sions, in response to five or more notices of liability or other proc-
38 ess, issued within an eighteen month period FROM ANY JURISDICTIONS IN
39 NEW YORK OR NEW JERSEY charging such owner with a violation of toll
40 collection regulations in accordance with the provisions of section two
41 thousand nine hundred eighty-five of the public authorities law or
42 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
43 seventy-four of the laws of nineteen hundred fifty, the commissioner or
44 his OR HER agent shall suspend the registration of the vehicle or vehi-
45 cles involved in the violation or the privilege of operation of any
46 motor vehicle owned by the registrant. Such suspension shall take effect
47 no less than thirty days from the date on which notice thereof is sent
48 by the commissioner to the person whose registration or privilege is
49 suspended and shall remain in effect until such registrant has appeared
50 in response to such notices of liability or has paid such penalty or in
51 the case of an administrative tribunal, the registrant has complied with
52 the rules and regulations following the entry of a final decision or
53 decisions.

54 S 14. Subdivision 8 of section 402 of the vehicle and traffic law, as
55 amended by chapter 61 of the laws of 1989 and as renumbered by chapter

1 648 of the laws of 2006, is amended and a new subdivision 9 is added to
2 read as follows:

3 8. [The] EXCEPT AS PROVIDED IN SUBDIVISION NINE OF THIS SECTION, THE
4 violation of this section shall be punishable by a fine of not less than
5 twenty-five nor more than two hundred dollars.

6 9. THE VIOLATION OF THIS SECTION ON A TOLL HIGHWAY, BRIDGE AND/OR
7 TUNNEL FACILITY SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN ONE
8 HUNDRED NOR MORE THAN FIVE HUNDRED DOLLARS.

9 S 15. Subparagraph (i) of paragraph a of subdivision 5-a of section
10 401 of the vehicle and traffic law, as amended by section 9 of chapter
11 189 of the laws of 2013, is amended to read as follows:

12 (i) If at the time of application for a registration or renewal there-
13 of there is a certification from a court, parking violations bureau,
14 traffic and parking violations agency or administrative tribunal of
15 appropriate jurisdiction [or administrative tribunal of appropriate
16 jurisdiction] that the registrant or his or her representative failed to
17 appear on the return date or any subsequent adjourned date or failed to
18 comply with the rules and regulations of an administrative tribunal
19 following entry of a final decision in response to a total of three or
20 more summonses or other process in the aggregate, issued within an eigh-
21 teen month period, charging either that: (i) such motor vehicle was
22 parked, stopped or standing, or that such motor vehicle was operated for
23 hire by the registrant or his or her agent without being licensed as a
24 motor vehicle for hire by the appropriate local authority, in violation
25 of any of the provisions of this chapter or of any law, ordinance, rule
26 or regulation made by a local authority; or (ii) the registrant was
27 liable in accordance with section eleven hundred eleven-a of this chap-
28 ter or section eleven hundred eleven-b of this chapter for a violation
29 of subdivision (d) of section eleven hundred eleven of this chapter; or
30 (iii) the registrant was liable in accordance with section eleven
31 hundred eleven-c of this chapter for a violation of a bus lane
32 restriction as defined in such section, or (iv) the registrant was
33 liable in accordance with section eleven hundred eighty-b of this chap-
34 ter for a violation of subdivision (c) or (d) of section eleven hundred
35 eighty of this chapter; OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE
36 WITH SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHOR-
37 ITIES LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN
38 HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, the commis-
39 sioner or his or her agent shall deny the registration or renewal appli-
40 cation until the applicant provides proof from the court, traffic and
41 parking violations agency or administrative tribunal wherein the charges
42 are pending that an appearance or answer has been made or in the case of
43 an administrative tribunal that he or she has complied with the rules
44 and regulations of said tribunal following entry of a final decision.
45 Where an application is denied pursuant to this section, the commis-
46 sioner may, in his or her discretion, deny a registration or renewal appli-
47 cation to any other person for the same vehicle and may deny a registra-
48 tion or renewal application for any other motor vehicle registered in
49 the name of the applicant where the commissioner has determined that
50 such registrant's intent has been to evade the purposes of this subdivi-
51 sion and where the commissioner has reasonable grounds to believe that
52 such registration or renewal will have the effect of defeating the
53 purposes of this subdivision. Such denial shall only remain in effect as
54 long as the summonses remain unanswered, or in the case of an adminis-
55 trative tribunal, the registrant fails to comply with the rules and
56 regulations following entry of a final decision.

1 S 15-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
2 and traffic law, as amended by section 9-a of chapter 189 of the laws of
3 2013, is amended to read as follows:

4 a. If at the time of application for a registration or renewal thereof
5 there is a certification from a court or administrative tribunal of
6 appropriate jurisdiction that the registrant or his or her represen-
7 tative failed to appear on the return date or any subsequent adjourned
8 date or failed to comply with the rules and regulations of an adminis-
9 trative tribunal following entry of a final decision in response to a
10 total of three or more summonses or other process in the aggregate,
11 issued within an eighteen month period, charging either that: (i) such
12 motor vehicle was parked, stopped or standing, or that such motor vehi-
13 cle was operated for hire by the registrant or his or her agent without
14 being licensed as a motor vehicle for hire by the appropriate local
15 authority, in violation of any of the provisions of this chapter or of
16 any law, ordinance, rule or regulation made by a local authority; or
17 (ii) the registrant was liable in accordance with section eleven hundred
18 eleven-b of this chapter for a violation of subdivision (d) of section
19 eleven hundred eleven of this chapter; or (iii) the registrant was
20 liable in accordance with section eleven hundred eleven-c of this chap-
21 ter for a violation of a bus lane restriction as defined in such
22 section; or (iv) the registrant was liable in accordance with section
23 eleven hundred eighty-b of this chapter for a violation of subdivision
24 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
25 ter; OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION TWO
26 THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR
27 SECTIONS SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN HUNDRED
28 SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, the commissioner or
29 his or her agent shall deny the registration or renewal application
30 until the applicant provides proof from the court or administrative
31 tribunal wherein the charges are pending that an appearance or answer
32 has been made or in the case of an administrative tribunal that he or
33 she has complied with the rules and regulations of said tribunal follow-
34 ing entry of a final decision. Where an application is denied pursuant
35 to this section, the commissioner may, in his or her discretion, deny a
36 registration or renewal application to any other person for the same
37 vehicle and may deny a registration or renewal application for any other
38 motor vehicle registered in the name of the applicant where the commis-
39 sioner has determined that such registrant's intent has been to evade
40 the purposes of this subdivision and where the commissioner has reason-
41 able grounds to believe that such registration or renewal will have the
42 effect of defeating the purposes of this subdivision. Such denial shall
43 only remain in effect as long as the summonses remain unanswered, or in
44 the case of an administrative tribunal, the registrant fails to comply
45 with the rules and regulations following entry of a final decision.

46 S 15-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
47 and traffic law, as amended by section 9-b of chapter 189 of the laws of
48 2013, is amended to read as follows:

49 a. If at the time of application for a registration or renewal thereof
50 there is a certification from a court or administrative tribunal of
51 appropriate jurisdiction that the registrant or his or her represen-
52 tative failed to appear on the return date or any subsequent adjourned
53 date or failed to comply with the rules and regulations of an adminis-
54 trative tribunal following entry of a final decision in response to
55 three or more summonses or other process, issued within an eighteen
56 month period, charging that such motor vehicle was parked, stopped or

1 standing, or that such motor vehicle was operated for hire by the regis-
2 trant or his or her agent without being licensed as a motor vehicle for
3 hire by the appropriate local authority, in violation of any of the
4 provisions of this chapter or of any law, ordinance, rule or regulation
5 made by a local authority, or the registrant was liable in accordance
6 with section eleven hundred eleven-c of this chapter for a violation of
7 a bus lane restriction as defined in such section, or the registrant was
8 liable in accordance with section eleven hundred eighty-b of this chap-
9 ter for a violation of subdivision (b), (c), (d), (f) or (g) of section
10 eleven hundred eighty of this chapter, OR THE REGISTRANT WAS LIABLE IN
11 ACCORDANCE WITH SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE
12 PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF
13 CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED
14 FIFTY, the commissioner or his or her agent shall deny the registration
15 or renewal application until the applicant provides proof from the court
16 or administrative tribunal wherein the charges are pending that an
17 appearance or answer has been made or in the case of an administrative
18 tribunal that he or she has complied with the rules and regulations of
19 said tribunal following entry of a final decision. Where an application
20 is denied pursuant to this section, the commissioner may, in his or her
21 discretion, deny a registration or renewal application to any other
22 person for the same vehicle and may deny a registration or renewal
23 application for any other motor vehicle registered in the name of the
24 applicant where the commissioner has determined that such registrant's
25 intent has been to evade the purposes of this subdivision and where the
26 commissioner has reasonable grounds to believe that such registration or
27 renewal will have the effect of defeating the purposes of this subdivi-
28 sion. Such denial shall only remain in effect as long as the summonses
29 remain unanswered, or in the case of an administrative tribunal, the
30 registrant fails to comply with the rules and regulations following
31 entry of a final decision.

32 S 15-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
33 and traffic law, as amended by section 9-c of chapter 189 of the laws of
34 2013, is amended to read as follows:

35 a. If at the time of application for a registration or renewal thereof
36 there is a certification from a court or administrative tribunal of
37 appropriate jurisdiction that the registrant or his representative
38 failed to appear on the return date or any subsequent adjourned date or
39 failed to comply with the rules and regulations of an administrative
40 tribunal following entry of a final decision in response to three or
41 more summonses or other process, issued within an eighteen month period,
42 charging that such motor vehicle was parked, stopped or standing, or
43 that such motor vehicle was operated for hire by the registrant or his
44 agent without being licensed as a motor vehicle for hire by the appro-
45 priate local authority, in violation of any of the provisions of this
46 chapter or of any law, ordinance, rule or regulation made by a local
47 authority, or the registrant was liable in accordance with section elev-
48 en hundred eighty-b of this chapter for violations of subdivision (b),
49 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,
50 OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION TWO THOUSAND
51 NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS
52 SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR
53 OF THE LAWS OF NINETEEN HUNDRED FIFTY, the commissioner or his agent
54 shall deny the registration or renewal application until the applicant
55 provides proof from the court or administrative tribunal wherein the
56 charges are pending that an appearance or answer has been made or in the

1 case of an administrative tribunal that he has complied with the rules
2 and regulations of said tribunal following entry of a final decision.
3 Where an application is denied pursuant to this section, the commission-
4 er may, in his discretion, deny a registration or renewal application to
5 any other person for the same vehicle and may deny a registration or
6 renewal application for any other motor vehicle registered in the name
7 of the applicant where the commissioner has determined that such regis-
8 trant's intent has been to evade the purposes of this subdivision and
9 where the commissioner has reasonable grounds to believe that such
10 registration or renewal will have the effect of defeating the purposes
11 of this subdivision. Such denial shall only remain in effect as long as
12 the summonses remain unanswered, or in the case of an administrative
13 tribunal, the registrant fails to comply with the rules and regulations
14 following entry of a final decision.

15 S 15-d. Paragraph a of subdivision 5-a of section 401 of the vehicle
16 and traffic law, as separately amended by chapters 339 and 592 of the
17 laws of 1987, is amended to read as follows:

18 a. If at the time of application for a registration or renewal thereof
19 there is a certification from a court or administrative tribunal of
20 appropriate jurisdiction that the registrant or his representative
21 failed to appear on the return date or any subsequent adjourned date or
22 failed to comply with the rules and regulations of an administrative
23 tribunal following entry of a final decision in response to three or
24 more summonses or other process, issued within an eighteen month period,
25 charging that such motor vehicle was parked, stopped or standing, or
26 that such motor vehicle was operated for hire by the registrant or his
27 agent without being licensed as a motor vehicle for hire by the appro-
28 priate local authority, in violation of any of the provisions of this
29 chapter or of any law, ordinance, rule or regulation made by a local
30 authority, OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION TWO
31 THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR
32 SECTIONS SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN HUNDRED
33 SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, the commissioner or
34 his agent shall deny the registration or renewal application until the
35 applicant provides proof from the court or administrative tribunal wher-
36 ein the charges are pending that an appearance or answer has been made
37 or in the case of an administrative tribunal that he has complied with
38 the rules and regulations of said tribunal following entry of a final
39 decision. Where an application is denied pursuant to this section, the
40 commissioner may, in his discretion, deny a registration or renewal
41 application to any other person for the same vehicle and may deny a
42 registration or renewal application for any other motor vehicle regis-
43 tered in the name of the applicant where the commissioner has determined
44 that such registrant's intent has been to evade the purposes of this
45 subdivision and where the commissioner has reasonable grounds to believe
46 that such registration or renewal will have the effect of defeating the
47 purposes of this subdivision. Such denial shall only remain in effect as
48 long as the summonses remain unanswered, or in the case of an adminis-
49 trative tribunal, the registrant fails to comply with the rules and
50 regulations following entry of a final decision.

51 S 16. Intentionally omitted.

52 S 17. Paragraph b of subdivision 2 of section 240 of the vehicle and
53 traffic law, as added by chapter 715 of the laws of 1972, is amended to
54 read as follows:

55 b. No charge may be established except upon proof by substantial
56 evidence; EXCEPT THAT FOR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH

SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, NO CHARGE MAY BE ESTABLISHED EXCEPT UPON PROOF BY PREPONDERANCE OF EVIDENCE AS SUBMITTED.

S 18. Intentionally omitted.

S 19. Intentionally omitted.

S 20. Section 1209-a of the public authorities law is amended by adding a new subdivision 11 to read as follows:

11. NOTICE. ANY NOTICE OR COMMUNICATION REQUIRED TO BE SENT PURSUANT TO THIS SECTION BY REGISTERED MAIL OR CERTIFIED MAIL MAY INSTEAD BE SENT BY FIRST CLASS MAIL OR, WITH CONSENT, BY ELECTRONIC MEANS OF COMMUNICATION.

S 21. Intentionally omitted.

S 22. Intentionally omitted.

S 23. Subdivision d of section 16-b of chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, as added by chapter 379 of the laws of 1992, is amended to read as follows:

d. (i) A notice of liability shall be sent by first class mail OR, WITH CONSENT, BY ELECTRONIC MEANS OF COMMUNICATION to each person alleged to be liable as an owner for a violation pursuant to this section of the toll collection regulations of the port authority. Such notice shall be [mailed] SENT no later than [thirty] SIXTY days after the alleged violation. Personal delivery on the owner shall not be required. A manual or automatic record of [mailing] SENDING THE NOTICE prepared in the ordinary course of business shall be prima facie evidence of the [mailing] SENDING of the notice.

(ii) A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of the toll collection regulations of the port authority pursuant to this section, the registration number AND STATE OF REGISTRATION of the vehicle involved in such violation, the [location where such violation took place, the date and time] LOCATIONS, DATES AND TIMES THAT FORM THE BASIS of such violation, THE AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES, and the identification number of the photo-monitoring system which recorded the violation or other document locator number.

(iii) The notice of liability shall contain information advising the person charged of the manner and the time in which he may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

(iv) The notice of liability shall be prepared and [mailed] SENT by the port authority or its duly authorized agent.

S 24. Section 16-c of chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, as added by chapter 379 of the laws of 1992, is amended to read as follows:

S 16-c. Adjudication of liability. Adjudication of the liability imposed upon an owner by section 16-a of this act for a violation of the toll collection regulations of the port authority occurring within the territorial limits of the state of New York shall be in accordance with the vehicle and traffic law of New York as set forth in sections 235,

1 236, 237, 239, 240, 241, 401, 510 and 1809 of such law, or by such enti-
2 ty having jurisdiction over violations of the toll collection regu-
3 lations of the port authority occurring within the territorial limits of
4 the state of New York, provided that all violations shall be heard and
5 determined in the county in which the violation is alleged to have
6 occurred, or by consent of both parties, OR in any county in the state
7 of New York in which the port authority operates or maintains a facili-
8 ty. An owner found liable for a violation of toll collection regulations
9 pursuant to this section shall for a first violation thereof be liable
10 for THE FULL AMOUNT OF THE ASSESSED TOLL AND OTHER CHARGES AND FEES IN
11 ADDITION TO a monetary penalty not to exceed [fifty] ONE HUNDRED dollars
12 or two times the toll evaded whichever is greater; for a second
13 violation thereof both within eighteen months be liable for THE FULL
14 AMOUNT OF THE ASSESSED TOLL AND OTHER CHARGES AND FEES IN ADDITION TO a
15 monetary penalty not to exceed [one] TWO hundred dollars or five times
16 the toll evaded whichever is greater; for a third or subsequent
17 violation thereof all within eighteen months be liable for THE FULL
18 AMOUNT OF THE ASSESSED TOLL AND OTHER CHARGES AND FEES IN ADDITION TO a
19 monetary penalty not to exceed [one] THREE hundred [fifty] dollars or
20 ten times the toll evaded whichever is greater. THE HALF AMOUNT OF THE
21 ASSESSED TOLLS, AND THE FULL AMOUNT OF OTHER CHARGES AND FEES AND
22 ONE-HALF OF SUCH MONETARY PENALTIES COLLECTED SHALL BE PAID TO THE PORT
23 AUTHORITY; THE REMAINING HALF OF SUCH MONETARY PENALTIES COLLECTED SHALL
24 BE RETAINED OR DISTRIBUTED BY THE TRIBUNAL OR ENTITY ADJUDICATING THE
25 VIOLATION IN ACCORDANCE WITH EXISTING LAW; AND THE REMAINING HALF AMOUNT
26 OF THE ASSESSED TOLLS SHALL BE DEPOSITED INTO THE HIGHWAY AND BRIDGE
27 CAPITAL ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTAB-
28 LISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

29 S 25. This act shall take effect on the one hundred twentieth day
30 after it shall have become a law, provided that:

31 (a) the amendments to subparagraph (i) of paragraph a of subdivision
32 5-a of section 401 of the vehicle and traffic law made by section
33 fifteen of this act shall not affect the expiration of such paragraph
34 and shall be deemed to expire therewith, when upon such date the
35 provisions of section fifteen-a of this act shall take effect;

36 (b) the amendments to paragraph a of subdivision 5-a of section 401 of
37 the vehicle and traffic law made by section fifteen-a of this act shall
38 not affect the expiration of such paragraph and shall be deemed to
39 expire therewith, when upon such date the provisions of section
40 fifteen-b of this act shall take effect;

41 (c) the amendments to paragraph a of subdivision 5-a of section 401 of
42 the vehicle and traffic law made by section fifteen-b of this act shall
43 not affect the expiration of such paragraph and shall be deemed to
44 expire therewith, when upon such date the provisions of section
45 fifteen-c of this act shall take effect; and

46 (d) the amendments to paragraph a of subdivision 5-a of section 401 of
47 the vehicle and traffic law made by section fifteen-c of this act shall
48 not affect the expiration of such paragraph and shall be deemed to
49 expire therewith, when upon such date the provisions of section
50 fifteen-d of this act shall take effect.

51

PART H

52 Section 1. Section 9 of chapter 67 of the laws of 1992, amending the
53 environmental conservation law relating to pesticide product registra-

tion timetables and fees, as amended by section 1 of part S of chapter 60 of the laws of 2011, is amended to read as follows:

S 9. This act shall take effect April 1, 1992 provided, however, that section three of this act shall take effect July 1, 1993 and shall expire and be deemed repealed on July 1, [2014] 2017.

S 2. Section 33-0705 of the environmental conservation law, as amended by section 2 of part S of chapter 60 of the laws of 2011, is amended to read as follows:

S 33-0705. Fee for registration.

The applicant for registration shall pay a fee as follows:

a. On or before July 1, [2014] 2017, six hundred dollars for each pesticide proposed to be registered, provided that the applicant has submitted to the department proof in the form of a federal income tax return for the previous year showing gross annual sales, for federal income tax purposes, of three million five hundred thousand dollars or less;

b. On or before July 1, [2014] 2017, for all others, six hundred twenty dollars for each pesticide proposed to be registered[;

c. After July 1, 2014, fifty dollars for each pesticide proposed to be registered].

S 3. This act shall take effect immediately.

PART I

Section 1. Subdivision 25 of section 11-0103 of the environmental conservation law, as amended by chapter 595 of the laws of 1984, is amended to read as follows:

25. "Hunting [accident] RELATED INCIDENT" means the injury to or death of a person caused by the discharge of a firearm, CROSSBOW or longbow while the person causing such injury or death, or the person injured or killed, is taking or attempting to take game, wildlife or fish.

S 2. Paragraphs 1 and 2 of subdivision 3 and subdivision 5 of section 11-0701 of the environmental conservation law, as amended by section 1-a of part R of chapter 58 of the laws of 2013, are amended to read as follows:

(1) who is between the ages of twelve and sixteen years to hunt wild deer and bear with a longbow OR CROSSBOW during the special archery season and during the regular season, as provided in title 9 of this article, subject to the provisions of section 11-0929 and subdivision 3 of section 11-0713 of this article;

(2) who is eighteen years of age or older to hunt wild deer and bear with a longbow OR CROSSBOW, as provided in title 9 of this article, in a special [longbow] ARCHERY season; and

5. A non-resident bear tag entitles a person who has not been a resident of the state for more than thirty days who also possesses a hunting license to hunt bear during the regular open season therefor or in an open season fixed by regulation pursuant to subdivision eight of section 11-0903 of this article. It entitles a non-resident holder who also possesses a hunting license with bowhunting privilege to hunt bear with a longbow OR CROSSBOW during the open bear season. It entitles a non-resident holder who also possesses a hunting license with muzzle-loading privilege to hunt bear with a muzzleloader during the open bear season.

S 3. Paragraph b of subdivision 6 of section 11-0703 of the environmental conservation law, as amended by section 2 of part R of chapter 58 of the laws of 2013, is amended to read as follows:

1 b. Except as provided in section 11-0707 and section 11-0709 of this
2 title, no person shall (1) hunt wild deer or bear unless such person
3 holds and is entitled to exercise the privileges of a hunting license,
4 and meets the requirements of this article; (2) hunt wild deer or bear
5 with a longbow OR CROSSBOW in a special [longbow] ARCHERY season unless
6 such person holds and is entitled to exercise the privileges of a hunt-
7 ing license with a bowhunting privilege and meets the requirements of
8 this article; or (3) hunt wild deer or bear with a muzzle-loading
9 firearm in a special muzzle-loading firearm season unless such person is
10 at least fourteen years old and holds a hunting license with a muzzle-
11 loading privilege and meets the requirements of this article.

12 S 4. Subparagraph 4 of paragraph b of subdivision 1 of section 11-0719
13 of the environmental conservation law, as amended by chapter 436 of the
14 laws of 2000, is amended to read as follows:

15 (4) is convicted of an offense involving a violation of subdivisions
16 one and two of section 11-0901 of this article relating to taking of
17 wildlife when the person taking is in or on a motor vehicle while such
18 motor vehicle is on a public highway or an offense involving a violation
19 of subdivision one of section 11-0901 of this article and subparagraph
20 one of paragraph a of subdivision four of section 11-0931 of this arti-
21 cle relating to taking wildlife when the person taking is in or on a
22 motor vehicle and discharging a firearm, CROSSBOW or longbow in such a
23 way that the load, BOLT or arrow passes over a public highway or a part
24 thereof or signs an acknowledgment of any such violation for the purpose
25 of affecting a settlement by civil compromise or by stipulation.

26 S 5. Subdivisions 2 and 3 of section 11-0719 of the environmental
27 conservation law, subdivision 2 as amended by section 27 and subdivision
28 3 as amended by section 28 of part R of chapter 58 of the laws of 2013,
29 are amended to read as follows:

30 2. a. The department may revoke the licenses, tags, bowhunting privi-
31 leges, or muzzle-loading privileges, which authorize the holder to hunt
32 and/or trap wildlife, and may deny the privilege of obtaining such
33 licenses, tags, bowhunting privileges, or muzzle-loading privileges, and
34 may deny the privileges of hunting and/or trapping with or without a
35 license.

36 (1) of any person who, while engaged in hunting, FISHING or trapping,

37 (i) causes death or injury to [another] ANY PERSON by discharging a
38 firearm, CROSSBOW or longbow, or

39 (ii) so negligently discharges a firearm, CROSSBOW or longbow as to
40 endanger the life or safety of another, or

41 (iii) so negligently and wantonly discharges a firearm, CROSSBOW or
42 longbow as to destroy or damage public or private property; or

43 (2) of any agent of the department authorized to issue certificates of
44 qualification in responsible hunting, bowhunting, or trapping practices
45 who improperly issues any such certification to a person whom he OR SHE
46 has not trained, or whom he OR SHE knows has not satisfactorily
47 completed all of the requirements necessary for such certification.

48 b. Action by the department resulting in the revocation of such
49 license or denial of the privilege to hunt and trap as provided in this
50 subdivision shall be only after a hearing held by the department upon
51 notice to the offender, at which proof of facts indicating the violation
52 is established to the satisfaction of the commissioner or of the hearing
53 officer designated by him OR HER and concurred in by the commissioner.
54 Provided that where a person, while hunting, causes death or injury to
55 any person by discharge of a firearm, CROSSBOW or longbow, the commis-
56 sioner may, in his OR HER discretion, suspend such person's license or

1 licenses to hunt and suspend such person's right to hunt without a
2 license for a period of up to sixty days pending a hearing as provided
3 for in this subdivision.

4 c. In case such discharge of a firearm, CROSSBOW or longbow causes
5 death or injury to [another] ANY PERSON, the license or licenses,
6 bowhunting privilege, and muzzle-loading privilege shall be revoked and
7 the ability to obtain any such license and of hunting or of trapping
8 anywhere in the state with or without a license denied, for a period not
9 exceeding ten years, except that no revocation shall be made in cases in
10 which facts established at the hearing indicate to the satisfaction of
11 the commissioner that there was no negligence on the part of the shooter
12 or [bowman] BOWHUNTER. In all other cases the license or licenses,
13 bowhunting privilege, or muzzle-loading privilege, shall be revoked and
14 the privilege of obtaining such license, bowhunting privilege, or
15 muzzle-loading privilege, and of hunting or of trapping anywhere in the
16 state with or without a license denied for a period not exceeding five
17 years. The department may also require that the person causing such
18 death [or], injury, ENDANGERMENT OR PROPERTY DAMAGE successfully
19 complete a department-sponsored course and obtain a certificate of qual-
20 ification in responsible hunting or bowhunting practices before being
21 issued another hunting license.

22 d. Every person injuring himself, herself or another person in a hunt-
23 ing [accident, as such term is defined in subdivision 25 of section
24 11-0103 of this article] RELATED INCIDENT, and the investigating law
25 enforcement officer summoned to or arriving at the scene of such [acci-
26 dent] INCIDENT shall within ten days from the occurrence of such [acci-
27 dent] INCIDENT file a report of the [accident] INCIDENT in writing with
28 the department. Every such person or law enforcement officer shall make
29 such other and additional reports as the department shall require.
30 Failure to report such [accident] INCIDENT as herein provided by the
31 person causing injury or to furnish relevant information required by the
32 department shall be a violation and shall constitute grounds for suspen-
33 sion or revocation of such person's hunting licenses and bowhunting and
34 muzzle-loading privileges and denial of the ability to obtain any such
35 license and of hunting with or without a license following a hearing or
36 opportunity to be heard. In addition, the department may temporarily
37 suspend the license of the person failing to report a hunting [accident]
38 RELATED INCIDENT within the period prescribed herein until such report
39 has been filed. In the case of a non-resident, the failure to report an
40 [accident] INCIDENT as herein provided shall constitute grounds for
41 suspension or revocation of his or her privileges of hunting within this
42 state. The report required by this section shall be made in such form
43 and number as the department may prescribe.

44 3. A hunting license issued to a person who is at least twelve and
45 less than sixteen years of age or a hunting license with bowhunting
46 privilege issued to a person who is between the ages of twelve and
47 sixteen years may be revoked by the department upon proof satisfactory
48 to the department that such person, while under the age of sixteen, has
49 engaged in hunting wildlife with a gun, CROSSBOW or longbow, in circum-
50 stances in which a license and/or bowhunting or muzzle-loading privilege
51 is required, while not accompanied by his or her parent, guardian or
52 other adult as provided in section 11-0929 of this article. ADDI-
53 TIONALLY, THE DEPARTMENT MAY REVOKE THE HUNTING AND/OR BOWHUNTING OR
54 MUZZLE-LOADING PRIVILEGE OF ANY PARENT, GUARDIAN, YOUTH MENTOR OR OTHER
55 ADULT UPON PROOF SATISFACTORY TO THE DEPARTMENT THAT SUCH PERSON ALLOWED
56 THE HOLDER OF A HUNTING LICENSE, BOWHUNTING PRIVILEGE OR MUZZLE-LOADING

1 PRIVILEGE TO HUNT WILDLIFE WITH A GUN, CROSSBOW OR LONGBOW IN VIOLATION
2 OF SECTION 11-0929 OF THIS ARTICLE. If such license or privilege is
3 revoked the department shall fix the period of such revocation, which is
4 not to exceed six years. The department may require that such person
5 successfully complete a department sponsored course and obtain a certifi-
6 cate of qualification in responsible hunting or responsible bowhunting
7 practices before being issued another hunting or bowhunting license.

8 S 6. Paragraphs b and g of subdivision 3, subparagraphs 5, 6 and 8 of
9 paragraph b, subparagraphs 5, 6 and 8 of paragraph c, and subparagraph 1
10 of paragraph d of subdivision 4 of section 11-0901 of the environmental
11 conservation law, paragraph b of subdivision 3 as amended by chapter 911
12 of the laws of 1990, paragraph g of subdivision 3 as amended by chapter
13 34 of the laws of 1979, subparagraph 5 of paragraph b and subparagraph 5
14 of paragraph c of subdivision 4 as amended by chapter 430 of the laws of
15 2000 and subparagraphs 6 and 8 of paragraph b, subparagraphs 6 and 8 of
16 paragraph c and subparagraph 1 of paragraph d of subdivision 4 as
17 amended by chapter 600 of the laws of 1993, are amended to read as
18 follows:

19 b. Wild deer and bear shall not be taken except by gun, CROSSBOW or by
20 long bow. Where an open season, set forth in the table of open seasons
21 in section 11-0907 OF THIS TITLE or otherwise established by law or
22 fixed by regulation, is specified as an open season for taking such game
23 by shotgun or long bow only, or is specified as an open season for
24 taking such game by long bow only, they shall not be taken except as so
25 specified.

26 g. Wildlife shall not be taken [by the use of a cross-bow, by a long
27 bow drawn, pulled, released, or held in a drawn position by any mechan-
28 ical device attached to a portion of the bow other than the bowstring,
29 or] by the use of a device commonly called a spear gun.

30 (5) with a [bow other than a] long bow with a draw weight [in excess]
31 of LESS THAN thirty-five pounds; or

32 (6) with an arrow OR BOLT with an arrowhead that measures less than
33 seven-eighths of an inch at its widest point or that has fewer than two
34 sharp cutting edges; or

35 (8) with an arrow OR BOLT with a barbed broadhead arrowhead.

36 (5) with a [bow other than a] long bow with a draw weight [in excess]
37 of LESS THAN thirty-five pounds; or

38 (6) with an arrow OR BOLT with an arrowhead that measures less than
39 seven-eighths of an inch at its widest point or that has fewer than two
40 sharp cutting edges; or

41 (8) with an arrow OR BOLT with a barbed broadhead arrowhead.

42 (1) such long bow OR CROSSBOW is unstrung, or such a firearm is taken
43 down, or securely fastened in a case, or locked in the trunk of a vehi-
44 cle, or

45 S 7. Subdivisions 11 and 16 of section 11-0901 of the environmental
46 conservation law are REPEALED.

47 S 8. Section 11-0903 of the environmental conservation law is amended
48 by adding a new subdivision 12 to read as follows:

49 12. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE, THE
50 DEPARTMENT IS AUTHORIZED TO ADOPT REGULATIONS WHICH AUTHORIZE THE TAKING
51 OF WILDLIFE BY THE USE OF A CROSSBOW. A SUMMARY OF REGULATIONS ADOPTED
52 PURSUANT TO THIS SUBDIVISION SHALL BE PUBLISHED EACH YEAR IN THE HUNTING
53 SYLLABUS ISSUED PURSUANT TO SECTION 11-0323 OF THIS ARTICLE.

54 S 9. Subdivisions 2 and 4 of section 11-0931 of the environmental
55 conservation law, subdivision 2 as amended by section 7 of part H of
56 chapter 58 of the laws of 2012, subparagraph 3 of paragraph a of subdi-

vision 4 as added by chapter 400 of the laws of 1973 and subparagraph 4 of paragraph a of subdivision 4 as added by chapter 67 of the laws of 1976, are amended to read as follows:

2. No CROSSBOW OR firearm except a pistol or revolver shall be carried or possessed in or on a motor vehicle unless it is UNCOCKED, FOR A CROSSBOW OR unloaded, FOR A FIREARM in both the chamber and the magazine, except that a loaded firearm which may be legally used for taking migratory game birds may be carried or possessed in a motorboat while being legally used in hunting migratory game birds, and no person except a law enforcement officer in the performance of his official duties shall, while in or on a motor vehicle, use a jacklight, spotlight or other artificial light upon lands inhabited by deer if he is in possession or is accompanied by a person who is in possession, at the time of such use, of a longbow, crossbow or a firearm of any kind except a pistol or revolver, unless such longbow OR CROSSBOW is unstrung or such firearm OR CROSSBOW is taken down or securely fastened in a case or locked in the trunk of the vehicle. For purposes of this subdivision, motor vehicle shall mean every vehicle or other device operated by any power other than muscle power, and which shall include but not be limited to automobiles, trucks, motorcycles, tractors, trailers and motorboats, snowmobiles and snowtravelers, whether operated on or off public highways. Notwithstanding the provisions of this subdivision, the department may issue a permit to any person who is non-ambulatory, except with the use of a mechanized aid, to possess a loaded firearm in or on a motor vehicle as defined in this section, subject to such restrictions as the department may deem necessary in the interest of public safety. Nothing in this section permits the possession of a pistol or a revolver contrary to the penal law.

4. a. No person shall:

(1) discharge a firearm, CROSSBOW or long bow in such a way as will result in the load, BOLT or arrow thereof passing over a public highway or any part thereof;

(2) discharge a firearm [or long bow] within five hundred feet OR A CROSSBOW OR LONG BOW WITHIN TWO HUNDRED FIFTY FEET from a dwelling house, farm building or farm structure actually occupied or used, school building, school playground, or occupied PUBLIC STRUCTURE, factory or church;

(3) use a firearm, CROSSBOW or a long bow for the hunting of migratory game birds in Larchmont Harbor, specifically those portions bounded by the following points of land:

BEGINNING AT A POINT KNOWN AS UMBRELLA POINT ON THE EAST SHORE OF LARCHMONT HARBOR THEN PROCEEDING IN A NORTHERLY DIRECTION TO CEDAR ISLAND; THENCE NORTHWESTERLY TO MONROE INLET; THENCE NORTHEASTERLY TO DELANCY COVE BEING IN THE TOWN OF MAMARONECK; THENCE IN A SOUTHWESTERLY DIRECTION FROM DELANCY COVE TO GREACEN POINT; THENCE RUNNING THE AREA BETWEEN DELANCY COVE AND THE WEST SHORE OF SATANS TOE NORTHEAST; THENCE SOUTHEAST THEN ALONG THE WEST SHORE OF SATANS TOE SOUTHWEST AND THEN SOUTH TO THE SOUTHERLY POINT OF SATANS TOE TO EDGEWATER POINT.

(4) Use of a firearm, CROSSBOW or a long bow for the hunting of migratory game birds in Udall's Cove, specifically those portions of Little Neck Bay within Nassau and Queens counties lying east of a line running north from the foot of Douglaston Parkway to the shore opposite.

b. The prohibitions contained in subparagraph 2 of paragraph a above shall not apply to:

(1) The owner or lessee of the dwelling house, or members of his immediate family actually residing therein, or a person in his employ, or

1 the guest of the owner or lessee of the dwelling house acting with the
2 consent of said owner or lessee, provided however, that nothing herein
3 shall be deemed to authorize such persons to discharge a firearm [or
4 longbow] within five hundred feet OR A CROSSBOW OR LONG BOW WITHIN TWO
5 HUNDRED FIFTY FEET of any other dwelling house, or a farm building or
6 farm structure actually occupied or used, or a school building or play-
7 ground or occupied PUBLIC STRUCTURE, factory or church;

8 (2) Programs conducted by THE DEPARTMENT, public OR PRIVATE ELEMENTARY
9 OR SECONDARY schools offering instruction and training in the use of
10 firearms, CROSSBOW or long bow;

11 (3) The authorized use of a pistol, rifle or target range regularly
12 operated and maintained by a police department or other law enforcement
13 agency or by any duly organized membership corporation;

14 (4) The discharge of a shotgun over water by a person hunting migrato-
15 ry game birds if no dwelling house, FARM BUILDING OR FARM STRUCTURE
16 ACTUALLY OCCUPIED OR USED, SCHOOL BUILDING, SCHOOL PLAYGROUND, or OCCU-
17 PIED public structure, FACTORY OR CHURCH, livestock or person is situ-
18 ated in the line of discharge less than five hundred feet from the point
19 of discharge.

20 S 10. Paragraph c of subdivision 5 of section 11-0931 of the environ-
21 mental conservation law, as amended by chapter 309 of the laws of 2006,
22 is amended to read as follows:

23 c. In the Northern Zone no person, while engaged in hunting with the
24 aid of a dog or while afield accompanied by a dog, shall possess a rifle
25 larger than .22 caliber using rim-fire ammunition or possess a shotgun
26 loaded with a slug, ball or buckshot, OR POSSESS A CROSSBOW; but this
27 paragraph does not apply to persons, engaged in coyote hunts with dogs
28 during any open season on coyotes established pursuant to the provisions
29 of section 11-0903 OF THIS TITLE.

30 S 11. Paragraph 4 of subdivision a of section 265.20 of the penal law,
31 as amended by chapter 1041 of the laws of 1974, is amended to read as
32 follows:

33 4. Possession of a rifle, shotgun, CROSSBOW or longbow for use while
34 hunting, trapping or fishing, by a person, not a citizen of the United
35 States, carrying a valid license issued pursuant to section 11-0713 of
36 the environmental conservation law.

37 S 12. Section 404-s of the vehicle and traffic law, as added by chap-
38 ter 304 of the laws of 2001, is amended by adding three new subdivisions
39 3, 4 and 5 to read as follows:

40 3. A DISTINCTIVE PLATE ISSUED PURSUANT TO THIS SECTION TO A PERSON WHO
41 PURCHASES A LIFETIME LICENSE PURSUANT TO SECTION 11-0702 OF THE ENVIRON-
42 MENTAL CONSERVATION LAW BETWEEN JANUARY FIRST, TWO THOUSAND FOURTEEN AND
43 DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN SHALL BE ISSUED IN THE SAME
44 MANNER AS OTHER NUMBER PLATES, HOWEVER, SUCH LIFETIME LICENSE HOLDER
45 SHALL BE EXEMPT FROM THE PAYMENT OF FEES OTHERWISE REQUIRED TO BE PAID
46 PURSUANT TO PARAGRAPHS A AND B OF SUBDIVISION THREE OF SECTION FOUR
47 HUNDRED ONE OF THIS ARTICLE AND THE ANNUAL SERVICE CHARGE REQUIRED BY
48 SUBDIVISION TWO OF THIS SECTION FOR THE INITIAL ISSUANCE OF SUCH LICENSE
49 PLATE AND FOR THE NEXT ENSUING REGISTRATION RENEWAL.

50 4. A PERSON WHO POSSESSES A LIFETIME LICENSE PURSUANT TO SECTION
51 11-0702 OF THE ENVIRONMENTAL CONSERVATION LAW OR A THREE OR FIVE YEAR
52 VEHICLE ACCESS PASS PURSUANT TO ARTICLE THIRTEEN OF THE PARKS, RECRE-
53 ATION AND HISTORIC PRESERVATION LAW SHALL, ON REQUEST BETWEEN APRIL
54 FIRST, TWO THOUSAND FOURTEEN AND MARCH THIRTY-FIRST, TWO THOUSAND
55 FIFTEEN, BE ISSUED A DISTINCTIVE PLATE PURSUANT TO THIS SECTION IN THE
56 SAME MANNER AS OTHER NUMBER PLATES UPON PAYMENT OF A TWENTY-FIVE DOLLAR

REGISTRATION FEE PRESCRIBED BY SECTION FOUR HUNDRED ONE OF THIS CHAPTER FOR THE INITIAL LICENSE PLATE AND SHALL BE EXEMPT FROM THE PAYMENT OF FEES OTHERWISE REQUIRED TO BE PAID PURSUANT TO PARAGRAPH B OF SUBDIVISION THREE OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE AND THE ANNUAL SERVICE CHARGE REQUIRED BY SUBDIVISION TWO OF THIS SECTION FOR THE INITIAL ISSUANCE OF SUCH LICENSE PLATE AND FOR THE NEXT ENSUING REGISTRATION RENEWAL.

5. ANY NEW YORK RESIDENT WHO POSSESSES A HUNTING, FISHING OR TRAPPING LICENSE ISSUED PURSUANT TO TITLE SEVEN OF ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVATION LAW OR AN ANNUAL VEHICLE ACCESS PASS, ALSO KNOWN AS AN EMPIRE PASSPORT, PURSUANT TO ARTICLE THIRTEEN OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW MAY PURCHASE THE LICENSE PLATE AVAILABLE TO A PERSON WHO PURCHASES A LIFETIME LICENSE UPON PAYMENT OF THE REGULAR REGISTRATION FEE PRESCRIBED BY SECTION FOUR HUNDRED ONE OF THIS ARTICLE.

S 13. This act shall take effect April 1, 2014, provided, however that section twelve of this act shall be deemed to have been in effect on and after January 1, 2014.

PART J

Section 1. Subdivisions 6, 7 and 8 of section 251-z-5 of the agriculture and markets law, subdivisions 6 and 7 as added by chapter 863 of the laws of 1972 and subdivision 8 as added by chapter 665 of the laws of 2005, are amended and a new subdivision 9 is added to read as follows:

(6) The applicant or licensee, or an officer, director, partner, holder of ten per cent of the voting stock, or any other person exercising any position of management or control has failed to comply with any of the provisions of this chapter or rules and regulations promulgated pursuant thereto; [or]

(7) Any person including the applicant or licensee, or an officer, director, partner or any stockholder, exercising any position of management or control has been convicted of a felony in any court of the United States or any state or territory[.];

(8) A retail food store licensed under this article fails to comply with the education requirements set forth in section two hundred fifty-one-z-twelve of this article[.]; OR

(9) THE APPLICANT OR LICENSEE HAS FAILED TO PAY ANY PENALTY IMPOSED FOR OR JUDGMENT BASED UPON A VIOLATION OF THE PROVISIONS OF THIS ARTICLE OR RULES AND REGULATIONS PROMULGATED PURSUANT THERETO, WHICH OUTSTANDING PENALTY OR PENALTIES AND/OR JUDGMENT OR JUDGMENTS EQUAL OR EXCEED TWO THOUSAND FOUR HUNDRED DOLLARS. NOTWITHSTANDING, AND IN ADDITION TO THE POWERS CONFERRED IN THIS SECTION, WHEN THE COMMISSIONER FINDS THAT AN APPLICANT OR LICENSEE HAS FAILED TO PAY ANY PENALTY IMPOSED OR JUDGMENT OBTAINED, WHICH OUTSTANDING PENALTY OR PENALTIES AND/OR JUDGMENT OR JUDGMENTS EQUAL OR EXCEED TWO THOUSAND FOUR HUNDRED DOLLARS, THE COMMISSIONER MAY DECLINE TO ISSUE OR RENEW A LICENSE, AND, IN LIEU THEREOF, SHALL GRANT A PROVISIONAL LICENSE.

(A) A PROVISIONAL LICENSE SHALL EXPIRE SIXTY DAYS FOLLOWING ITS ISSUANCE, UNLESS: (I) PRIOR TO ITS EXPIRATION, THE APPLICANT OR LICENSEE PAYS OR ENTERS INTO AN AGREEMENT WITH THE DEPARTMENT TO PAY ALL SAID AMOUNTS DUE, AT WHICH POINT THE PROVISIONAL LICENSE SHALL CONVERT TO A TWO-YEAR LICENSE, COMMENCING AS OF THE DATE OF ISSUANCE OF THE PROVISIONAL LICENSE; OR (II) WITHIN THIRTY DAYS OF ITS ISSUANCE, THE APPLI-

1 CANT OR LICENSEE REQUESTS A HEARING, PURSUANT TO RULES AND REGULATIONS
2 THAT THE DEPARTMENT SHALL PROMULGATE.

3 (B) WHERE A HEARING IS REQUESTED, THE PROVISIONAL LICENSE SHALL
4 CONTINUE IN FORCE UNTIL THE DETERMINATION OF SAID HEARING. SHOULD THE
5 APPLICANT PREVAIL, THE PROVISIONAL LICENSE SHALL CONVERT INTO A TWO-YEAR
6 LICENSE, RUNNING FROM THE DATE OF THE ISSUANCE OF THE PROVISIONAL
7 LICENSE. SHOULD THE DEPARTMENT PREVAIL, THE PROVISIONAL LICENSE SHALL
8 TERMINATE AND NO LICENSE SHALL ISSUE.

9 S 2. This act shall take effect immediately.

10 PART K

11 Intentionally Omitted

12 PART L

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

17 S 2. This act shall take effect immediately and shall be deemed to
18 have been in full force and effect on and after April 1, 2014.

19 PART M

20 Intentionally Omitted

21 PART N

22 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
23 executive law relating to permitting the secretary of state to provide
24 special handling for all documents filed or issued by the division of
25 corporations and to permit additional levels of such expedited service,
26 as amended by section 1 of part P of chapter 58 of the laws of 2013, is
27 amended to read as follows:

28 S 2. This act shall take effect immediately, provided however, that
29 section one of this act shall be deemed to have been in full force and
30 effect on and after April 1, 2003 and shall expire March 31, [2014]
31 2015.

32 S 2. This act shall take effect immediately and shall be deemed to
33 have been in full force and effect on and after March 31, 2014.

34 PART O

35 Section 1. Paragraph (g) of section 104 of the business corporation
36 law, as amended by chapter 375 of the laws of 1998, is amended to read
37 as follows:

38 (g) The department shall make, certify and transmit ELECTRONICALLY a
39 copy of each such instrument to the clerk of the county in which the
40 office of the domestic or foreign corporation is or is to be located.
41 The county clerk shall file and index such copy.

42 S 2. Paragraph (g) of section 104 of the not-for-profit corporation
43 law, as amended by chapter 375 of the laws of 1998, is amended to read
44 as follows:

45 (g) The department shall make, certify and transmit ELECTRONICALLY a
46 copy of each such instrument to the clerk of the county in which the

office of the domestic or foreign corporation is or is to be located.
The county clerk shall file and index such copy.
S 3. This act shall take effect immediately.

PART P

Section 1. Subdivision 2 of section 160-f of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:

2. Notwithstanding any other law, the department may transmit an annual registry fee [of not more than twenty-five dollars] AS SET BY THE FEDERAL APPRAISAL SUBCOMMITTEE IN ACCORDANCE WITH 12 U.S.C. 3338 (A)(4)(A) from such individuals who perform or seek to perform appraisals in federally related transactions and to transmit a roster of such individuals to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council as required by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

S 2. This act shall take effect immediately.

PART Q

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

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, 2014.

PART R

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

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

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

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

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

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

S 2. Paragraph (d) of subdivision 5 of section 52 of the public service law, as added by chapter 186 of the laws of 1995, is amended to read as follows:

(d) when such determination follows a customer complaint regarding a shared meter condition or a utility discovery of a shared meter condi-

tion that is not in response to an owner's request for a utility inspection for a shared meter condition, with respect to utility service billed after December first, nineteen hundred ninety-six, the utility shall comply with the provisions of paragraphs (a), (b) and (c) of this subdivision, and further bill the owner and refund to the shared meter customer an estimated amount of THE charges for [twelve months] TWENTY-FIVE PERCENT of all service measured by the shared meter FOR TWELVE MONTHS; provided, however, that this paragraph shall not apply to a shared meter condition if service measured through the shared meter is minimal under commission rules adopted pursuant to subdivision eight of this section[. An owner so billed] OR IN THE EVENT AN OWNER, PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION, IS EXCUSED FROM CORRECTING THE SHARED METER CONDITION BY A LEGAL PROHIBITION OR EXORBITANT COST AS DEFINED BY COMMISSION RULES ADOPTED PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION. A SHARED METER CUSTOMER may petition the commission or its designee for a determination that the amount of such [bill is excessive] ASSESSMENT IS UNSATISFACTORY and that such bill and refund be adjusted [accordingly]; provided, however, [neither the adjusted bill nor] THAT the adjusted refund shall [be less than twenty-five percent of] NOT EXCEED the total amount of the original bill. [The commission is authorized to make such a determination and adjustment if it finds that a bill and refund of twelve months' charges is unduly burdensome and unfair.] In making such determination the commission or its designee shall consider the total amount of the bill and refund in relation to the shared area charges over such twelve month period and any other equitable factors established by the commission; and

S 3. Section 221 of the public service law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

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

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

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

1 [3.] 4. [The commission shall issue a] A certificate of confirmation
2 of the franchise [unless it finds that (a) the applicant, (b) the
3 proposed cable television system, or (c) the proposed franchise does not
4 conform to the standards established in the regulations promulgated by
5 the commission pursuant to subdivision two of section two hundred
6 fifteen, or that operation of the proposed cable television system by
7 the applicant under the proposed cable television system by the appli-
8 cant under the proposed franchise would be in violation of law, any
9 regulation or standard promulgated by the commission or the public
10 interest.] SHALL BE DEEMED CONFIRMED FORTY-FIVE DAYS AFTER THE FRANCHISE
11 IS FILED PURSUANT TO SUBDIVISION ONE OF THIS SECTION UNLESS THE COMMIS-
12 SION, OR ITS DESIGNEE, DETERMINES WITHIN SUCH FORTY-FIVE DAY PERIOD THAT
13 THE PUBLIC INTEREST REQUIRES THE COMMISSION'S REVIEW AND WRITTEN ORDER.

14 [4.] 5. The commission may issue a certificate of confirmation contin-
15 gent upon compliance with standards, terms or conditions set by the
16 commission which it determines would not have been met by the applicant,
17 system or franchise as proposed.

18 [5.] 6. In the event the commission refuses to issue a certificate of
19 confirmation, it shall set forth in writing the reasons for its deci-
20 sion.

21 [6. Any cable television company which, pursuant to any existing fran-
22 chise, (i) was lawfully engaged in actual operations for (ii) had
23 commenced substantial construction (as such term is defined by the
24 commission) of a cable television system on January first, nineteen
25 hundred seventy-two may continue to exercise said franchise pursuant to
26 the terms thereof, provided such company files with the commission, on
27 or before July first, nineteen hundred seventy-three an application in
28 such form and containing such information and supporting documentation
29 as the commission may require. The commission shall issue a certificate
30 of confirmation to such a cable television company valid for five years
31 without further proceedings, which certificate may be renewed by the
32 commission on application for five year terms pursuant to the provisions
33 of section two hundred twenty-two.

34 7. Notwithstanding any other provisions of this article, any cable
35 television company engaged in actual and lawful nonfranchised cable
36 television operations on April first, nineteen hundred seventy-three,
37 that applied for a certificate of confirmation on or before September
38 first, nineteen hundred seventy-four and received a certificate, valid
39 for a five year period, may continue to operate within the limits of the
40 area in which it was actually rendering service on April first, nineteen
41 hundred seventy-three, as determined by the commission. Such a certif-
42 icate of confirmation may be renewed by the commission on application
43 for five year terms pursuant to the provisions of section two hundred
44 twenty-two of this article. Any such company which failed to file an
45 application pursuant to this section on or before September first, nine-
46 teen hundred seventy-four, shall thereafter be prohibited from continu-
47 ing operation of a nonfranchised cable television system, provided
48 however, that the commission may authorize such continued nonfranchised
49 operation in extraordinary circumstances for such periods as the commis-
50 sion may deem appropriate.

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

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

S 4. Section 222 of the public service law is REPEALED and a new section 222 is added to read as follows:

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

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

S 5. The public service law is amended by adding a new section 222-a to read as follows:

S 222-A. TRANSFER OF FRANCHISES AND TRANSFER OF CONTROL OVER FRANCHISES AND SYSTEM PROPERTIES. 1. NO TRANSFER OF ANY FRANCHISE, OR ANY TRANSFER OF CONTROL OF A FRANCHISE OR CERTIFICATE OF CONFIRMATION OR OF FACILITIES CONSTITUTING A SIGNIFICANT PART OF ANY CABLE TELEVISION SYSTEM SHALL BE EFFECTIVE WITHOUT THE PRIOR APPROVAL OF THE COMMISSION. SUCH APPROVAL SHALL BE REQUIRED IN ADDITION TO ANY MUNICIPAL APPROVAL REQUIRED UNDER THE FRANCHISE OR BY LAW. FOR THE PURPOSES OF THIS SECTION, A MERGER OR CONSOLIDATION OF TWO OR MORE CABLE TELEVISION COMPANIES SHALL BE DEEMED TO BE A TRANSFER OF THE FRANCHISES OR CERTIFICATES GRANTED TO SUCH COMPANIES.

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

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

4. THE COMMISSION MAY APPROVE THE APPLICATION CONTINGENT UPON COMPLIANCE WITH STANDARDS, TERMS OR CONDITIONS SET BY THE COMMISSION WHICH IT

1 DETERMINES WOULD NOT HAVE BEEN MET BY THE PROPOSED TRANSFER OF A FRAN-
2 CHISE.

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

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

7 S 6. This act shall take effect immediately; provided, however, that
8 sections three, four and five of this act shall apply to franchises
9 filed on or after the date this act shall have become a law.

10 PART S

11 Section 1. Paragraphs (a) and (b) of subdivision 6 of section 18-a of
12 the public service law, paragraph (a) as amended by section 1 of part BB
13 of chapter 59 of the laws of 2013 and paragraph (b) as amended by
14 section 2 of part A of chapter 173 of the laws of 2013, are amended to
15 read as follows:

16 (a) Notwithstanding any provision of law to the contrary, and subject
17 to the exceptions provided for in paragraph (b) of this subdivision, for
18 the state fiscal year beginning on April first, two thousand nine and
19 eight state fiscal years thereafter, a temporary annual assessment
20 (hereinafter "temporary state energy and utility service conservation
21 assessment") is hereby imposed on public utility companies [(including
22 for the purposes of this subdivision municipalities other than municipi-
23 palities as defined in section eighty-nine-1 of this chapter)], corpo-
24 rations (including for purposes of this subdivision the Long Island
25 power authority), and persons subject to the commission's regulation
26 (hereinafter such public utility companies, corporations, and persons
27 are referred to collectively as the "utility entities") to encourage the
28 conservation of energy and other resources provided through utility
29 entities, to be assessed in the manner provided in this subdivision;
30 provided, however, that such assessment shall not be imposed upon (1) A
31 telephone [corporations as defined in subdivision seventeen of section
32 two of this article] CORPORATION, AND (2) A WATER-WORKS CORPORATION; AND
33 PROVIDED, FURTHER, THAT SUCH ASSESSMENT SHALL NOT BE IMPOSED UPON THE
34 GROSS OPERATING REVENUES DERIVED FROM: (I) AN ELECTRIC CUSTOMER ACCOUNT
35 WITH A MONTHLY PEAK DEMAND OF ONE THOUSAND KILOWATTS OR MORE IN THE LAST
36 PRECEDING CALENDAR YEAR AS DETERMINED PURSUANT TO THE UTILITY ENTITY'S
37 TARIFF, AND (II) A GAS CUSTOMER ACCOUNT WITH AN ANNUAL CONSUMPTION IN
38 THE LAST PRECEDING CALENDAR YEAR OF ONE HUNDRED THOUSAND DEKATHERMS OR
39 MORE AS DETERMINED PURSUANT TO THE UTILITY ENTITY'S TARIFF.

40 (b) The temporary state energy and utility service conservation
41 assessment shall APPLY ONLY TO THOSE CORPORATIONS AND GROSS OPERATING
42 REVENUES NOT EXEMPTED IN PARAGRAPH (A) OF THIS SUBDIVISION AND SHALL be
43 based upon the following percentum of the utility entity's gross operat-
44 ing revenues derived from intrastate utility operations in the last
45 preceding calendar year, minus the amount, if any, that such utility
46 entity is assessed pursuant to subdivisions one and two of this section
47 for the corresponding state fiscal year period: (1) two percentum for
48 the state fiscal year beginning April first, two thousand thirteen
49 [and]; (2) 1.89 PERCENTUM FOR the state fiscal year beginning April
50 first, two thousand fourteen; [(2) one and three-quarters] (3) 1.13
51 percentum for the state fiscal year beginning April first, two thousand
52 fifteen; and [(3) one and one-half] (4) 0.83 percentum for the state
53 fiscal year beginning April first, two thousand sixteen. A PAYMENT FOR
54 SUCH ASSESSMENT RECEIVED BY A UTILITY ENTITY FOR THE STATE FISCAL YEAR

1 BEGINNING APRIL FIRST, TWO THOUSAND FOURTEEN AND THEREAFTER FOR (I)
2 ELECTRIC CUSTOMER ACCOUNTS WITH A MONTHLY PEAK DEMAND OF ONE THOUSAND
3 KILOWATTS OR MORE IN THE LAST PRECEDING CALENDAR YEAR AS DETERMINED
4 PURSUANT TO THE UTILITY ENTITY'S TARIFF, AND (II) GAS CUSTOMER ACCOUNTS
5 WITH AN ANNUAL CONSUMPTION IN THE LAST PRECEDING CALENDAR YEAR OF ONE
6 HUNDRED THOUSAND DEKATHERMS OR MORE AS DETERMINED PURSUANT TO THE UTILI-
7 TY ENTITY'S TARIFF, SHALL BE CREDITED TO SUCH CUSTOMER BY THE UTILITY
8 ENTITY, NO LESS FREQUENTLY THAN SEMI-ANNUALLY AND IN SUCH MANNER AND
9 FORM AS MAY BE DETERMINED BY THE DEPARTMENT. With respect to the tempo-
10 rary state energy and utility service conservation assessment to be paid
11 for the state fiscal year beginning April first, two thousand seventeen
12 and notwithstanding clause (i) of paragraph (d) of this subdivision, on
13 or before March tenth, two thousand seventeen, utility entities shall
14 make a payment equal to one-half of the assessment paid by such entities
15 pursuant to this paragraph for the state fiscal year beginning on April
16 first, two thousand sixteen; PROVIDED, FURTHER THAT SUCH ASSESSMENT FOR
17 STATE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND SEVENTEEN SHALL
18 NOT BE REFLECTED IN A CUSTOMER'S RATE AFTER SEPTEMBER THIRTIETH, TWO
19 THOUSAND SEVENTEEN. With respect to the Long Island power authority,
20 the temporary state energy and utility service conservation assessment
21 shall APPLY ONLY TO THE GROSS OPERATING REVENUES NOT EXEMPTED IN PARA-
22 GRAPH (A) OF THIS SUBDIVISION AND SHALL be based upon the following
23 percentum of such authority's gross operating revenues derived from
24 intrastate utility operations in the last preceding calendar year, minus
25 the amount, if any, that such authority is assessed pursuant to subdivi-
26 sions one-a and two of this section for the corresponding state fiscal
27 year period: (1) one percentum for the state fiscal year beginning April
28 first, two thousand thirteen [and]; (2) 0.95 PERCENTUM FOR the state
29 fiscal year beginning April first, two thousand fourteen; [(2) three-
30 quarters of one] (3) 0.51 percentum for the state fiscal year beginning
31 April first, two thousand fifteen; and [(3) one-half] (4) 0.36 percentum
32 for the state fiscal year beginning April first, two thousand sixteen;
33 provided, however, that should the amount assessed by the department for
34 costs and expenses pursuant to such subdivisions equal or exceed such
35 authority's temporary state energy and utility service conservation
36 assessment for a particular fiscal year, the amount to be paid under
37 this subdivision by such authority shall be zero. A PAYMENT FOR SUCH
38 ASSESSMENT RECEIVED FOR THE STATE FISCAL YEAR BEGINNING APRIL FIRST, TWO
39 THOUSAND FOURTEEN AND THEREAFTER FOR ELECTRIC CUSTOMER ACCOUNTS WITH A
40 MONTHLY PEAK DEMAND OF ONE THOUSAND KILOWATTS OR MORE IN THE LAST
41 PRECEDING CALENDAR YEAR AS DETERMINED BY THE AUTHORITY'S TARIFF SHALL BE
42 CREDITED TO SUCH CUSTOMER BY THE AUTHORITY, NO LESS FREQUENTLY THAN
43 SEMI-ANNUALLY AND IN SUCH MANNER AND FORM AS MAY BE DETERMINED BY THE
44 AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT. With respect to the
45 temporary state energy and utility service conservation assessment to be
46 paid for the state fiscal year beginning April first, two thousand
47 seventeen and notwithstanding clause (i) of paragraph (d) of this subdivi-
48 sion, on or before March tenth, two thousand seventeen, the Long
49 Island power authority shall make a payment equal to one-half of the
50 assessment it paid for the state fiscal year beginning on April first,
51 two thousand sixteen; PROVIDED, FURTHER THAT SUCH ASSESSMENT FOR STATE
52 FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND SEVENTEEN SHALL NOT BE
53 REFLECTED IN A CUSTOMER'S RATE AFTER SEPTEMBER THIRTIETH, TWO THOUSAND
54 SEVENTEEN. No corporation or person subject to the jurisdiction of the
55 commission only with respect to safety, or the power authority of the
56 state of New York, shall be subject to the temporary state energy and

1 utility service conservation assessment provided for under this subdivi-
2 sion. Utility entities whose gross operating revenues from intrastate
3 utility operations are five hundred thousand dollars or less in the
4 preceding calendar year shall not be subject to the temporary state
5 energy and utility service conservation assessment. The minimum tempo-
6 rary state energy and utility service conservation assessment to be
7 billed to any utility entity whose gross revenues from intrastate utili-
8 ty operations are in excess of five hundred thousand dollars in the
9 preceding calendar year shall be two hundred dollars.

10 S 2. This act shall take effect immediately and shall be deemed to
11 have been in full force and effect on and after April 1, 2014; provided,
12 however, that the amendments to subdivision 6 of section 18-a of the
13 public service law made by section one of this act shall not affect the
14 repeal of such subdivision and shall be deemed to be repealed therewith.

15 PART T

16 Section 1. The opening paragraph of section 5102 of the insurance law
17 is amended and a new subsection (n) is added to read as follows:

18 In this [chapter] ARTICLE:

19 (N) "PROVIDER OF HEALTH SERVICES" MEANS AN INDIVIDUAL OR ENTITY WHO OR
20 THAT RENDERS OR HAS RENDERED HEALTH SERVICES.

21 S 2. Section 5109 of the insurance law, as added by chapter 423 of the
22 laws of 2005, is amended to read as follows:

23 S 5109. Unauthorized providers of health services. (a) [The super-
24 intendent, in consultation with the commissioner of health and the
25 commissioner of education, shall by regulation, promulgate standards and
26 procedures for investigating and suspending or removing the authori-
27 zation for providers of health services to demand or request payment for
28 health services as specified in paragraph one of subsection (a) of
29 section five thousand one hundred two of this article upon findings
30 reached after investigation pursuant to this section. Such regulations
31 shall ensure the same or greater due process provisions, including
32 notice and opportunity to be heard, as those afforded physicians inves-
33 tigated under article two of the workers' compensation law and shall
34 include provision for notice to all providers of health services of the
35 provisions of this section and regulations promulgated thereunder at
36 least ninety days in advance of the effective date of such regulations]
37 AS USED IN THIS SECTION, "HEALTH SERVICES" MEANS SERVICES, SUPPLIES,
38 THERAPIES, OR OTHER TREATMENTS AS SPECIFIED IN SUBPARAGRAPH (I), (II),
39 OR (IV) OF PARAGRAPH ONE OF SUBSECTION (A) OF SECTION FIVE THOUSAND ONE
40 HUNDRED TWO OF THIS ARTICLE.

41 (b) [The commissioner of health and the commissioner of education
42 shall provide a list of the names of all providers of health services
43 who the commissioner of health and the commissioner of education shall
44 deem, after reasonable investigation, not authorized to demand or
45 request any payment for medical services in connection with any claim
46 under this article because such] THE SUPERINTENDENT MAY PROHIBIT A
47 provider of health services FROM DEMANDING OR REQUESTING PAYMENT FOR
48 HEALTH SERVICES RENDERED UNDER THIS ARTICLE, FOR A PERIOD SPECIFIED BY
49 THE SUPERINTENDENT, IF THE SUPERINTENDENT DETERMINES, AFTER NOTICE AND
50 HEARING, THAT THE PROVIDER OF HEALTH SERVICES:

51 (1) has ADMITTED TO, OR been FOUND guilty of, professional [or other]
52 misconduct [or incompetency], AS DEFINED IN THE EDUCATION LAW, in
53 connection with [medical] HEALTH services rendered under this article;
54 [or]

1 (2) [has exceeded the limits of his or her professional competence in
2 rendering medical care under this article or] has knowingly made a false
3 statement or representation as to a material fact in any medical report
4 made, OR DOCUMENT SUBMITTED, in connection with any claim under this
5 article; or

6 (3) solicited, or [has] employed another PERSON to solicit for
7 [himself or herself] THE PROVIDER OF HEALTH SERVICES or [for] another
8 INDIVIDUAL OR ENTITY, professional treatment, examination or care of [an
9 injured] A person in connection with any claim under this article; [or]

10 (4) [has] refused to appear before, or [to] answer ANY RELEVANT QUES-
11 TION upon request of, the [commissioner of health, the] superinten-
12 dent[,] or any duly authorized officer of [the] THIS state, [any legal
13 question,] or REFUSED to produce any relevant information concerning
14 [his or her] THE conduct OF THE PROVIDER OF HEALTH SERVICES in
15 connection with [rendering medical] HEALTH services RENDERED under this
16 article; [or]

17 (5) [has] engaged in [patterns] A PATTERN of billing for:

18 (A) HEALTH services [which] ALLEGED TO HAVE BEEN RENDERED UNDER THIS
19 ARTICLE, WHEN THE HEALTH SERVICES were not [provided.] RENDERED; OR

20 (B) CONSISTENTLY AND REGULARLY DELIVERED UNNECESSARY HEALTH SERVICES
21 WITHOUT REASONABLE MEDICAL JUSTIFICATION AS DETERMINED BY THE SUPER-
22 INTENDENT IN CONSULTATION WITH A PROVIDER OF HEALTH SERVICES OF SIMILAR
23 LICENSURE AND BOARD CERTIFICATION TAKING INTO CONSIDERATION THE OVERALL
24 HEALTH OF THE PATIENT AND ISSUES OF PALLIATIVE CARE;

25 (6) UTILIZED UNLICENSED PERSONS TO RENDER HEALTH SERVICES UNDER THIS
26 ARTICLE, WHEN ONLY A PERSON LICENSED IN THIS STATE MAY RENDER THE HEALTH
27 SERVICES;

28 (7) UTILIZED LICENSED PERSONS TO RENDER HEALTH SERVICES, WHEN RENDER-
29 ING THE HEALTH SERVICES IS BEYOND THE AUTHORIZED SCOPE OF THE PERSON'S
30 LICENSE;

31 (8) DIRECTLY OR INDIRECTLY CEDED OWNERSHIP OR CONTROL OF A BUSINESS
32 ENTITY AUTHORIZED TO PROVIDE PROFESSIONAL HEALTH SERVICES IN THIS STATE,
33 INCLUDING A PROFESSIONAL SERVICE CORPORATION, PROFESSIONAL LIMITED
34 LIABILITY COMPANY, OR REGISTERED LIMITED LIABILITY PARTNERSHIP, TO A
35 PERSON NOT LICENSED TO RENDER THE HEALTH SERVICES WHICH THE ENTITY IS
36 LEGALLY AUTHORIZED TO PROVIDE, EXCEPT WHERE THE UNLICENSED PERSON'S
37 OWNERSHIP OR CONTROL IS OTHERWISE PERMITTED BY LAW;

38 (9) HAS BEEN CONVICTED OF OR PLED GUILTY TO ANY CRIME OR VIOLATION OF
39 THE PENAL LAW IN CONNECTION WITH HEALTH SERVICES RENDERED UNDER THIS
40 ARTICLE;

41 (10) HAS BEEN CONVICTED OF A CRIME INVOLVING FRAUDULENT OR DISHONEST
42 PRACTICES; OR

43 (11) VIOLATED ANY PROVISION OF THIS ARTICLE OR REGULATIONS PROMULGATED
44 THEREUNDER.

45 (c) [Providers] A PROVIDER of health services shall [refrain from
46 subsequently treating for remuneration, as a private patient, any person
47 seeking medical treatment] NOT DEMAND OR REQUEST PAYMENT FROM THE
48 PATIENT, ANY INSURER, OR ANY OTHER PERSON FOR ANY HEALTH SERVICES under
49 this article [if such provider pursuant to this section has been prohib-
50 ited from demanding or requesting any payment for medical services under
51 this article. An injured claimant so treated or examined may raise this
52 as] THAT ARE RENDERED DURING THE TERM OF THE PROHIBITION ORDERED BY THE
53 SUPERINTENDENT PURSUANT TO SUBSECTION (B) OF THIS SECTION. THE PROHIBI-
54 TION ORDERED BY THE SUPERINTENDENT MAY BE a defense in any action by
55 [such] THE provider OF HEALTH SERVICES for payment for [treatment
56 rendered at any time after such provider has been prohibited from

1 demanding or requesting payment for medical services in connection with
2 any claim under this article] SUCH HEALTH SERVICES.

3 (d) The [commissioner of health and the commissioner of education]
4 SUPERINTENDENT shall maintain [and regularly update] a database contain-
5 ing a list of providers of health services prohibited by this section
6 from demanding or requesting any payment for health services [connected
7 to a claim] RENDERED under this article and shall make [such] THE infor-
8 mation available to the public [by means of a website and by a toll free
9 number].

10 (e) THE SUPERINTENDENT MAY LEVY A CIVIL PENALTY NOT EXCEEDING TEN
11 THOUSAND DOLLARS FOR EACH OFFENSE ON ANY PROVIDER OF HEALTH SERVICES
12 THAT THE SUPERINTENDENT PROHIBITS FROM DEMANDING OR REQUESTING PAYMENT
13 FOR HEALTH SERVICES PURSUANT TO SUBSECTION (B) OF THIS SECTION. ANY
14 CIVIL PENALTY IMPOSED FOR A FRAUDULENT INSURANCE ACT AS DEFINED IN
15 SECTION 176.05 OF THE PENAL LAW SHALL BE LEVIED PURSUANT TO ARTICLE FOUR
16 OF THIS CHAPTER.

17 (F) Nothing in this section shall be construed as limiting in any
18 respect the powers and duties of the commissioner of health, commission-
19 er of education or the superintendent to investigate instances of
20 misconduct by a [health care] provider [and, after a hearing and upon
21 written notice to the provider, to temporarily prohibit a provider of
22 health services under such investigation from demanding or requesting
23 any payment for medical services under this article for up to ninety
24 days from the date of such notice] OF HEALTH SERVICES AND TAKE APPROPRI-
25 ATE ACTION PURSUANT TO ANY OTHER PROVISION OF LAW. A DETERMINATION OF
26 THE SUPERINTENDENT PURSUANT TO SUBSECTION (B) OF THIS SECTION SHALL NOT
27 BE BINDING UPON THE COMMISSIONER OF HEALTH OR COMMISSIONER OF EDUCATION
28 IN A PROFESSIONAL DISCIPLINE PROCEEDING RELATING TO THE SAME CONDUCT.

29 S 3. Paragraph 1 of subsection (a) of section 308 of the insurance
30 law, as amended by chapter 499 of the laws of 2009, is amended to read
31 as follows:

32 (1) The superintendent may also address to any health maintenance
33 organization, life settlement provider, life settlement intermediary or
34 its officers, ANY PROVIDER OF HEALTH SERVICES WHO DEMANDS OR REQUESTS
35 PAYMENT FOR HEALTH SERVICES RENDERED UNDER ARTICLE FIFTY-ONE OF THIS
36 CHAPTER, or any authorized insurer or rate service organization, or
37 officers thereof, any inquiry in relation to its transactions or condi-
38 tion or any matter connected therewith. Every corporation or person so
39 addressed shall reply in writing to such inquiry promptly and truthfully,
40 and such reply shall be, if required by the superintendent,
41 subscribed by such individual, or by such officer or officers of a
42 corporation, as the superintendent shall designate, and affirmed by them
43 as true under the penalties of perjury.

44 S 4. The insurance law is amended by adding a new section 5110 to read
45 as follows:

46 S 5110. EXAMINATIONS OF PROVIDERS OF HEALTH SERVICES; WHEN AUTHORIZED
47 OR REQUIRED. (A) THE SUPERINTENDENT MAY MAKE AN EXAMINATION, INCLUDING
48 AN AUDIT OR INSPECTION, INTO THE AFFAIRS OF ANY PROVIDER OF HEALTH
49 SERVICES THAT DEMANDS OR REQUESTS PAYMENT FOR HEALTH SERVICES RENDERED
50 UNDER THIS ARTICLE, WHERE THE SUPERINTENDENT HAS A REASONABLE SUSPICION
51 UPON CREDIBLE EVIDENCE TO BELIEVE THAT A PROVIDER OF HEALTH SERVICES HAS
52 ENGAGED IN CONDUCT SET FORTH IN PARAGRAPH ONE, TWO, THREE, FOUR OR FIVE
53 OF SUBSECTION (B) OF SECTION FIVE THOUSAND ONE HUNDRED NINE OF THIS
54 ARTICLE. AS USED IN THIS SECTION, "HEALTH SERVICES" MEANS SERVICES,
55 SUPPLIES, THERAPIES, OR OTHER TREATMENTS AS SPECIFIED IN SUBPARAGRAPH

(I), (II), OR (IV) OF PARAGRAPH ONE OF SUBSECTION (A) OF SECTION FIVE THOUSAND ONE HUNDRED TWO OF THIS ARTICLE.

(B)(1) WHENEVER THE SUPERINTENDENT SHALL DETERMINE TO EXAMINE THE AFFAIRS OF ANY PROVIDER OF HEALTH SERVICES, THE SUPERINTENDENT SHALL MAKE AN ORDER INDICATING THE SCOPE OF THE EXAMINATION AND MAY APPOINT AS EXAMINERS ONE OR MORE PERSONS NOT EMPLOYED BY ANY PROVIDER OF HEALTH SERVICES OR INSURER OR INTERESTED IN ANY PROVIDER OF HEALTH SERVICES OR INSURER, EXCEPT AS A POLICYHOLDER. A COPY OF SUCH ORDER SHALL UPON DEMAND BE EXHIBITED TO THE PROVIDER OF HEALTH SERVICES WHOSE AFFAIRS ARE TO BE EXAMINED BEFORE THE EXAMINATION BEGINS.

(2) ANY EXAMINER AUTHORIZED BY THE SUPERINTENDENT SHALL BE GIVEN CONVENIENT ACCESS AT ALL REASONABLE HOURS TO THE BOOKS, RECORDS, FILES, SECURITIES AND OTHER DOCUMENTS OF SUCH PROVIDER OF HEALTH SERVICES THAT ARE RELEVANT TO THE EXAMINATION, AND SHALL HAVE POWER TO ADMINISTER OATHS AND TO EXAMINE UNDER OATH ANY OFFICER OR AGENT OF SUCH PROVIDER OF HEALTH SERVICES, AND ANY OTHER PERSON HAVING CUSTODY OR CONTROL OF SUCH DOCUMENTS, REGARDING ANY MATTER RELEVANT TO THE EXAMINATION.

(3) THE OFFICERS AND AGENTS OF SUCH PROVIDER OF HEALTH SERVICES SHALL FACILITATE SUCH EXAMINATION AND AID SUCH EXAMINERS IN CONDUCTING THE SAME SO FAR AS IT IS IN THEIR POWER TO DO SO.

(4) THE REFUSAL OF ANY PROVIDER OF HEALTH SERVICES TO SUBMIT TO EXAMINATION SHALL BE GROUNDS FOR THE SUPERINTENDENT PROHIBITING THE PROVIDER OF HEALTH SERVICES FROM DEMANDING OR REQUESTING PAYMENT FOR HEALTH SERVICES RENDERED UNDER THIS ARTICLE PURSUANT TO SECTION FIVE THOUSAND ONE HUNDRED NINE OF THIS ARTICLE.

(5) AN EXAMINATION SHALL BE CONDUCTED CONSISTENT WITH ALL APPLICABLE STATE AND FEDERAL PRIVACY LAWS.

(6) THIS SECTION SHALL NOT APPLY TO A GENERAL HOSPITAL, AS DEFINED IN SUBDIVISION TEN OF SECTION TWO THOUSAND EIGHT HUNDRED ONE OF THE PUBLIC HEALTH LAW, OR FOR CARE PROVIDED TO LESS THAN ONE HUNDRED PATIENTS IN THE PRIOR CALENDAR YEAR FOR HEALTH SERVICES RENDERED UNDER THIS ARTICLE.

S 5. Section 176.00 of the penal law is amended by adding four new subdivisions 6, 7, 8 and 9 to read as follows:

6. "PROVIDER" MEANS AN ATTORNEY, A HEALTH CARE PROFESSIONAL, AN OWNER OR OPERATOR OF A HEALTH CARE PRACTICE OR FACILITY, ANY PERSON WHO CREATES THE IMPRESSION THAT HE OR SHE, OR HIS OR HER PRACTICE CAN PROVIDE LEGAL OR HEALTH CARE SERVICES, ANY PERSON EMPLOYED OR ACTING ON BEHALF OF ANY SUCH PERSON, OR ANY PERSON PROVIDING MANAGEMENT OR CONSULTING SERVICES TO ANY SUCH PERSON.

7. "PUBLIC MEDIA" MEANS TELEPHONE DIRECTORIES, PROFESSIONAL DIRECTORIES, NEWSPAPERS AND OTHER PERIODICALS, RADIO AND TELEVISION, BILLBOARDS, AND MAILED OR ELECTRONICALLY TRANSMITTED WRITTEN COMMUNICATIONS THAT DO NOT INVOLVE DIRECT CONTACT WITH A SPECIFIC PROSPECTIVE CLIENT, PATIENT, OR CUSTOMER.

8. "RUNNER" MEANS A PERSON WHO, FOR A PECUNIARY BENEFIT, PROCURES OR ATTEMPTS TO PROCURE A CLIENT, PATIENT OR CUSTOMER AT THE DIRECTION OF, REQUEST OF OR IN COOPERATION WITH A PROVIDER WHOSE PURPOSE IS TO SEEK TO OBTAIN BENEFITS UNDER A CONTRACT OF INSURANCE OR ASSERT A CLAIM AGAINST AN INSURED OR AN INSURANCE CARRIER FOR PROVIDING SERVICES TO THE CLIENT, PATIENT OR CUSTOMER, OR TO OBTAIN BENEFITS UNDER OR ASSERT A CLAIM AGAINST A STATE OR FEDERAL HEALTH CARE BENEFITS PROGRAM OR PRESCRIPTION DRUG ASSISTANCE PROGRAM. "RUNNER" SHALL NOT INCLUDE (A) A PERSON WHO PROCURES OR ATTEMPTS TO PROCURE CLIENTS, PATIENTS OR CUSTOMERS FOR A PROVIDER THROUGH PUBLIC MEDIA; (B) A PERSON WHO REFERS CLIENTS, PATIENTS OR CUSTOMERS AS OTHERWISE AUTHORIZED BY LAW; OR (C) A PERSON WHO, AS AN AGENT, BROKER OR EMPLOYEE OF A HEALTH MAINTENANCE ORGANIZATION AS

1 DEFINED IN SECTION FORTY-FOUR HUNDRED ONE OF THE PUBLIC HEALTH LAW,
2 SEEKS TO SELL HEALTH MAINTENANCE ORGANIZATION COVERAGE OR HEALTH INSUR-
3 ANCE COVERAGE TO AN INDIVIDUAL OR GROUP.

4 9. "PECUNIARY BENEFIT" MEANS GOODS, MONEY, PROPERTY, SERVICES OR
5 ANYTHING OF VALUE, OR AN AGREEMENT TO CONFER OR RECEIVE ANY SUCH GOODS,
6 MONEY, PROPERTY, SERVICES, OR THING OF VALUE.

7 S 6. The penal law is amended by adding three new sections 176.75,
8 176.80 and 176.85 to read as follows:

9 S 176.75 UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR CUSTOMERS IN THE
10 THIRD DEGREE.

11 A PERSON IS GUILTY OF UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR
12 CUSTOMERS IN THE THIRD DEGREE WHEN HE OR SHE KNOWINGLY:

13 1. ACTS AS A RUNNER ON ONE OR MORE OCCASIONS; OR

14 2. USES, SOLICITS, DIRECTS, HIRES OR EMPLOYS ANOTHER PERSON TO ACT AS
15 A RUNNER ON ONE OR MORE OCCASIONS.

16 UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR CUSTOMERS IN THE THIRD
17 DEGREE IS A CLASS A MISDEMEANOR.

18 S 176.80 UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR CUSTOMERS IN THE
19 SECOND DEGREE.

20 A PERSON IS GUILTY OF UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR
21 CUSTOMERS IN THE SECOND DEGREE WHEN HE OR SHE KNOWINGLY:

22 1. ACTS AS A RUNNER ON ONE OR MORE OCCASIONS FOR A PECUNIARY BENEFIT
23 THAT IN THE AGGREGATE EXCEEDS TWO THOUSAND FIVE HUNDRED DOLLARS IN VALUE
24 OR ACTS AS A RUNNER ON FIVE OR MORE OCCASIONS; OR

25 2. USES, SOLICITS, DIRECTS, HIRES OR EMPLOYS ONE OR MORE PERSONS TO
26 ACT AS A RUNNER ON ONE OR MORE OCCASIONS FOR A PECUNIARY BENEFIT THAT IN
27 THE AGGREGATE EXCEEDS TWO THOUSAND FIVE HUNDRED DOLLARS IN VALUE OR
28 USES, SOLICITS, DIRECTS, HIRES OR EMPLOYS ONE OR MORE PERSONS TO ACT AS
29 A RUNNER ON FIVE OR MORE OCCASIONS.

30 UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR CUSTOMERS IN THE SECOND
31 DEGREE IS A CLASS E FELONY.

32 S 176.85 UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR CUSTOMERS IN THE
33 FIRST DEGREE.

34 A PERSON IS GUILTY OF UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR
35 CUSTOMERS IN THE FIRST DEGREE WHEN HE OR SHE KNOWINGLY:

36 1. ACTS AS A RUNNER ON ONE OR MORE OCCASIONS FOR A PECUNIARY BENEFIT
37 THAT IN THE AGGREGATE EXCEEDS FIVE THOUSAND DOLLARS IN VALUE OR ACTS AS
38 A RUNNER ON TEN OR MORE OCCASIONS; OR

39 2. USES, SOLICITS, DIRECTS, HIRES OR EMPLOYS ONE OR MORE PERSONS TO
40 ACT AS A RUNNER ON ONE OR MORE OCCASIONS FOR A PECUNIARY BENEFIT THAT IN
41 THE AGGREGATE EXCEEDS FIVE THOUSAND DOLLARS OR USES, SOLICITS, DIRECTS,
42 HIRES OR EMPLOYS ONE OR MORE PERSONS TO ACT AS A RUNNER ON TEN OR MORE
43 OCCASIONS.

44 UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR CUSTOMERS IN THE FIRST
45 DEGREE IS A CLASS D FELONY.

46 S 7. Paragraph (a) of subdivision 1 of section 460.10 of the penal
47 law, as amended by chapter 405 of the laws of 2010, is amended to read
48 as follows:

49 (a) Any of the felonies set forth in this chapter: sections 120.05,
50 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-
51 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
52 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and
53 135.25 relating to kidnapping; section 135.35 relating to labor traf-
54 ficking; section 135.65 relating to coercion; sections 140.20, 140.25
55 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12
56 relating to criminal mischief; article one hundred fifty relating to

1 arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand
2 larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health
3 care fraud; article one hundred sixty relating to robbery; sections
4 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of
5 stolen property; sections 165.72 and 165.73 relating to trademark coun-
6 terfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and
7 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and
8 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and
9 176.30 relating to insurance fraud; SECTIONS 176.80 AND 176.85 RELATING
10 TO UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR CUSTOMERS; sections
11 178.20 and 178.25 relating to criminal diversion of prescription medica-
12 tions and prescriptions; sections 180.03, 180.08, 180.15, 180.25,
13 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20,
14 200.22, 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery;
15 sections 187.10, 187.15, 187.20 and 187.25 relating to residential mort-
16 gage fraud, sections 190.40 and 190.42 relating to criminal usury;
17 section 190.65 relating to schemes to defraud; sections 205.60 and
18 205.65 relating to hindering prosecution; sections 210.10, 210.15, and
19 215.51 relating to perjury and contempt; section 215.40 relating to
20 tampering with physical evidence; sections 220.06, 220.09, 220.16,
21 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55,
22 220.60 and 220.77 relating to controlled substances; sections 225.10 and
23 225.20 relating to gambling; sections 230.25, 230.30, and 230.32 relat-
24 ing to promoting prostitution; section 230.34 relating to sex traffick-
25 ing; sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity;
26 sections 263.10 and 263.15 relating to promoting a sexual performance by
27 a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the
28 provisions of section 265.10 which constitute a felony relating to
29 firearms and other dangerous weapons; and sections 265.14 and 265.16
30 relating to criminal sale of a firearm; and section 275.10, 275.20,
31 275.30, or 275.40 relating to unauthorized recordings; and sections
32 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

33 S. 8. Paragraph (b) of subdivision 8 of section 700.05 of the criminal
34 procedure law, as amended by chapter 405 of the laws of 2010, is amended
35 to read as follows:

36 (b) Any of the following felonies: assault in the second degree as
37 defined in section 120.05 of the penal law, assault in the first degree
38 as defined in section 120.10 of the penal law, reckless endangerment in
39 the first degree as defined in section 120.25 of the penal law, promot-
40 ing a suicide attempt as defined in section 120.30 of the penal law,
41 strangulation in the second degree as defined in section 121.12 of the
42 penal law, strangulation in the first degree as defined in section
43 121.13 of the penal law, criminally negligent homicide as defined in
44 section 125.10 of the penal law, manslaughter in the second degree as
45 defined in section 125.15 of the penal law, manslaughter in the first
46 degree as defined in section 125.20 of the penal law, murder in the
47 second degree as defined in section 125.25 of the penal law, murder in
48 the first degree as defined in section 125.27 of the penal law, abortion
49 in the second degree as defined in section 125.40 of the penal law,
50 abortion in the first degree as defined in section 125.45 of the penal
51 law, rape in the third degree as defined in section 130.25 of the penal
52 law, rape in the second degree as defined in section 130.30 of the penal
53 law, rape in the first degree as defined in section 130.35 of the penal
54 law, criminal sexual act in the third degree as defined in section
55 130.40 of the penal law, criminal sexual act in the second degree as
56 defined in section 130.45 of the penal law, criminal sexual act in the

1 first degree as defined in section 130.50 of the penal law, sexual abuse
2 in the first degree as defined in section 130.65 of the penal law,
3 unlawful imprisonment in the first degree as defined in section 135.10
4 of the penal law, kidnapping in the second degree as defined in section
5 135.20 of the penal law, kidnapping in the first degree as defined in
6 section 135.25 of the penal law, labor trafficking as defined in section
7 135.35 of the penal law, custodial interference in the first degree as
8 defined in section 135.50 of the penal law, coercion in the first degree
9 as defined in section 135.65 of the penal law, criminal trespass in the
10 first degree as defined in section 140.17 of the penal law, burglary in
11 the third degree as defined in section 140.20 of the penal law, burglary
12 in the second degree as defined in section 140.25 of the penal law,
13 burglary in the first degree as defined in section 140.30 of the penal
14 law, criminal mischief in the third degree as defined in section 145.05
15 of the penal law, criminal mischief in the second degree as defined in
16 section 145.10 of the penal law, criminal mischief in the first degree
17 as defined in section 145.12 of the penal law, criminal tampering in the
18 first degree as defined in section 145.20 of the penal law, arson in the
19 fourth degree as defined in section 150.05 of the penal law, arson in
20 the third degree as defined in section 150.10 of the penal law, arson in
21 the second degree as defined in section 150.15 of the penal law, arson
22 in the first degree as defined in section 150.20 of the penal law, grand
23 larceny in the fourth degree as defined in section 155.30 of the penal
24 law, grand larceny in the third degree as defined in section 155.35 of
25 the penal law, grand larceny in the second degree as defined in section
26 155.40 of the penal law, grand larceny in the first degree as defined in
27 section 155.42 of the penal law, health care fraud in the fourth degree
28 as defined in section 177.10 of the penal law, health care fraud in the
29 third degree as defined in section 177.15 of the penal law, health care
30 fraud in the second degree as defined in section 177.20 of the penal
31 law, health care fraud in the first degree as defined in section 177.25
32 of the penal law, robbery in the third degree as defined in section
33 160.05 of the penal law, robbery in the second degree as defined in
34 section 160.10 of the penal law, robbery in the first degree as defined
35 in section 160.15 of the penal law, unlawful use of secret scientific
36 material as defined in section 165.07 of the penal law, criminal
37 possession of stolen property in the fourth degree as defined in section
38 165.45 of the penal law, criminal possession of stolen property in the
39 third degree as defined in section 165.50 of the penal law, criminal
40 possession of stolen property in the second degree as defined by section
41 165.52 of the penal law, criminal possession of stolen property in the
42 first degree as defined by section 165.54 of the penal law, trademark
43 counterfeiting in the second degree as defined in section 165.72 of the
44 penal law, trademark counterfeiting in the first degree as defined in
45 section 165.73 of the penal law, forgery in the second degree as defined
46 in section 170.10 of the penal law, forgery in the first degree as
47 defined in section 170.15 of the penal law, criminal possession of a
48 forged instrument in the second degree as defined in section 170.25 of
49 the penal law, criminal possession of a forged instrument in the first
50 degree as defined in section 170.30 of the penal law, criminal
51 possession of forgery devices as defined in section 170.40 of the penal
52 law, falsifying business records in the first degree as defined in
53 section 175.10 of the penal law, tampering with public records in the
54 first degree as defined in section 175.25 of the penal law, offering a
55 false instrument for filing in the first degree as defined in section
56 175.35 of the penal law, issuing a false certificate as defined in

1 section 175.40 of the penal law, UNLAWFUL PROCUREMENT OF CLIENTS,
2 PATIENTS OR CUSTOMERS IN THE SECOND DEGREE AS DEFINED IN SECTION 176.80
3 OF THE PENAL LAW, UNLAWFUL PROCUREMENT OF CLIENTS, PATIENTS OR CUSTOMERS
4 IN THE FIRST DEGREE AS DEFINED IN SECTION 176.85 OF THE PENAL LAW, crim-
5 inal diversion of prescription medications and prescriptions in the
6 second degree as defined in section 178.20 of the penal law, criminal
7 diversion of prescription medications and prescriptions in the first
8 degree as defined in section 178.25 of the penal law, residential mort-
9 gage fraud in the fourth degree as defined in section 187.10 of the
10 penal law, residential mortgage fraud in the third degree as defined in
11 section 187.15 of the penal law, residential mortgage fraud in the
12 second degree as defined in section 187.20 of the penal law, residential
13 mortgage fraud in the first degree as defined in section 187.25 of the
14 penal law, escape in the second degree as defined in section 205.10 of
15 the penal law, escape in the first degree as defined in section 205.15
16 of the penal law, absconding from temporary release in the first degree
17 as defined in section 205.17 of the penal law, promoting prison contra-
18 band in the first degree as defined in section 205.25 of the penal law,
19 hindering prosecution in the second degree as defined in section 205.60
20 of the penal law, hindering prosecution in the first degree as defined
21 in section 205.65 of the penal law, sex trafficking as defined in
22 section 230.34 of the penal law, criminal possession of a weapon in the
23 third degree as defined in subdivisions two, three and five of section
24 265.02 of the penal law, criminal possession of a weapon in the second
25 degree as defined in section 265.03 of the penal law, criminal
26 possession of a weapon in the first degree as defined in section 265.04
27 of the penal law, manufacture, transport, disposition and defacement of
28 weapons and dangerous instruments and appliances defined as felonies in
29 subdivisions one, two, and three of section 265.10 of the penal law,
30 sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use
31 of weapons as defined in subdivision two of section 265.35 of the penal
32 law, relating to firearms and other dangerous weapons, or failure to
33 disclose the origin of a recording in the first degree as defined in
34 section 275.40 of the penal law;

35 S 9. Sections nine and ten of this act shall be known and may be cited
36 as "Alice's Law".

37 S 10. The penal law is amended by adding three new sections 176.90,
38 176.91 and 176.92 to read as follows:

39 S 176.90 STAGING A MOTOR VEHICLE ACCIDENT IN THE THIRD DEGREE.

40 A PERSON IS GUILTY OF STAGING A MOTOR VEHICLE ACCIDENT IN THE THIRD
41 DEGREE WHEN, WITH INTENT TO COMMIT A FRAUDULENT INSURANCE ACT, HE OR
42 SHE:

43 (1) OPERATES A MOTOR VEHICLE AND INTENTIONALLY CAUSES OR ATTEMPTS TO
44 CAUSE A COLLISION INVOLVING A MOTOR VEHICLE; OR

45 (2) SOLICITS, REQUESTS, COMMANDS, IMPORTUNES OR OTHERWISE ATTEMPTS TO
46 CAUSE ANOTHER PERSON TO INTENTIONALLY CAUSE A COLLISION INVOLVING A
47 MOTOR VEHICLE.

48 STAGING A MOTOR VEHICLE ACCIDENT IN THE THIRD DEGREE IS A CLASS D
49 FELONY.

50 S 176.91 STAGING A MOTOR VEHICLE ACCIDENT IN THE SECOND DEGREE.

51 A PERSON IS GUILTY OF STAGING A MOTOR VEHICLE ACCIDENT IN THE SECOND
52 DEGREE WHEN HE OR SHE COMMITS THE OFFENSE OF STAGING A MOTOR VEHICLE
53 ACCIDENT IN THE THIRD DEGREE, AND HAS BEEN PREVIOUSLY CONVICTED WITHIN
54 THE PRECEDING FIVE YEARS OF ANY CRIME DEFINED IN THIS ARTICLE.

55 STAGING A MOTOR VEHICLE ACCIDENT IN THE SECOND DEGREE IS A CLASS C
56 FELONY.

1 S 176.92 STAGING A MOTOR VEHICLE ACCIDENT IN THE FIRST DEGREE.

2 A PERSON IS GUILTY OF STAGING A MOTOR VEHICLE ACCIDENT IN THE FIRST
3 DEGREE WHEN HE OR SHE COMMITS THE OFFENSE OF STAGING A MOTOR VEHICLE
4 ACCIDENT IN THE THIRD DEGREE AND CAUSES SERIOUS PERSONAL INJURY OR DEATH
5 TO ANOTHER PERSON, OTHER THAN A PARTICIPANT IN SUCH OFFENSE.

6 STAGING A MOTOR VEHICLE ACCIDENT IN THE FIRST DEGREE IS A CLASS B
7 FELONY.

8 S 11. The insurance law is amended by adding a new section 3455 to
9 read as follows:

10 S 3455. CANCELLATION OF POLICY. (A) AN INSURER MAY, WITHIN THE FIRST
11 SIXTY DAYS, RESCIND OR RETROACTIVELY CANCEL TO THE INCEPTION A NEWLY
12 ISSUED AUTOMOBILE INSURANCE POLICY SUBJECT TO PARAGRAPH ONE OF
13 SUBSECTION (A) OF SECTION THREE THOUSAND FOUR HUNDRED TWENTY-FIVE OF
14 THIS ARTICLE, A NEWLY ISSUED COMMERCIAL AUTOMOBILE INSURANCE POLICY
15 SUBJECT TO SECTION THREE THOUSAND FOUR HUNDRED TWENTY-SIX OF THIS ARTI-
16 CLE, OR A POLICY ISSUED PURSUANT TO ANY PLAN ESTABLISHED UNDER ARTICLE
17 FIFTY-THREE OF THIS CHAPTER, IF THE INITIAL PREMIUM PAYMENT IS NOT
18 HONORED BY A FINANCIAL INSTITUTION DUE TO THE NONEXISTENCE OR THE UNAU-
19 THORIZED USE OF A BANK ACCOUNT, OR THE INITIAL PREMIUM PAYMENT IS DENIED
20 BY A CREDIT CARD COMPANY DUE TO THE UNAUTHORIZED USE OF A CREDIT CARD
21 ACCOUNT. THIS SECTION SHALL NOT APPLY TO POLICIES REQUIRED UNDER ARTICLE
22 EIGHT OF THE VEHICLE AND TRAFFIC LAW.

23 (B) A PERSON WHO IS INJURED DURING THIS PERIOD AND WHO WOULD ORDINAR-
24 ILY BE COVERED UNDER THE INSURED'S POLICY HAD IT NOT BEEN CANCELED
25 PURSUANT TO SUBSECTION (A) OF THIS SECTION, SHALL BE ENTITLED TO RECOVER
26 UNDER HIS OR HER OWN POLICY SUBJECT TO THE TERMS AND CONDITIONS OF THE
27 CONTRACT, OR IF THE INJURED PERSON IS UNINSURED, THEY SHALL BE ENTITLED
28 TO RECOVER UNDER THE MOTOR VEHICLE ACCIDENT INDEMNIFICATION CORPORATION,
29 PROVIDED SUCH PERSON DID NOT PARTICIPATE IN ANY FRAUDULENT ACTIVITY,
30 INCLUDING, BUT NOT LIMITED TO, AN ACCIDENT STAGED TO DEFRAUD AN INSURER.
31 THE MOTOR VEHICLE ACCIDENT INDEMNIFICATION CORPORATION MAY NOT SUBROGATE
32 ITS CLAIM AGAINST THE RESCINDING OR CANCELLING INSURER.

33 S 12. Paragraph 2 of subsection (d) of section 3420 of the insurance
34 law, as amended by chapter 388 of the laws of 2008, is amended to read
35 as follows:

36 (2) If under a liability policy issued or delivered in this state, an
37 insurer shall disclaim liability or deny coverage INCLUDING A DISCLAIMER
38 OR DENIAL BECAUSE THE INSURER RESCINDED OR CANCELLED COVERAGE PURSUANT
39 TO SECTION THREE THOUSAND FOUR HUNDRED FIFTY-FIVE OF THIS ARTICLE, for
40 death or bodily injury arising out of a motor vehicle accident, INCLUD-
41 ING ANY CLAIM FOR PERSONAL INJURIES UNDER AN UNINSURED MOTORIST ENDORSE-
42 MENT BY ANY OCCUPANT OF A MOTOR VEHICLE OR OTHER PERSON INVOLVED IN AN
43 ACCIDENT THAT WAS STAGED TO DEFRAUD AN INSURER WHO IS WITHOUT KNOWLEDGE
44 OF THE STAGING OR FRAUDULENT INTENT OF THE ACCIDENT, or any other type
45 of accident occurring within this state, it shall give written notice as
46 soon as is reasonably possible of such disclaimer of liability or denial
47 of coverage to the insured and the injured person or any other claimant.

48 S 13. Paragraph 1 of subsection (f) of section 3420 of the insurance
49 law, as amended by chapter 305 of the laws of 1995, is amended to read
50 as follows:

51 (1) No policy insuring against loss resulting from liability imposed
52 by law for bodily injury or death suffered by any natural person arising
53 out of the ownership, maintenance and use of a motor vehicle by the
54 insured shall be issued or delivered by any authorized insurer upon any
55 motor vehicle then principally garaged or principally used in this state
56 unless it contains a provision whereby the insurer agrees that it will

1 pay to the insured, as defined in such provision, subject to the terms
2 and conditions set forth therein to be prescribed by the board of direc-
3 tors of the Motor Vehicle Accident Indemnification Corporation and
4 approved by the superintendent, all sums, not exceeding a maximum amount
5 or limit of twenty-five thousand dollars exclusive of interest and
6 costs, on account of injury to and all sums, not exceeding a maximum
7 amount or limit of fifty thousand dollars exclusive of interest and
8 costs, on account of death of one person, in any one accident, and the
9 maximum amount or limit, subject to such limit for any one person so
10 injured of fifty thousand dollars or so killed of one hundred thousand
11 dollars, exclusive of interest and costs, on account of injury to, or
12 death of, more than one person in any one accident, which the insured or
13 his legal representative shall be entitled to recover as damages from an
14 owner or operator of an uninsured motor vehicle, unidentified motor
15 vehicle which leaves the scene of an accident, a motor vehicle regis-
16 tered in this state as to which at the time of the accident there was
17 not in effect a policy of liability insurance, A MOTOR VEHICLE FOR WHICH
18 THE POLICY OF INSURANCE HAS BEEN RESCINDED OR CANCELLED PURSUANT TO
19 SECTION THREE THOUSAND FOUR HUNDRED FIFTY-FIVE OF THIS ARTICLE, a stolen
20 vehicle, A MOTOR VEHICLE INVOLVED IN AN ACCIDENT WHICH WAS STAGED TO
21 DEFRAUD AN INSURER, EXCEPT SUCH VEHICLE OWNED AND OPERATED BY THE PERPE-
22 TRATOR OR PERPETRATORS OF SUCH ACCIDENT, a motor vehicle operated with-
23 out permission of the owner, an insured motor vehicle where the insurer
24 disclaims liability or denies coverage or an unregistered vehicle
25 because of bodily injury, sickness or disease, including death resulting
26 therefrom, sustained by the insured, caused by accident occurring in
27 this state and arising out of the ownership, maintenance or use of such
28 motor vehicle. No payment for non-economic loss shall be made under such
29 policy provision to a covered person unless such person has incurred a
30 serious injury, as such terms are defined in section five thousand one
31 hundred two of this chapter. Such policy shall not duplicate any element
32 of basic economic loss provided for under article fifty-one of this
33 chapter. No payments of first party benefits for basic economic loss
34 made pursuant to such article shall diminish the obligations of the
35 insurer under this policy provision for the payment of non-economic loss
36 and economic loss in excess of basic economic loss. Notwithstanding any
37 inconsistent provisions of section three thousand four hundred twenty-
38 five of this article, any such policy which does not contain the afore-
39 said provisions shall be construed as if such provisions were embodied
40 therein.

41 S 14. Subparagraph (A) of paragraph 2 of subsection (f) of section
42 3420 of the insurance law, as separately amended by chapters 547 and 568
43 of the laws of 1997, is amended to read as follows:

44 (A) Any such policy shall, at the option of the insured, also provide
45 supplementary uninsured/underinsured motorists insurance for bodily
46 injury, in an amount up to the bodily injury liability insurance limits
47 of coverage provided under such policy, subject to a maximum of two
48 hundred fifty thousand dollars because of bodily injury to or death of
49 one person in any one accident and, subject to such limit for one
50 person, up to five hundred thousand dollars because of bodily injury to
51 or death of two or more persons in any one accident, or a combined
52 single limit policy of five hundred thousand dollars because of bodily
53 injury to or death of one or more persons in any one accident. Provided
54 however, an insurer issuing such policy, in lieu of offering to the
55 insured the coverages stated above, may provide supplementary
56 uninsured/underinsured motorists insurance for bodily injury, in an

1 amount up to the bodily injury liability insurance limits of coverage
2 provided under such policy, subject to a maximum of one hundred thousand
3 dollars because of bodily injury to or death of one person in any one
4 accident and, subject to such limit for one person, up to three hundred
5 thousand dollars because of bodily injury to or death of two or more
6 persons in any one accident, or a combined single limit policy of three
7 hundred thousand dollars because of bodily injury to or death of one or
8 more persons in any one accident, if such insurer also makes available a
9 personal umbrella policy with liability coverage limits up to at least
10 five hundred thousand dollars which also provides coverage for supple-
11 mentary uninsured/underinsured motorists claims. Supplementary
12 uninsured/underinsured motorists insurance shall provide coverage, in
13 any state or Canadian province, if the limits of liability under all
14 bodily injury liability bonds and insurance policies of another motor
15 vehicle liable for damages INCLUDING, BUT NOT LIMITED TO A VEHICLE FOR
16 WHICH THE POLICY OF INSURANCE HAS BEEN RESCINDED OR CANCELLED PURSUANT
17 TO SECTION THREE THOUSAND FOUR HUNDRED FIFTY-FIVE OF THIS ARTICLE, A
18 MOTOR VEHICLE INVOLVED IN AN ACCIDENT WHICH WAS STAGED TO DEFRAUD AN
19 INSURER, EXCEPT SUCH VEHICLE OWNED AND OPERATED BY THE PERPETRATOR OR
20 PERPETRATORS OF SUCH ACCIDENT, are in a lesser amount than the bodily
21 injury liability insurance limits of coverage provided by such policy.
22 Upon written request by any insured covered by supplemental
23 uninsured/underinsured motorists insurance or his duly authorized repre-
24 sentative and upon disclosure by the insured of the insured's bodily
25 injury and supplemental uninsured/underinsured motorists insurance
26 coverage limits, the insurer of any other owner or operator of another
27 motor vehicle against which a claim has been made for damages to the
28 insured shall disclose, within forty-five days of the request, the bodi-
29 ly injury liability insurance limits of its coverage provided under the
30 policy or all bodily injury liability bonds. The time of the insured to
31 make any supplementary uninsured/underinsured motorist claim, shall be
32 tolled during the period the insurer of any other owner or operator of
33 another motor vehicle that may be liable for damages to the insured,
34 fails to so disclose its coverage. As a condition precedent to the obli-
35 gation of the insurer to pay under the supplementary
36 uninsured/underinsured motorists insurance coverage, the limits of
37 liability of all bodily injury liability bonds or insurance policies
38 applicable at the time of the accident shall be exhausted by payment of
39 judgments or settlements.

40 S 15. Paragraph 1 of subsection (b) of section 5103 of the insurance
41 law is amended to read as follows:

42 (1) Intentionally causes his own injury, EXCEPT ANY OCCUPANT OF A
43 MOTOR VEHICLE OR OTHER PERSON INVOLVED IN AN ACCIDENT STAGED TO DEFRAUD
44 AN INSURER WHO IS WITHOUT KNOWLEDGE OF THE STAGING OR FRAUDULENT INTENT
45 OF SUCH ACCIDENT.

46 S 16. Paragraph 2 of subsection (a) of section 5103 of the insurance
47 law is amended to read as follows:

48 (2) The named insured and members of his household, other than occu-
49 pants of a motorcycle, for loss arising out of the use or operation of
50 (i) an uninsured motor vehicle or motorcycle, OR A VEHICLE WHOSE COVER-
51 AGE IS RESCINDED OR CANCELLED PURSUANT TO SECTION THREE THOUSAND FOUR
52 HUNDRED FIFTY-FIVE OF THIS CHAPTER, within the United States, its terri-
53 tories or possessions, or Canada; and (ii) an insured motor vehicle or
54 motorcycle outside of this state and within the United States, its
55 territories or possessions, or Canada.

1 S 17. Paragraph (a) of subdivision 1 of section 313 of the vehicle and
2 traffic law, as amended by chapter 569 of the laws of 1981, is amended
3 to read as follows:

4 (a) [No] EXCEPT AS PROVIDED FOR IN SECTION THREE THOUSAND FOUR HUNDRED
5 FIFTY-FIVE OF THE INSURANCE LAW, NO contract of insurance for which a
6 certificate of insurance has been filed with the commissioner shall be
7 terminated by cancellation by the insurer until at least twenty days
8 after mailing to the named insured at the address shown on the policy a
9 notice of termination by regular mail, with a certificate of mailing,
10 properly endorsed by the postal service to be obtained, except where the
11 cancellation is for non-payment of premium in which case fifteen days
12 notice of cancellation by the insurer shall be sufficient, provided,
13 however, if another insurance contract has been procured, such other
14 insurance contract shall, as of its effective date and hour, terminate
15 the insurance previously in effect with respect to any motor vehicles
16 designated in both contracts. No contract of insurance for which a
17 certificate of insurance has been filed with the commissioner in which a
18 natural person is the named insured and the motor vehicle is used
19 predominantly for non-business purposes shall be non-renewed by an
20 insurer unless at least forty-five, but not more than sixty days in
21 advance of the renewal date the insurer mails or delivers to the named
22 insured at the address shown on the policy a written notice of its
23 intention not to renew. No such contract of insurance in which the named
24 insured is not a natural person or the motor vehicle is used predomi-
25 nantly for business purposes shall be non-renewed by an insurer unless
26 at least twenty days in advance of the renewal date the insurer mails or
27 delivers to the named insured at the address shown on the policy a writ-
28 ten notice of its intention not to renew. All notices of non-renewal
29 shall be sent by regular mail with a certificate of mailing, properly
30 endorsed by the postal service to be obtained. Time of the effective
31 date and hour of termination stated in the notice shall become the end
32 of the policy period. Every notice or acknowledgement of termination for
33 any cause whatsoever sent to the insured shall include in type of which
34 the face shall not be smaller than twelve point a statement that proof
35 of financial security is required to be maintained continuously through-
36 out the registration period and a notice prescribed by the commissioner
37 indicating the punitive effects of failure to maintain continuous proof
38 of financial security and actions which may be taken by the insured to
39 avoid such punitive effects.

40 S 18. Paragraphs 6 and 7 of subsection (b) of section 5201 of the
41 insurance law are amended and a new paragraph 8 is added to read as
42 follows:

43 (6) insured motor vehicles where the insurer disclaims liability or
44 denies coverage, [and]

45 (7) unregistered motor vehicles[.], AND

46 (8) AN ACCIDENT STAGED TO DEFRAUD AN INSURER.

47 S 19. This act shall take effect immediately; provided, however, that
48 sections one and two of this act shall take effect on the sixtieth day
49 after it shall have become a law; and provided further that sections
50 five, six, seven, eight, nine and ten of this act shall take effect on
51 the first of November next succeeding the date upon which it shall have
52 become a law, and provided further that sections eleven, twelve, thir-
53 teen, fourteen, fifteen, sixteen and seventeen of this act shall take
54 effect two hundred seventy days after it shall have become a law.

1 Section 1. Paragraphs 11, 12, 13, 14, 16 and 17 of subsection (a) of
2 section 3217-a of the insurance law, as added by chapter 705 of the laws
3 of 1996, are amended and four new paragraphs 16-a, 18, 19 and 20 are
4 added to read as follows:

5 (11) where applicable, notice that an insured enrolled in a managed
6 care product OR IN A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF
7 PROVIDERS offered by the insurer may obtain a referral [to] OR PREAU-
8 THORIZATION FOR a health care provider outside of the insurer's network
9 or panel when the insurer does not have a health care provider [with]
10 WHO IS GEOGRAPHICALLY ACCESSIBLE TO THE INSURED AND WHO HAS THE appro-
11 priate ESSENTIAL LEVEL OF training and experience in the network or
12 panel to meet the particular health care needs of the insured and the
13 procedure by which the insured can obtain such referral OR PREAUTHORI-
14 ZATION;

15 (12) where applicable, notice that an insured enrolled in a managed
16 care product OR A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF
17 PROVIDERS offered by the insurer with a condition which requires ongoing
18 care from a specialist may request a standing referral to such a
19 specialist and the procedure for requesting and obtaining such a stand-
20 ing referral;

21 (13) where applicable, notice that an insured enrolled in a managed
22 care product OR A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF
23 PROVIDERS offered by the insurer with [(i)] (A) a life-threatening
24 condition or disease, or [(ii)] (B) a degenerative and disabling condi-
25 tion or disease, either of which requires specialized medical care over
26 a prolonged period of time may request a specialist responsible for
27 providing or coordinating the insured's medical care and the procedure
28 for requesting and obtaining such a specialist;

29 (14) where applicable, notice that an insured enrolled in a managed
30 care product OR A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF
31 PROVIDERS offered by the insurer with [(i)] (A) a life-threatening
32 condition or disease, or [(ii)] (B) a degenerative and disabling condi-
33 tion or disease, either of which requires specialized medical care over
34 a prolonged period of time, may request access to a specialty care
35 center and the procedure by which such access may be obtained;

36 (16) notice of all appropriate mailing addresses and telephone numbers
37 to be utilized by insureds seeking information or authorization; [and]

38 (16-A) WHERE APPLICABLE, NOTICE THAT AN INSURED SHALL HAVE DIRECT
39 ACCESS TO PRIMARY AND PREVENTIVE OBSTETRIC AND GYNECOLOGIC SERVICES,
40 INCLUDING ANNUAL EXAMINATIONS, CARE RESULTING FROM SUCH ANNUAL EXAMINA-
41 TIONS, AND TREATMENT OF ACUTE GYNECOLOGIC CONDITIONS, FROM A QUALIFIED
42 PROVIDER OF SUCH SERVICES OF HER CHOICE FROM WITHIN THE PLAN OR FOR ANY
43 CARE RELATED TO A PREGNANCY;

44 (17) where applicable, a listing by specialty, which may be in a sepa-
45 rate document that is updated annually, of the name, address, and tele-
46 phone number of all participating providers, including facilities, and
47 in addition, in the case of physicians, board certification[.],
48 LANGUAGES SPOKEN AND ANY AFFILIATIONS WITH PARTICIPATING HOSPITALS. THE
49 LISTING SHALL ALSO BE POSTED ON THE INSURER'S WEBSITE AND THE INSURER
50 SHALL UPDATE THE WEBSITE WITHIN FIFTEEN DAYS OF THE ADDITION OR TERMI-
51 NATION OF A PROVIDER FROM THE INSURER'S NETWORK OR A CHANGE IN A PHYSI-
52 CIAN'S HOSPITAL AFFILIATION;

53 (18) A DESCRIPTION OF THE METHOD BY WHICH AN INSURED MAY SUBMIT A
54 CLAIM FOR HEALTH CARE SERVICES;

55 (19) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE:

1 (A) A CLEAR DESCRIPTION OF THE METHODOLOGY USED BY THE INSURER TO
2 DETERMINE REIMBURSEMENT FOR OUT-OF-NETWORK HEALTH CARE SERVICES;

3 (B) A DESCRIPTION OF THE AMOUNT THAT THE INSURER WILL REIMBURSE UNDER
4 THE METHODOLOGY FOR OUT-OF-NETWORK HEALTH CARE SERVICES SET FORTH AS A
5 PERCENTAGE OF THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH
6 CARE SERVICES; AND

7 (C) EXAMPLES OF ANTICIPATED OUT-OF-POCKET COSTS FOR FREQUENTLY BILLED
8 OUT-OF-NETWORK HEALTH CARE SERVICES; AND

9 (20) INFORMATION IN WRITING AND THROUGH AN INTERNET WEBSITE THAT
10 REASONABLY PERMITS AN INSURED OR PROSPECTIVE INSURED TO DETERMINE THE
11 ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES
12 IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE BETWEEN
13 WHAT THE INSURER WILL REIMBURSE FOR OUT-OF-NETWORK HEALTH CARE SERVICES
14 AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH CARE
15 SERVICES.

16 S 2. Paragraphs 11 and 12 of subsection (b) of section 3217-a of the
17 insurance law, as added by chapter 705 of the laws of 1996, are amended
18 and two new paragraphs 13 and 14 are added to read as follows:

19 (11) where applicable, provide the written application procedures and
20 minimum qualification requirements for health care providers to be
21 considered by the insurer for participation in the insurer's network for
22 a managed care product; [and]

23 (12) disclose such other information as required by the superinten-
24 dent, provided that such requirements are promulgated pursuant to the
25 state administrative procedure act[.];

26 (13) DISCLOSE WHETHER A HEALTH CARE PROVIDER SCHEDULED TO PROVIDE A
27 HEALTH CARE SERVICE IS AN IN-NETWORK PROVIDER; AND

28 (14) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE,
29 DISCLOSE THE DOLLAR AMOUNT THAT THE INSURER WILL PAY FOR A SPECIFIC
30 OUT-OF-NETWORK HEALTH CARE SERVICE.

31 S 3. Section 3217-a of the insurance law is amended by adding a new
32 subsection (f) to read as follows:

33 (F) FOR PURPOSES OF THIS SECTION, "USUAL AND CUSTOMARY COST" SHALL
34 MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR HEALTH
35 CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR SPECIALTY
36 AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN THE YEAR TWO
37 THOUSAND TWELVE IN A BENCHMARKING DATABASE MAINTAINED BY A NONPROFIT
38 ORGANIZATION SPECIFIED BY THE SUPERINTENDENT. THE NONPROFIT ORGANIZATION
39 SHALL NOT BE AFFILIATED WITH AN INSURER, A CORPORATION SUBJECT TO ARTI-
40 CLE FORTY-THREE OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT
41 PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, OR A
42 HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR
43 OF THE PUBLIC HEALTH LAW.

44 S 4. Section 3217-d of the insurance law is amended by adding a new
45 subsection (d) to read as follows:

46 (D) AN INSURER THAT ISSUES A COMPREHENSIVE POLICY THAT UTILIZES A
47 NETWORK OF PROVIDERS AND IS NOT A MANAGED CARE HEALTH INSURANCE CONTRACT
48 AS DEFINED IN SUBSECTION (C) OF SECTION FOUR THOUSAND EIGHT HUNDRED ONE
49 OF THIS CHAPTER, SHALL PROVIDE ACCESS TO OUT-OF-NETWORK SERVICES
50 CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (A) OF SECTION FOUR THOU-
51 SAND EIGHT HUNDRED FOUR OF THIS CHAPTER, SUBSECTIONS (G-6) AND (G-7) OF
52 SECTION FOUR THOUSAND NINE HUNDRED OF THIS CHAPTER, SUBSECTIONS (A-1)
53 AND (A-2) OF SECTION FOUR THOUSAND NINE HUNDRED FOUR OF THIS CHAPTER,
54 PARAGRAPHS THREE AND FOUR OF SUBSECTION (B) OF SECTION FOUR THOUSAND
55 NINE HUNDRED TEN OF THIS CHAPTER, AND SUBPARAGRAPHS (C) AND (D) OF PARA-

GRAPH FOUR OF SUBSECTION (B) OF SECTION FOUR THOUSAND NINE HUNDRED FOUR-TEEN OF THIS CHAPTER.

S 5. Section 3224-a of the insurance law is amended by adding a new subsection (j) to read as follows:

(J) AN INSURER OR AN ORGANIZATION OR CORPORATION LICENSED OR CERTIFIED PURSUANT TO ARTICLE FORTY-THREE OR FORTY-SEVEN OF THIS CHAPTER OR ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER SHALL ACCEPT CLAIMS SUBMITTED BY A POLICYHOLDER OR COVERED PERSON, IN WRITING, INCLUDING THROUGH THE INTERNET, BY ELECTRONIC MAIL OR BY FACSIMILE.

S 6. The insurance law is amended by adding a new section 3241 to read as follows:

S 3241. NETWORK COVERAGE. (A) AN INSURER, A CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER, THAT ISSUES A HEALTH INSURANCE POLICY OR CONTRACT WITH A NETWORK OF HEALTH CARE PROVIDERS SHALL ENSURE THAT THE NETWORK IS ADEQUATE TO MEET THE HEALTH NEEDS OF INSURED AND PROVIDE AN APPROPRIATE CHOICE OF PROVIDERS SUFFICIENT TO RENDER THE SERVICES COVERED UNDER THE POLICY OR CONTRACT. THE SUPERINTENDENT SHALL REVIEW THE NETWORK OF HEALTH CARE PROVIDERS FOR ADEQUACY AT THE TIME OF THE SUPERINTENDENT'S INITIAL APPROVAL OF A HEALTH INSURANCE POLICY OR CONTRACT; AT LEAST EVERY THREE YEARS THEREAFTER; AND UPON APPLICATION FOR EXPANSION OF ANY SERVICE AREA ASSOCIATED WITH THE POLICY OR CONTRACT IN CONFORMANCE WITH THE STANDARDS SET FORTH IN SUBDIVISION FIVE OF SECTION FOUR THOUSAND FOUR HUNDRED THREE OF THE PUBLIC HEALTH LAW. TO THE EXTENT THAT THE NETWORK HAS BEEN DETERMINED BY THE COMMISSIONER OF HEALTH TO MEET THE STANDARDS SET FORTH IN SUBDIVISION FIVE OF SECTION FOUR THOUSAND FOUR HUNDRED THREE OF THE PUBLIC HEALTH LAW, SUCH NETWORK SHALL BE DEEMED ADEQUATE BY THE SUPERINTENDENT.

(B)(1) AN INSURER, A CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, OR A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW, THAT PROVIDES COVERAGE FOR OUT-OF-NETWORK SERVICES SHALL PROVIDE SIGNIFICANT COVERAGE OF THE USUAL AND CUSTOMARY COSTS OF OUT-OF-NETWORK HEALTH CARE SERVICES.

(2) AN INSURER, A CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, OR A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW, THAT PROVIDES COVERAGE FOR OUT-OF-NETWORK SERVICES SHALL OFFER AT LEAST ONE POLICY OR CONTRACT OPTION IN EACH GEOGRAPHICAL REGION COVERED THAT PROVIDES COVERAGE FOR AT LEAST EIGHTY PERCENT OF THE USUAL AND CUSTOMARY COST OF OUT-OF-NETWORK HEALTH CARE SERVICES AFTER IMPOSITION OF A DEDUCTIBLE.

(3) FOR THE PURPOSES OF THIS SUBSECTION, "USUAL AND CUSTOMARY COST" SHALL MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR HEALTH CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR SPECIALTY AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN THE YEAR TWO THOUSAND TWELVE IN A BENCHMARKING DATABASE MAINTAINED BY A NONPROFIT ORGANIZATION SPECIFIED BY THE SUPERINTENDENT. THE NONPROFIT ORGANIZATION SHALL NOT BE AFFILIATED WITH AN INSURER, A CORPORATION SUBJECT TO ARTICLE FORTY-THREE OF THIS CHAPTER, A MUNICIPAL COOPERATIVE

1 HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS
2 CHAPTER, A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE
3 FORTY-FOUR OF THE PUBLIC HEALTH LAW OR A STUDENT HEALTH PLAN ESTABLISHED
4 OR MAINTAINED PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR
5 OF THIS CHAPTER.

6 (4) THIS SUBSECTION SHALL NOT APPLY TO EMERGENCY CARE SERVICES IN
7 HOSPITAL FACILITIES OR PREHOSPITAL EMERGENCY MEDICAL SERVICES AS DEFINED
8 IN CLAUSE (I) OF SUBPARAGRAPH (E) OF PARAGRAPH TWENTY-FOUR OF SUBSECTION
9 (I) OF SECTION THREE THOUSAND TWO HUNDRED SIXTEEN OF THIS ARTICLE, OR
10 CLAUSE (I) OF SUBPARAGRAPH (E) OF PARAGRAPH FIFTEEN OF SUBSECTION (L) OF
11 SECTION THREE THOUSAND TWO HUNDRED TWENTY-ONE OF THIS CHAPTER, OR
12 SUBPARAGRAPH (A) OF PARAGRAPH FIVE OF SUBSECTION (AA) OF SECTION FOUR
13 THOUSAND THREE HUNDRED THREE OF THIS CHAPTER.

14 (5) NOTHING IN THIS SUBSECTION SHALL LIMIT THE SUPERINTENDENT'S
15 AUTHORITY PURSUANT TO SECTION THREE THOUSAND TWO HUNDRED SEVENTEEN OF
16 THIS ARTICLE TO ESTABLISH MINIMUM STANDARDS FOR THE FORM, CONTENT AND
17 SALE OF ACCIDENT AND HEALTH INSURANCE POLICIES AND SUBSCRIBER CONTRACTS,
18 TO REQUIRE ADDITIONAL COVERAGE OPTIONS FOR OUT-OF-NETWORK SERVICES, OR
19 TO PROVIDE FOR STANDARDIZATION AND SIMPLIFICATION OF COVERAGE.

20 (C) WHEN AN INSURED OR ENROLLEE UNDER A CONTRACT OR POLICY THAT
21 PROVIDES COVERAGE FOR EMERGENCY SERVICES RECEIVES THE SERVICES FROM A
22 HEALTH CARE PROVIDER THAT DOES NOT PARTICIPATE IN THE PROVIDER NETWORK
23 OF AN INSURER, A CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE
24 OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED
25 PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, A HEALTH MAINTENANCE
26 ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC
27 HEALTH LAW, OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT
28 TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER ("HEALTH
29 CARE PLAN"), THE HEALTH CARE PLAN SHALL ENSURE THAT THE INSURED OR
30 ENROLLEE SHALL INCUR NO GREATER OUT-OF-POCKET COSTS FOR THE EMERGENCY
31 SERVICES THAN THE INSURED OR ENROLLEE WOULD HAVE INCURRED WITH A HEALTH
32 CARE PROVIDER THAT PARTICIPATES IN THE HEALTH CARE PLAN'S PROVIDER
33 NETWORK. FOR THE PURPOSE OF THIS SECTION, "EMERGENCY SERVICES" SHALL
34 HAVE THE MEANING SET FORTH IN SUBPARAGRAPH (D) OF PARAGRAPH NINE OF
35 SUBSECTION (I) OF SECTION THREE THOUSAND TWO HUNDRED SIXTEEN OF THIS
36 ARTICLE, SUBPARAGRAPH (D) OF PARAGRAPH FOUR OF SUBSECTION (K) OF SECTION
37 THREE THOUSAND TWO HUNDRED TWENTY-ONE OF THIS ARTICLE, AND SUBPARAGRAPH
38 (D) OF PARAGRAPH TWO OF SUBSECTION (A) OF SECTION FOUR THOUSAND THREE
39 HUNDRED THREE OF THIS CHAPTER.

40 S 7. Section 4306-c of the insurance law is amended by adding a new
41 subsection (d) to read as follows:

42 (D) A CORPORATION, INCLUDING A MUNICIPAL COOPERATIVE HEALTH BENEFIT
43 PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER AND A
44 STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT TO SECTION ONE
45 THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER, THAT ISSUES A COMPRE-
46 HENSIVE POLICY THAT UTILIZES A NETWORK OF PROVIDERS AND IS NOT A MANAGED
47 CARE HEALTH INSURANCE CONTRACT AS DEFINED IN SUBSECTION (C) OF SECTION
48 FOUR THOUSAND EIGHT HUNDRED ONE OF THIS CHAPTER, SHALL PROVIDE ACCESS TO
49 OUT-OF-NETWORK SERVICES CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION
50 (A) OF SECTION FOUR THOUSAND EIGHT HUNDRED FOUR OF THIS CHAPTER,
51 SUBSECTIONS (G-6) AND (G-7) OF SECTION FOUR THOUSAND NINE HUNDRED OF
52 THIS CHAPTER, SUBSECTIONS (A-1) AND (A-2) OF SECTION FOUR THOUSAND NINE
53 HUNDRED FOUR OF THIS CHAPTER, PARAGRAPHS THREE AND FOUR OF SUBSECTION
54 (B) OF SECTION FOUR THOUSAND NINE HUNDRED TEN OF THIS CHAPTER, AND
55 SUBPARAGRAPHS (C) AND (D) OF PARAGRAPH FOUR OF SUBSECTION (B) OF SECTION
56 FOUR THOUSAND NINE HUNDRED FOURTEEN OF THIS CHAPTER.

1 S 8. Paragraphs 11, 12, 13, 14, 16-a, 17, and 18 of subsection (a) of
2 section 4324 of the insurance law, paragraphs 11, 12, 13, 14, 17 and 18
3 as added by chapter 705 of the laws of 1996, paragraph 16-a as added by
4 chapter 554 of the laws of 2002, are amended and three new paragraphs
5 19, 20 and 21 are added to read as follows:

6 (11) where applicable, notice that a subscriber enrolled in a managed
7 care product OR IN A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF
8 PROVIDERS offered by the corporation may obtain a referral [to] OR
9 PREAUTHORIZATION FOR a health care provider outside of the corporation's
10 network or panel when the corporation does not have a health care
11 provider [with] WHO IS GEOGRAPHICALLY ACCESSIBLE TO THE INSURED AND WHO
12 HAS THE appropriate ESSENTIAL LEVEL OF training and experience in the
13 network or panel to meet the particular health care needs of the
14 subscriber and the procedure by which the subscriber can obtain such
15 referral OR PREAUTHORIZATION;

16 (12) where applicable, notice that a subscriber enrolled in a managed
17 care product OR A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF
18 PROVIDERS offered by the corporation with a condition which requires
19 ongoing care from a specialist may request a standing referral to such a
20 specialist and the procedure for requesting and obtaining such a stand-
21 ing referral;

22 (13) where applicable, notice that a subscriber enrolled in a managed
23 care product OR A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF
24 PROVIDERS offered by the corporation with (i) a life-threatening condi-
25 tion or disease, or (ii) a degenerative and disabling condition or
26 disease, either of which requires specialized medical care over a
27 prolonged period of time may request a specialist responsible for
28 providing or coordinating the subscriber's medical care and the proce-
29 dure for requesting and obtaining such a specialist;

30 (14) where applicable, notice that a subscriber enrolled in a managed
31 care product OR A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF
32 PROVIDERS offered by the corporation with [(i)] (A) a life-threatening
33 condition or disease, or [(ii)] (B) a degenerative and disabling condi-
34 tion or disease, either of which requires specialized medical care over
35 a prolonged period of time may request access to a specialty care center
36 and the procedure by which such access may be obtained;

37 (16-a) where applicable, notice that an enrollee shall have direct
38 access to primary and preventive obstetric and gynecologic services,
39 INCLUDING ANNUAL EXAMINATIONS, CARE RESULTING FROM SUCH ANNUAL EXAMINA-
40 TIONS, AND TREATMENT OF ACUTE GYNECOLOGIC CONDITIONS, from a qualified
41 provider of such services of her choice from within the plan [for no
42 fewer than two examinations annually for such services] or [to] FOR any
43 care related to A pregnancy [and that additionally, the enrollee shall
44 have direct access to primary and preventive obstetric and gynecologic
45 services required as a result of such annual examinations or as a result
46 of an acute gynecologic condition];

47 (17) where applicable, a listing by specialty, which may be in a sepa-
48 rate document that is updated annually, of the name, address, and tele-
49 phone number of all participating providers, including facilities, and
50 in addition, in the case of physicians, board certification[; and],
51 LANGUAGES SPOKEN AND ANY AFFILIATIONS WITH PARTICIPATING HOSPITALS. THE
52 LISTING SHALL ALSO BE POSTED ON THE CORPORATION'S WEBSITE AND THE CORPO-
53 RATION SHALL UPDATE THE WEBSITE WITHIN FIFTEEN DAYS OF THE ADDITION OR
54 TERMINATION OF A PROVIDER FROM THE CORPORATION'S NETWORK OR A CHANGE IN
55 A PHYSICIAN'S HOSPITAL AFFILIATION;

1 (18) a description of the mechanisms by which subscribers may partic-
2 ipate in the development of the policies of the corporation[.];

3 (19) A DESCRIPTION OF THE METHOD BY WHICH A SUBSCRIBER MAY SUBMIT A
4 CLAIM FOR HEALTH CARE SERVICES;

5 (20) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE:

6 (A) A CLEAR DESCRIPTION OF THE METHODOLOGY USED BY THE CORPORATION TO
7 DETERMINE REIMBURSEMENT FOR OUT-OF-NETWORK HEALTH CARE SERVICES;

8 (B) A DESCRIPTION OF THE AMOUNT THAT THE CORPORATION WILL REIMBURSE
9 UNDER THE METHODOLOGY FOR OUT-OF-NETWORK HEALTH CARE SERVICES SET FORTH
10 AS A PERCENTAGE OF THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK
11 HEALTH CARE SERVICES; AND

12 (C) EXAMPLES OF ANTICIPATED OUT-OF-POCKET COSTS FOR FREQUENTLY BILLED
13 OUT-OF-NETWORK HEALTH CARE SERVICES; AND

14 (21) INFORMATION IN WRITING AND THROUGH AN INTERNET WEBSITE THAT
15 REASONABLY PERMITS A SUBSCRIBER OR PROSPECTIVE SUBSCRIBER TO DETERMINE
16 THE ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE
17 SERVICES IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE
18 BETWEEN WHAT THE CORPORATION WILL REIMBURSE FOR OUT-OF-NETWORK HEALTH
19 CARE SERVICES AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH
20 CARE SERVICES.

21 S 9. Paragraphs 11 and 12 of subsection (b) of section 4324 of the
22 insurance law, as added by chapter 705 of the laws of 1996, are amended
23 and two new paragraphs 13 and 14 are added to read as follows:

24 (11) where applicable, provide the written application procedures and
25 minimum qualification requirements for health care providers to be
26 considered by the corporation for participation in the corporation's
27 network for a managed care product; [and]

28 (12) disclose such other information as required by the superinten-
29 dent, provided that such requirements are promulgated pursuant to the
30 state administrative procedure act[.];

31 (13) DISCLOSE WHETHER A HEALTH CARE PROVIDER SCHEDULED TO PROVIDE A
32 HEALTH CARE SERVICE IS AN IN-NETWORK PROVIDER; AND

33 (14) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE,
34 DISCLOSE THE DOLLAR AMOUNT THAT THE CORPORATION WILL PAY FOR A SPECIFIC
35 OUT-OF-NETWORK HEALTH CARE SERVICE.

36 S 10. Section 4324 of the insurance law is amended by adding a new
37 subsection (f) to read as follows:

38 (F) FOR PURPOSES OF THIS SECTION, "USUAL AND CUSTOMARY COST" SHALL
39 MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR HEALTH
40 CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR SPECIALTY
41 AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN THE YEAR TWO
42 THOUSAND TWELVE IN A BENCHMARKING DATABASE MAINTAINED BY A NONPROFIT
43 ORGANIZATION SPECIFIED BY THE SUPERINTENDENT. THE NONPROFIT ORGANIZATION
44 SHALL NOT BE AFFILIATED WITH AN INSURER, A CORPORATION SUBJECT TO THIS
45 ARTICLE, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT
46 TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, OR A HEALTH MAINTENANCE ORGAN-
47 IZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH
48 LAW.

49 S 10-a. Subsection (a) of section 4804 of the insurance law, as added
50 by chapter 705 of the laws of 1996, is amended to read as follows:

51 (a) If an insurer offering a managed care product determines that it
52 does not have a health care provider in the in-network benefits portion
53 of its network with appropriate training and experience to meet the
54 particular health care needs of an insured, the insurer shall make a
55 referral to an appropriate provider, pursuant to a treatment plan
56 approved by the insurer in consultation with the primary care provider,

1 the non-participating provider and the insured or the insured's designee, at no additional cost to the insured beyond what the insured would otherwise pay for services received within the network. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO ENTITLE AN INSURED TO A REFERRAL TO THE INSURED'S PREFERRED PROVIDER, WHERE THAT PROVIDER IS OUT-OF-NETWORK. THE PROVISIONS OF THIS SUBSECTION SHALL ONLY APPLY IF THERE IS NO IN-NETWORK PROVIDER GEOGRAPHICALLY ACCESSIBLE TO THE INSURED WHO HAS THE APPROPRIATE ESSENTIAL LEVEL OF TRAINING AND EXPERIENCE TO MEET THE PARTICULAR NEEDS OF THE INSURED.

10 S 11. Subsection (g-7) of section 4900 of the insurance law is redesignated subsection (g-8) and a new subsection (g-7) is added to read as follows:

13 (G-7) "OUT-OF-NETWORK REFERRAL DENIAL" MEANS A DENIAL UNDER A MANAGED CARE PRODUCT AS DEFINED IN SUBSECTION (C) OF SECTION FOUR THOUSAND EIGHT HUNDRED ONE OF THIS CHAPTER OF A REQUEST FOR AN AUTHORIZATION OR REFERRAL TO AN OUT-OF-NETWORK PROVIDER ON THE BASIS THAT THE HEALTH CARE PLAN HAS A HEALTH CARE PROVIDER IN THE IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN INSURED, AND WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE. THE NOTICE OF AN OUT-OF-NETWORK REFERRAL DENIAL PROVIDED TO AN INSURED SHALL INCLUDE INFORMATION EXPLAINING WHAT INFORMATION THE INSURED MUST SUBMIT IN ORDER TO APPEAL THE OUT-OF-NETWORK REFERRAL DENIAL PURSUANT TO SUBSECTION (A-2) OF SECTION FOUR THOUSAND NINE HUNDRED FOUR OF THIS ARTICLE. AN OUT-OF-NETWORK REFERRAL DENIAL UNDER THIS SUBSECTION DOES NOT CONSTITUTE AN ADVERSE DETERMINATION AS DEFINED IN THIS ARTICLE. AN OUT-OF-NETWORK REFERRAL DENIAL SHALL NOT BE CONSTRUED TO INCLUDE AN OUT-OF-NETWORK DENIAL AS DEFINED IN SUBSECTION (G-6) OF THIS SECTION.

29 S 12. Subsection (b) of section 4903 of the insurance law, as amended by chapter 514 of the laws of 2013, is amended to read as follows:

31 (b) A utilization review agent shall make a utilization review determination involving health care services which require pre-authorization and provide notice of a determination to the insured or insured's designee and the insured's health care provider by telephone and in writing within three business days of receipt of the necessary information. To the extent practicable, such written notification to the enrollee's health care provider shall be transmitted electronically, in a manner and in a form agreed upon by the parties. THE NOTIFICATION SHALL IDENTIFY: (1) WHETHER THE SERVICES ARE CONSIDERED IN-NETWORK OR OUT-OF-NETWORK; (2) WHETHER THE INSURED WILL BE HELD HARMLESS FOR THE SERVICES AND NOT BE RESPONSIBLE FOR ANY PAYMENT, OTHER THAN ANY APPLICABLE CO-PAYMENT, CO-INSURANCE OR DEDUCTIBLE; (3) AS APPLICABLE, THE DOLLAR AMOUNT THE HEALTH CARE PLAN WILL PAY IF THE SERVICE IS OUT-OF-NETWORK; AND (4) AS APPLICABLE, INFORMATION EXPLAINING HOW AN INSURED MAY DETERMINE THE ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE BETWEEN WHAT THE HEALTH CARE PLAN WILL REIMBURSE FOR OUT-OF-NETWORK HEALTH CARE SERVICES AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES.

50 S 13. Section 4904 of the insurance law is amended by adding a new subsection (a-2) to read as follows:

52 (A-2) AN INSURED OR THE INSURED'S DESIGNEE MAY APPEAL AN OUT-OF-NETWORK REFERRAL DENIAL BY A HEALTH CARE PLAN BY SUBMITTING A WRITTEN STATEMENT FROM THE INSURED'S ATTENDING PHYSICIAN, WHO MUST BE A LICENSED, BOARD CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRACTICE IN THE SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE INSURED

FOR THE HEALTH SERVICE SOUGHT, PROVIDED THAT: (1) THE IN-NETWORK HEALTH CARE PROVIDER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT HAVE THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF THE INSURED FOR THE HEALTH SERVICE; AND (2) RECOMMENDS AN OUT-OF-NETWORK PROVIDER WITH THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF THE INSURED, AND WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

S 14. Subsection (b) of section 4910 of the insurance law is amended by adding a new paragraph 4 to read as follows:

(4)(A) THE INSURED HAS HAD AN OUT-OF-NETWORK REFERRAL DENIED ON THE GROUNDS THAT THE HEALTH CARE PLAN HAS A HEALTH CARE PROVIDER IN THE IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN INSURED, AND WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

(B) THE INSURED'S ATTENDING PHYSICIAN, WHO SHALL BE A LICENSED, BOARD CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRACTICE IN THE SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE INSURED FOR THE HEALTH SERVICE SOUGHT, CERTIFIES THAT THE IN-NETWORK HEALTH CARE PROVIDER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT HAVE THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN INSURED, AND RECOMMENDS AN OUT-OF-NETWORK PROVIDER WITH THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN INSURED, AND WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

S 15. Paragraph 4 of subsection (b) of section 4914 of the insurance law is amended by adding a new subparagraph (D) to read as follows:

(D) FOR EXTERNAL APPEALS REQUESTED PURSUANT TO PARAGRAPH FOUR OF SUBSECTION (B) OF SECTION FOUR THOUSAND NINE HUNDRED TEN OF THIS TITLE RELATING TO AN OUT-OF-NETWORK REFERRAL DENIAL, THE EXTERNAL APPEAL AGENT SHALL REVIEW THE UTILIZATION REVIEW AGENT'S FINAL ADVERSE DETERMINATION AND, IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, SHALL MAKE A DETERMINATION AS TO WHETHER THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED BY THE HEALTH PLAN; PROVIDED THAT SUCH DETERMINATION SHALL:

(I) BE CONDUCTED ONLY BY ONE OR A GREATER ODD NUMBER OF CLINICAL PEER REVIEWERS;

(II) BE ACCOMPANIED BY A WRITTEN STATEMENT:

(I) THAT THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED BY THE HEALTH CARE PLAN EITHER WHEN THE REVIEWER OR A MAJORITY OF THE PANEL OF REVIEWERS DETERMINES, UPON REVIEW OF THE TRAINING AND EXPERIENCE OF THE IN-NETWORK HEALTH CARE PROVIDER OR PROVIDERS PROPOSED BY THE PLAN, THE TRAINING AND EXPERIENCE OF THE REQUESTED OUT-OF-NETWORK PROVIDER, THE CLINICAL STANDARDS OF THE PLAN, THE INFORMATION PROVIDED CONCERNING THE INSURED, THE ATTENDING PHYSICIAN'S RECOMMENDATION, THE INSURED'S MEDICAL RECORD, AND ANY OTHER PERTINENT INFORMATION, THAT THE HEALTH PLAN DOES NOT HAVE A PROVIDER WITH THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN INSURED WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE, AND THAT THE OUT-OF-NETWORK PROVIDER HAS THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN INSURED, IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE, AND IS LIKELY TO PRODUCE A MORE CLINICALLY BENEFICIAL OUTCOME; OR

(II) UPHOLDING THE HEALTH PLAN'S DENIAL OF COVERAGE;

(III) BE SUBJECT TO THE TERMS AND CONDITIONS GENERALLY APPLICABLE TO BENEFITS UNDER THE EVIDENCE OF COVERAGE UNDER THE HEALTH CARE PLAN;

(IV) BE BINDING ON THE PLAN AND THE INSURED; AND

(V) BE ADMISSIBLE IN ANY COURT PROCEEDING.

1 S 16. Intentionally omitted.

2 S 17. The public health law is amended by adding a new section 24 to
3 read as follows:

4 S 24. DISCLOSURE. 1. A HEALTH CARE PROFESSIONAL SHALL DISCLOSE TO
5 PATIENTS OR PROSPECTIVE PATIENTS IN WRITING OR THROUGH AN INTERNET
6 WEBSITE THE HEALTH CARE PLANS IN WHICH THE HEALTH CARE PROFESSIONAL IS A
7 PARTICIPATING PROVIDER AND THE HOSPITALS WITH WHICH THE HEALTH CARE
8 PROFESSIONAL IS AFFILIATED PRIOR TO THE PROVISION OF NON-EMERGENCY
9 SERVICES AND VERBALLY AT THE TIME AN APPOINTMENT IS SCHEDULED.

10 2. IF A HEALTH CARE PROFESSIONAL DOES NOT PARTICIPATE IN THE NETWORK
11 OF A PATIENT'S OR PROSPECTIVE PATIENT'S HEALTH CARE PLAN, THE HEALTH
12 CARE PROFESSIONAL SHALL: (A) PRIOR TO THE PROVISION OF NON-EMERGENCY
13 SERVICES, INFORM A PATIENT OR PROSPECTIVE PATIENT THAT THE AMOUNT OR
14 ESTIMATED AMOUNT THE HEALTH CARE PROFESSIONAL WILL BILL THE PATIENT FOR
15 HEALTH CARE SERVICES IS AVAILABLE UPON REQUEST; AND (B) UPON RECEIPT OF
16 A REQUEST FROM A PATIENT OR PROSPECTIVE PATIENT, DISCLOSE TO THE PATIENT
17 OR PROSPECTIVE PATIENT IN WRITING THE AMOUNT OR ESTIMATED AMOUNT THE
18 HEALTH CARE PROFESSIONAL WILL BILL THE PATIENT OR PROSPECTIVE PATIENT
19 FOR HEALTH CARE SERVICES PROVIDED OR ANTICIPATED TO BE PROVIDED TO THE
20 PATIENT OR PROSPECTIVE PATIENT ABSENT UNFORESEEN MEDICAL CIRCUMSTANCES
21 THAT MAY ARISE WHEN THE HEALTH CARE SERVICES ARE PROVIDED.

22 3. A HEALTH CARE PROFESSIONAL WHO IS A PHYSICIAN SHALL PROVIDE A
23 PATIENT OR PROSPECTIVE PATIENT WITH THE NAME, PRACTICE NAME, MAILING
24 ADDRESS, AND TELEPHONE NUMBER OF ANY HEALTH CARE PROVIDER SCHEDULED TO
25 PERFORM ANESTHESIOLOGY, LABORATORY, PATHOLOGY, RADIOLOGY OR ASSISTANT
26 SURGEON SERVICES IN CONNECTION WITH CARE TO BE PROVIDED IN THE PHYSI-
27 CIAN'S OFFICE FOR THE PATIENT OR COORDINATED OR REFERRED BY THE PHYSI-
28 CIAN FOR THE PATIENT PRIOR TO THE PROVISION OF SERVICES.

29 4. A HEALTH CARE PROFESSIONAL WHO IS A PHYSICIAN SHALL, FOR A
30 PATIENT'S SCHEDULED HOSPITAL ADMISSION OR SCHEDULED OUTPATIENT HOSPITAL
31 SERVICES, PROVIDE A PATIENT AND THE HOSPITAL WITH THE NAME, PRACTICE
32 NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF ANY OTHER PHYSICIAN WHOSE
33 SERVICES WILL BE ARRANGED BY THE PHYSICIAN AND ARE SCHEDULED AT THE TIME
34 OF THE PRE-ADMISSION TESTING, REGISTRATION OR ADMISSION PRIOR TO THE
35 PROVISION OF SERVICES; AND INFORMATION AS TO HOW TO DETERMINE THE
36 HEALTHCARE PLANS IN WHICH THE PHYSICIAN PARTICIPATES.

37 5. A HOSPITAL SHALL ESTABLISH, UPDATE AND MAKE PUBLIC THROUGH POSTING
38 ON THE HOSPITAL'S WEBSITE, TO THE EXTENT REQUIRED BY FEDERAL GUIDELINES,
39 A LIST OF THE HOSPITAL'S STANDARD CHARGES FOR ITEMS AND SERVICES
40 PROVIDED BY THE HOSPITAL, INCLUDING FOR DIAGNOSIS-RELATED GROUPS ESTAB-
41 LISHED UNDER SECTION 1886(D)(4) OF THE FEDERAL SOCIAL SECURITY ACT.

42 6. A HOSPITAL SHALL POST ON THE HOSPITAL'S WEBSITE: (A) THE HEALTH
43 CARE PLANS IN WHICH THE HOSPITAL IS A PARTICIPATING PROVIDER; (B) A
44 STATEMENT THAT (I) PHYSICIAN SERVICES PROVIDED IN THE HOSPITAL ARE NOT
45 INCLUDED IN THE HOSPITAL'S CHARGES; (II) PHYSICIANS WHO PROVIDE SERVICES
46 IN THE HOSPITAL MAY OR MAY NOT PARTICIPATE WITH THE SAME HEALTH CARE
47 PLANS AS THE HOSPITAL, AND; (III) THE PROSPECTIVE PATIENT SHOULD CHECK
48 WITH THE PHYSICIAN ARRANGING FOR THE HOSPITAL SERVICES TO DETERMINE THE
49 HEALTH CARE PLANS IN WHICH THE PHYSICIAN PARTICIPATES; (C) AS APPLICA-
50 BLE, THE NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF THE PHYSICIAN
51 GROUPS THAT THE HOSPITAL HAS CONTRACTED WITH TO PROVIDE SERVICES INCLUD-
52 ING ANESTHESIOLOGY, PATHOLOGY OR RADIOLOGY, AND INSTRUCTIONS HOW TO
53 CONTACT THESE GROUPS TO DETERMINE THE HEALTH CARE PLAN PARTICIPATION OF
54 THE PHYSICIANS IN THESE GROUPS; AND (D) AS APPLICABLE, THE NAME, MAILING
55 ADDRESS, AND TELEPHONE NUMBER OF PHYSICIANS EMPLOYED BY THE HOSPITAL AND

1 WHOSE SERVICES MAY BE PROVIDED AT THE HOSPITAL, AND THE HEALTH CARE
2 PLANS IN WHICH THEY PARTICIPATE.

3 7. IN REGISTRATION OR ADMISSION MATERIALS PROVIDED IN ADVANCE OF NON-
4 EMERGENCY HOSPITAL SERVICES, A HOSPITAL SHALL: (A) ADVISE THE PATIENT OR
5 PROSPECTIVE PATIENT TO CHECK WITH THE PHYSICIAN ARRANGING THE HOSPITAL
6 SERVICES TO DETERMINE: (I) THE NAME, PRACTICE NAME, MAILING ADDRESS AND
7 TELEPHONE NUMBER OF ANY OTHER PHYSICIAN WHOSE SERVICES WILL BE ARRANGED
8 BY THE PHYSICIAN; AND (II) WHETHER THE SERVICES OF PHYSICIANS WHO ARE
9 EMPLOYED OR CONTRACTED BY THE HOSPITAL TO PROVIDE SERVICES INCLUDING
10 ANESTHESIOLOGY, PATHOLOGY AND/OR RADIOLOGY ARE REASONABLY ANTICIPATED TO
11 BE PROVIDED TO THE PATIENT; AND (B) PROVIDE PATIENTS OR PROSPECTIVE
12 PATIENTS WITH INFORMATION AS TO HOW TO TIMELY DETERMINE THE HEALTH CARE
13 PLANS PARTICIPATED IN BY PHYSICIANS WHO ARE REASONABLY ANTICIPATED TO
14 PROVIDE SERVICES TO THE PATIENT AT THE HOSPITAL, AS DETERMINED BY THE
15 PHYSICIAN ARRANGING THE PATIENT'S HOSPITAL SERVICES, AND WHO ARE EMPLOY-
16 EES OF THE HOSPITAL OR CONTRACTED BY THE HOSPITAL TO PROVIDE SERVICES
17 INCLUDING ANESTHESIOLOGY, RADIOLOGY AND/OR PATHOLOGY.

18 8. FOR PURPOSES OF THIS SUBDIVISION:

19 (A) "HEALTH CARE PLAN" MEANS A HEALTH INSURER INCLUDING AN INSURER
20 LICENSED TO WRITE ACCIDENT AND HEALTH INSURANCE SUBJECT TO ARTICLE THIR-
21 TY-TWO OF THE INSURANCE LAW; A CORPORATION ORGANIZED PURSUANT TO ARTICLE
22 FORTY-THREE OF THE INSURANCE LAW; A MUNICIPAL COOPERATIVE HEALTH BENEFIT
23 PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THE INSURANCE LAW; A
24 HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR
25 OF THIS CHAPTER; A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSU-
26 ANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THE INSURANCE LAW
27 OR A SELF-FUNDED EMPLOYEE WELFARE BENEFIT PLAN.

28 (B) "HEALTH CARE PROFESSIONAL" MEANS AN APPROPRIATELY LICENSED, REGIS-
29 TERED OR CERTIFIED HEALTH CARE PROFESSIONAL PURSUANT TO TITLE EIGHT OF
30 THE EDUCATION LAW.

31 S 17-a. Paragraph (a) of subdivision 6 of section 4403 of the public
32 health law, as added by chapter 705 of the laws of 1996, is amended to
33 read as follows:

34 (a) If a health maintenance organization determines that it does not
35 have a health care provider with appropriate training and experience in
36 its panel or network to meet the particular health care needs of an
37 enrollee, the health maintenance organization shall make a referral to
38 an appropriate provider, pursuant to a treatment plan approved by the
39 health maintenance organization in consultation with the primary care
40 provider, the non-participating provider and the enrollee or enrollee's
41 designee, at no additional cost to the enrollee beyond what the enrollee
42 would otherwise pay for services received within the network. NOTHING IN
43 THIS PARAGRAPH SHALL BE CONSTRUED TO ENTITLE AN ENROLLEE TO A REFERRAL
44 TO THE ENROLLEE'S PREFERRED PROVIDER, WHERE THAT PROVIDER IS OUT-OF-NET-
45 WORK. THE PROVISIONS OF THIS PARAGRAPH SHALL ONLY APPLY IF THERE IS NO
46 IN-NETWORK PROVIDER GEOGRAPHICALLY ACCESSIBLE TO THE ENROLLEE WHO HAS
47 THE APPROPRIATE ESSENTIAL LEVEL OF TRAINING AND EXPERIENCE TO MEET THE
48 PARTICULAR NEEDS OF THE ENROLLEE.

49 S 18. Paragraphs (k), (p-1), (q) and (r) of subdivision 1 of section
50 4408 of the public health law, paragraphs (k), (q) and (r) as added by
51 chapter 705 of the laws of 1996, and paragraph (p-1) as added by chapter
52 554 of the laws of 2002, are amended and three new paragraphs (s), (t)
53 and (u) are added to read as follows:

54 (k) notice that an enrollee may obtain a referral to a health care
55 provider outside of the health maintenance organization's network or
56 panel when the health maintenance organization does not have a health

1 care provider [with] WHO IS GEOGRAPHICALLY ACCESSIBLE TO THE ENROLLEE
2 AND WHO HAS appropriate ESSENTIAL LEVEL OF training and experience in
3 the network or panel to meet the particular health care needs of the
4 enrollee and the procedure by which the enrollee can obtain such refer-
5 ral;

6 (p-1) notice that an enrollee shall have direct access to primary and
7 preventive obstetric and gynecologic services, INCLUDING ANNUAL EXAMINA-
8 TIONS, CARE RESULTING FROM SUCH ANNUAL EXAMINATIONS, AND TREATMENT OF
9 ACUTE GYNECOLOGIC CONDITIONS, from a qualified provider of such services
10 of her choice from within the plan [for no fewer than two examinations
11 annually for such services] or [to] FOR any care related to A pregnancy
12 [and that additionally, the enrollee shall have direct access to primary
13 and preventive obstetric and gynecologic services required as a result
14 of such annual examinations or as a result of an acute gynecologic
15 condition];

16 (q) notice of all appropriate mailing addresses and telephone numbers
17 to be utilized by enrollees seeking information or authorization; [and]

18 (r) a listing by specialty, which may be in a separate document that
19 is updated annually, of the name, address and telephone number of all
20 participating providers, including facilities, and, in addition, in the
21 case of physicians, board certification[.], LANGUAGES SPOKEN AND ANY
22 AFFILIATIONS WITH PARTICIPATING HOSPITALS. THE LISTING SHALL ALSO BE
23 POSTED ON THE HEALTH MAINTENANCE ORGANIZATION'S WEBSITE AND THE HEALTH
24 MAINTENANCE ORGANIZATION SHALL UPDATE THE WEBSITE WITHIN FIFTEEN DAYS OF
25 THE ADDITION OR TERMINATION OF A PROVIDER FROM THE HEALTH MAINTENANCE
26 ORGANIZATION'S NETWORK OR A CHANGE IN A PHYSICIAN'S HOSPITAL AFFIL-
27 IATION;

28 (S) WHERE APPLICABLE, A DESCRIPTION OF THE METHOD BY WHICH AN ENROLLEE
29 MAY SUBMIT A CLAIM FOR HEALTH CARE SERVICES;

30 (T) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE:

31 (I) A CLEAR DESCRIPTION OF THE METHODOLOGY USED BY THE HEALTH MAINTE-
32 NANCE ORGANIZATION TO DETERMINE REIMBURSEMENT FOR OUT-OF-NETWORK HEALTH
33 CARE SERVICES;

34 (II) A DESCRIPTION OF THE AMOUNT THAT THE HEALTH MAINTENANCE ORGANIZA-
35 TION WILL REIMBURSE UNDER THE METHODOLOGY FOR OUT-OF-NETWORK HEALTH CARE
36 SERVICES SET FORTH AS A PERCENTAGE OF THE USUAL AND CUSTOMARY COST FOR
37 OUT-OF-NETWORK HEALTH CARE SERVICES;

38 (III) EXAMPLES OF ANTICIPATED OUT-OF-POCKET COSTS FOR FREQUENTLY
39 BILLED OUT-OF-NETWORK HEALTH CARE SERVICES; AND

40 (U) INFORMATION IN WRITING AND THROUGH AN INTERNET WEBSITE THAT
41 REASONABLY PERMITS AN ENROLLEE OR PROSPECTIVE ENROLLEE TO DETERMINE THE
42 ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES
43 IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE BETWEEN
44 WHAT THE HEALTH MAINTENANCE ORGANIZATION WILL REIMBURSE FOR OUT-OF-NET-
45 WORK HEALTH CARE SERVICES AND THE USUAL AND CUSTOMARY COST FOR
46 OUT-OF-NETWORK HEALTH CARE SERVICES.

47 S 19. Paragraphs (k) and (l) of subdivision 2 of section 4408 of the
48 public health law, as added by chapter 705 of the laws of 1996, are
49 amended and two new paragraphs (m) and (n) are added to read as follows:

50 (k) provide the written application procedures and minimum qualifica-
51 tion requirements for health care providers to be considered by the
52 health maintenance organization; [and]

53 (l) disclose other information as required by the commissioner,
54 provided that such requirements are promulgated pursuant to the state
55 administrative procedure act[.];

1 (M) DISCLOSE WHETHER A HEALTH CARE PROVIDER SCHEDULED TO PROVIDE A
2 HEALTH CARE SERVICE IS AN IN-NETWORK PROVIDER; AND

3 (N) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE,
4 DISCLOSE THE DOLLAR AMOUNT THAT THE HEALTH MAINTENANCE ORGANIZATION WILL
5 PAY FOR A SPECIFIC OUT-OF-NETWORK HEALTH CARE SERVICE.

6 S 20. Section 4408 of the public health law is amended by adding a new
7 subdivision 7 to read as follows:

8 7. FOR PURPOSES OF THIS SECTION, "USUAL AND CUSTOMARY COST" SHALL
9 MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR HEALTH
10 CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR SPECIALTY
11 AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN TWO THOUSAND
12 TWELVE IN A BENCHMARKING DATABASE MAINTAINED BY A NONPROFIT ORGANIZATION
13 SPECIFIED BY THE SUPERINTENDENT OF FINANCIAL SERVICES. THE NONPROFIT
14 ORGANIZATION SHALL NOT BE AFFILIATED WITH AN INSURER, A CORPORATION
15 SUBJECT TO ARTICLE FORTY-THREE OF THE INSURANCE LAW, A MUNICIPAL COOPER-
16 ATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF
17 THE INSURANCE LAW, OR A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSU-
18 ANT TO THIS ARTICLE.

19 S 21. Subdivision 7-g of section 4900 of the public health law is
20 renumbered subdivision 7-h and a new subdivision 7-g is added to read as
21 follows:

22 7-G. "OUT-OF-NETWORK REFERRAL DENIAL" MEANS A DENIAL OF A REQUEST FOR
23 AN AUTHORIZATION OR REFERRAL TO AN OUT-OF-NETWORK PROVIDER ON THE BASIS
24 THAT THE HEALTH CARE PLAN HAS A HEALTH CARE PROVIDER IN THE IN-NETWORK
25 BENEFITS PORTION OF ITS NETWORK WITH APPROPRIATE TRAINING AND EXPERIENCE
26 TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROLLEE, AND WHO IS ABLE
27 TO PROVIDE THE REQUESTED HEALTH SERVICE. THE NOTICE OF AN OUT-OF-NETWORK
28 REFERRAL DENIAL PROVIDED TO AN ENROLLEE SHALL INCLUDE INFORMATION
29 EXPLAINING WHAT INFORMATION THE ENROLLEE MUST SUBMIT IN ORDER TO APPEAL
30 THE OUT-OF-NETWORK REFERRAL DENIAL PURSUANT TO SUBDIVISION ONE-B OF
31 SECTION FOUR THOUSAND NINE HUNDRED FOUR OF THIS ARTICLE. AN OUT-OF-NET-
32 WORK REFERRAL DENIAL UNDER THIS SUBDIVISION DOES NOT CONSTITUTE AN
33 ADVERSE DETERMINATION AS DEFINED IN THIS ARTICLE. AN OUT-OF-NETWORK
34 REFERRAL DENIAL SHALL NOT BE CONSTRUED TO INCLUDE AN OUT-OF-NETWORK
35 DENIAL AS DEFINED IN SUBDIVISION SEVEN-F OF THIS SECTION.

36 S 22. Subdivision 2 of section 4903 of the public health law, as
37 amended by chapter 514 of the laws of 2013, is amended to read as
38 follows:

39 2. A utilization review agent shall make a utilization review determi-
40 nation involving health care services which require pre-authorization
41 and provide notice of a determination to the enrollee or enrollee's
42 designee and the enrollee's health care provider by telephone and in
43 writing within three business days of receipt of the necessary informa-
44 tion. To the extent practicable, such written notification to the
45 enrollee's health care provider shall be transmitted electronically, in
46 a manner and in a form agreed upon by the parties. THE NOTIFICATION
47 SHALL IDENTIFY; (A) WHETHER THE SERVICES ARE CONSIDERED IN-NETWORK OR
48 OUT-OF-NETWORK; (B) AND WHETHER THE ENROLLEE WILL BE HELD HARMLESS FOR
49 THE SERVICES AND NOT BE RESPONSIBLE FOR ANY PAYMENT, OTHER THAN ANY
50 APPLICABLE CO-PAYMENT OR CO-INSURANCE; (C) AS APPLICABLE, THE DOLLAR
51 AMOUNT THE HEALTH CARE PLAN WILL PAY IF THE SERVICE IS OUT-OF-NETWORK;
52 AND (D) AS APPLICABLE, INFORMATION EXPLAINING HOW AN ENROLLEE MAY DETER-
53 MINE THE ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE
54 SERVICES IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE
55 BETWEEN WHAT THE HEALTH CARE PLAN WILL REIMBURSE FOR OUT-OF-NETWORK

1 HEALTH CARE SERVICES AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK
2 HEALTH CARE SERVICES.

3 S 23. Section 4904 of the public health law is amended by adding a new
4 subdivision 1-b to read as follows:

5 1-B. AN ENROLLEE OR THE ENROLLEE'S DESIGNEE MAY APPEAL A DENIAL OF AN
6 OUT-OF-NETWORK REFERRAL BY A HEALTH CARE PLAN BY SUBMITTING A WRITTEN
7 STATEMENT FROM THE ENROLLEE'S ATTENDING PHYSICIAN, WHO MUST BE A
8 LICENSED, BOARD CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRAC-
9 TICE IN THE SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE ENROLLEE
10 FOR THE HEALTH SERVICE SOUGHT, PROVIDED THAT: (A) THE IN-NETWORK HEALTH
11 CARE PROVIDER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT
12 HAVE THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR
13 HEALTH CARE NEEDS OF THE ENROLLEE FOR THE HEALTH SERVICE; AND (B) RECOM-
14 MENDS AN OUT-OF-NETWORK PROVIDER WITH THE APPROPRIATE TRAINING AND EXPE-
15 RIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF THE ENROLLEE, AND WHO
16 IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

17 S 24. Subdivision 2 of section 4910 of the public health law is
18 amended by adding a new paragraph (d) to read as follows:

19 (D)(I) THE ENROLLEE HAS HAD AN OUT-OF-NETWORK REFERRAL DENIED ON THE
20 GROUNDS THAT THE HEALTH CARE PLAN HAS A HEALTH CARE PROVIDER IN THE
21 IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH APPROPRIATE TRAINING AND
22 EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROLLEE, AND
23 WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

24 (II) THE ENROLLEE'S ATTENDING PHYSICIAN, WHO SHALL BE A LICENSED,
25 BOARD CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRACTICE IN THE
26 SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE ENROLLEE FOR THE
27 HEALTH SERVICE SOUGHT, CERTIFIES THAT THE IN-NETWORK HEALTH CARE PROVID-
28 ER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT HAVE THE
29 APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE
30 NEEDS OF AN ENROLLEE, AND RECOMMENDS AN OUT-OF-NETWORK PROVIDER WITH THE
31 APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE
32 NEEDS OF AN ENROLLEE, AND WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH
33 SERVICE.

34 S 25. Paragraph (d) of subdivision 2 of section 4914 of the public
35 health law is amended by adding a new subparagraph (D) to read as
36 follows:

37 (D) FOR EXTERNAL APPEALS REQUESTED PURSUANT TO PARAGRAPH (D) OF SUBDI-
38 VISION TWO OF SECTION FOUR THOUSAND NINE HUNDRED TEN OF THIS TITLE
39 RELATING TO AN OUT-OF-NETWORK REFERRAL DENIAL, THE EXTERNAL APPEAL AGENT
40 SHALL REVIEW THE UTILIZATION REVIEW AGENT'S FINAL ADVERSE DETERMINATION
41 AND, IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, SHALL MAKE A
42 DETERMINATION AS TO WHETHER THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED
43 BY THE HEALTH PLAN; PROVIDED THAT SUCH DETERMINATION SHALL:

44 (I) BE CONDUCTED ONLY BY ONE OR A GREATER ODD NUMBER OF CLINICAL PEER
45 REVIEWERS;

46 (II) BE ACCOMPANIED BY A WRITTEN STATEMENT:

47 (1) THAT THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED BY THE HEALTH
48 CARE PLAN EITHER WHEN THE REVIEWER OR A MAJORITY OF THE PANEL OF REVIEW-
49 ERS DETERMINES, UPON REVIEW OF THE TRAINING AND EXPERIENCE OF THE
50 IN-NETWORK HEALTH CARE PROVIDER OR PROVIDERS PROPOSED BY THE PLAN, THE
51 TRAINING AND EXPERIENCE OF THE REQUESTED OUT-OF-NETWORK PROVIDER, THE
52 CLINICAL STANDARDS OF THE PLAN, THE INFORMATION PROVIDED CONCERNING THE
53 ENROLLEE, THE ATTENDING PHYSICIAN'S RECOMMENDATION, THE ENROLLEE'S
54 MEDICAL RECORD, AND ANY OTHER PERTINENT INFORMATION, THAT THE HEALTH
55 PLAN DOES NOT HAVE A PROVIDER WITH THE APPROPRIATE TRAINING AND EXPERI-
56 ENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROLLEE WHO IS ABLE

1 TO PROVIDE THE REQUESTED HEALTH SERVICE, AND THAT THE OUT-OF-NETWORK
2 PROVIDER HAS THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTIC-
3 ULAR HEALTH CARE NEEDS OF AN ENROLLEE, IS ABLE TO PROVIDE THE REQUESTED
4 HEALTH SERVICE, AND IS LIKELY TO PRODUCE A MORE CLINICALLY BENEFICIAL
5 OUTCOME; OR

6 (2) UPHOLDING THE HEALTH PLAN'S DENIAL OF COVERAGE;

7 (III) BE SUBJECT TO THE TERMS AND CONDITIONS GENERALLY APPLICABLE TO
8 BENEFITS UNDER THE EVIDENCE OF COVERAGE UNDER THE HEALTH CARE PLAN;

9 (IV) BE BINDING ON THE PLAN AND THE ENROLLEE; AND

10 (V) BE ADMISSIBLE IN ANY COURT PROCEEDING.

11 S 26. The financial services law is amended by adding a new article 6
12 to read as follows:

13 ARTICLE 6

14 EMERGENCY MEDICAL SERVICES AND SURPRISE BILLS

15 SECTION 601. DISPUTE RESOLUTION PROCESS ESTABLISHED.

16 602. APPLICABILITY.

17 603. DEFINITIONS.

18 604. CRITERIA FOR DETERMINING A REASONABLE FEE.

19 605. DISPUTE RESOLUTION FOR EMERGENCY SERVICES.

20 606. HOLD HARMLESS AND ASSIGNMENT OF BENEFITS FOR SURPRISE BILLS
21 FOR INSUREDS.

22 607. DISPUTE RESOLUTION FOR SURPRISE BILLS.

23 608. PAYMENT FOR INDEPENDENT DISPUTE RESOLUTION ENTITY.

24 S 601. DISPUTE RESOLUTION PROCESS ESTABLISHED. THE SUPERINTENDENT
25 SHALL ESTABLISH A DISPUTE RESOLUTION PROCESS BY WHICH A DISPUTE FOR A
26 BILL FOR EMERGENCY SERVICES OR A SURPRISE BILL MAY BE RESOLVED. THE
27 SUPERINTENDENT SHALL HAVE THE POWER TO GRANT AND REVOKE CERTIFICATIONS
28 OF INDEPENDENT DISPUTE RESOLUTION ENTITIES TO CONDUCT THE DISPUTE RESOL-
29 UTION PROCESS. THE SUPERINTENDENT SHALL PROMULGATE REGULATIONS ESTAB-
30 LISHING STANDARDS FOR THE DISPUTE RESOLUTION PROCESS, INCLUDING A PROC-
31 ESS FOR CERTIFYING AND SELECTING INDEPENDENT DISPUTE RESOLUTION
32 ENTITIES. SUCH INDEPENDENT DISPUTE RESOLUTION ENTITIES MUST UTILIZE
33 PHYSICIANS LICENSED AND IN ACTIVE PRACTICE IN THIS STATE PRACTICING IN
34 THE SAME OR SIMILAR SPECIALTY AS THE PHYSICIAN PROVIDING THE CARE THAT
35 IS SUBJECT OF THE BILL FOR EMERGENCY SERVICES OR A SURPRISE BILL.

36 S 602. APPLICABILITY. THIS ARTICLE SHALL NOT APPLY TO HEALTH CARE
37 SERVICES, INCLUDING EMERGENCY SERVICES, WHERE PHYSICIAN FEES ARE SUBJECT
38 TO SCHEDULES OR OTHER MONETARY LIMITATIONS UNDER ANY OTHER LAW, INCLUD-
39 ING THE WORKERS' COMPENSATION LAW AND ARTICLE FIFTY-ONE OF THE INSURANCE
40 LAW, AND SHALL NOT PREEMPT ANY SUCH LAW. THIS ARTICLE SHALL NOT APPLY
41 TO A HEALTH CARE SERVICE THAT IS BILLED AS SET FORTH IN PROCEDURE CODES
42 99281 THROUGH 99285, 99288, 99291 THROUGH 99292, 99217 THROUGH 99220,
43 99224 THROUGH 99226, AND 99234 THROUGH 99236 IN THE CURRENT VERSION OF
44 THE AMERICAN MEDICAL ASSOCIATION'S PROCEDURAL TERMINOLOGY (CPT) CODES
45 WHEN PROVIDED BY A QUALIFIED EMERGENCY PHYSICIAN IN A HOSPITAL EMERGENCY
46 DEPARTMENT WHERE THE PHYSICIAN'S CHARGE IS UNDER ONE THOUSAND TWO
47 HUNDRED DOLLARS ADJUSTED ANNUALLY FOR INFLATION BY THE MEDICAL CARE
48 COMMODITIES AND MEDICAL CARE SERVICES COMPONENTS OF THE CONSUMER PRICE
49 INDEX, AFTER ANY APPLICABLE CO-INSURANCE, CO-PAYMENT AND DEDUCTIBLE.

50 S 603. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

51 (A) "EMERGENCY CONDITION" MEANS A MEDICAL OR BEHAVIORAL CONDITION THAT
52 MANIFESTS ITSELF BY ACUTE SYMPTOMS OF SUFFICIENT SEVERITY, INCLUDING
53 SEVERE PAIN, SUCH THAT A PRUDENT LAYPERSON, POSSESSING AN AVERAGE KNOW-
54 LEDGE OF MEDICINE AND HEALTH, COULD REASONABLY EXPECT THE ABSENCE OF
55 IMMEDIATE MEDICAL ATTENTION TO RESULT IN : (1) PLACING THE HEALTH OF THE
56 PERSON AFFLICTED WITH SUCH CONDITION IN SERIOUS JEOPARDY, OR IN THE CASE

1 OF A BEHAVIORAL CONDITION PLACING THE HEALTH OF SUCH PERSON OR OTHERS IN
2 SERIOUS JEOPARDY; (2) SERIOUS IMPAIRMENT TO SUCH PERSON'S BODILY FUNC-
3 TIONS; (3) SERIOUS DYSFUNCTION OF ANY BODILY ORGAN OR PART OF SUCH
4 PERSON; (4) SERIOUS DISFIGUREMENT OF SUCH PERSON; OR (5) A CONDITION
5 DESCRIBED IN CLAUSE (I), (II) OR (III) OF SECTION 1867(E)(1)(A) OF THE
6 SOCIAL SECURITY ACT 42 U.S.C. S 1395DD.

7 (B) "EMERGENCY SERVICES" MEANS, WITH RESPECT TO AN EMERGENCY CONDI-
8 TION: (1) A MEDICAL SCREENING EXAMINATION AS REQUIRED UNDER SECTION 1867
9 OF THE SOCIAL SECURITY ACT, 42 U.S.C. S 1395DD, WHICH IS WITHIN THE
10 CAPABILITY OF THE EMERGENCY DEPARTMENT OF A HOSPITAL, INCLUDING ANCIL-
11 LARY SERVICES ROUTINELY AVAILABLE TO THE EMERGENCY DEPARTMENT TO EVALU-
12 ATE SUCH EMERGENCY MEDICAL CONDITION; AND (2) WITHIN THE CAPABILITIES OF
13 THE STAFF AND FACILITIES AVAILABLE AT THE HOSPITAL, SUCH FURTHER MEDICAL
14 EXAMINATION AND TREATMENT AS ARE REQUIRED UNDER SECTION 1867 OF THE
15 SOCIAL SECURITY ACT, 42 U.S.C. S 1395DD, TO STABILIZE THE PATIENT.

16 (C) "HEALTH CARE PLAN" MEANS AN INSURER LICENSED TO WRITE ACCIDENT AND
17 HEALTH INSURANCE PURSUANT TO ARTICLE THIRTY-TWO OF THE INSURANCE LAW; A
18 CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE OF THE INSURANCE
19 LAW; A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO
20 ARTICLE FORTY-SEVEN OF THE INSURANCE LAW; A HEALTH MAINTENANCE ORGANIZA-
21 TION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW;
22 OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT TO SECTION
23 ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THE INSURANCE LAW.

24 (D) "INSURED" MEANS A PATIENT COVERED UNDER A HEALTH CARE PLAN'S POLI-
25 CY OR CONTRACT.

26 (E) "NON-PARTICIPATING" MEANS NOT HAVING A CONTRACT WITH A HEALTH CARE
27 PLAN TO PROVIDE HEALTH CARE SERVICES TO AN INSURED.

28 (F) "PARTICIPATING" MEANS HAVING A CONTRACT WITH A HEALTH CARE PLAN TO
29 PROVIDE HEALTH CARE SERVICES TO AN INSURED.

30 (G) "PATIENT" MEANS A PERSON WHO RECEIVES HEALTH CARE SERVICES,
31 INCLUDING EMERGENCY SERVICES, IN THIS STATE.

32 (H) "SURPRISE BILL" MEANS A BILL FOR HEALTH CARE SERVICES, OTHER THAN
33 EMERGENCY SERVICES, RECEIVED BY:

34 (1) AN INSURED FOR SERVICES RENDERED BY A NON-PARTICIPATING PHYSICIAN
35 AT A PARTICIPATING HOSPITAL OR AMBULATORY SURGICAL CENTER, WHERE A
36 PARTICIPATING PHYSICIAN WITH THE APPROPRIATE ESSENTIAL LEVEL OF TRAINING
37 AND EXPERIENCE IS UNAVAILABLE AT THE TIME THE HEALTH CARE SERVICES ARE
38 RENDERED; PROVIDED, HOWEVER, THAT A SURPRISE BILL SHALL NOT MEAN A BILL
39 RECEIVED FOR HEALTH CARE SERVICES WHEN A PARTICIPATING PHYSICIAN WITH
40 THE APPROPRIATE ESSENTIAL LEVEL OF TRAINING AND EXPERIENCE IS AVAILABLE
41 AND THE INSURED HAS BEEN INFORMED OF SUCH AVAILABILITY AND HAS ELECTED
42 TO OBTAIN SERVICES FROM A NON-PARTICIPATING PHYSICIAN; OR

43 (2) AN INSURED FOR SERVICES RENDERED BY A NON-PARTICIPATING PROVIDER,
44 WHERE THE SERVICES WERE REFERRED BY A PARTICIPATING PROVIDER WITHOUT
45 EXPLICIT WRITTEN CONSENT OF THE PATIENT ACKNOWLEDGING THAT THE REFERRAL
46 MAY RESULT IN COSTS NOT COVERED BY THEIR HEALTH CARE PLAN; OR

47 (3) A PATIENT WHO IS NOT AN INSURED FOR SERVICES RENDERED BY A PHYSI-
48 CIAN AT A HOSPITAL OR AMBULATORY SURGICAL CENTER, WHERE THE PATIENT HAS
49 NOT TIMELY RECEIVED ALL OF THE DISCLOSURES REQUIRED PURSUANT TO SECTION
50 TWENTY-FOUR OF THE PUBLIC HEALTH LAW.

51 (I) "USUAL AND CUSTOMARY COST" MEANS THE EIGHTIETH PERCENTILE OF ALL
52 CHARGES FOR THE PARTICULAR HEALTH CARE SERVICE PERFORMED BY A PROVIDER
53 IN THE SAME OR SIMILAR SPECIALTY AND PROVIDED IN THE SAME GEOGRAPHICAL
54 AREA AS REPORTED IN THE YEAR TWO THOUSAND TWELVE IN A BENCHMARKING DATA-
55 BASE MAINTAINED BY A NONPROFIT ORGANIZATION SPECIFIED BY THE SUPERINTEN-
56 DENT. THE NONPROFIT ORGANIZATION SHALL NOT BE AFFILIATED WITH AN INSUR-

ER, A CORPORATION SUBJECT TO ARTICLE FORTY-THREE OF THE INSURANCE LAW, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THE INSURANCE LAW, OR A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW.

S 604. CRITERIA FOR DETERMINING A REASONABLE FEE. IN DETERMINING THE APPROPRIATE AMOUNT TO PAY FOR A HEALTH CARE SERVICE, AN INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL CONSIDER ALL RELEVANT FACTORS, INCLUDING:

(A) WHETHER THERE IS A GROSS DISPARITY BETWEEN THE FEE CHARGED BY THE PHYSICIAN FOR SERVICES RENDERED AS COMPARED TO:

(1) FEES PAID TO THE INVOLVED PHYSICIAN FOR THE SAME SERVICES RENDERED BY THE PHYSICIAN TO OTHER PATIENTS IN HEALTH CARE PLANS IN WHICH THE PHYSICIAN IS NOT PARTICIPATING, AND

(2) IN THE CASE OF A DISPUTE INVOLVING A HEALTH CARE PLAN, FEES PAID BY THE HEALTH CARE PLAN TO REIMBURSE SIMILARLY QUALIFIED PHYSICIANS FOR THE SAME SERVICES IN THE SAME REGION WHO ARE NOT PARTICIPATING WITH THE HEALTH CARE PLAN;

(B) THE LEVEL OF TRAINING, EDUCATION AND EXPERIENCE OF THE PHYSICIAN;

(C) THE PHYSICIAN'S USUAL CHARGE FOR COMPARABLE SERVICES WITH REGARD TO PATIENTS IN HEALTH CARE PLANS IN WHICH THE PHYSICIAN IS NOT PARTICIPATING;

(D) THE CIRCUMSTANCES AND COMPLEXITY OF THE PARTICULAR CASE, INCLUDING TIME AND PLACE OF THE SERVICE;

(E) INDIVIDUAL PATIENT CHARACTERISTICS; AND

(F) THE USUAL AND CUSTOMARY COST OF THE SERVICE.

S 605. DISPUTE RESOLUTION FOR EMERGENCY SERVICES. (A) EMERGENCY SERVICES FOR AN INSURED. (1) WHEN A HEALTH CARE PLAN RECEIVES A BILL FOR EMERGENCY SERVICES FROM A NON-PARTICIPATING PHYSICIAN, THE HEALTH CARE PLAN SHALL PAY AN AMOUNT THAT IT DETERMINES IS REASONABLE FOR THE EMERGENCY SERVICES RENDERED BY THE NON-PARTICIPATING PHYSICIAN, IN ACCORDANCE WITH SECTION THREE THOUSAND TWO HUNDRED TWENTY-FOUR-A OF THE INSURANCE LAW, EXCEPT FOR THE INSURED'S CO-PAYMENT, COINSURANCE OR DEDUCTIBLE, IF ANY, AND SHALL ENSURE THAT THE INSURED SHALL INCUR NO GREATER OUT-OF-POCKET COSTS FOR THE EMERGENCY SERVICES THAN THE INSURED WOULD HAVE INCURRED WITH A PARTICIPATING PHYSICIAN PURSUANT TO SUBSECTION (C) OF SECTION THREE THOUSAND TWO HUNDRED FORTY-ONE OF THE INSURANCE LAW. IN NO EVENT SHALL THE HEALTH CARE PLAN'S PAYMENT BE LESS THAN EIGHTY PERCENT OF THE USUAL AND CUSTOMARY COST FOR THE SERVICES.

(2) A NON-PARTICIPATING PHYSICIAN OR A HEALTH CARE PLAN MAY SUBMIT A DISPUTE REGARDING A FEE OR PAYMENT FOR EMERGENCY SERVICES FOR REVIEW TO AN INDEPENDENT DISPUTE RESOLUTION ENTITY.

(3) IN DETERMINING A REASONABLE FEE FOR THE SERVICES RENDERED, AN INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL SELECT EITHER THE HEALTH CARE PLAN'S PAYMENT OR THE NON-PARTICIPATING PHYSICIAN'S FEE. THE INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE WHICH AMOUNT TO SELECT BASED UPON THE CONDITIONS AND FACTORS SET FORTH IN SECTION SIX HUNDRED FOUR OF THIS ARTICLE.

(B) EMERGENCY SERVICES FOR A PATIENT THAT IS NOT AN INSURED. (1) A PATIENT THAT IS NOT AN INSURED OR THE PATIENT'S PHYSICIAN MAY SUBMIT A DISPUTE REGARDING A FEE FOR EMERGENCY SERVICES FOR REVIEW TO AN INDEPENDENT DISPUTE RESOLUTION ENTITY UPON APPROVAL OF THE SUPERINTENDENT.

(2) AN INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE A REASONABLE FEE FOR THE SERVICES BASED UPON THE SAME CONDITIONS AND FACTORS SET FORTH IN SECTION SIX HUNDRED FOUR OF THIS ARTICLE.

1 (3) A PATIENT THAT IS NOT AN INSURED SHALL NOT BE REQUIRED TO PAY THE
2 PHYSICIAN'S FEE IN ORDER TO BE ELIGIBLE TO SUBMIT THE DISPUTE FOR REVIEW
3 TO AN INDEPENDENT DISPUTE RESOLUTION ENTITY.

4 (C) THE DETERMINATION OF AN INDEPENDENT DISPUTE RESOLUTION ENTITY
5 SHALL BE BINDING ON THE HEALTH CARE PLAN, PHYSICIAN AND PATIENT, AND
6 SHALL BE ADMISSIBLE IN ANY COURT PROCEEDING BETWEEN THE HEALTH CARE
7 PLAN, PHYSICIAN OR PATIENT, OR IN ANY ADMINISTRATIVE PROCEEDING BETWEEN
8 THIS STATE AND THE PHYSICIAN.

9 S 606. HOLD HARMLESS AND ASSIGNMENT OF BENEFITS FOR SURPRISE BILLS FOR
10 INSUREDS. WHEN AN INSURED ASSIGNS BENEFITS FOR A SURPRISE BILL IN WRIT-
11 ING TO A NON-PARTICIPATING PHYSICIAN THAT KNOWS THE INSURED IS INSURED
12 UNDER A HEALTH CARE PLAN, THE NON-PARTICIPATING PHYSICIAN SHALL NOT BILL
13 THE INSURED EXCEPT FOR ANY APPLICABLE COPAYMENT, COINSURANCE OR DEDUCT-
14 ILE THAT WOULD BE OWED IF THE INSURED UTILIZED A PARTICIPATING PHYSI-
15 CIAN.

16 S 607. DISPUTE RESOLUTION FOR SURPRISE BILLS. (A) SURPRISE BILL
17 RECEIVED BY AN INSURED WHO ASSIGNS BENEFITS. (1) IF AN INSURED ASSIGNS
18 BENEFITS TO A NON-PARTICIPATING PHYSICIAN, THE HEALTH CARE PLAN SHALL
19 PAY THE NON-PARTICIPATING PHYSICIAN IN ACCORDANCE WITH PARAGRAPHS TWO
20 AND THREE OF THIS SUBSECTION.

21 (2) THE NON-PARTICIPATING PHYSICIAN MAY BILL THE HEALTH CARE PLAN FOR
22 THE HEALTH CARE SERVICES RENDERED, AND THE HEALTH CARE PLAN SHALL PAY
23 THE NON-PARTICIPATING PHYSICIAN THE BILLED AMOUNT OR ATTEMPT TO NEGOTI-
24 ATE REIMBURSEMENT WITH THE NON-PARTICIPATING PHYSICIAN.

25 (3) IF THE HEALTH CARE PLAN'S ATTEMPTS TO NEGOTIATE REIMBURSEMENT FOR
26 HEALTH CARE SERVICES PROVIDED BY A NON-PARTICIPATING PHYSICIAN DOES NOT
27 RESULT IN A RESOLUTION OF THE PAYMENT DISPUTE BETWEEN THE NON-PARTICI-
28 PATING PHYSICIAN AND THE HEALTH CARE PLAN, THE HEALTH CARE PLAN SHALL
29 PAY THE NON-PARTICIPATING PHYSICIAN AN AMOUNT THE HEALTH CARE PLAN
30 DETERMINES IS REASONABLE FOR THE HEALTH CARE SERVICES RENDERED, EXCEPT
31 FOR THE INSURED'S COPAYMENT, COINSURANCE OR DEDUCTIBLE, IN ACCORDANCE
32 WITH SECTION THREE THOUSAND TWO HUNDRED TWENTY-FOUR-A OF THE INSURANCE
33 LAW. IN NO EVENT SHALL THE HEALTH CARE PLAN'S PAYMENT BE LESS THAN
34 EIGHTY PERCENT OF THE USUAL AND CUSTOMARY COST OF THE HEALTH CARE
35 SERVICES PROVIDED BY THE NON-PARTICIPATING PHYSICIAN.

36 (4) EITHER THE HEALTH CARE PLAN OR THE NON-PARTICIPATING PHYSICIAN MAY
37 SUBMIT THE DISPUTE REGARDING THE SURPRISE BILL FOR REVIEW TO AN INDE-
38 PENDENT DISPUTE RESOLUTION ENTITY, PROVIDED HOWEVER, THE HEALTH CARE
39 PLAN MAY NOT SUBMIT THE DISPUTE UNLESS IT HAS COMPLIED WITH THE REQUIRE-
40 MENTS OF PARAGRAPHS ONE, TWO AND THREE OF THIS SUBSECTION.

41 (5) WHEN DETERMINING A REASONABLE FEE FOR THE SERVICES RENDERED, THE
42 INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL SELECT EITHER THE HEALTH
43 CARE PLAN'S PAYMENT OR THE NON-PARTICIPATING PHYSICIAN'S FEE. AN INDE-
44 PENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE WHICH AMOUNT TO SELECT
45 BASED UPON THE CONDITIONS AND FACTORS SET FORTH IN SECTION SIX HUNDRED
46 FOUR OF THIS ARTICLE.

47 (B) SURPRISE BILL RECEIVED BY AN INSURED WHO DOES NOT ASSIGN BENEFITS
48 OR BY A PATIENT WHO IS NOT AN INSURED. (1) AN INSURED WHO DOES NOT
49 ASSIGN BENEFITS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION OR A
50 PATIENT WHO IS NOT AN INSURED AND WHO RECEIVES A SURPRISE BILL MAY
51 SUBMIT A DISPUTE REGARDING THE SURPRISE BILL FOR REVIEW TO AN INDEPEND-
52 ENT DISPUTE RESOLUTION ENTITY.

53 (2) THE INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE A
54 REASONABLE FEE FOR THE SERVICES RENDERED BASED UPON THE CONDITIONS AND
55 FACTORS SET FORTH IN SECTION SIX HUNDRED FOUR OF THIS ARTICLE.

(3) A PATIENT OR INSURED WHO DOES NOT ASSIGN BENEFITS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION SHALL NOT BE REQUIRED TO PAY THE PHYSICIAN'S FEE TO BE ELIGIBLE TO SUBMIT THE DISPUTE FOR REVIEW TO THE INDEPENDENT DISPUTE ENTITY.

(C) THE DETERMINATION OF AN INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL BE BINDING ON THE PATIENT, PHYSICIAN AND HEALTH CARE PLAN, AND SHALL BE ADMISSIBLE IN ANY COURT PROCEEDING BETWEEN THE PATIENT OR INSURED, PHYSICIAN OR HEALTH CARE PLAN, OR IN ANY ADMINISTRATIVE PROCEEDING BETWEEN THIS STATE AND THE PHYSICIAN.

S 608. PAYMENT FOR INDEPENDENT DISPUTE RESOLUTION ENTITY. (A) FOR DISPUTES INVOLVING AN INSURED, WHEN THE INDEPENDENT DISPUTE RESOLUTION ENTITY DETERMINES THE HEALTH CARE PLAN'S PAYMENT IS REASONABLE, PAYMENT FOR THE DISPUTE RESOLUTION PROCESS SHALL BE THE RESPONSIBILITY OF THE NON-PARTICIPATING PHYSICIAN. WHEN THE INDEPENDENT DISPUTE RESOLUTION ENTITY DETERMINES THE NON-PARTICIPATING PHYSICIAN'S FEE IS REASONABLE, PAYMENT FOR THE DISPUTE RESOLUTION PROCESS SHALL BE THE RESPONSIBILITY OF THE HEALTH CARE PLAN.

(B) FOR DISPUTES INVOLVING A PATIENT THAT IS NOT AN INSURED, WHEN THE INDEPENDENT DISPUTE RESOLUTION ENTITY DETERMINES THE PHYSICIAN'S FEE IS REASONABLE, PAYMENT FOR THE DISPUTE RESOLUTION PROCESS SHALL BE THE RESPONSIBILITY OF THE PATIENT UNLESS PAYMENT FOR THE DISPUTE RESOLUTION PROCESS WOULD POSE A HARDSHIP TO THE PATIENT. THE SUPERINTENDENT SHALL PROMULGATE A REGULATION TO DETERMINE PAYMENT FOR THE DISPUTE RESOLUTION PROCESS IN CASES OF HARDSHIP. WHEN THE INDEPENDENT DISPUTE RESOLUTION ENTITY DETERMINES THE PHYSICIAN'S FEE IS UNREASONABLE, PAYMENT FOR THE DISPUTE RESOLUTION PROCESS SHALL BE THE RESPONSIBILITY OF THE PHYSICIAN.

S 27. This act shall take effect one year after it shall have become a law, provided, however, that:

1. if the amendments by chapter 514 of the laws of 2013 made to subsection (b) of section 4903 of the insurance law and subdivision 2 of section 4903 of the public health law, as amended by sections twelve and twenty-two of this act, respectively, take effect after such date, then sections twelve and twenty-two of this act shall take effect on the same date as chapter 514 of the laws of 2013 takes effect;

2. for policies renewed on and after such date this act shall take effect on the renewal date;

3. sections twelve, seventeen, twenty-two and twenty-six of this act shall apply to health care services provided on and after such date;

4. sections eleven, thirteen, fourteen, fifteen, twenty-one, twenty-three, twenty-four and twenty-five of this act shall apply to denials issued on and after such date; and

5. effective immediately, the superintendent of financial services may promulgate any regulations necessary for the implementation of the provisions of this act on its effective date, and may certify one or more independent dispute resolution entities.

PART V

Section 1. The opening paragraph of subsection (k) of section 2101 of the insurance law, as added by chapter 687 of the laws of 2003, is amended to read as follows:

In this article, "insurance producer" means an insurance agent, TITLE INSURANCE AGENT, insurance broker, reinsurance intermediary, excess lines broker, or any other person required to be licensed under the laws of this state to sell, solicit or negotiate insurance. Such term shall not include:

1 S 2. Paragraph 4 of subsection (k) of section 2101 of the insurance
2 law is REPEALED and paragraphs 5, 6, 7, 8, 9, 10, 11 and 12 are renum-
3 bered paragraphs 4, 5, 6, 7, 8, 9, 10 and 11.

4 S 3. Section 2101 of the insurance law is amended by adding a new
5 subsection (y) to read as follows:

6 (Y) (1) IN THIS CHAPTER, "TITLE INSURANCE AGENT" MEANS ANY AUTHORIZED
7 OR ACKNOWLEDGED AGENT OF A TITLE INSURANCE CORPORATION, WHICH EVALUATES
8 THE TITLE SEARCH TO DETERMINE INSURABILITY OF TITLE AND PERFORMS
9 SUBSTANTIALLY ALL OF THE FOLLOWING FUNCTIONS:

10 (A) PREPARES AND ISSUES A TITLE INSURANCE COMMITMENT OR CERTIFICATE OF
11 TITLE FOR THE PURPOSE OF ISSUING A TITLE INSURANCE POLICY;

12 (B) CLEARS UNDERWRITING EXCEPTIONS IN CONNECTION WITH THE ISSUANCE OF
13 A TITLE INSURANCE POLICY;

14 (C) ITSELF OR BY ITS DESIGNEE MARKS UP THE TITLE INSURANCE COMMITMENT
15 OR CERTIFICATE OF TITLE TO BIND A TITLE INSURANCE CORPORATION;

16 (D) PREPARES AND ISSUES A TITLE INSURANCE POLICY ON BEHALF OF A TITLE
17 INSURANCE CORPORATION;

18 (E) COLLECTS THE TITLE INSURANCE PREMIUM, A PORTION OF WHICH IS REMIT-
19 TED TO THE TITLE INSURANCE CORPORATION.

20 (2) NO TITLE INSURANCE CORPORATION DOING BUSINESS IN THIS STATE, AND
21 NO AGENT OR OTHER REPRESENTATIVE THEREOF, SHALL PAY ANY PERCENTAGE OF
22 THE TITLE INSURANCE PREMIUM OR FEES COLLECTED TO ANY PERSON, FIRM, ASSO-
23 CIATION OR CORPORATION FOR PERFORMING ANY OF THE FUNCTIONS OF A TITLE
24 INSURANCE AGENT, EXCEPT TO A LICENSED TITLE INSURANCE AGENT.

25 (3) SUCH TERM SHALL NOT INCLUDE ANY REGULAR SALARIED OFFICER OR
26 EMPLOYEE OF AN AUTHORIZED TITLE INSURANCE CORPORATION OR OF A LICENSED
27 TITLE INSURANCE AGENT.

28 S 4. Subparagraph (A) of paragraph 1 of subsection (a) of section 2102
29 of the insurance law, as amended by section 8 of part I of chapter 61 of
30 the laws of 2011, is amended to read as follows:

31 (A) No person, firm, association or corporation shall act as an insur-
32 ance producer, insurance adjuster OR TITLE INSURANCE AGENT or life
33 settlement broker in this state without having authority to do so by
34 virtue of a license issued and in force pursuant to the provisions of
35 this chapter.

36 S 5. Subsection (a) of section 2109 of the insurance law, paragraph 3
37 as amended by chapter 687 of the laws of 2003, is amended to read as
38 follows:

39 (a) The superintendent may issue a temporary insurance agent's
40 LICENSE, TITLE INSURANCE AGENT'S LICENSE or insurance broker's license,
41 or both, AN INSURANCE AGENT'S AND INSURANCE BROKER'S LICENSE, without
42 requiring the applicant to pass a written examination or to satisfy the
43 requirements of subsection (c) of section two thousand one hundred four
44 of this article except as to age, in the case of a license issued pursu-
45 ant to paragraph two [hereof] OF THIS SUBSECTION, in the following
46 cases:

47 (1) in the case of the death of a person who at the time of his death
48 was a licensed accident and health insurance agent under subsection (a)
49 of section two thousand one hundred three of this article, a licensed
50 insurance agent under subsection (b) of such section, A LICENSED TITLE
51 INSURANCE AGENT or a licensed insurance broker:

52 (A) to the executor or administrator of the estate of such deceased
53 agent or broker;

54 (B) to a surviving next of kin of such deceased agent or broker, where
55 no administrator of his estate has been appointed and no executor has
56 qualified under his duly probated will;

1 (C) to the surviving member or members of a firm or association, which
2 at the time of the death of a member was such a licensed insurance
3 agent, LICENSED TITLE INSURANCE AGENT or licensed insurance broker; or

4 (D) to an officer or director of a corporation upon the death of the
5 only officer or director who was qualified as a sub-licensee or to the
6 executor or administrator of the estate of such deceased officer or
7 director;

8 (2) to any person who may be designated by a person licensed pursuant
9 to this chapter as an insurance agent, TITLE INSURANCE AGENT or an
10 insurance broker, or both AN INSURANCE AGENT AND INSURANCE BROKER, and
11 who is absent because of service in any branch of the armed forces of
12 the United States, including a partnership or corporation which is
13 licensed pursuant to this chapter as an insurance agent, TITLE INSURANCE
14 AGENT or as an insurance broker, or both AN INSURANCE AGENT AND INSUR-
15 ANCE BROKER, in a case where the sub-licensee or all sub-licensees, if
16 more than one, named in the license or licenses issued to such partner-
17 ship or corporation is or are absent because of service in any branch of
18 the armed forces of the United States; and

19 (3) to the next of kin of a person who has become totally disabled and
20 prevented from pursuing any of the duties of his or her occupation, and
21 who at the commencement of his or her disability was a licensed accident
22 and health insurance agent under subsection (a) of section two thousand
23 one hundred three of this article, a licensed insurance agent under
24 subsection (b) of such section, A LICENSED TITLE INSURANCE AGENT or a
25 licensed insurance broker.

26 S 6. Subsection (c) of section 2109 of the insurance law is amended to
27 read as follows:

28 (c) Such license or licenses shall authorize the person or persons
29 named therein to renew the business of the deceased, absent or disabled
30 INSURANCE agent, TITLE INSURANCE AGENT, or INSURANCE broker, or both AN
31 INSURANCE AGENT AND INSURANCE BROKER, as the case may be, or of the firm
32 or, in the case of a license issued pursuant to paragraph one or three
33 of subsection (a) [hereof] OF THIS SECTION, the association whose busi-
34 ness is being continued thereunder, each such agent, broker, firm or
35 association being referred to in this section as "original licensee",
36 expiring during the period in which such temporary license or licenses
37 are in force, to collect premiums due and payable to the original licen-
38 see or, in the case of a license issued pursuant to paragraph one of
39 subsection (a) [hereof] OF THIS SECTION, to his estate, and to perform
40 such other acts as an insurance agent, TITLE INSURANCE AGENT or as an
41 insurance broker, or both AN INSURANCE AGENT AND INSURANCE BROKER, as
42 the case may be, as are incidental to the continuance of the insurance
43 business of such original licensee.

44 S 7. Paragraph 4 of subsection (e) of section 2109 of the insurance
45 law, as amended by chapter 687 of the laws of 2003, is amended to read
46 as follows:

47 (4) No person or persons so licensed, EXCEPT FOR A TITLE INSURANCE
48 AGENT, shall, by virtue of such license, be authorized to solicit, nego-
49 tiate or sell new insurance.

50 S 8. Paragraph 3 of subsection (f) of section 2109 of the insurance
51 law is amended to read as follows:

52 (3) No person so licensed, EXCEPT FOR A TITLE INSURANCE AGENT, shall
53 solicit new business under such license.

54 S 9. Paragraph 2 of subsection (g) of section 2109 of the insurance
55 law, as amended by chapter 687 of the laws of 2003, is amended to read
56 as follows:

1 (2) No person or persons so licensed, EXCEPT FOR A TITLE INSURANCE
2 AGENT, shall, by virtue of such license, be authorized to solicit, nego-
3 tiate or sell new insurance.

4 S 10. The section heading and subsections (a) and (b) of section 2110
5 of the insurance law, as amended by chapter 499 of the laws of 2009,
6 paragraph 15 of subsection (a) as added and paragraphs 16 and 17 of
7 subsection (a) as renumbered by chapter 546 of the laws of 2013, are
8 amended to read as follows:

9 Revocation or suspension of license of insurance producer, insurance
10 consultant, adjuster [or], life settlement broker OR TITLE INSURANCE
11 AGENT. (a) The superintendent may refuse to renew, revoke, or may
12 suspend for a period the superintendent determines the license of any
13 insurance producer, TITLE INSURANCE AGENT, insurance consultant, adjus-
14 ter or life settlement broker, if, after notice and hearing, the super-
15 intendent determines that the licensee or any sub-licensee has:

16 (1) violated any insurance laws, or violated any regulation, subpoena
17 or order of the superintendent or of another state's insurance commis-
18 sioner, or has violated any law in the course of his or her dealings in
19 such capacity;

20 (2) provided materially incorrect, materially misleading, materially
21 incomplete or materially untrue information in the license application;

22 (3) obtained or attempted to obtain a license through misrepresen-
23 tation or fraud;

24 (4)(A) used fraudulent, coercive or dishonest practices;

25 (B) demonstrated incompetence;

26 (C) demonstrated untrustworthiness; or

27 (D) demonstrated financial irresponsibility in the conduct of business
28 in this state or elsewhere;

29 (5) improperly withheld, misappropriated or converted any monies or
30 properties received in the course of business in this state or else-
31 where;

32 (6) intentionally misrepresented the terms of an actual or proposed
33 insurance contract, life settlement contract or application for insur-
34 ance;

35 (7) has been convicted of a felony;

36 (8) admitted or been found to have committed any insurance unfair
37 trade practice or fraud;

38 (9) had an insurance producer license, a life settlement broker
39 license, TITLE INSURANCE AGENT LICENSE, or its equivalent, denied,
40 suspended or revoked in any other state, province, district or territo-
41 ry;

42 (10) forged another's name to an application for insurance or life
43 settlement contract or to any document related to an insurance or life
44 settlement transaction;

45 (11) improperly used notes or any other reference material to complete
46 an examination for an insurance license or life settlement broker
47 license;

48 (12) knowingly accepted insurance business from an individual who is
49 not licensed;

50 (13) failed to comply with an administrative or court order imposing a
51 child support obligation;

52 (14) failed to pay state income tax or comply with any administrative
53 or court order directing payment of state income tax;

54 (15) while acting as a public adjuster, the licensee has failed to act
55 on behalf and in the best interests of the insured when negotiating for
56 or effecting the settlement of an insurance claim for such insured or

otherwise acting as a public adjuster, or has failed to make the disclosures required by paragraph two of subsection (s) of section two thousand one hundred eight of this article;

(16) while acting as a life settlement broker, failed to protect the privacy of the insured or owner or other person for whom the life settlement broker was required to provide protection pursuant to article seventy-eight of this chapter; or

(17) ceased to meet the requirements for licensure under this chapter.

(b) Before revoking or suspending the license of any insurance producer, TITLE INSURANCE AGENT, life settlement broker or other licensee pursuant to the provisions of this article, the superintendent shall, except when proceeding pursuant to subsection (f) of this section, give notice to the licensee and to every sub-licensee and shall hold, or cause to be held, a hearing not less than ten days after the giving of such notice.

S 11. Subsections (a) and (d) of section 2112 of the insurance law, subsection (a) as amended by chapter 540 of the laws of 1996 and subsection (d) as amended by chapter 687 of the laws of 2003, are amended to read as follows:

(a) Every insurer, fraternal benefit society or health maintenance organization doing business in this state shall file a certificate of appointment in such form as the superintendent may prescribe in order to appoint insurance agents OR TITLE INSURANCE AGENTS to represent such insurer, fraternal benefit society or health maintenance organization.

(d) Every insurer, fraternal benefit society or health maintenance organization or insurance producer or the authorized representative of the insurer, fraternal benefit society, health maintenance organization or insurance producer doing business in this state shall, upon termination of the certificate of appointment as set forth in subsection (a) of this section of any insurance agent OR TITLE INSURANCE AGENT licensed in this state, or upon termination for cause for activities as set forth in subsection (a) of section two thousand one hundred ten of this article, of the certificate of appointment, of employment, of a contract or other insurance business relationship with any insurance producer, file with the superintendent within thirty days a statement, in such form as the superintendent may prescribe, of the facts relative to such termination for cause. The insurer, fraternal benefit society, health maintenance organization, insurance producer or the authorized representative of the insurer, fraternal benefit society, health maintenance organization or insurance producer shall provide, within fifteen days after notification has been sent to the superintendent, a copy of the statement filed with the superintendent to the insurance producer at his, or her or its last known address by certified mail, return receipt requested, postage prepaid or by overnight delivery using a nationally recognized carrier. Every statement made pursuant to this subsection shall be deemed a privileged communication.

S 12. The insurance law is amended by adding a new section 2113 to read as follows:

S 2113. TITLE INSURANCE AGENTS; PROHIBITED PAYMENTS. (A) NO TITLE INSURANCE AGENT OR ANY REPRESENTATIVE OF SUCH AGENT DOING BUSINESS IN THIS STATE, SHALL PAY ANY PERCENTAGE OF THE TITLE INSURANCE PREMIUM OR FEES COLLECTED TO ANY OTHER TITLE INSURANCE AGENT OR ANY REPRESENTATIVE OF SUCH AGENT.

(B) A TITLE INSURANCE AGENT SHALL NOT DIRECTLY OR INDIRECTLY ACCEPT ANY PAYMENT FOR OR REIMBURSEMENT OF ANY FEE, FINE OR PENALTY IMPOSED BY

1 THE SUPERINTENDENT ON THE TITLE INSURANCE AGENT PURSUANT TO THIS CHAP-
2 TER.

3 (C) NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT PAYMENT FOR
4 ACTUAL SERVICES RENDERED BY AN ATTORNEY FOR THE PURPOSES OF REPRESENTING
5 HIS OR HER CLIENT.

6 S 13. The section heading and subsections (a) and (c) of section 2120
7 of the insurance law are amended to read as follows:

8 Fiduciary capacity of insurance agents, TITLE INSURANCE AGENTS, insur-
9 ance brokers and reinsurance intermediaries. (a) Every insurance agent,
10 TITLE INSURANCE AGENT and [every] insurance broker acting as such in
11 this state shall be responsible in a fiduciary capacity for all funds
12 received or collected as insurance agent, TITLE INSURANCE AGENT or
13 insurance broker, and shall not, without the express consent of his, HER
14 or its principal, mingle any such funds with his, HER or its own funds
15 or with funds held by him, HER or it in any other capacity.

16 (c) This section shall not require any such INSURANCE agent, TITLE
17 INSURANCE AGENT, INSURANCE broker or reinsurance intermediary to main-
18 tain a separate bank deposit for the funds of each such principal, if
19 and as long as the funds so held for each such principal are reasonably
20 ascertainable from the books of account and records of such agent,
21 broker or reinsurance intermediary, as the case may be.

22 S 14. The section heading and subsection (a) of section 2122 of the
23 insurance law are amended to read as follows:

24 Advertising by insurance [agents and brokers] PRODUCERS. (a) (1) No
25 insurance [agent or insurance broker] PRODUCER shall make or issue in
26 this state any advertisement, sign, pamphlet, circular, card or other
27 public announcement purporting to make known the financial condition of
28 any insurer, unless the same shall conform to the requirements of
29 section one thousand three hundred thirteen of this chapter.

30 (2) No insurance [agent, insurance broker] PRODUCER or other person,
31 shall, by any advertisement or public announcement in this state, call
32 attention to any unauthorized insurer or insurers.

33 S 15. Subsections (a) and (b) of section 2128 of the insurance law,
34 subsection (b) as further amended by section 104 of part A of chapter 62
35 of the laws of 2011, are amended to read as follows:

36 (a) Notwithstanding the provisions of sections two thousand three
37 hundred twenty-four and four thousand two hundred twenty-four of this
38 chapter, no [insurance agent, insurance broker, insurance consultant,
39 excess line broker, reinsurance intermediary or insurance adjuster]
40 LICENSEE SUBJECT TO THIS CHAPTER shall receive any commissions or fees
41 or shares thereof in connection with insurance coverages placed for or
42 insurance services rendered to the state, its agencies and departments,
43 public benefit corporations, municipalities and other governmental
44 subdivisions in this state, unless such [insurance agent, insurance
45 broker, insurance consultant, excess line broker, reinsurance interme-
46 diary or insurance adjuster] LICENSEE actually placed insurance cover-
47 ages on behalf of or rendered insurance services to the state, its agen-
48 cies and departments, public benefit corporations, municipalities and
49 other governmental subdivisions in this state.

50 (b) The superintendent shall, by regulation, require [insurance
51 agents, insurance brokers, insurance consultants, excess line brokers,
52 reinsurance intermediaries and insurance adjusters] LICENSEES SUBJECT TO
53 THIS CHAPTER to file disclosure statements with the department of finan-
54 cial services and the most senior official of the governmental unit
55 involved, with respect to any insurance coverages placed for or insur-
56 ance services rendered to the state, its agencies and departments,

1 public benefit corporations, municipalities and other governmental
2 subdivisions in this state, EXCEPT THAT TITLE INSURANCE CORPORATIONS AND
3 TITLE INSURANCE AGENTS SHALL ONLY BE REQUIRED TO FILE DISCLOSURE STATE-
4 MENTS ANNUALLY. ANY SUBMISSIONS MADE PURSUANT TO THIS SECTION SHALL BE
5 DEEMED TRADE SECRETS WHICH IF DISCLOSED TO ANY THIRD PARTY WOULD CAUSE
6 SUBSTANTIAL INJURY TO THE COMPETITIVE POSITION OF THE SUBMITTER. AS
7 SUCH, SAID DISCLOSURES ARE EXEMPT FROM FREEDOM OF INFORMATION LAW
8 REQUESTS PURSUANT TO PARAGRAPH (D) OF SUBDIVISION TWO OF SECTION EIGHT-
9 SEVEN OF THE PUBLIC OFFICERS LAW.

10 S 16. Subsection (b) of section 2132 of the insurance law, as amended
11 by chapter 499 of the laws of 2009, is amended to read as follows:

12 (b) This section shall not apply to:

13 (1) those persons holding licenses for which an examination is not
14 required by the laws of this state;

15 (2) any limited licensees or any other licensees as the superintendent
16 may exempt subject to any continuing education requirements deemed
17 appropriate by the superintendent; [or]

18 (3) for purposes of the continuing education requirements for life
19 settlements, an insurance producer with a life line of authority who is
20 acting as a life settlement broker pursuant to section two thousand one
21 hundred thirty-seven of this article[.]; OR

22 (4) FOR PURPOSES OF A TITLE INSURANCE AGENT LICENSE, AN ATTORNEY
23 LICENSED TO PRACTICE LAW IN THIS STATE, PROVIDED SAID ATTORNEY IS IN
24 GOOD STANDING WITH THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION.

25 S 17. The insurance law is amended by adding a new section 2139 to
26 read as follows:

27 S 2139. TITLE INSURANCE AGENTS; LICENSING.(A) THE SUPERINTENDENT MAY
28 ISSUE A LICENSE TO ANY PERSON, FIRM, ASSOCIATION OR CORPORATION WHO OR
29 WHICH HAS COMPLIED WITH THE REQUIREMENTS OF THIS CHAPTER, AUTHORIZING
30 THE LICENSEE TO ACT AS A TITLE INSURANCE AGENT OF ANY AUTHORIZED TITLE
31 INSURANCE CORPORATION.

32 (B) ANY SUCH LICENSE ISSUED TO A FIRM OR ASSOCIATION SHALL AUTHORIZE
33 ONLY THE MEMBERS THEREOF, NAMED IN SUCH LICENSE AS SUB-LICENSEES, TO ACT
34 INDIVIDUALLY AS TITLE INSURANCE AGENTS THEREUNDER, AND ANY SUCH LICENSE
35 ISSUED TO A CORPORATION SHALL AUTHORIZE ONLY THE OFFICERS AND DIRECTORS
36 THEREOF, NAMED IN SUCH LICENSE AS SUB-LICENSEES, TO ACT INDIVIDUALLY AS
37 TITLE INSURANCE AGENTS THEREUNDER. EVERY SUB-LICENSEE ACTING AS A TITLE
38 INSURANCE AGENT PURSUANT TO SUCH A LICENSE SHALL BE AUTHORIZED SO TO ACT
39 ONLY IN THE NAME OF THE LICENSEE. IN THE CASE OF A LICENSE ISSUED TO A
40 TITLE INSURANCE AGENT, AT LEAST ONE DESIGNATED SUB-LICENSEE MUST HAVE A
41 FINANCIAL OR OTHER BENEFICIAL INTEREST IN THE LICENSEE.

42 (C) EVERY INDIVIDUAL APPLICANT FOR A LICENSE UNDER THIS SECTION AND
43 EVERY PROPOSED LICENSEE SHALL BE EIGHTEEN YEARS OF AGE OR OLDER AT THE
44 TIME OF THE ISSUANCE OF SUCH LICENSE.

45 (D) BEFORE ANY ORIGINAL TITLE INSURANCE AGENT'S LICENSE IS ISSUED,
46 THERE SHALL BE ON FILE IN THE OFFICE OF THE SUPERINTENDENT AN APPLICA-
47 TION BY THE PROSPECTIVE LICENSEE IN SUCH FORM OR FORMS AND SUPPLEMENTS
48 THERETO, ALONG WITH A FEE IN THE AMOUNT OF FORTY DOLLARS FOR EACH YEAR
49 OR FRACTION OF A YEAR IN WHICH THE LICENSE SHALL BE VALID, AND CONTAIN-
50 ING INFORMATION THE SUPERINTENDENT PRESCRIBES. FOR EACH BUSINESS ENTITY,
51 THE SUB-LICENSEE OR SUB-LICENSEES NAMED IN THE APPLICATION SHALL BE
52 DESIGNATED RESPONSIBLE FOR THE BUSINESS ENTITY'S COMPLIANCE WITH THIS
53 CHAPTER AND REGULATION PROMULGATED THEREUNDER.

54 (E) THE SUPERINTENDENT SHALL, IN ORDER TO DETERMINE THE COMPETENCY OF
55 EVERY INDIVIDUAL APPLICANT AND OF EVERY PROPOSED SUB-LICENSEE FOR THE
56 TITLE INSURANCE AGENT LICENSE, REQUIRE SUCH INDIVIDUAL TO SUBMIT TO A

1 PERSONAL WRITTEN EXAMINATION AND TO PASS THE SAME TO THE SATISFACTION OF
2 THE SUPERINTENDENT. THE EXAMINATION SHALL BE HELD AT SUCH TIMES AND
3 PLACES AS THE SUPERINTENDENT SHALL FROM TIME TO TIME DETERMINE. EVERY
4 INDIVIDUAL APPLYING TO TAKE ANY WRITTEN EXAMINATION SHALL, AT THE TIME
5 OF APPLYING THEREFOR, PAY TO THE SUPERINTENDENT OR, AT THE DISCRETION OF
6 THE SUPERINTENDENT, DIRECTLY TO ANY ORGANIZATION THAT IS UNDER CONTRACT
7 TO PROVIDE EXAMINATION SERVICES, AN EXAMINATION FEE OF AN AMOUNT THAT IS
8 THE ACTUAL DOCUMENTED ADMINISTRATIVE COST OF CONDUCTING SAID QUALIFYING
9 EXAMINATION AS CERTIFIED BY THE SUPERINTENDENT FROM TIME TO TIME. AN
10 EXAMINATION FEE REPRESENTS AN ADMINISTRATIVE EXPENSE AND SHALL NOT BE
11 REFUNDABLE. THE SUPERINTENDENT MAY ACCEPT, IN LIEU OF ANY SUCH EXAMINA-
12 TION, THE RESULT OF ANY PREVIOUS WRITTEN EXAMINATION, GIVEN BY THE
13 SUPERINTENDENT, WHICH IN THE SUPERINTENDENT'S JUDGMENT, IS EQUIVALENT TO
14 THE EXAMINATION FOR WHICH IT IS SUBSTITUTED.

15 (F) EVERY INDIVIDUAL SEEKING TO QUALIFY TO OBTAIN A LICENSE UNDER
16 SUBSECTION (B) OF THIS SECTION SHALL BE REQUIRED TO PASS THE TYPE OR
17 TYPES OF EXAMINATION PRESCRIBED BY THE SUPERINTENDENT FOR WHICH THE
18 LICENSE IS SOUGHT.

19 (G) NO SUCH WRITTEN EXAMINATION OR PRE-LICENSING EDUCATION SHALL BE
20 REQUIRED OF ANY:

21 (1) APPLICANT WHO HAS PASSED THE WRITTEN EXAMINATION GIVEN BY THE
22 SUPERINTENDENT FOR A TITLE INSURANCE AGENT'S LICENSE AND WAS LICENSED AS
23 SUCH, OR OF ANY APPLICANT WHO WAS LICENSED AS A TITLE INSURANCE AGENT
24 BUT DID NOT PASS SUCH AN EXAMINATION; PROVIDED THE APPLICANT APPLIES
25 WITHIN TWO YEARS FOLLOWING THE DATE OF TERMINATION OF THE APPLICANT'S
26 LICENSE;

27 (2) APPLICANT SEEKING TO OBTAIN A LICENSE AS A TITLE INSURANCE AGENT,
28 WHEN SUCH APPLICANT IS A LICENSED ATTORNEY-AT-LAW IN THIS STATE PROVIDED
29 SAID ATTORNEY IS IN GOOD STANDING WITH THE NEW YORK STATE OFFICE OF
30 COURT ADMINISTRATION;

31 (3) INDIVIDUAL SEEKING TO BE NAMED A LICENSEE OR SUB-LICENSEE, WHO IS
32 A NON-RESIDENT AND HAS BEEN A TITLE INSURANCE AGENT IN THE INDIVIDUAL'S
33 HOME STATE FOR AT LEAST FIVE YEARS; PROVIDED, HOWEVER, THAT THE INDIVID-
34 UAL'S HOME STATE GRANTS NON-RESIDENT LICENSES TO RESIDENTS OF THIS STATE
35 ON THE SAME BASIS.

36 (H) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO COURSE OF
37 STUDY OR WRITTEN EXAMINATION SHALL BE REQUIRED WITH RESPECT TO ANY
38 APPLICANT WHO FILES AN APPLICATION UNDER THIS SECTION WITHIN ONE YEAR
39 AFTER THE EFFECTIVE DATE OF THIS ARTICLE AND WHO DEMONSTRATES TO THE
40 SATISFACTION OF THE SUPERINTENDENT THAT SUCH PROSPECTIVE LICENSEE OR ITS
41 PROSPECTIVE SUB-LICENSEE HAS REGULARLY AND CONTINUOUSLY PERFORMED THE
42 FUNCTIONS OF A TITLE INSURANCE AGENT IN THIS STATE FOR A PERIOD OF AT
43 LEAST FIVE YEARS IMMEDIATELY PRECEDING THE FILING OF SUCH APPLICATION.

44 (I) THE SUPERINTENDENT MAY REFUSE TO ISSUE TO AN APPLICATION A TITLE
45 INSURANCE AGENT'S LICENSE IF, IN THE SUPERINTENDENT'S JUDGMENT, THE
46 PROPOSED LICENSEE OR ANY SUB-LICENSEE: IS NOT TRUSTWORTHY AND COMPETENT
47 TO ACT AS SUCH AGENT; HAS GIVEN CAUSE FOR THE REVOCATION OR SUSPENSION
48 OF SUCH A LICENSE; OR HAS FAILED TO COMPLY WITH ANY PREREQUISITE FOR THE
49 ISSUANCE OF SUCH LICENSE.

50 (J) (1) EVERY LICENSE ISSUED TO A BUSINESS ENTITY PURSUANT TO
51 SUBSECTION (A) OF THIS SECTION SHALL EXPIRE ON JUNE THIRTIETH OF
52 ODD-NUMBERED YEARS.

53 (2) EVERY LICENSE ISSUED TO AN INDIVIDUAL BORN IN AN ODD-NUMBERED YEAR
54 SHALL EXPIRE ON THE INDIVIDUAL'S BIRTHDAY IN EACH ODD-NUMBERED YEAR.
55 LICENSES ISSUED TO INDIVIDUALS BORN IN EVEN-NUMBERED YEARS SHALL EXPIRE
56 ON THE INDIVIDUAL'S BIRTHDAY IN EACH EVEN-NUMBERED YEAR. EVERY SUCH

LICENSE MAY BE RENEWED FOR THE ENSUING PERIOD OF TWENTY-FOUR MONTHS UPON THE FILING OF AN APPLICATION IN CONFORMITY WITH THIS SUBSECTION.

(3) THE LICENSE MAY BE ISSUED FOR ALL OF SUCH TWO YEAR TERMS, OR UPON APPLICATION MADE DURING ANY SUCH TERM, FOR THE BALANCE THEREOF.

(4) ANY LICENSE SHALL BE CONSIDERED IN GOOD STANDING WITHIN THE LICENSE TERM UNLESS:

(A) REVOKED OR SUSPENDED BY THE SUPERINTENDENT PURSUANT TO THIS ARTICLE; OR

(B) IF AT THE EXPIRATION DATE OF THE LICENSE TERM, THE LICENSEE FAILS TO FILE A RENEWAL APPLICATION, PROVIDED THE LICENSE WAS IN GOOD STANDING DURING THE TERM.

(5) BEFORE THE RENEWAL OF ANY TITLE INSURANCE AGENT'S LICENSE SHALL BE ISSUED, THE LICENSEE SHALL HAVE:

(A) FILED A COMPLETED RENEWAL APPLICATION IN SUCH FORM OR FORMS, AND SUPPLEMENTS THERETO, AND CONTAINING SUCH INFORMATION AS THE SUPERINTENDENT MAY PRESCRIBE;

(B) SUBMITTED EVIDENCE OF COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENT PURSUANT TO SECTION TWO THOUSAND ONE HUNDRED FORTY OF THIS ARTICLE.

(C) PAID SUCH FEES AS ARE PRESCRIBED IN THIS SECTION.

(6) IF AN APPLICATION FOR A RENEWAL LICENSE SHALL HAVE BEEN FILED WITH THE SUPERINTENDENT BEFORE THE EXPIRATION OF SUCH LICENSE, THEN THE LICENSE SOUGHT TO BE RENEWED SHALL CONTINUE IN FULL FORCE AND EFFECT EITHER UNTIL THE ISSUANCE BY THE SUPERINTENDENT OF THE RENEWAL LICENSE APPLIED FOR OR UNTIL FIVE DAYS AFTER THE SUPERINTENDENT SHALL HAVE REFUSED TO ISSUE SUCH RENEWAL LICENSE AND SHALL HAVE GIVEN NOTICE OF SUCH REFUSAL TO THE APPLICANT AND TO EACH PROPOSED SUB-LICENSEE. BEFORE REFUSING TO RENEW ANY SUCH LICENSE, EXCEPT ON THE GROUND OF FAILURE TO PASS A WRITTEN EXAMINATION, THE SUPERINTENDENT SHALL NOTIFY THE APPLICANT OF THE SUPERINTENDENT'S INTENTION TO DO SO AND SHALL GIVE THE APPLICANT A HEARING.

(7) THE SUPERINTENDENT MAY, IN ISSUING A RENEWAL LICENSE, DISPENSE WITH THE REQUIREMENTS OF A VERIFIED APPLICATION BY ANY INDIVIDUAL LICENSEE OR SUB-LICENSEE WHO, BY REASON OF BEING ENGAGED IN ANY MILITARY SERVICE FOR THE UNITED STATES, IS UNABLE TO MAKE PERSONAL APPLICATION FOR SUCH RENEWAL LICENSE, UPON THE FILING OF AN APPLICATION ON BEHALF OF SUCH INDIVIDUAL, IN SUCH FORM AS THE SUPERINTENDENT SHALL PRESCRIBE, BY SOME PERSON OR PERSONS WHO IN HIS JUDGMENT HAVE KNOWLEDGE OF THE FACTS AND WHO MAKE AFFIDAVIT SHOWING SUCH MILITARY SERVICE AND THE INABILITY OF SUCH TITLE INSURANCE AGENT TO MAKE A PERSONAL APPLICATION.

(8) AN INDIVIDUAL LICENSEE OR SUB-LICENSEE WHO IS UNABLE TO COMPLY WITH LICENSE RENEWAL PROCEDURES DUE TO OTHER EXTENUATING CIRCUMSTANCES, SUCH AS A LONG-TERM MEDICAL DISABILITY, MAY REQUEST A WAIVER OF SUCH PROCEDURES, IN SUCH FORM AS THE SUPERINTENDENT SHALL PRESCRIBE. THE LICENSEE OR SUB-LICENSEE MAY ALSO REQUEST A WAIVER OF ANY EXAMINATION REQUIREMENT OR ANY OTHER FINE OR SANCTION IMPOSED FOR FAILURE TO COMPLY WITH RENEWAL PROCEDURES.

(9) AN APPLICATION FOR THE RENEWAL OF A LICENSE SHALL BE FILED WITH THE SUPERINTENDENT NOT LESS THAN SIXTY DAYS PRIOR TO THE DATE THE LICENSE EXPIRES OR THE APPLICANT SHALL BE SUBJECT TO A FURTHER FEE OF TEN DOLLARS FOR LATE FILING.

(10) NO LICENSE FEE SHALL BE REQUIRED OF ANY PERSON WHO SERVED AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES AT ANY TIME, AND WHO SHALL HAVE BEEN DISCHARGED THEREFROM UNDER CONDITIONS OTHER THAN DISHONORABLE, IN A CURRENT LICENSING PERIOD FOR THE DURATION OF SUCH PERIOD.

(11) EXCEPT WHERE A CORPORATION, ASSOCIATION OR FIRM LICENSED AS A TITLE INSURANCE AGENT IS APPLYING TO ADD A SUB-LICENSEE, OR THE DATE OF THE EXPIRATION OF THE LICENSE IS CHANGED, THERE SHALL BE NO FEE REQUIRED FOR THE ISSUANCE OF AN AMENDED LICENSE.

(12) THE SUPERINTENDENT MAY ISSUE A REPLACEMENT LICENSE FOR A CURRENTLY IN-FORCE LICENSE THAT HAS BEEN LOST OR DESTROYED. BEFORE SUCH REPLACEMENT LICENSE SHALL BE ISSUED, THERE SHALL BE ON FILE IN THE OFFICE OF THE SUPERINTENDENT A WRITTEN APPLICATION FOR SUCH REPLACEMENT LICENSE, AFFIRMING UNDER PENALTY OF PERJURY THAT THE ORIGINAL LICENSE HAS BEEN LOST OR DESTROYED, TOGETHER WITH A FEE OF FIFTEEN DOLLARS.

(K) THE SUPERINTENDENT MAY REFUSE TO ISSUE A LICENSE OR RENEWAL LICENSE, AS THE CASE MAY BE, TO ANY APPLICANT IF THE SUPERINTENDENT FINDS THAT SUCH APPLICANT HAS BEEN OR WILL BE, AS AFORESAID, RECEIVING ANY BENEFIT OR ADVANTAGE IN VIOLATION OF SECTION SIX THOUSAND FOUR HUNDRED NINE OF THIS CHAPTER, OR IF PURSUANT TO REGULATIONS PROMULGATED BY THE SUPERINTENDENT WHICH ARE CONSISTENT WITH THE RELEVANT PROVISIONS OF THE FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974, THE SUPERINTENDENT DETERMINES THAT THE APPLICANT'S ACTIONS HAVE BEEN IN VIOLATION OF FEDERAL LAW.

(L) ALL LICENSED TITLE INSURANCE AGENTS AND APPLICANTS FOR A LICENSE SHALL BE ENTITLED TO THE DUE PROCESS PROVISIONS AS PROVIDED BY THE STATE ADMINISTRATIVE PROCEDURE ACT.

S 18. The insurance law is amended by adding a new section 2140 to read as follows:

S 2140. CONTINUING EDUCATION FOR TITLE INSURANCE AGENTS. (A) THIS SECTION SHALL APPLY TO TITLE INSURANCE AGENTS LICENSED PURSUANT TO THIS ARTICLE WHO ARE NATURAL PERSONS AND TO INDIVIDUALS DESIGNATED AS A SUB-LICENSEE TO FULFILL THE CONTINUING EDUCATION REQUIREMENTS FOR AN ENTITY LICENSED UNDER THIS ARTICLE.

(B) THE FOLLOWING INDIVIDUALS SHALL BE EXEMPT FROM THESE REQUIREMENTS:

(1) AN ATTORNEY LICENSED TO PRACTICE LAW IN THIS STATE PROVIDED SAID ATTORNEY IS IN GOOD STANDING WITH THE OFFICE OF COURT ADMINISTRATION;

(2) ANY LICENSEES AS THE SUPERINTENDENT MAY EXEMPT SUBJECT TO ANY CONTINUING EDUCATION REQUIREMENTS DEEMED APPROPRIATE BY THE SUPERINTENDENT.

(C) PERSONS LICENSED PURSUANT TO THIS ARTICLE AND NOT EXEMPT UNDER THIS ARTICLE, SHALL BIENNIALY SATISFACTORILY COMPLETE SUCH COURSES OR PROGRAMS OF INSTRUCTION AS MAY BE APPROVED BY THE SUPERINTENDENT, AS FOLLOWS:

(1) ANY PERSON HOLDING A LICENSE ISSUED PURSUANT TO THIS ARTICLE AND NOT EXEMPT UNDER SUBSECTION (B) OF THIS SECTION SHALL, DURING EACH FULL BIENNIAL LICENSING PERIOD, SATISFACTORILY COMPLETE COURSES OR PROGRAMS OF INSTRUCTION OR ATTEND SEMINARS AS MAY BE APPROVED BY THE SUPERINTENDENT EQUIVALENT TO FIFTEEN CREDIT HOURS OF INSTRUCTION.

(2) EXCESS CREDIT HOURS ACCUMULATED DURING ANY BIENNIAL LICENSING PERIOD SHALL NOT CARRY FORWARD TO THE NEXT BIENNIAL LICENSING PERIOD.

(D)(1) THE COURSES OR PROGRAMS OF INSTRUCTION SUCCESSFULLY COMPLETED, WHICH SHALL BE DEEMED TO MEET THE SUPERINTENDENT'S STANDARDS FOR CONTINUING EDUCATION REQUIREMENTS, SHALL BE COURSES, PROGRAMS OF INSTRUCTION OR SEMINARS, APPROVED AS TO METHOD AND CONTENT BY THE SUPERINTENDENT, RELATED TO TITLE INSURANCE, AND GIVEN BY A DEGREE CONFERRING COLLEGE OR UNIVERSITY WHOSE CURRICULUM IS REGISTERED WITH THE STATE EDUCATION DEPARTMENT AT THE TIME THE PERSON TAKES THE COURSE, WHETHER SUCH COURSE BE GIVEN AS PART OF SUCH CURRICULUM OR SEPARATELY, OR BY ANY OTHER INSTITUTION, AGENTS' ASSOCIATION, TRADE ASSOCIATION, BAR ASSOCIATION OR TITLE INSURANCE CORPORATION, WHICH MAINTAINS EQUIVALENT STANDARDS OF

1 INSTRUCTION AND WHICH SHALL HAVE BEEN APPROVED FOR SUCH PURPOSE BY THE
2 SUPERINTENDENT.

3 (2) THE NUMBER OF CREDIT HOURS ASSIGNED TO EACH OF THE COURSES OR
4 PROGRAMS OF INSTRUCTION SET FORTH IN PARAGRAPH ONE OF THIS SUBSECTION
5 SHALL BE DETERMINED BY THE SUPERINTENDENT.

6 (E) A PERSON WHO TEACHES ANY APPROVED COURSE OF INSTRUCTION OR WHO
7 LECTURES AT ANY APPROVED SEMINAR, AND WHO IS SUBJECT TO THIS SECTION,
8 SHALL BE GRANTED THREE CREDIT HOURS FOR EACH FIFTY MINUTES OF PRESENTA-
9 TION AND ONE CREDIT FOR EACH FIFTY MINUTES OF REPEAT PRESENTATIONS
10 DURING ANY BIENNIAL LICENSING PERIOD.

11 (F) EVERY PERSON SUBJECT TO THIS SECTION SHALL FURNISH, IN A FORM
12 SATISFACTORY TO THE SUPERINTENDENT, CERTIFICATION ATTESTING TO THE
13 COURSE OR PROGRAMS OF INSTRUCTION TAKEN AND SUCCESSFULLY COMPLETED BY
14 SUCH PERSON PURSUANT TO SUBSECTION (D) OF THIS SECTION.

15 (G) (1) ANY PERSON FAILING TO MEET THE REQUIREMENTS IMPOSED BY THIS
16 SECTION SHALL NOT BE ELIGIBLE TO RENEW THE LICENSE.

17 (2) ANY PERSON WHOSE LICENSE WAS NOT RENEWED SHALL NOT BE ELIGIBLE TO
18 BECOME RELICENSED DURING THE NEXT BIENNIAL LICENSING PERIOD UNTIL THAT
19 PERSON HAS DEMONSTRATED TO THE SATISFACTION OF THE SUPERINTENDENT THAT
20 CONTINUING EDUCATION REQUIREMENTS FOR THE LAST BIENNIAL LICENSING PERIOD
21 WERE MET.

22 (3) ANY PERSON WHOSE LICENSE WAS NOT RENEWED PURSUANT TO PARAGRAPH ONE
23 OF THIS SUBSECTION, WHO ACCUMULATES SUFFICIENT CREDIT HOURS FOR THE
24 PRIOR LICENSING PERIOD TO QUALIFY FOR RELICENSING IN THE BIENNIAL PERIOD
25 FOLLOWING SUCH NON-RENEWAL, MAY NOT APPLY THOSE SAME CREDIT HOURS TOWARD
26 THE CONTINUING EDUCATION REQUIREMENTS FOR THE CURRENT BIENNIAL LICENSING
27 PERIOD.

28 (H)(1) ANY ENTITY ELIGIBLE TO PROVIDE COURSES, PROGRAMS OF INSTRUCC-
29 TION, OR SEMINARS IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION,
30 MUST FILE FOR APPROVAL BY THE SUPERINTENDENT ON A BIENNIAL BASIS, TO
31 CONFORM WITH ITS AREA OF INSTRUCTION, A PROVIDER ORGANIZATION APPLICA-
32 TION AND A COURSE SUBMISSION APPLICATION FOR EACH COURSE, PROGRAM AND
33 SEMINAR, AND COURSES MAY BE ADDED ON APPROVAL BY THE SUPERINTENDENT
34 DURING THE PERIOD ON NOTIFICATION TO THE SUPERINTENDENT AND PAYMENT OF
35 THE APPROPRIATE FILING FEE.

36 (2) THE PROVIDER ORGANIZATION APPLICATION SHALL INCLUDE THE NAMES OF
37 ALL INSTRUCTORS TO BE USED DURING THE CONTRACT PERIOD, AND INSTRUCTORS
38 MAY BE ADDED DURING THE PERIOD BY NOTIFYING THE SUPERINTENDENT AND
39 PAYING THE APPROPRIATE FILING FEE.

40 (3) THE COMPLETED APPLICATIONS SHALL BE RETURNED IN A TIMELY MANNER,
41 AS SPECIFIED BY THE SUPERINTENDENT, WITH A NON-REFUNDABLE FILING FEE OF
42 TWO HUNDRED DOLLARS PER ORGANIZATION, FIFTY DOLLARS PER COURSE, PROGRAM
43 AND SEMINAR, AND FIFTY DOLLARS PER INSTRUCTOR.

44 (4) APPROVAL OF THE APPLICATION SHALL BE AT THE DISCRETION OF THE
45 SUPERINTENDENT.

46 (I) EACH LICENSEE SHALL PAY A BIENNIAL FEE OF TEN DOLLARS PER LICENSE,
47 FOR CONTINUING EDUCATION CERTIFICATE FILING AND RECORDING CHARGES, TO
48 THE SUPERINTENDENT OR, AT THE DISCRETION OF THE SUPERINTENDENT, DIRECTLY
49 TO AN ORGANIZATION UNDER CONTRACT TO PROVIDE CONTINUING EDUCATION ADMIN-
50 ISTRAIVE SERVICES.

51 S 19. Section 2314 of the insurance law is amended to read as follows:

52 S 2314. Charging of rates. No authorized insurer [shall, and], no
53 licensed insurance agent, NO TITLE INSURANCE AGENT, no employee or other
54 representative of an authorized insurer, and no licensed insurance
55 broker shall knowingly, charge or demand a rate or receive a premium
56 which departs from the rates, rating plans, classifications, schedules,

1 rules and standards in effect on behalf of the insurer, or shall issue
2 or make any policy or contract involving a violation thereof.

3 S 20. Subsection (e) of section 2324 of the insurance law is amended
4 to read as follows:

5 (e) This section shall not apply to any policy or contract of reinsur-
6 ance nor to any contract or policy of life insurance, accident insurance
7 or health insurance which is subject to the provisions of section four
8 thousand two hundred twenty-four of this chapter, NOR TO ANY CONTRACT OR
9 POLICY OF TITLE INSURANCE, nor to any contract or policy of marine
10 insurance, other than contracts or policies of automobile insurance, or
11 of marine protection and indemnity insurance, nor to any insurance
12 contract, or rate of insurance in connection with any insurance contract
13 either against loss or damage to, or legal liability in connection with,
14 any property located wholly outside of this state or any activity
15 carried on outside of this state or any motor vehicle or aircraft prin-
16 cipally garaged and used outside of this state.

17 S 21. Subsection (d) of section 6409 of the insurance law is amended
18 to read as follows:

19 (d) (1) No title insurance corporation OR TITLE INSURANCE AGENT, or
20 any other person acting for or on behalf of it, shall make any rebate of
21 any portion of the fee, premium or charge made, or pay or give to any
22 applicant for insurance, or to any person, firm, or corporation acting
23 as agent, representative, attorney, or employee of the owner, lessee,
24 mortgagee or the prospective owner, lessee, or mortgagee of the real
25 property or any interest therein, either directly or indirectly, any
26 commission, any part of its fees or charges, or any other consideration
27 or valuable thing, as an inducement for, or as compensation for, any
28 title insurance business. Any person or entity who accepts or receives
29 such a commission or rebate shall be subject to a penalty equal to the
30 greater of [one] FIVE thousand dollars or five times the amount [there-
31 of] OF THE REBATE, AND ANY PERSON OR ENTITY WHO OTHERWISE VIOLATES THIS
32 SUBSECTION SHALL BE SUBJECT TO A PENALTY EQUAL TO THE GREATER OF FIVE
33 THOUSAND DOLLARS OR THE AMOUNT OF THE TITLE INSURANCE PREMIUM EARNED ON
34 THE TRANSACTION ON WHICH THE VIOLATION OCCURRED, EXCEPT, AS TO A TITLE
35 INSURANCE AGENT, SUCH SUM SHALL NOT INCLUDE THAT PORTION OF THE PREMIUM
36 PAID OR PAYABLE TO THE TITLE INSURANCE CORPORATION.

37 (2) NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT PAYMENT FOR
38 ACTUAL SERVICES RENDERED BY AN ATTORNEY FOR THE PURPOSES OF REPRESENTING
39 HIS OR HER CLIENT.

40 S 22. Subsection (a) of section 107 of the insurance law is amended by
41 adding a new paragraph 54 to read as follows:

42 (54) "TITLE INSURANCE AGENT" SHALL HAVE THE MEANING ASCRIBED TO IT BY
43 PARAGRAPH ONE OF SUBSECTION (Y) OF SECTION TWO THOUSAND ONE HUNDRED ONE
44 OF THIS CHAPTER.

45 S 23. Paragraph 1 of subdivision (c) of section 1105 of the tax law,
46 as amended by chapter 583 of the laws of 2011, is amended to read as
47 follows:

48 (1) The furnishing of information by printed, mimeographed or multi-
49 graphed matter or by duplicating written or printed matter in any other
50 manner, including the services of collecting, compiling or analyzing
51 information of any kind or nature and furnishing reports thereof to
52 other persons, but excluding the furnishing of information which is
53 personal or individual in nature and which is not or may not be substan-
54 tially incorporated in reports furnished to other persons, and excluding
55 the services of advertising or other agents, or other persons acting in
56 a representative capacity, and information services used by newspapers,

1 electronic news services, radio broadcasters and television broadcasters
2 in the collection and dissemination of news, and excluding meteorologi-
3 cal services, AND EXCLUDING ABSTRACTS OF TITLE AND OTHER PUBLIC RECORDS
4 SEARCHES SUCH AS TAX SEARCHES, SEARCHES FOR MUNICIPAL RECORDS FOR
5 VIOLATIONS, CERTIFIED OR NONCERTIFIED COPIES OBTAINED FROM THE PUBLIC
6 RECORD, CERTIFICATES OF TITLE AND LIEN SEARCHES, CERTIFICATES OF GOOD
7 STANDING AND FRANCHISE TAX SEARCHES, COOPERATIVE UNIT SEARCHES AND
8 ZONING LOT PARTIES-IN-INTEREST CERTIFICATIONS.

9 S 24. This act shall take effect on the one hundred eightieth day
10 after it shall have become a law, provided, however, that effective
11 immediately:

12 (1) the addition, amendment and/or repeal of any rule or regulation
13 necessary for the implementation of this act on its effective date is
14 authorized and directed to be made and completed on or before such
15 effective date;

16 (2) the superintendent of financial services shall promulgate applica-
17 tion forms for persons, firms and corporations seeking to obtain a
18 license as a title insurance agent; and

19 (3) each person, firm or corporation who has filed an application for
20 a license as a title insurance agent on or before January 1, 2015 or
21 within 90 days after the superintendent of financial services has
22 promulgated application forms pursuant to this act, whichever date is
23 later, may act as such licensee without a license issued pursuant to
24 sections 2138, 2139, or 2140 of the insurance law until the superinten-
25 dent of financial services has made a final determination on the appli-
26 cation for such license filed by such person, firm or corporation.

27 PART W

28 Section 1. Section 2 of part BB of chapter 58 of the laws of 2012,
29 amending the public authorities law relating to authorizing the dormito-
30 ry authority to enter into certain design and construction management
31 agreements, as amended by section 1 of part I of chapter 58 of the laws
32 of 2013, is amended to read as follows:

33 S 2. This act shall take effect immediately and shall expire and be
34 deemed repealed April 1, [2014] 2015.

35 S 2. Within 90 days of the effective date of this act, the dormitory
36 authority of the state of New York shall provide a report providing
37 information regarding any project undertaken pursuant to a design and
38 construction management agreement, as authorized by part BB of chapter
39 58 of the laws of 2012, between the dormitory authority of the state of
40 New York and the department of environmental conservation and/or the
41 office of parks, recreation and historic preservation to the governor,
42 the temporary president of the senate and speaker of the assembly. Such
43 report shall include but not be limited to a description of each such
44 project, the project identification number of each such project, if
45 applicable, the projected date of completion, the status of the project,
46 the total cost or projected cost of each such project, and the location,
47 including the names of any county, town, village or city, where each
48 such project is located or proposed. In addition, such a report shall be
49 provided to the aforementioned parties by the first day of March of each
50 year that the authority to enter into such agreements pursuant to part
51 BB of chapter 58 of the laws of 2012 is in effect.

52 S 3. This act shall take effect immediately and shall be deemed to
53 have been in effect on and after April 1, 2014.

PART X

Intentionally Omitted

PART Y

Section 1. Section 2976-a of the public authorities law is REPEALED.

S 2. Section 2868 of the public health law, as amended by section 43-a of part B of chapter 58 of the laws of 2008, is amended to read as follows:

S 2868. Fees and charges. The commissioner may by regulation establish and charge to any nursing home company, for the period of occupancy date to mortgage discharge, a fee for inspection, regulation, supervision and audit not to annually exceed two-tenths of one percent of the mortgage loan to recover the departmental costs in performing these functions IN RELATION TO ANY NURSING HOME PROJECT FINANCED OR REFINANCED BY A LOAN MADE UNDER THIS ARTICLE PRIOR TO APRIL FIRST, TWO THOUSAND FOURTEEN. NOTWITHSTANDING THE FOREGOING, NO SUCH FEE SHALL BE CHARGED OR PAYABLE PURSUANT TO THIS SECTION WITH RESPECT TO A NURSING HOME PROJECT FINANCED OR REFINANCED WITH BONDS ISSUED ON OR AFTER APRIL FIRST, TWO THOUSAND FOURTEEN.

S 3. Section 2881 of the public health law, as amended by section 43-b of part B of chapter 58 of the laws of 2008, is amended to read as follows:

S 2881. Fees and charges. The commissioner may, by regulation, establish and charge to eligible borrowers, for the period from occupancy date to mortgage discharge, a fee for inspection, regulation, supervision and audit not to annually exceed two-tenths of one percent of the mortgage loan to recover the departmental costs in performing these functions IN RELATION TO ANY HOSPITAL PROJECT FINANCED OR REFINANCED BY A LOAN MADE UNDER THIS ARTICLE PRIOR TO APRIL FIRST, TWO THOUSAND FOURTEEN. NOTWITHSTANDING THE FOREGOING, NO SUCH FEE SHALL BE CHARGED OR PAYABLE PURSUANT TO THIS SECTION WITH RESPECT TO A HOSPITAL PROJECT FINANCED OR REFINANCED WITH BONDS ISSUED ON OR AFTER APRIL FIRST, TWO THOUSAND FOURTEEN.

S 4. This act shall take effect immediately.

PART Z

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by chapter 81 of the laws of 2013, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, [2014] 2015.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2014.

PART AA

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part H of chapter 58 of the laws of 2013, is amended to read as follows:

1 S 2. This act shall take effect immediately provided, however, that
2 section one of this act shall expire on July 1, [2014] 2015, at which
3 time the provisions of subdivision 26 of section 5 of the New York state
4 urban development corporation act shall be deemed repealed; provided,
5 however, that neither the expiration nor the repeal of such subdivision
6 as provided for herein shall be deemed to affect or impair in any manner
7 any loan made pursuant to the authority of such subdivision prior to
8 such expiration and repeal.

9 S 2. This act shall take effect immediately and shall be deemed to
10 have been in full force and effect on and after April 1, 2014.

11 PART BB

12 Section 1. The tax law is amended by adding a new section 1149 to read
13 as follows:

14 S 1149. SPECIAL DEPOSIT OF REVENUE FOR UPSTATE TRANSIT. (A) BASE YEAR
15 DEPOSIT. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, ON APRIL
16 FIRST, TWO THOUSAND FOURTEEN, AN AMOUNT FROM THE GENERAL FUND EQUIVALENT
17 TO THE DIFFERENCE BETWEEN ONE HUNDRED SEVENTY-FIVE MILLION FIVE HUNDRED
18 SIX THOUSAND DOLLARS AND ONE HUNDRED SEVENTY-FIVE MILLION FIVE HUNDRED
19 SIX DOLLARS MULTIPLIED BY THE ANNUAL PERCENTAGE INCREASE IN REVENUES
20 RECEIVED FROM THE STATE SALES AND COMPENSATING USE TAXES COLLECTED UNDER
21 SECTION ELEVEN HUNDRED FIVE OF THIS ARTICLE IMPOSED ON THOSE COUNTIES
22 OTHER THAN THE TWELVE COUNTIES THAT COMPROMISE THE METROPOLITAN COMMUTER
23 TRANSPORTATION DISTRICT CREATED AND ESTABLISHED PURSUANT TO SECTION
24 TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW FROM CALENDAR
25 YEAR TWO THOUSAND TWELVE TO TWO THOUSAND THIRTEEN SHALL BE DEPOSITED IN
26 THE MASS TRANSPORTATION OPERATING ASSISTANCE FUND TO THE CREDIT OF THE
27 UPSTATE SPECIAL AID SUBACCOUNT OF THE PUBLIC TRANSPORTATION SYSTEMS
28 OPERATING ASSISTANCE ACCOUNT.

29 (B) ADJUSTED AMOUNT. ON APRIL FIRST OF EACH SUBSEQUENT YEAR, ONE
30 HUNDRED SEVENTY-FIVE MILLION FIVE HUNDRED SIX THOUSAND DOLLARS SHALL BE
31 MULTIPLIED BY THE CUMULATIVE PERCENTAGE CHANGE IN ANNUAL REVENUES
32 RECEIVED FROM THE STATE SALES AND COMPENSATING USE TAXES COLLECTED UNDER
33 SECTION ELEVEN HUNDRED FIVE OF THIS ARTICLE IMPOSED ON THOSE COUNTIES
34 OTHER THAN THE TWELVE COUNTIES THAT COMPROMISE THE METROPOLITAN COMMUTER
35 TRANSPORTATION DISTRICT CREATED AND ESTABLISHED PURSUANT TO SECTION
36 TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW FROM TWO THOUSAND
37 TWELVE AND THE MOST RECENT CALENDAR YEAR. AN AMOUNT OF GENERAL FUNDS
38 EQUIVALENT TO THE DIFFERENCE BETWEEN THE ADJUSTED AMOUNT CALCULATED IN
39 THIS SUBDIVISION AND ONE HUNDRED SEVENTY-FIVE MILLION FIVE HUNDRED SIX
40 THOUSAND DOLLARS SHALL BE DEPOSITED IN THE MASS TRANSPORTATION OPERATING
41 ASSISTANCE FUND TO THE CREDIT OF THE UPSTATE SPECIAL AID SUBACCOUNT OF
42 THE PUBLIC TRANSPORTATION SYSTEMS OPERATING ASSISTANCE ACCOUNT.

43 (C) HOLD HARMLESS. IN NO YEAR WILL THE AMOUNT OF THE DEPOSIT AUTHOR-
44 IZED UNDER THIS SECTION BE LESS THAN THE AMOUNT MADE IN THE PRIOR YEAR.

45 S 2. Subdivision 5 of section 88-a of the state finance law, as added
46 by chapter 481 of the laws of 1981, is amended to read as follows:

47 5. (a) The "public transportation systems operating assistance
48 account" shall consist of revenues required to be deposited therein
49 pursuant to the provisions of section one hundred eighty-two-a of the
50 tax law and all other moneys credited or transferred thereto from any
51 other fund or source pursuant to law.

52 (b) A SEPARATE AND DISTINCT "UPSTATE SPECIAL AID" SUBACCOUNT SHALL BE
53 CREATED AND CONSIST OF REVENUES REQUIRED TO BE DEPOSITED THEREIN PURSU-

ANT TO THE PROVISIONS OF SECTION ELEVEN HUNDRED FORTY-NINE OF THE TAX LAW.

(C) Moneys in the public transportation systems operating assistance account shall be paid on a quarterly basis beginning October first, nineteen hundred eighty-one. However, if there is a demonstrated cash shortfall in any eligible system, payments to such system may be accelerated. Such payments shall be made in accordance with a schedule as specified by appropriation for the payment of operating costs of public mass transportation systems outside the metropolitan commuter transportation district as defined by section twelve hundred sixty-two of the public authorities law, eligible to receive operating assistance pursuant to section eighteen-b of the transportation law.

S 3. This act shall take effect immediately.

PART CC

Section 1. Paragraph (a) of subdivision 1 of section 2281 of the vehicle and traffic law, as amended by chapter 319 of the laws of 1997, is amended to read as follows:

(a) "All terrain vehicle" or "ATV" means any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways providing that such vehicle does not exceed seventy inches in width, or one thousand FIVE HUNDRED pounds dry weight. Provided, however, this definition shall not include a "snowmobile" or other self-propelled vehicles manufactured for off-highway use exclusively designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats which utilize an endless belt tread.

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

PART DD

Section 1. The real property tax law is amended by adding a new section 431 to read as follows:

S 431. GREEN DEVELOPMENT HOME TAX EXEMPTION. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "MUNICIPALITY" MEANS ANY TOWN, CITY OR VILLAGE, EXCEPT FOR A CITY HAVING MORE THAN ONE MILLION INHABITANTS.

(B) "APPLICANT" MEANS ANY PERSON OBLIGATED TO PAY REAL PROPERTY TAXES ON THE PROPERTY FOR WHICH AN EXEMPTION FROM REAL PROPERTY TAXES UNDER THIS SECTION IS SOUGHT.

(C) "CERTIFIED SILVER" SHALL MEAN (I) CERTIFIED BY THE NAHB NATIONAL GREEN BUILDING CERTIFICATION PROGRAM AT A PERFORMANCE POINT LEVEL OF SILVER OR BETTER, OR (II) LEED FOR NEW CONSTRUCTION CERTIFIED SILVER OR BETTER.

(D) "GREEN DEVELOPMENT NEIGHBORHOOD" SHALL MEAN A SUBDIVISION, CONSISTING OF NEW ONE, TWO OR THREE FAMILY RESIDENCES THAT IS (I) EITHER A GREEN DEVELOPMENT OR LEED-ND CERTIFIED, AND (II) SUBJECT TO DEED RESTRICTIONS OR OTHER COVENANTS RUNNING WITH THE LAND WHICH REQUIRE ALL RESIDENCES WITHIN THE SUBDIVISION TO BE CONSTRUCTED SO AS TO BE CERTIFIED SILVER.

(E) "GREEN DEVELOPMENT" SHALL MEAN A SUBDIVISION DEVELOPMENT WITH A PERFORMANCE POINT LEVEL OF FOUR STARS AS RATED BY THE NAHB.

1 (F) "LEED" SHALL MEAN THE UNITED STATES GREEN BUILDING COUNCIL LEADER-
2 SHIP IN ENERGY AND ENVIRONMENTAL DESIGN RATING SYSTEM.

3 (G) "RESIDENCE" SHALL MEAN A ONE, TWO OR THREE FAMILY RESIDENTIAL
4 STRUCTURE.

5 (H) "LEED-ND" SHALL MEAN LEED FOR NEIGHBORHOOD DEVELOPMENT.

6 (I) "NAHB" SHALL MEAN THE NATIONAL ASSOCIATION OF HOME BUILDERS.

7 (J) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY
8 COMPANY, PARTNERSHIP, ASSOCIATION, AGENCY, TRUST, ESTATE, FOREIGN OR
9 DOMESTIC GOVERNMENT OR SUBDIVISION THEREOF, OR OTHER ENTITY.

10 2. (A) THE LOCAL LEGISLATIVE BODY OF ANY MUNICIPALITY MAY, BY LOCAL
11 LAW, PROVIDE FOR THE EXEMPTION OF REAL PROPERTY FROM TAXATION AS
12 PROVIDED IN THIS SECTION. UPON THE ADOPTION OF SUCH A LOCAL LAW, THE
13 COUNTY IN WHICH SUCH MUNICIPALITY IS LOCATED MAY, BY LOCAL LAW, AND ANY
14 SCHOOL DISTRICT, ALL OR PART OF WHICH IS LOCATED IN SUCH MUNICIPALITY,
15 MAY, BY RESOLUTION, EXEMPT SUCH PROPERTY FROM ITS TAXATION IN THE SAME
16 MANNER AND TO THE SAME EXTENT AS SUCH MUNICIPALITY. UPON THE ADOPTION OF
17 SUCH A LOCAL LAW, RESIDENTIAL AND COMMON AREA REAL PROPERTY WITHIN A
18 GREEN DEVELOPMENT NEIGHBORHOOD MEETING THE REQUIREMENTS OF PARAGRAPH (B)
19 OF THIS SUBDIVISION SHALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALOREM
20 LEVIES TO THE EXTENT OF THIRTY-FIVE PERCENT OF THE ASSESSED VALUE OF
21 SUCH REAL PROPERTY. SUCH LOCAL LAW SHALL PROVIDE FOR THE PERIOD OF TIME
22 DURING WHICH SUCH EXEMPTION SHALL CONTINUE, BUT IN NO EVENT LONGER THAN
23 TWENTY YEARS FOR EACH PARCEL WHICH APPLIES FOR SUCH EXEMPTION.

24 (B) UPON OBTAINING A LEED-ND CERTIFICATION OR GREEN DEVELOPMENT
25 CERTIFICATION, A DEVELOPER SHALL FILE WITH THE TAX ASSESSOR OF THE
26 ASSESSING UNIT A COPY OF SUCH CERTIFICATION TOGETHER WITH A MAP OF THE
27 SUBDIVISION AND EVIDENCE THAT ALL OF THE RESIDENTIAL PARCELS WITHIN THE
28 SUBDIVISION ARE SUBJECT TO DEED RESTRICTIONS OR COVENANTS RUNNING WITH
29 THE LAND WHICH REQUIRE RESIDENCES TO BE CONSTRUCTED SO AS TO BE CERTI-
30 FIED SILVER. INDIVIDUAL RESIDENTIAL PARCELS WITHIN THE SUBDIVISION SHALL
31 BE ENTITLED TO A TAX EXEMPTION AS PROVIDED IN THE LOCAL LAW OR RESOL-
32 UTION UPON SUBMISSION TO THE TAX ASSESSOR OF DOCUMENTATION THAT THE
33 CONSTRUCTION IS CERTIFIED SILVER. COMMON AREA AND VACANT PARCELS WITHIN
34 THE SUBDIVISION SHALL BE EXEMPT AS PROVIDED IN THE LOCAL LAW OR RESOL-
35 UTION UPON SUBMISSION OF THE CERTIFICATION AND MAP TO THE ASSESSOR BY
36 THE DEVELOPER.

37 (C) AN EXEMPTION UNDER THIS SECTION SHALL BE GRANTED ONLY UPON APPLI-
38 CATION BY THE OWNER OF SUCH REAL PROPERTY ON A FORM PRESCRIBED BY THE
39 COMMISSIONER. SUCH APPLICATION SHALL BE FILED WITH THE ASSESSOR OF THE
40 MUNICIPALITY OR COUNTY HAVING THE POWER TO ASSESS PROPERTY FOR TAXATION
41 ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH MUNICIPALITY OR
42 COUNTY.

43 (D) IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN
44 EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICA-
45 TION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM TAXATION AND
46 SPECIAL AD VALOREM LEVIES AS PROVIDED IN THIS SECTION COMMENCING WITH
47 THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE FOLLOWING THE
48 SUBMISSION OF AN APPLICATION TO THE ASSESSOR. THE ASSESSED VALUE OF ANY
49 EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE
50 ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE
51 AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

52 (E) NO SUCH EXEMPTION SHALL BE GRANTED UNLESS CONSTRUCTION OF RESI-
53 DENCES WITHIN A GREEN DEVELOPMENT NEIGHBORHOOD WAS COMMENCED SUBSEQUENT
54 TO THE DATE ON WHICH THE MUNICIPALITY'S LOCAL LAW TOOK EFFECT.

55 S 2. This act shall take effect on the one hundred twentieth day after
56 it shall have become a law. Effective immediately, the addition, amend-

ment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.

PART EE

Section 1. The section heading of section 343-k of the highway law, as separately amended by chapters 344, 360 and 365 of the laws of 2013, is amended, and a new subdivision 10 is added to read as follows:

Portions of the state highway system to be designated as the "Lake Erie Wine Country Trail", the "Canandaigua Wine Trail", the "Cayuga Wine Trail East", the "Cayuga Wine Trail West", the "Seneca Lake Wine Trail East", the "Seneca Lake Wine Trail West", the "Keuka Lake Wine Trail", the "Shawangunk Wine Trail", the "Dutchess Wine Trail", the "North Fork Wine Trail", the "Hamptons Wine Trail", the "Long Island Wine Region", the "Niagara Wine Trail Ridge", the "Niagara Wine Trail Lake", the "Lake Ontario Wine Trail" [and], the "Adirondack Coast Wine Trail" AND THE "ST. LAWRENCE WINE TRAIL".

10. ALL THAT PORTION OF THE STATE HIGHWAY SYSTEM BEGINNING AT THE INTERSECTION OF ROUTE 37 AND COUNTY ROUTE 6 IN THE TOWN OF HAMMOND, AND CONTINUING NORTH ON COUNTY ROUTE 6 TO ITS INTERSECTION WITH STATE ROUTE 58 IN THE TOWN OF MORRISTOWN, AND CONTINUING NORTH ON COUNTY ROUTE 6 IN THE TOWN OF OSWEGATCHIE TO ITS INTERSECTION WITH STATE ROUTE 37 IN THE CITY OF OGDENSBURG AND CONTINUING EAST ON STATE ROUTE 37 TO ITS INTERSECTION WITH ROUTE 68 IN THE TOWN OF OSWEGATCHIE, AND CONTINUING EAST ON ROUTE 37 TO THE INTERSECTION WITH COUNTY ROUTE 27 IN THE TOWN OF LISBON, CONTINUING SOUTH ON COUNTY ROUTE 27 TO THE INTERSECTION WITH COUNTY ROUTE 10, CONTINUING SOUTH TO THE INTERSECTION WITH STATE ROUTE 68, CONTINUING SOUTH TO THE INTERSECTION WITH STATE ROUTE 11 IN THE VILLAGE OF CANTON, CONTINUING NORTH ON ROUTE 11 TO THE INTERSECTION OF ROUTE 56, AND CONTINUING NORTH ON ROUTE 11 TO STOCKHOLM CENTER AND CONTINUING NORTH ON ROUTE 11-C NORTH TO THE INTERSECTION WITH COUNTY ROUTE 53 IN WINTHROP IN THE TOWN OF STOCKHOLM SHALL BE DESIGNATED AND KNOWN AS THE "ST. LAWRENCE WINE TRAIL".

S 2. This act shall take effect immediately.

PART FF

Section 1. Short title. This act shall be known and may be cited as the "bridge and road investment and dedicated fund guaranteed enforcement (BRIDGE) reform act".

S 2. Paragraph a of subdivision 5 of section 89-b of the state finance law, as amended by section 60 of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

a. Moneys in the dedicated highway and bridge trust fund shall, following appropriation by the legislature, be utilized for: reconstruction, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways, and bridges thereon, to restore such facilities to their intended functions; construction, reconstruction, enhancement and improvement of state, county, town, city, and village roads, highways, parkways, and bridges thereon, to address current and projected capacity problems including costs for traffic mitigation activities; aviation projects authorized pursuant to section fourteen-j of the transportation law and for payments to the general debt service fund of amounts equal to amounts required for service contract payments related to aviation

1 projects as provided and authorized by section three hundred eighty-six
2 of the public authorities law; programs to assist small and minority and
3 women-owned firms engaged in transportation construction and recon-
4 struction projects, including a revolving fund for working capital
5 loans, and a bonding guarantee assistance program in accordance with
6 provisions of this chapter; matching federal grants or apportionments to
7 the state for highway, parkway and bridge capital projects; the acquisi-
8 tion of real property and interests therein required or expected to be
9 required in connection with such projects; preventive maintenance activ-
10 ities necessary to ensure that highways, parkways and bridges meet or
11 exceed their optimum useful life; [expenses of control of snow and ice
12 on state highways by the department of transportation including but not
13 limited to personal services, nonpersonal services and fringe benefits,
14 payment of emergency aid for control of snow and ice in municipalities
15 pursuant to section fifty-five of the highway law, expenses of control
16 of snow and ice on state highways by municipalities pursuant to section
17 twelve of the highway law, and for expenses of arterial maintenance
18 agreements with cities pursuant to section three hundred forty-nine of
19 the highway law;] personal services and fringe benefit costs of the
20 department of transportation for bus safety inspection activities;
21 [costs of the department of motor vehicles, including but not limited to
22 personal and nonpersonal services;] costs of engineering and administra-
23 tive services of the department of transportation, including but not
24 limited to fringe benefits; the contract services provided by private
25 firms in accordance with section fourteen of the transportation law;
26 personal services and nonpersonal services, for activities including but
27 not limited to the preparation of designs, plans, specifications and
28 estimates; construction management and supervision activities; costs of
29 appraisals, surveys, testing and environmental impact statements for
30 transportation projects; expenses in connection with buildings, equip-
31 ment, materials and facilities used or useful in connection with the
32 maintenance, operation, and repair of highways, parkways and bridges
33 thereon; and project costs for: construction, reconstruction, improve-
34 ment, reconditioning and preservation of rail freight facilities and
35 intercity rail passenger facilities and equipment; construction, recon-
36 struction, improvement, reconditioning and preservation of state, munic-
37 ipal and privately owned ports; construction, reconstruction, improve-
38 ment, reconditioning and preservation of municipal airports; privately
39 owned airports and aviation capital facilities, excluding airports oper-
40 ated by the state or operated by a bi-state municipal corporate instru-
41 mentality for which federal funding is not available provided the
42 project is consistent with an approved airport layout plan; and
43 construction, reconstruction, enhancement, improvement, replacement,
44 reconditioning, restoration, rehabilitation and preservation of state,
45 county, town, city and village roads, highways, parkways and bridges;
46 and construction, reconstruction, improvement, reconditioning and pres-
47 ervation of fixed ferry facilities of municipal and privately owned
48 ferry lines for transportation purposes, and the payment of debt service
49 required on any bonds, notes or other obligations and related expenses
50 for highway, parkway, bridge and project costs for: construction, recon-
51 struction, improvement, reconditioning and preservation of rail freight
52 facilities and intercity rail passenger facilities and equipment;
53 construction, reconstruction, improvement, reconditioning and preserva-
54 tion of state, municipal and privately owned ports; construction, recon-
55 struction, improvement, reconditioning and preservation of municipal
56 airports; privately owned airports and aviation capital facilities,

1 excluding airports operated by the state or operated by a bi-state
2 municipal corporate instrumentality for which federal funding is not
3 available provided the project is consistent with an approved airport
4 layout plan; construction, reconstruction, enhancement, improvement,
5 replacement, reconditioning, restoration, rehabilitation and preserva-
6 tion of state, county, town, city and village roads, highways, parkways
7 and bridges; and construction, reconstruction, improvement, recondition-
8 ing and preservation of fixed ferry facilities of municipal and private-
9 ly owned ferry lines for transportation purposes, purposes authorized on
10 or after the effective date of this section. Beginning with disburse-
11 ments made on and after the first day of April, nineteen hundred nine-
12 ty-three, moneys in such fund shall be available to pay such costs or
13 expenses made pursuant to appropriations or reappropriations made during
14 the state fiscal year which began on the first of April, nineteen
15 hundred ninety-two. Beginning the first day of April, nineteen hundred
16 ninety-three, moneys in such fund shall also be used for transfers to
17 the general debt service fund and the revenue bond tax fund of amounts
18 equal to that respectively required for service contract and financing
19 agreement payments as provided and authorized by section three hundred
20 eighty of the public authorities law, section eleven of chapter three
21 hundred twenty-nine of the laws of nineteen hundred ninety-one, as
22 amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

23 S 3. Paragraph a of subdivision 5 of section 89-b of the state finance
24 law, as amended by section 60-a of part HH of chapter 57 of the laws of
25 2013, is amended to read as follows:

26 a. Moneys in the dedicated highway and bridge trust fund shall,
27 following appropriation by the legislature, be utilized for: recon-
28 struction, replacement, reconditioning, restoration, rehabilitation and
29 preservation of state, county, town, city and village roads, highways,
30 parkways, and bridges thereon, to restore such facilities to their
31 intended functions; construction, reconstruction, enhancement and
32 improvement of state, county, town, city, and village roads, highways,
33 parkways, and bridges thereon, to address current and projected capacity
34 problems including costs for traffic mitigation activities; aviation
35 projects authorized pursuant to section fourteen-j of the transportation
36 law and for payments to the general debt service fund of amounts equal
37 to amounts required for service contract payments related to aviation
38 projects as provided and authorized by section three hundred eighty-six
39 of the public authorities law; programs to assist small and minority and
40 women-owned firms engaged in transportation construction and recon-
41 struction projects, including a revolving fund for working capital
42 loans, and a bonding guarantee assistance program in accordance with
43 provisions of this chapter; matching federal grants or apportionments to
44 the state for highway, parkway and bridge capital projects; the acquisi-
45 tion of real property and interests therein required or expected to be
46 required in connection with such projects; preventive maintenance activ-
47 ities necessary to ensure that highways, parkways and bridges meet or
48 exceed their optimum useful life; [expenses of control of snow and ice
49 on state highways by the department of transportation including but not
50 limited to personal services, nonpersonal services and fringe benefits,
51 payment of emergency aid for control of snow and ice in municipalities
52 pursuant to section fifty-five of the highway law, expenses of control
53 of snow and ice on state highways by municipalities pursuant to section
54 twelve of the highway law, and for expenses of arterial maintenance
55 agreements with cities pursuant to section three hundred forty-nine of
56 the highway law;] personal services and fringe benefit costs of the

1 department of transportation for bus safety inspection activities; costs
2 of engineering and administrative services of the department of trans-
3 portation, including but not limited to fringe benefits; the contract
4 services provided by private firms in accordance with section fourteen
5 of the transportation law; personal services and nonpersonal services,
6 for activities including but not limited to the preparation of designs,
7 plans, specifications and estimates; construction management and super-
8 vision activities; costs of appraisals, surveys, testing and environ-
9 mental impact statements for transportation projects; expenses in
10 connection with buildings, equipment, materials and facilities used or
11 useful in connection with the maintenance, operation, and repair of
12 highways, parkways and bridges thereon; and project costs for:
13 construction, reconstruction, improvement, reconditioning and preserva-
14 tion of rail freight facilities and intercity rail passenger facilities
15 and equipment; construction, reconstruction, improvement, reconditioning
16 and preservation of state, municipal and privately owned ports;
17 construction, reconstruction, improvement, reconditioning and preserva-
18 tion of municipal airports; privately owned airports and aviation capi-
19 tal facilities, excluding airports operated by the state or operated by
20 a bi-state municipal corporate instrumentality for which federal funding
21 is not available provided the project is consistent with an approved
22 airport layout plan; and construction, reconstruction, enhancement,
23 improvement, replacement, reconditioning, restoration, rehabilitation
24 and preservation of state, county, town, city and village roads, high-
25 ways, parkways and bridges; and construction, reconstruction, improve-
26 ment, reconditioning and preservation of fixed ferry facilities of
27 municipal and privately owned ferry lines for transportation purposes,
28 and the payment of debt service required on any bonds, notes or other
29 obligations and related expenses for highway, parkway, bridge and
30 project costs for: construction, reconstruction, improvement, recondi-
31 tioning and preservation of rail freight facilities and intercity rail
32 passenger facilities and equipment; construction, reconstruction,
33 improvement, reconditioning and preservation of state, municipal and
34 privately owned ports; construction, reconstruction, improvement, recon-
35 ditioning and preservation of municipal airports; privately owned
36 airports and aviation capital facilities, excluding airports operated by
37 the state or operated by a bi-state municipal corporate instrumentality
38 for which federal funding is not available provided the project is
39 consistent with an approved airport layout plan; construction, recon-
40 struction, enhancement, improvement, replacement, reconditioning, resto-
41 ration, rehabilitation and preservation of state, county, town, city and
42 village roads, highways, parkways and bridges; and construction, recon-
43 struction, improvement, reconditioning and preservation of fixed ferry
44 facilities of municipal and privately owned ferry lines for transporta-
45 tion purposes, purposes authorized on or after the effective date of
46 this section. Beginning with disbursements made on and after the first
47 day of April, nineteen hundred ninety-three, moneys in such fund shall
48 be available to pay such costs or expenses made pursuant to appropri-
49 ations or reappropriations made during the state fiscal year which began
50 on the first of April, nineteen hundred ninety-two. Beginning the first
51 day of April, nineteen hundred ninety-three, moneys in such fund shall
52 also be used for transfers to the general debt service fund and the
53 revenue bond tax fund of amounts equal to that respectively required for
54 service contract and financing agreement payments as provided and
55 authorized by section three hundred eighty of the public authorities
56 law, section eleven of chapter three hundred twenty-nine of the laws of

19 nineteen hundred ninety-one, as amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

3 S 4. Subdivision 5 of section 89-b of the state finance law is amended by adding two new paragraphs d and e to read as follows:

5 D. MONEYS IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND APPROPRIATED BY THE LEGISLATURE FOR EXPENSES OF CONTROL OF SNOW AND ICE ON STATE HIGHWAYS BY THE DEPARTMENT OF TRANSPORTATION INCLUDING BUT NOT LIMITED TO PERSONAL SERVICES, NONPERSONAL SERVICES AND FRINGE BENEFITS, PAYMENT OF EMERGENCY AID FOR CONTROL OF SNOW AND ICE IN MUNICIPALITIES PURSUANT TO SECTION FIFTY-FIVE OF THE HIGHWAY LAW, EXPENSES OF CONTROL OF SNOW AND ICE ON STATE HIGHWAYS BY MUNICIPALITIES PURSUANT TO SECTION TWELVE OF THE HIGHWAY LAW, AND FOR EXPENSES OF ARTERIAL MAINTENANCE AGREEMENTS WITH CITIES PURSUANT TO SECTION THREE HUNDRED FORTY-NINE OF THE HIGHWAY LAW SHALL NOT EXCEED:

15 (I) \$252 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN;

17 (II) \$189 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN;

19 (III) \$126 MILLION FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN; AND

21 (IV) \$63 MILLION FOR FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN.

23 (V) FOR FISCAL YEAR TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN AND FOR ALL SUBSEQUENT YEARS THEREAFTER NO MONEYS FROM THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND SHALL BE EXPENDED FOR EXPENSES OF CONTROL OF SNOW AND ICE ON STATE HIGHWAYS BY THE DEPARTMENT OF TRANSPORTATION INCLUDING BUT NOT LIMITED TO PERSONAL SERVICES, NONPERSONAL SERVICES AND FRINGE BENEFITS, PAYMENT OF EMERGENCY AID FOR CONTROL OF SNOW AND ICE IN MUNICIPALITIES PURSUANT TO SECTION FIFTY-FIVE OF THE HIGHWAY LAW, EXPENSES OF CONTROL OF SNOW AND ICE ON STATE HIGHWAYS BY MUNICIPALITIES PURSUANT TO SECTION TWELVE OF THE HIGHWAY LAW, AND FOR EXPENSES OF ARTERIAL MAINTENANCE AGREEMENTS WITH CITIES PURSUANT TO SECTION THREE HUNDRED FORTY-NINE OF THE HIGHWAY LAW.

34 E. MONEYS IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND APPROPRIATED BY THE LEGISLATURE FOR COSTS OF THE DEPARTMENT OF MOTOR VEHICLES, INCLUDING BUT NOT LIMITED TO PERSONAL AND NONPERSONAL SERVICES SHALL NOT EXCEED:

38 (I) \$156 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN;

40 (II) \$117 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN;

42 (III) \$78 MILLION FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN; AND

44 (IV) \$39 MILLION FOR FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN.

46 (V) FOR FISCAL YEAR TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN AND FOR ALL SUBSEQUENT YEARS THEREAFTER NO MONEYS FROM THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND SHALL BE EXPENDED FOR COSTS OF THE DEPARTMENT OF MOTOR VEHICLES, INCLUDING BUT NOT LIMITED TO PERSONAL AND NONPERSONAL SERVICES.

51 S 5. This act shall take effect immediately, provided that the amendments to paragraph a of subdivision 5 of section 89-b of the state finance law made by section two of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 2 of part B of chapter 84 of the laws of 2002, as amended, when upon such date the provisions of section three of this act shall take effect.

1

PART GG

2 Section 1. Section 20 of the highway law is amended by adding a new
3 subdivision 5 to read as follows:

4 5. THE COMMISSIONER SHALL PROVIDE AT ALL TIMES A CONVENIENT AND SAFE
5 ACCESS TO VEHICULAR TRAFFIC, WITH REGARD TO THE ROADSIDE REST AND RECRE-
6 ATIONAL NEEDS OF THE TRAVELING PUBLIC AND GENERAL PUBLIC SAFETY
7 CONCERNS, AS WELL AS A WATER SUPPLY, SANITARY FACILITIES, PARKING SPACE
8 FOR AUTOMOBILES OR SUCH OTHER NON-COMMERCIAL FACILITIES AS ARE SUITABLE
9 FOR REST AND RELAXATION STOPS BY HIGHWAY TRAVELERS, INSTALLATION OF
10 VENDING MACHINES DISPENSING SUCH FOOD, DRINK AND OTHER ARTICLES AS HE OR
11 SHE DEEMS APPROPRIATE OR DESIRABLE, AND SUITABLE MARKINGS INDICATING
12 THEIR LOCATION ON HIGHWAYS LEADING THERETO AT THE FOLLOWING FACILITIES:

13 (A) BREWERTON/HASTINGS ON INTERSTATE ROUTE EIGHTY-ONE SOUTHBOUND
14 BETWEEN EXITS THIRTY-ONE AND THIRTY-TWO IN THE COUNTY OF OSWEGO;

15 (B) SCHODACK ON INTERSTATE ROUTE NINETY WESTBOUND BETWEEN EXITS ELEVEN
16 AND TWELVE IN THE COUNTY OF RENSSELAER;

17 (C) LEWIS ON INTERSTATE ROUTE EIGHTY-SEVEN SOUTHBOUND BETWEEN EXITS
18 THIRTY-ONE AND THIRTY-TWO IN THE COUNTY OF ESSEX;

19 (D) SCHROON LAKE NORTHBOUND ON INTERSTATE ROUTE EIGHTY-SEVEN BETWEEN
20 EXITS TWENTY-SEVEN AND TWENTY-EIGHT IN THE COUNTY OF ESSEX;

21 (E) WORCESTER ON INTERSTATE ROUTE EIGHTY-EIGHT EASTBOUND BETWEEN EXITS
22 EIGHTEEN AND NINETEEN IN THE COUNTY OF OTSEGO; AND

23 (F) WELLS BRIDGE ON INTERSTATE ROUTE EIGHTY-EIGHT WESTBOUND BETWEEN
24 EXITS ELEVEN AND TWELVE IN THE COUNTY OF OTSEGO.

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

27

PART HH

28 Section 1. Section 97-eeee of the state finance law, as added by
29 section 3 of part A of chapter 60 of the laws of 2005, is amended by
30 adding a new subdivision 5 to read as follows:

31 5. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, UNALLOCATED AS
32 WELL AS ALLOCATED BY UNDISTRIBUTED AMOUNTS APPROPRIATED TO THE DEPART-
33 MENT OF TRANSPORTATION FROM THE REBUILD AND RENEW NEW YORK TRANSPORTA-
34 TION BOND ACT, AS PROVIDED FOR IN CHAPTER SIXTY OF THE LAWS OF TWO THOU-
35 SAND FIVE AND DESCRIBED IN THE TWO THOUSAND FIVE TRANSPORTATION
36 MEMORANDUM OF UNDERSTANDING AS INTENDED FOR THE NON-MTA TRANSIT CAPITAL
37 PROGRAM, SHALL BE MADE AVAILABLE, IN ACCORDANCE WITH THE TRADITIONAL
38 SERVICE AND USAGE FORMULA ESTABLISHED BY THE COMMISSIONER OF TRANSPORTA-
39 TION WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET, TO THE DEPARTMENT
40 OF TRANSPORTATION FOR DISTRIBUTION TO THE FOLLOWING PUBLIC AUTHORITIES
41 NO LATER THAN APRIL FIRST, TWO THOUSAND FOURTEEN: NIAGARA FRONTIER
42 TRANSPORTATION AUTHORITY ESTABLISHED PURSUANT TO SECTION TWELVE HUNDRED
43 NINETY-NINE-C OF THE PUBLIC AUTHORITIES LAW, ROCHESTER-GENESEE REGIONAL
44 TRANSPORTATION AUTHORITY ESTABLISHED PURSUANT TO SECTION TWELVE HUNDRED
45 NINETY-NINE-DD OF THE PUBLIC AUTHORITIES LAW, CAPITAL DISTRICT TRANSPOR-
46 TATION AUTHORITY ESTABLISHED PURSUANT TO SECTION THIRTEEN HUNDRED THREE
47 OF THE PUBLIC AUTHORITIES LAW, AND CENTRAL NEW YORK REGIONAL TRANSPORTA-
48 TION AUTHORITY ESTABLISHED PURSUANT TO SECTION THIRTEEN HUNDRED TWENTY-
49 EIGHT OF THE PUBLIC AUTHORITIES LAW.

50 S 2. This act shall take effect immediately.

51

PART II

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

3 S 2. The economic development law is amended by adding a new article
4 6-B to read as follows:

5 ARTICLE 6-B

6 NORTHERN NEW YORK POWER PROCEEDS ALLOCATION ACT

7 SECTION 189-E. DEFINITIONS.

8 189-F. THE NORTHERN NEW YORK POWER PROCEEDS ALLOCATION BOARD.

9 189-G. GENERAL POWERS AND DUTIES OF THE BOARD.

10 189-H. RULES AND REGULATIONS.

11 S 189-E. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING
12 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

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

14 2. "BOARD" IS THE NORTHERN NEW YORK POWER PROCEEDS ALLOCATION BOARD
15 CREATED BY THIS ARTICLE.

16 3. "BENEFITS" OR "FUND BENEFITS" ARE PAYMENTS TO ELIGIBLE APPLICANTS
17 SELECTED BY THE AUTHORITY FOR THE PURPOSE OF FUNDING ELIGIBLE DEVELOP-
18 MENT POWER PROJECTS WITH MONIES DERIVED FROM NET EARNINGS THAT HAVE BEEN
19 DEPOSITED INTO THE NORTHERN NEW YORK ECONOMIC DEVELOPMENT FUND.

20 4. "ELIGIBLE APPLICANT" MEANS A PRIVATE BUSINESS, INCLUDING A
21 NOT-FOR-PROFIT CORPORATION WITH THE EXCEPTION OF QUALIFIED TRANSPORTA-
22 TION CAPACITY EXPANSION PROJECTS WHERE A PUBLIC ENTITY MAY BE AN ELIGI-
23 BLE APPLICANT.

24 5. "ELIGIBLE DEVELOPMENT POWER PROJECTS" ARE ECONOMIC DEVELOPMENT
25 PROJECTS BY ELIGIBLE APPLICANTS THAT IN THE CASE OF PROJECTS RECEIVING
26 AN ALLOCATION OF DEVELOPMENT POWER NET EARNINGS ARE PHYSICALLY LOCATED
27 WITHIN THE STATE OF NEW YORK WITHIN ST. LAWRENCE COUNTY, OR IN THE CASE
28 OF PROJECTS RECEIVING AN ALLOCATION OF PRESERVATION POWER NET EARNINGS
29 ARE PHYSICALLY LOCATED WITHIN THE STATE OF NEW YORK WITHIN ST. LAWRENCE,
30 JEFFERSON OR FRANKLIN COUNTIES, THAT WILL SUPPORT THE GROWTH OF BUSINESS
31 IN THE STATE AND THEREBY LEAD TO THE CREATION OR MAINTENANCE OF JOBS AND
32 TAX REVENUES FOR THE STATE AND LOCAL GOVERNMENTS. ELIGIBLE DEVELOPMENT
33 POWER PROJECTS MAY INCLUDE CAPITAL INVESTMENTS IN BUILDINGS, EQUIPMENT,
34 AND ASSOCIATED INFRASTRUCTURE (COLLECTIVELY, "INFRASTRUCTURE") OWNED BY
35 AN ELIGIBLE APPLICANT FOR FUND BENEFITS; TRANSPORTATION PROJECTS UNDER
36 STATE OR FEDERALLY APPROVED PLANS; THE ACQUISITION OF LAND NEEDED FOR
37 INFRASTRUCTURE; RESEARCH AND DEVELOPMENT WHERE THE RESULTS OF SUCH
38 RESEARCH AND DEVELOPMENT WILL DIRECTLY BENEFIT NEW YORK STATE; SUPPORT
39 FOR TOURISM AND MARKETING AND ADVERTISING EFFORTS FOR NORTHERN NEW YORK
40 STATE TOURISM AND BUSINESS; ENERGY-RELATED PROJECTS; ELECTRIC RATE
41 RELIEF PROGRAMS FOR AGRICULTURAL CUSTOMERS; AND WATERFRONT REVITALIZA-
42 TION PROJECTS. ELIGIBLE DEVELOPMENT POWER PROJECTS DO NOT INCLUDE, AND
43 FUND BENEFITS MAY NOT BE USED FOR, PUBLIC INTEREST ADVERTISING OR ADVO-
44 CACY; LOBBYING; THE SUPPORT OR OPPOSITION OF ANY CANDIDATE FOR PUBLIC
45 OFFICE; THE SUPPORT OR OPPOSITION TO ANY PUBLIC ISSUE; LEGAL FEES
46 RELATED TO LITIGATION OF ANY KIND; EXPENSES RELATED TO ADMINISTRATIVE
47 PROCEEDINGS BEFORE STATE OR LOCAL AGENCIES; OR RETAIL BUSINESSES AS
48 DEFINED BY THE BOARD, INCLUDING WITHOUT LIMITATION, SPORTS VENUES,
49 GAMING AND GAMBLING OR ENTERTAINMENT-RELATED ESTABLISHMENTS, RESIDENTIAL
50 PROPERTIES, OR PLACES OF OVERNIGHT ACCOMMODATION.

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

55 7. "DEVELOPMENT POWER" IS THE TWENTY MEGAWATTS OF FIRM SAINT
56 LAWRENCE-FDR PROJECT HYDROELECTRIC POWER AS APPORTIONED PURSUANT TO

1 SUBDIVISION THIRTEEN OF SECTION ONE THOUSAND FIVE OF THE PUBLIC AUTHORI-
2 TIES LAW. FOR THE PURPOSES OF THIS ARTICLE, "DEVELOPMENT POWER" MEANS
3 THE ENERGY ASSOCIATED WITH SUCH POWER.

4 8. "DEVELOPMENT POWER NET EARNINGS" IS THE AGGREGATE EXCESS OF REVEN-
5 UES RECEIVED BY THE AUTHORITY FROM THE SALE OF DEVELOPMENT POWER AND
6 ENERGY PRODUCED AT THE SAINT LAWRENCE-FDR PROJECT THAT WAS SOLD IN THE
7 WHOLESALE ENERGY MARKET OVER WHAT REVENUES WOULD HAVE BEEN RECEIVED HAD
8 SUCH ENERGY BEEN SOLD ON A FIRM BASIS TO AN ELIGIBLE DEVELOPMENT POWER
9 CUSTOMER UNDER THE APPLICABLE TARIFF OR CONTRACT.

10 9. "PRESERVATION POWER" IS THE FOUR HUNDRED NINETY MEGAWATTS OF FIRM
11 SAINT LAWRENCE-FDR PROJECT HYDROELECTRIC POWER AS SUCH TERM IS DEFINED
12 IN SUBDIVISION THIRTEEN OF SECTION ONE THOUSAND FIVE OF THE PUBLIC
13 AUTHORITIES LAW. FOR PURPOSES OF THIS ARTICLE, "PRESERVATION POWER"
14 MEANS THE ENERGY ASSOCIATED WITH SUCH POWER.

15 10. "PRESERVATION POWER NET EARNINGS" IS THE AGGREGATE EXCESS OF
16 REVENUES RECEIVED BY THE AUTHORITY FROM THE SALE OF PRESERVATION POWER
17 AND ENERGY PRODUCED AT THE SAINT LAWRENCE-FDR PROJECT THAT WAS SOLD IN
18 THE WHOLESALE ENERGY MARKET OVER WHAT REVENUES WOULD HAVE BEEN RECEIVED
19 HAD SUCH ENERGY BEEN SOLD ON A FIRM BASIS TO AN ELIGIBLE PRESERVATION
20 POWER CUSTOMER UNDER THE APPLICABLE TARIFF OR CONTRACT.

21 11. "NORTHERN NEW YORK ECONOMIC DEVELOPMENT FUND" OR "FUND" IS A FUND
22 OF THE AUTHORITY INTO WHICH ALL DEVELOPMENT AND PRESERVATION POWER NET
23 EARNINGS ARE DEPOSITED BY THE AUTHORITY IN ACCORDANCE WITH SUBDIVISION
24 TWENTY-SIX OF SECTION ONE THOUSAND FIVE OF THE PUBLIC AUTHORITIES LAW
25 AND FROM WHICH ALLOCATIONS OF FUND BENEFITS TO ELIGIBLE PROJECTS MAY BE
26 MADE. THE AUTHORITY SHALL, WITHIN THE FUND, SEPARATELY ACCOUNT FOR AND
27 MAKE ALLOCATIONS FROM DEVELOPMENT AND PRESERVATION POWER NET EARNINGS.

28 12. "SAINT LAWRENCE RIVER VALLEY REDEVELOPMENT AGENCY" IS THE ACTIVE
29 PARTNERSHIP OF THE COUNTY OF ST. LAWRENCE AND THE TOWNS OF LISBON,
30 LOUISVILLE, MASSENA AND WADDINGTON ESTABLISHED FOR THE PURPOSE OF FUND-
31 ING ECONOMIC DEVELOPMENT PROJECTS WITH THE FUNDS RECEIVED FROM THE
32 NORTHERN NEW YORK POWER PROCEEDS BOARD FROM THE SALE OF UNALLOCATED
33 DEVELOPMENT POWER OR UNALLOCATED PRESERVATION POWER.

34 S 189-F. THE NORTHERN NEW YORK POWER PROCEEDS ALLOCATION BOARD. 1.
35 THERE IS HEREBY CREATED THE NORTHERN NEW YORK POWER PROCEEDS ALLOCATION
36 BOARD, WHICH SHALL POSSESS THE POWERS AND DUTIES HEREIN SPECIFIED. THE
37 BOARD SHALL CONSIST OF FIVE MEMBERS WHO SHALL BE APPOINTED BY THE GOVER-
38 NOR AS FOLLOWS: ONE OF WHOM SHALL BE APPOINTED BY THE TEMPORARY PRESI-
39 DENT OF THE SENATE AND ONE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF
40 THE ASSEMBLY. AT LEAST THREE OF THE MEMBERS SHALL RESIDE IN THE TOWN OF
41 LISBON, LOUISVILLE, MASSENA, OR WADDINGTON PROVIDED THAT ALL OF THE
42 MEMBERS SHALL RESIDE IN THE COUNTY OF ST. LAWRENCE. THE GOVERNOR SHALL
43 DESIGNATE A CHAIR FROM AMONGST THE BOARD'S MEMBERS.

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

47 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THREE
48 MEMBERS SHALL CONSTITUTE A QUORUM FOR THE PURPOSES OF ORGANIZING THE
49 BOARD AND CONDUCTING THE BUSINESS THEREOF. NO ACTION OF THE BOARD MAY BE
50 TAKEN EXCEPT UPON AN AFFIRMATIVE VOTE OF AT LEAST THREE-FIFTHS OF THE
51 FULL BOARD MEMBERSHIP AT ANY MEETING AT WHICH AT LEAST THREE MEMBERS ARE
52 PRESENT OR PARTICIPATING BY VIDEOCONFERENCING. VIDEOCONFERENCING MAY BE
53 USED FOR ATTENDANCE AND PARTICIPATION BY MEMBERS OF THE BOARD. IF VIDEO-
54 CONFERENCING IS USED, THE BOARD SHALL PROVIDE AN OPPORTUNITY FOR THE
55 PUBLIC TO ATTEND, LISTEN AND OBSERVE AT ANY SITE AT WHICH A MEMBER
56 PARTICIPATES. THE PUBLIC NOTICE FOR THE MEETING SHALL IDENTIFY, IF PRAC-

1 TICABLE, ALL LOCATIONS WHERE A MEMBER WILL PARTICIPATE IN THE MEETING BY
2 VIDEOCONFERENCE AND SHALL STATE THAT THE PUBLIC HAS THE RIGHT TO ATTEND
3 THE MEETING AT ANY SUCH LOCATION.

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

8 S 189-G. GENERAL POWERS AND DUTIES OF THE BOARD. 1. THE BOARD SHALL
9 ESTABLISH PROCEDURES AND GUIDELINES RELATING TO THE ACTIVITIES OF THE
10 BOARD.

11 2. THE BOARD SHALL ESTABLISH PROCEDURES THROUGH WRITTEN POLICIES OR
12 STANDARDS FOR REVIEWING APPLICATIONS FOR AN ALLOCATION OF FUND BENEFITS
13 OR A RECOMMENDATION TO THE AUTHORITY FOR AN ALLOCATION OF DEVELOPMENT OR
14 PRESERVATION POWER THAT SHALL INCLUDE A REVIEW OF APPLICATIONS NO LESS
15 FREQUENTLY THAN TWICE EACH YEAR. THE BOARD, OR A MEMBER DESIGNATED BY
16 THE BOARD, SHALL RECEIVE ALL APPLICATIONS FROM, OR ON BEHALF OF, ELIGI-
17 BLE APPLICANTS FOR FUND BENEFITS. APPLICATIONS SHALL BE IN A FORM AND
18 CONTAIN SUCH INFORMATION, DATA AND EXHIBITS AS THE BOARD, IN CONSULTA-
19 TION WITH THE AUTHORITY, MAY PRESCRIBE.

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

24 4. IN REVIEWING APPLICATIONS FOR FUND BENEFITS, THE BOARD SHALL EVALU-
25 ATE ELIGIBLE DEVELOPMENT POWER OR PRESERVATION POWER PROJECTS AS
26 PROVIDED IN SECTION ONE THOUSAND FIVE OF THE PUBLIC AUTHORITIES LAW.
27 THE BOARD SHALL ISSUE A WRITTEN STATEMENT OF ITS FINDINGS AND RECOMMEN-
28 DATIONS FOR EACH APPLICATION REVIEWED.

29 5. THE BOARD SHALL RECOMMEND TO THE AUTHORITY THE ALLOCATION OF FUND
30 BENEFITS OR POWER ALLOCATIONS TO ELIGIBLE POWER PROJECTS THAT THE BOARD
31 FINDS ARE CONSISTENT WITH THE APPLICABLE CRITERIA IN SUBDIVISION FOUR OF
32 THIS SECTION; PROVIDED HOWEVER, DEVELOPMENT POWER AND PRESERVATION POWER
33 PROCEEDS EQUALING SEVENTY PERCENT OF AVAILABLE MONETIZED POWER SHALL
34 ANNUALLY BE ALLOCATED TO ELIGIBLE APPLICANTS RECOMMENDED BY THE SAINT
35 LAWRENCE RIVER VALLEY REDEVELOPMENT AGENCY, OR ITS SUCCESSOR ENTITY, TO
36 THE BOARD WITH THE REQUIREMENT THAT THREE HUNDRED THOUSAND DOLLARS OF
37 SUCH DEVELOPMENT POWER PROCEEDS SHALL BE APPORTIONED FOR THE ADMINISTRA-
38 TIVE COSTS OF THE SAINT LAWRENCE RIVER VALLEY REDEVELOPMENT AGENCY;
39 PROVIDED FURTHER THAT DEVELOPMENT POWER PROCEEDS EQUALING THIRTY PERCENT
40 OF AVAILABLE MONETIZED POWER SHALL ANNUALLY BE ALLOCATED FOR THE
41 PURPOSES OF PROVIDING NECESSARY STATE MATCHES FOR FUNDING THE DESIGN,
42 DEVELOPMENT, CONSTRUCTION AND OTHER COSTS ASSOCIATED WITH THE IMPROVE-
43 MENT OF A HIGHWAY TRANSPORTATION CAPACITY EXPANSION PROJECT LOCATED IN
44 THE COUNTY OF ST. LAWRENCE. THE BOARD MAY RECOMMEND TO THE AUTHORITY AN
45 ALLOCATION OF DEVELOPMENT OR PRESERVATION POWER TO AN ELIGIBLE APPLI-
46 CANT, PROVIDED THAT SUCH ALLOCATION SHALL NOT BE IN ADDITION TO AN ALLO-
47 CATION OF MONETIZED ECONOMIC DEVELOPMENT POWER OR PRESERVATION POWER.
48 THE BOARD MAY INCLUDE WITHIN ITS RECOMMENDATIONS SUCH RECOMMENDED TERMS
49 AND CONDITIONS AS IT DEEMS APPROPRIATE, INCLUDING, BUT NOT LIMITED TO,
50 REASONABLE PROVISION FOR THE ALLOCATION OF FUND BENEFITS OVER TIME AS
51 THE ELIGIBLE APPLICANT ACHIEVES MILESTONES TOWARDS PROJECT COMPLETION,
52 THE PARTIAL OR COMPLETE WITHDRAWAL OR RETURN OF FUND BENEFITS WHERE THE
53 RECIPIENT HAS FAILED TO ACHIEVE OR MAINTAIN MUTUALLY AGREED UPON COMMIT-
54 MENTS, OR SUCH OTHER TERMS AND CONDITIONS AS THE BOARD DEEMS ADVISABLE.
55 THE BOARD SHALL NOT RECOMMEND AN ALLOCATION OF FUND BENEFITS PRIOR TO

1 ESTABLISHING PROCEDURES FOR REVIEWING APPLICATIONS PURSUANT TO SUBDIVI-
2 SION TWO OF THIS SECTION.

3 6. A RECOMMENDATION BY THE BOARD THAT AN ELIGIBLE APPLICANT RECEIVE AN
4 ALLOCATION OF FUND BENEFITS SHALL BE A PREREQUISITE TO AN AWARD OF FUND
5 BENEFITS BY THE AUTHORITY. THE AUTHORITY SHALL AWARD FUND BENEFITS TO AN
6 APPLICANT UPON A RECOMMENDATION OF THE BOARD; PROVIDED, HOWEVER, THAT
7 UPON A SHOWING OF GOOD CAUSE, THE AUTHORITY SHALL HAVE DISCRETION AS TO
8 WHETHER TO ADOPT THE BOARD'S RECOMMENDATION, OR TO AWARD BENEFITS IN A
9 DIFFERENT AMOUNT OR ON DIFFERENT TERMS AND CONDITIONS THAN THOSE
10 CONTAINED IN THE RECOMMENDATION OF THE BOARD. ALLOCATIONS OF FUND BENE-
11 FITS SHALL ONLY BE MADE ON THE BASIS OF DEVELOPMENT POWER OR PRESERVA-
12 TION POWER NET EARNINGS THAT HAVE BEEN DEPOSITED IN THE NORTHERN NEW
13 YORK ECONOMIC DEVELOPMENT FUND. NO AWARD OF FUND BENEFITS SHALL ENCUMBER
14 FUTURE DEVELOPMENT POWER OR PRESERVATION POWER NET EARNINGS OR DEVELOP-
15 MENT POWER OR PRESERVATION POWER NET EARNINGS THAT HAVE BEEN RECEIVED,
16 BUT NOT DEPOSITED, IN THE NORTHERN NEW YORK ECONOMIC DEVELOPMENT FUND.

17 7. UPON MAKING AN ALLOCATION OF FUND BENEFITS, THE AUTHORITY SHALL
18 INCLUDE WITHIN THE AGREEMENT PROVIDING FOR THE TERMS AND CONDITIONS
19 APPLICABLE TO SUCH ALLOCATION ALL TERMS AND CONDITIONS THE AUTHORITY
20 DEEMS APPROPRIATE, TAKING INTO ACCOUNT THE RECOMMENDATIONS MADE BY THE
21 BOARD.

22 S 189-H. RULES AND REGULATIONS. THE AUTHORITY IS HEREBY AUTHORIZED TO
23 PROMULGATE SUCH RULES AND REGULATIONS AS IT DEEMS NECESSARY TO FULFILL
24 THE PURPOSES OF THIS ARTICLE.

25 S 3. Section 1005 of the public authorities law is amended by adding
26 five new subdivisions 25, 26, 27, 28 and 29 to read as follows:

27 25. TO COOPERATE WITH THE NORTHERN NEW YORK POWER PROCEEDS ALLOCATION
28 BOARD AND PROVIDE THE BOARD WITH SUCH INFORMATION AND ASSISTANCE AS THE
29 BOARD REASONABLY REQUESTS, INCLUDING REASONABLE STAFF SERVICES, ACCOUNT-
30 ING, CLERICAL AND SECRETARIAL ASSISTANCE, OFFICE SPACE, AND EQUIPMENT
31 REASONABLY REQUESTED BY THE NORTHERN NEW YORK POWER PROCEEDS ALLOCATION
32 BOARD TO FULFILL ITS DUTIES.

33 26. TO ESTABLISH AN ACCOUNT TO BE KNOWN AS THE NORTHERN NEW YORK
34 ECONOMIC DEVELOPMENT FUND. SUCH FUND SHALL CONSIST OF "DEVELOPMENT POWER
35 NET EARNINGS" AND "PRESERVATION POWER NET EARNINGS" AS DEFINED IN ARTI-
36 CLE SIX-B OF THE ECONOMIC DEVELOPMENT LAW. THE DEVELOPMENT POWER NET
37 EARNINGS AND PRESERVATION POWER NET EARNINGS SHALL BE DEPOSITED IN SUCH
38 AMOUNTS AS DETERMINED TO BE FEASIBLE AND ADVISABLE BY THE TRUSTEES. SUCH
39 EARNING SHALL BE DEPOSITED NO LESS FREQUENTLY THAN QUARTERLY. THE FIRST
40 DEPOSITS INTO THE FUND SHALL BE MADE NINETY DAYS AFTER THE EFFECTIVE
41 DATE OF THIS SUBDIVISION, AND SHALL INCLUDE ALL DEVELOPMENT POWER AND
42 PRESERVATION POWER NET EARNINGS ACCRUED SINCE THE EFFECTIVE DATE OF
43 CHAPTER FOUR HUNDRED THIRTY-SIX OF THE LAWS OF TWO THOUSAND TEN. AT
44 LEAST FIFTEEN PERCENT OF SUCH FUNDS SHALL BE DEDICATED TOWARDS ELIGIBLE
45 DEVELOPMENT POWER AND PRESERVATION POWER PROJECTS WHICH ARE ENERGY-RE-
46 LATED PROJECTS, PROGRAMS AND SERVICES AS SUCH TERM IS DEFINED IN SUBPAR-
47 AGRAPH TWO OF PARAGRAPH (B) OF SUBDIVISION SEVENTEEN OF THIS SECTION. IN
48 ADDITION TO FUNDING ELIGIBLE DEVELOPMENT POWER AND PRESERVATION POWER
49 PROJECTS, AS SUCH TERMS ARE DEFINED IN ARTICLE SIX-B OF THE ECONOMIC
50 DEVELOPMENT LAW, THE AUTHORITY MAY USE NORTHERN NEW YORK ECONOMIC DEVEL-
51 OPMENT FUND MONIES TO COVER REASONABLE COSTS AND EXPENSES OF THE AUTHOR-
52 ITY RELATED TO THE MANAGEMENT AND ADMINISTRATION OF THE NORTHERN NEW
53 YORK POWER PROCEEDS ALLOCATION PROGRAM CREATED BY ARTICLE SIX-B OF THE
54 ECONOMIC DEVELOPMENT LAW.

27. TO, IN ITS DISCRETION, CONSULT WITH THE NORTHERN NEW YORK POWER PROCEEDS ALLOCATION BOARD IN THE APPLICATION PROCESS RELATING TO THE ALLOCATION OF DEVELOPMENT POWER AND PRESERVATION POWER.

28. TO ESTABLISH PROCESSES FOR APPLICATION REVIEW AND ALLOCATION OF FUND BENEFITS PROVIDED FOR IN ARTICLE SIX-B OF THE ECONOMIC DEVELOPMENT LAW.

29. TO INCLUDE IN THE ANNUAL REPORT PREPARED PURSUANT TO SUBDIVISION EIGHTEEN OF THIS SECTION, AN ACCOUNTING FOR THE SUBJECT YEAR THAT PROVIDES (A) THE AMOUNT OF DEVELOPMENT POWER AND PRESERVATION POWER SOLD INTO THE WHOLESALE MARKET BY THE AUTHORITY, AND (B) THE DEVELOPMENT POWER AND PRESERVATION POWER NET EARNINGS PAID INTO THE NORTHERN NEW YORK ECONOMIC DEVELOPMENT FUND.

S 4. This act shall take effect immediately.

PART JJ

Section 1. Subdivision 2 of section 904 of the labor law, as amended by section 1 of part BB of chapter 57 of the laws of 2009, is amended to read as follows:

2. Any contractor engaged in an asbestos project involving more than two hundred sixty linear feet or more than one hundred sixty square feet of asbestos or asbestos materials shall notify both the United States Environmental Protection Agency, Region II, Air and Hazardous Material Division and the commissioner in writing ten days prior to the commencement of work on the project or, if emergency conditions make it impossible to provide ten days prior notice, as soon as practicable after identification of the project. The notice to the commissioner shall include the following information: the name, address and asbestos handling license number of the contractor working on the project; the address and description of the building or area, including size, age and prior use of the building or area; the amount of friable asbestos material present in square feet and/or linear feet, if applicable; room designation numbers or other local information where such asbestos material is found unless such material is found throughout the entire structure; the scheduled starting and completion dates for removal; the procedures and equipment, including ventilating systems that will be employed; any additional information which the commissioner may require; and, EXCEPT FOR CONTRACTORS EMPLOYED BY A CITY WITH A POPULATION OF OVER ONE HUNDRED TWENTY-FIVE THOUSAND BUT NOT MORE THAN ONE MILLION TO ENGAGE IN SUCH ASBESTOS PROJECTS, shall be accompanied by a project notification fee as follows:

Project Size/Linear Feet	Fee
260-429	\$200
430-824	400
825-1649	1,000
1650 or more	2,000
Project Size/Square Feet FRIABLE	Fee
160-259	\$200
260-499	400
500-999	1,000
1000 or more	2,000

1	PROJECT SIZE/SQUARE FEET	FEE
2	(NON-FRIABLE/RACM)	
3	160-259	\$50
4	260-499	75
5	500-999	100
6	1,000-1,999	200
7	2,000-2,999	500
8	3,000-3,999	800
9	4,000-4,999	1,000
10	5,000 OR MORE	2,000

11 ALL OWNER OCCUPIED ONE AND TWO FAMILY HOMES THAT ARE OCCUPIED DURING A
 12 DISASTER AND THEN CONDEMNED DUE TO DISASTERS SUCH AS, BUT NOT LIMITED
 13 TO, FLOODS, FIRES, TORNADOES OR HURRICANES SHALL PAY A FIXED NOTIFICA-
 14 TION FEE FOR NOTIFICATION PURPOSES OF DEMOLITION OF TWO HUNDRED DOLLARS.
 15 RESIDENTIAL HOMES ACQUIRED BY TOWNS AND MUNICIPALITIES AND CONDEMNED
 16 SHALL NOTIFY THE DEPARTMENT OF LABOR PER THE NORMAL NOTIFICATION PROCESS
 17 BUT SHALL NOT BE REQUIRED TO PAY ANY NOTIFICATION FEE.

18 S 2. This act shall take effect immediately.

19 PART KK

20 Section 1. Section 16 of part A of chapter 173 of the laws of 2013,
 21 amending the public service law and other laws relating to the powers
 22 and duties of the department of public service and the Long Island power
 23 authority, is amended to read as follows:

24 S 16. Repowering. If after the Long Island power authority, or its
 25 successor, determines, in accordance with the terms and conditions
 26 contained in the amended and restated power supply agreement ("A&R
 27 PSA"), dated October 10, 2012, between the authority and the owner of
 28 the legacy LILCO power generating facilities, that repowering any such
 29 generating facility is in the best interests of its ratepayers and will
 30 enhance the authority's ability to provide a more efficient, reliable
 31 and economical supply of electric energy in its service territory,
 32 consistent with the goal of improving environmental quality, the author-
 33 ity will exercise its rights under the A&R PSA related to repowering
 34 such facility, and shall enter into an agreement related to payments in
 35 lieu-of-taxes for a term commensurate with any power purchase agreement
 36 entered into related to such repowered facility, consistent with other
 37 such agreements related to generating facilities under contract to the
 38 authority in the service territory. PRIOR TO MAKING SUCH DETERMINATIONS
 39 FOR REPOWERING, THE AUTHORITY SHALL NOT EXECUTE ANY POWER SUPPLY AGREE-
 40 MENT OR AGREEMENTS WHICH WOULD YIELD A SUPPLY OF POWER WHICH WOULD
 41 RENDER FURTHER REPOWERING UNNECESSARY DUE TO EXCESS CAPACITY.

42 S 2. This act shall take effect immediately, provided further that
 43 within ninety days of the effective date of this act, the authority
 44 shall provide to the chairs of the senate finance committee and the
 45 assembly ways and means committee, all cost estimates, pro formas, and
 46 anticipated construction and placed-in-service timetables for any and
 47 all repowering projects and new fossil fuel fire generating facilities
 48 the authority is considering.

49 PART LL

1 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting
2 the New York state urban development corporation act, is amended by
3 adding a new section 16-w to read as follows:

4 S 16-W. YOUNG FARMERS NY FUND. 1. THE YOUNG FARMERS NY FUND IS HEREBY
5 CREATED. THE PURPOSE OF THE YOUNG FARMERS NY FUND IS TO MAKE GRANTS TO
6 ELIGIBLE APPLICANTS, WITHIN AVAILABLE APPROPRIATIONS, TO SUPPORT YOUNG
7 FARMERS AND ENCOURAGE THEM TO CONSIDER FARMING AS A CAREER, RESULTING IN
8 THE GROWTH OF AGRIBUSINESS WITHIN THE STATE AND THE CONCOMITANT CREATION
9 OF JOBS AND TAX REVENUES FOR THE STATE.

10 2. THE CORPORATION SHALL CONSULT WITH THE DEPARTMENT OF AGRICULTURE
11 AND MARKETS IN ORDER TO ESTABLISH SUCH CRITERIA GOVERNING THE AWARD OF
12 GRANTS AS AUTHORIZED HEREIN, AS THE CORPORATION AND SUCH DEPARTMENT DEEM
13 NECESSARY. SUCH CRITERIA SHALL INCLUDE, BUT NOT BE LIMITED TO:

14 (I) FARMERS WHO HAVE NOT PRODUCED AN "AGRICULTURAL PRODUCT" AS DEFINED
15 IN THE AGRICULTURE AND MARKETS LAW, FOR MORE THAN TEN CONSECUTIVE YEARS,
16 AND WHO WILL MATERIALLY AND SUBSTANTIALLY PARTICIPATE IN THE PRODUCTION
17 OF AN AGRICULTURAL PRODUCT WITHIN THE STATE.

18 (II) FARMERS WHO DEMONSTRATE INNOVATIVE AGRICULTURAL TECHNIQUES
19 INCLUDING, BUT NOT LIMITED TO, ORGANIC FARMING AND SPECIALTY CROPS.

20 (III) THE ANTICIPATED NUMBER OF AGRICULTURAL JOBS WHICH WOULD BE
21 CREATED OR RETAINED.

22 (IV) FARMS OF ONE HUNDRED FIFTY ACRES OR LESS.

23 3. THE CORPORATION SHALL ESTABLISH A COMPETITIVE PROCESS FOR THE EVAL-
24 UATION OF APPLICANTS FOR THE YOUNG FARMER NY FUND. WHEN AWARDING FUNDS
25 PURSUANT TO THIS SECTION, THE CORPORATION SHALL ENSURE THAT APPLICANTS
26 MEET THE CRITERIA AND REQUIREMENTS DETERMINED BY THE CORPORATION PURSU-
27 ANT TO THIS SECTION. THE CORPORATION SHALL DISTRIBUTE FUNDS PROMPTLY
28 PURSUANT TO A DISBURSEMENT PROCESS AGREED TO BETWEEN THE CORPORATION AND
29 APPLICANT.

30 4. THE YOUNG FARMER NY FUND SHALL NOT INVEST AN AMOUNT IN ANY SINGLE
31 BENEFICIARY THAT EXCEEDS FIFTY THOUSAND DOLLARS, SUBJECT TO ANY
32 EXCEPTIONS TO BE ESTABLISHED BY RULES AND REGULATIONS OF THE CORPO-
33 RATION.

34 5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE CORPO-
35 RATION MAY ESTABLISH A PROGRAM FUND FOR PROGRAM USE AND PAY INTO SUCH
36 FUND ANY ELIGIBLE FUNDS AVAILABLE TO THE CORPORATION FROM ANY SOURCE,
37 INCLUDING MONEYS APPROPRIATED BY THE STATE.

38 6. THE CORPORATION SHALL SUBMIT A REPORT ANNUALLY ON DECEMBER THIRTY-
39 FIRST TO THE DIRECTOR OF THE BUDGET, THE TEMPORARY PRESIDENT OF THE
40 SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE
41 AND THE MINORITY LEADER OF THE ASSEMBLY DETAILING (A) THE TOTAL AMOUNT
42 OF FUNDS COMMITTED TO EACH APPLICANT THAT RECEIVES FUNDS AND THE AMOUNT
43 OF SUCH FUNDS THAT HAS BEEN INVESTED BY EACH SUCH APPLICANT; (B) THE
44 AMOUNT OF YOUNG FARMERS NY AND PRIVATE FUNDS INVESTED IN EACH APPLICANT;
45 (C) THE LOCATION OF EACH APPLICANT; (D) THE NUMBER OF JOBS PROJECTED TO
46 BE CREATED OR RETAINED; AND (E) SUCH OTHER INFORMATION AS THE CORPO-
47 RATION DEEMS NECESSARY.

48 7. THE CORPORATION IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGU-
49 LATIONS IN ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURE ACT AS ARE
50 NECESSARY TO FULFILL THE PURPOSES OF THIS SECTION, INCLUDING WITH
51 RESPECT TO REASONABLE MANAGEMENT FEES, PROMOTES, SHARE OF RETURN AND
52 OTHER FEES AND CHARGES OF APPLICANTS THAT RECEIVE FUNDS, AND TO PROVIDE
53 FOR THE REPAYMENT OF FUNDS RECEIVED BY THE BENEFICIARY IF THE BENEFICI-
54 ARY LEAVES NEW YORK STATE WITHIN A PERIOD OF TIME TO BE ESTABLISHED BY
55 THE CORPORATION.

1 S 2. This act shall take effect on the one hundred eightieth day after
2 it shall have become a law; provided, however, that any rules or regu-
3 lations necessary for the timely implementation of this act on its
4 effective date, may be promulgated on or before such effective date.

5 PART MM

6 Section 1. Paragraph (d) of subdivision 15 of section 385 of the vehi-
7 cle and traffic law, as amended by section 3 of part C of chapter 59 of
8 the laws of 2004, is amended to read as follows:

9 (d) (I) Except during storms, floods, fires or other public emergen-
10 cies, no such permit may be issued to include a towing operation involv-
11 ing more than two vehicles except three vehicle combinations consisting
12 of a tractor, semitrailer and trailer or a tractor and two trailers
13 within legal weight and width limits proceeding to or from any qualify-
14 ing highway or access highway. Every such permit may designate the route
15 to be traversed and contain any other restrictions or conditions deemed
16 necessary by the issuing authority. Every such permit shall be carried
17 on the vehicle to which it refers and shall be open to the inspection of
18 any peace officer, acting pursuant to his special duties, or police
19 officer, or any other officer or employee authorized to enforce this
20 section. All permits issued shall be revocable by the authority issuing
21 them at the discretion of the authority without a hearing or the neces-
22 sity of showing cause. Except for a vehicle having a maximum gross
23 weight not exceeding eighty thousand pounds without regard to any axle
24 weight limitation set forth herein or the maximum gross weight estab-
25 lished by the formula commonly referred to as the bridge formula as set
26 forth in subdivision ten of this section and except for state or municipi-
27 ally-owned single vehicles engaged in snow and ice control operations,
28 or designed or fitted for snow and ice control operations while engaged
29 in other public works operations on public highways which do not exceed
30 the weight limits contained in subdivision seventeen-a of this section,
31 no permit shall be issued to allow operation or movement of any vehicle
32 or combination of vehicles whose weight exceeds the limitations other-
33 wise prescribed in this section other than an annual permit issued
34 pursuant to paragraph (f) of this subdivision except upon a finding by
35 the department of transportation or the appropriate authority, as the
36 case may be, that the load proposed is of one piece or item or otherwise
37 cannot be separated into units of less weight provided, however, that
38 any such permit issued upon such finding shall not be valid for the
39 operation or movement of such vehicles on any state or other highway
40 within any city not wholly included within one county EXCEPT AS PROVIDED
41 IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

42 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARA-
43 GRAPH AND PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION TO THE CONTRARY,
44 THE DEPARTMENT OF TRANSPORTATION MAY ISSUE SUCH PERMIT FOR THE OPERATION
45 OR MOVEMENT OF ANY VEHICLE OR COMBINATION OF VEHICLES ON ANY OF THE
46 FOLLOWING PORTIONS OF STATE OR OTHER HIGHWAYS WITHIN ANY CITY NOT WHOLLY
47 INCLUDED WITHIN ONE COUNTY, AND SUCH VEHICLES OR COMBINATION OF VEHICLES
48 MAY OPERATE OR MOVE ON SUCH PORTIONS, AND ONLY ON SUCH PORTIONS, OF SUCH
49 STATE OR OTHER HIGHWAYS WITHIN SUCH CITY WITHOUT A PERMIT ISSUED BY THE
50 DEPARTMENT OF TRANSPORTATION OF SUCH CITY: THAT PORTION OF INTERSTATE
51 NINETY-FIVE BETWEEN THE BRONX-WESTCHESTER COUNTY LINE AND INTERSTATE SIX
52 HUNDRED NINETY-FIVE, THAT PORTION OF INTERSTATE SIX HUNDRED NINETY-FIVE
53 BETWEEN INTERSTATE NINETY-FIVE AND INTERSTATE TWO HUNDRED NINETY-FIVE,
54 THAT PORTION OF INTERSTATE TWO HUNDRED NINETY-FIVE BETWEEN INTERSTATE

1 SIX HUNDRED NINETY-FIVE AND INTERSTATE FOUR HUNDRED NINETY-FIVE, AND
2 THAT PORTION OF INTERSTATE FOUR HUNDRED NINETY-FIVE BETWEEN INTERSTATE
3 TWO HUNDRED NINETY-FIVE AND THE QUEENS-NASSAU COUNTY BORDER. SUCH PERMIT
4 SHALL BE ISSUED BY THE DEPARTMENT OF TRANSPORTATION ONLY UPON: (1) A
5 FINDING BY SUCH DEPARTMENT THAT THE LOAD PROPOSED IS OF ONE PIECE OR
6 ITEM OR OTHERWISE CANNOT BE SEPARATED INTO UNITS OF LESS WEIGHT; (2) THE
7 APPROVAL OF SUCH CITY; AND (3) WITH RESPECT TO BRIDGES AND HIGHWAYS OVER
8 WHICH ANY AUTHORITY HAS JURISDICTION, THE APPROVAL OF SUCH AUTHORITY.
9 ANY SUCH VEHICLE OR COMBINATION OF VEHICLES OPERATING PURSUANT TO SUCH
10 PERMIT SHALL NOT EXIT THE AFOREMENTIONED HIGHWAYS UNDER ITS OWN POWER IN
11 ANY SUCH CITY NOT WHOLLY INCLUDED WITHIN ONE COUNTY.

12 [Bulk] (III) FOR THE PURPOSES OF THIS PARAGRAPH, BULK milk may be
13 considered one piece or item.

14 S 2. This act shall take effect on the one hundred eightieth day after
15 it shall have become a law, and shall expire and be deemed repealed four
16 years after it shall take effect.

17 PART NN

18 Section 1. Section 328 of the agriculture and markets law is amended
19 by adding a new subdivision 5 to read as follows:

20 5. "YOUNG FARMER" SHALL MEAN A FARMER WHO HAS NOT PRODUCED AN "AGRI-
21 CULTURAL PRODUCT" AS DEFINED IN THIS SECTION, FOR MORE THAN TEN CONSEC-
22 UTIVE YEARS, AND WHO WILL MATERIALLY AND SUBSTANTIALLY PARTICIPATE IN
23 THE PRODUCTION OF AN AGRICULTURAL PRODUCT.

24 S 2. The agriculture and markets law is amended by adding a new
25 section 330-a to read as follows:

26 S 330-A. YOUNG FARMER REVOLVING LOAN PROGRAM. 1. THE COMMISSIONER
27 SHALL ESTABLISH AND MAINTAIN A YOUNG FARMER REVOLVING LOAN PROGRAM TO
28 PROVIDE LOW INTEREST LOANS TO BEGINNING FARMERS FOR THE PURPOSE OF
29 PRESERVING FARMLAND AS A WORKING AGRICULTURAL LANDSCAPE AND TO PROVIDE
30 OPEN SPACE BENEFITS FOR ALL RESIDENTS OF THE STATE. PROPERLY MANAGED
31 FARMLAND HAS BEEN DEMONSTRATED TO BE THE BEST ENVIRONMENTAL USAGE OF
32 LAND FOR WATERSHED PROTECTION, SO IT IS IN THE BEST INTEREST OF THE
33 STATE TO MAINTAIN AGRICULTURAL LAND. SUCH PROGRAM SHALL PROVIDE LOW
34 INTEREST LOANS TO BEGINNING FARMERS AS THE COMMISSIONER SHALL DEEM TO BE
35 ELIGIBLE PURSUANT TO RULE OR REGULATION.

36 2. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS FOR THE
37 PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS SECTION, INCLUDING ESTAB-
38 LISHING:

39 A. AN APPLICATION PROCESS WHEREBY YOUNG FARMERS MAY APPLY FOR LOANS;

40 B. CRITERIA AND STANDARDS FOR DETERMINING A YOUNG FARMER'S ELIGIBILITY
41 FOR A LOAN;

42 C. CRITERIA AND STANDARDS FOR DETERMINING THE PRIORITY TO BE GRANTED
43 AMONG YOUNG FARMER APPLICANTS;

44 D. CRITERIA AND STANDARDS FOR DETERMINING THE AMOUNT OF FINANCIAL
45 ASSISTANCE TO BE PROVIDED TO A YOUNG FARMER; AND

46 E. CRITERIA AND STANDARDS TO BE USED IN DETERMINING THE LOAN REPAYMENT
47 PERIODS AND THE TERMS OF ANY REPAYMENT AGREEMENTS.

48 3. THE AMOUNT OF FUNDS IN THE YOUNG FARMER REVOLVING LOAN PROGRAM
49 SHALL BE FIVE MILLION DOLLARS.

50 4. THE COMMISSIONER MAY PROVIDE LOW INTEREST LOANS TO FARMERS WITHIN
51 THE AMOUNTS AVAILABLE IN THE YOUNG FARMER REVOLVING LOAN FUND ESTAB-
52 LISHED PURSUANT TO THIS SECTION.

53 S 3. This act shall take effect on the one hundred eightieth day after
54 it shall have become a law; provided, however, that any rules and regu-

lations necessary to implement the provisions of this act on its effective date are authorized to be made on or before such date.

PART OO

Section 1. Paragraph (c) of subdivision 2 of section 503 of the vehicle and traffic law is amended by adding a new subparagraph (v) to read as follows:

(V) PROVIDED THAT FOR A SENIOR CITIZEN, THE RENEWAL FEE SHALL BE TEN PERCENT LESS THAN THE FEES OTHERWISE REQUIRED BY THIS PARAGRAPH. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM "SENIOR CITIZEN" MEANS A PERSON AT LEAST SIXTY-FIVE YEARS OF AGE.

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

PART PP

Section 1. Paragraph gg of subdivision 4 of section 1950 of the education law, as amended by chapter 301 of the laws of 1996, is amended to read as follows:

gg. (1) Notwithstanding any other provision of law, a board of cooperative educational services may provide training for employment to adults on a space available basis, with consideration given to occupations and industries in demand, and establish reduced adult tuition rates for such training. For the purposes of this section, training for employment for adults shall be offered through state approved sequences or parts thereof of secondary career education instruction. Adults may participate in such instruction and be awarded certificates of completion, but they may not earn credit based on their participation towards a high school diploma. Pursuant to section forty-six hundred two of this chapter, a board of cooperative educational services may establish such reduced rates for participation of adults provided that participation is limited to assigned instructional staff and currently used facilities in scheduled secondary career education programs, and provided further that such rates may not be less than fifty percent of the tuition rates charged to school districts for the participation of secondary students in the same programs, unless waived by the commissioner based on application of the board of cooperative educational services. This participation of adults at reduced tuition rates shall be in accordance with terms agreed upon by the board of cooperative educational services and the component school districts receiving such services but in no case shall such rates result in extraordinary costs assigned to such component school districts. Boards of cooperative educational services which provide such training to adults shall submit to the commissioner annually a report which shall include but not be limited to the number of adults served, referral source, training sequences or parts thereof taken by adult participants, the tuition rates charged to them, and the gross revenues realized therefrom. For the purpose of this paragraph, "adult" shall mean any person under the age of twenty-one who has received a high school diploma or any person twenty-one years of age or older, whether or not they have received a high school diploma.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TO SUPERVISE, ENCOURAGE AND PROMOTE A YOUNG FARMER APPRENTICE PROGRAM WITHIN NEW YORK STATE AND TO ESTABLISH SUGGESTED STANDARDS FOR APPRENTICESHIP AGREEMENTS BETWEEN PROSPECTIVE YOUNG FARMERS AND NEW YORK STATE AGRICULTURAL ENTERPRISES.

S 2. This act shall take effect immediately.

PART QQ

Section 1. Subdivision 14 of section 1854 of the public authorities law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

14. (A) To apply for and to administer federal research and development grants and other monies for the benefit of consumers.

(B) TO MAKE PAYMENTS TO FARM OPERATIONS, AS DEFINED BY SUBDIVISION ELEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, FOR GRANTS ADMINISTERED BY THE AUTHORITY. PAYMENT OF SUCH GRANTS SHALL BE MADE NO LATER THAN NINETY DAYS AFTER NOTIFICATION OF SUCH FUNDING AWARD.

S 2. This act shall take effect immediately.

PART RR

Section 1. The public service law is amended by adding a new section 66-n to read as follows:

S 66-N. NET METERING STUDY. THE COMMISSION SHALL CONDUCT A STUDY TO ANALYZE THE ECONOMIC AND ENVIRONMENTAL BENEFITS FROM AND THE ECONOMIC COST BURDEN, IF ANY, OF THE NET ENERGY METERING PROGRAM AND TO ANALYZE THE EXTENT TO WHICH EACH CLASS OF RATEPAYERS AND EACH REGION OF THE STATE RECEIVING SERVICE UNDER THE NET ENERGY METERING PROGRAM IS PAYING THE FULL COST OF SERVICES PROVIDED TO THEM BY COMBINED ELECTRIC AND GAS CORPORATIONS, AND THE EXTENT TO WHICH THEIR CUSTOMERS PAY A SHARE OF COSTS OF PUBLIC PURPOSE PROGRAMS THROUGH ASSESSMENTS ON THEIR ELECTRIC AND/OR GAS BILLS. IN ANALYZING PROGRAM COSTS AND BENEFITS FOR THE PURPOSES OF THIS STUDY, THE COMMISSION SHALL CONSIDER ALL ELECTRICITY GENERATED BY RENEWABLE ELECTRIC GENERATING SYSTEMS ELIGIBLE FOR NET METERING UNDER SECTIONS SIXTY-SIX-J AND SIXTY-SIX-L OF THIS ARTICLE, INCLUDING THE ELECTRICITY USED ONSITE TO REDUCE THE CUSTOMER'S CONSUMPTION OF ELECTRICITY THAT WOULD OTHERWISE BE SUPPLIED THROUGH THE ELECTRICAL GRID, ELECTRICAL OUTPUT THAT IS BEING FED BACK TO THE ELECTRICAL GRID FOR WHICH THE CUSTOMER RECEIVES CREDIT OR NET SURPLUS ELECTRICITY COMPENSATION UNDER NET ENERGY METERING, AS WELL AS EVALUATION OF THE CONSUMPTION OF ELECTRICITY WHEN THE ONSITE RENEWABLE ELECTRIC GENERATION IS NOT AVAILABLE. AS IT RELATES TO THE ENVIRONMENTAL BENEFITS, THE STUDY SHALL QUANTIFY THE APPROXIMATE AVOIDED LEVEL OF HARMFUL EMISSIONS INCLUDING, BUT NOT LIMITED TO, INFORMATION CONCERNING: NITROGEN DIOXIDE, SULFUR DIOXIDE, TOTAL PARTICULATES AND CARBON DIOXIDE, AS WELL AS OTHER AIR POLLUTANTS DEEMED NECESSARY AND APPROPRIATE FOR STUDY BY THE COMMISSION. THE STUDY SHALL ALSO QUANTIFY THE ECONOMIC COSTS AND BENEFITS OF NET ENERGY METERING TO PARTICIPANTS AND NON-PARTICIPANTS AND SHALL FURTHER DISAGGREGATE THE RESULTS BY UTILITY, CUSTOMER CLASS AND WITHIN THE RESIDENTIAL CLASSES BY HOUSEHOLD INCOME GROUPS. THE STUDY SHALL ALSO GATHER AND PRESENT DATA ON THE INCOME DISTRIBUTION OF RESIDENTIAL NET METERING PARTICIPANTS THAT IS PUBLICLY AVAILABLE AND AGGREGATED BY ZIP CODE AND COUNTY. IN ORDER TO ASSESS THE ECONOMIC COSTS AND BENEFITS AT VARIOUS LEVELS OF NET METERING IMPLEMENTATION, THE STUDY SHALL BE CONDUCTED USING MULTIPLE NET ENERGY METERING PENETRATION SCENARIOS.

THE COMMISSION SHALL PUBLISH A REPORT FROM ITS FINDINGS. THE REPORT MUST BE PUBLISHED WITHIN TWO HUNDRED FORTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION. A COPY OF THE REPORT MUST BE FURNISHED TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE

1 SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE AND THE CHAIR OF THE
2 ASSEMBLY ENERGY COMMITTEE.

3 S 2. This act shall take effect immediately.

4 PART SS

5 Section 1. Legislative intent. The legislature hereby finds and
6 declares that a coordinated program of research, entrepreneurship, and
7 public-private partnerships and collaborations centered in and with the
8 state's public and private medical schools can significantly increase
9 the speed and amount of commercialization of research from lab to
10 market, materially expanding economic and job opportunities for all New
11 Yorkers in this high growth sector and increasing the likelihood of high
12 impact healthcare breakthroughs, which will improve the health and well-
13 being of New Yorkers and potentially reduce health care costs.

14 The legislature further finds that although New York state's biomed-
15 ical and biotechnological research and infrastructure includes many of
16 the nation's top institutions, researchers and scientists, and has many
17 natural advantages compared to other states, development has lagged
18 behind the nation as a whole and many states in job growth and economic
19 activity for a decade; and further, that as other states make signif-
20 icant and targeted investments to recruit top tier scientists and
21 researchers, and develop incentives that are creating rapid growth, the
22 gap between New York and other states will increase, along with a poten-
23 tial migration of scientific and research talent to other states in
24 search of opportunity and professional advancement.

25 The legislature further finds that recent changes that have made New
26 York's economic development programs more sophisticated and competitive
27 can be combined with other statutory approaches and precedents to
28 support and incentivize an effective plan for development of biomedical
29 and biotechnological entrepreneurship by and through the medical schools
30 in this state, and declares that the program enacted by this act will
31 expand economic activity and job development; maintain and attract high
32 quality scientists and researchers; increase resources available to the
33 schools and researchers from grants, private investments, patents,
34 royalties, and licensure, and leverage significant partnerships with
35 public and private entities; enhance our scientific and research capa-
36 bilities; and increase the speed of commercialization of research and
37 the expansion of economic opportunity, which are in every sense to the
38 benefit of the people of this state.

39 S 2. The economic development law is amended by adding a new article
40 22 to read as follows:

41 ARTICLE 22

42 THE NEW YORK STATE BIOMEDICAL AND BIOTECHNOLOGICAL
43 TRANSLATIONAL RESEARCH AND ENTREPRENEURSHIP INITIATIVE

44 SECTION 441. SHORT TITLE.

45 442. DEFINITIONS.

46 443. NEW YORK STATE BIOMEDICAL AND BIOTECHNOLOGICAL TRANSLATION-
47 AL RESEARCH AND ENTREPRENEURSHIP INITIATIVE COMMITTEE.

48 444. APPLICATION FOR DESIGNATION AS A NEW YORK STATE BIOMEDICAL
49 AND BIOTECHNOLOGICAL TRANSLATIONAL RESEARCH AND ENTRE-
50 PRENEURSHIP INITIATIVE CENTER.

51 445. REVIEW AND APPROVAL OF APPLICATIONS.

52 446. WAIVER IN CERTAIN CASES.

1 447. OPERATION AND RE-DESIGNATION OF NEW YORK STATE BIOMEDICAL
2 AND BIOTECHNOLOGICAL TRANSLATIONAL RESEARCH AND ENTRE-
3 PRENEURSHIP INITIATIVE CENTERS.

4 448. SCIENTIFIC RESEARCH AND DISCOVERY BANK PROGRAM.

5 449. UNIFIED CONTRACT.

6 S 441. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
7 THE "NEW YORK STATE BIOMEDICAL AND BIOTECHNOLOGICAL TRANSLATIONAL
8 RESEARCH AND ENTREPRENEURSHIP INITIATIVE".

9 S 442. DEFINITIONS. AS USED IN THIS ARTICLE:

10 1. "MEDICAL SCHOOL" MEANS A PUBLIC OR PRIVATE MEDICAL SCHOOL ACCRED-
11 ITED BY THE LIAISON COMMITTEE ON MEDICAL EDUCATION OR THE COMMISSION ON
12 OSTEOPATHIC COLLEGE ACCREDITATION, OR SUCH MEDICAL SCHOOL AND AN AFFIL-
13 IATED ENTITY, LOCATED IN THIS STATE.

14 2. "NEW YORK STATE INCUBATORS" AND "NEW YORK STATE INNOVATION
15 HOTSPOTS" OR "INCUBATORS" AND "HOTSPOTS" MEAN AND REFER TO "NEW YORK
16 STATE INCUBATORS" AND "NEW YORK STATE INNOVATION HOTSPOTS" DESIGNATED
17 PURSUANT TO SECTION SIXTEEN-V OF THE URBAN DEVELOPMENT CORPORATION ACT.

18 3. "PEER REVIEW COMMITTEE" MEANS THE PEER REVIEW COMMITTEE CREATED BY
19 THE DEPARTMENT AND THE DEPARTMENT OF HEALTH, CONSISTING OF SCIENTIFIC
20 AND RESEARCH EXPERTS IN BIOMEDICAL AND BIOTECHNOLOGICAL DEVELOPMENT, AND
21 COMPANY REPRESENTATIVES AT THE EXECUTIVE OFFICER LEVEL ENGAGED IN MAKING
22 DEVELOPMENT, FINANCING, AND COMMERCIALIZATION OF BIOMEDICAL AND BIOTECH-
23 NOLOGICAL RESEARCH.

24 4. "PLAN" MEANS THE MULTI-YEAR PLAN THAT ACCOMPANIES THE APPLICATION
25 OF A MEDICAL SCHOOL TO BECOME A NEW YORK STATE BIOMEDICAL AND BIOTECHNO-
26 LOGICAL TRANSLATIONAL RESEARCH AND ENTREPRENEURSHIP INITIATIVE CENTER.

27 5. "PROJECT" IS THE EXECUTION OF AN APPROVED PLAN BY A NEW YORK STATE
28 BIOMEDICAL AND BIOTECHNOLOGICAL TRANSLATIONAL RESEARCH AND ENTREPRENEUR-
29 SHIP INITIATIVE CENTER.

30 6. "START-UP NY" PROGRAM MEANS THE START-UP PROGRAM AUTHORIZED PURSU-
31 ANT TO ARTICLE TWENTY-ONE OF THIS CHAPTER, AND THE "TAX-FREE NY AREA"
32 HAS THE SAME MEANING AS IN ARTICLE TWENTY-ONE OF THIS CHAPTER.

33 7. "STATE INITIATIVE COMMITTEE" OR "STATE COMMITTEE" MEANS THE BIOMED-
34 ICAL AND BIOTECHNOLOGICAL TRANSLATIONAL RESEARCH AND ENTREPRENEURSHIP
35 INITIATIVE COMMITTEE CREATED BY SECTION FOUR HUNDRED FORTY-THREE OF THIS
36 ARTICLE.

37 8. "TRANSLATIONAL RESEARCH AND ENTREPRENEURSHIP CENTER" OR "CENTER" IS
38 THE NEW YORK STATE BIOMEDICAL AND BIOTECHNOLOGICAL TRANSLATIONAL
39 RESEARCH AND ENTREPRENEURSHIP INITIATIVE CENTER CREATED AT A MEDICAL
40 SCHOOL PURSUANT TO THIS ARTICLE.

41 9. "UNIFIED CONTRACT" IS THE CONTRACT BETWEEN THE DEPARTMENT AND A
42 MEDICAL SCHOOL THAT INCLUDES ALL ITEMS NECESSARY TO THE IMPLEMENTATION
43 AND ADMINISTRATION OF THE NEW YORK STATE BIOMEDICAL AND BIOTECHNOLOGICAL
44 TRANSLATIONAL RESEARCH AND ENTREPRENEURSHIP INITIATIVE PROJECT AS
45 DESCRIBED IN THIS ARTICLE BY A CENTER.

46 S 443. NEW YORK STATE BIOMEDICAL AND BIOTECHNOLOGICAL TRANSLATIONAL
47 RESEARCH AND ENTREPRENEURSHIP INITIATIVE COMMITTEE. THE NEW YORK STATE
48 BIOMEDICAL AND BIOTECHNOLOGICAL TRANSLATIONAL RESEARCH AND ENTREPRENEUR-
49 SHIP INITIATIVE COMMITTEE IS HEREBY CREATED, TO CONSIST OF THE COMMIS-
50 SIONERS OF THE DEPARTMENTS OF HEALTH, EDUCATION, ECONOMIC DEVELOPMENT,
51 LABOR, TAX AND FINANCE, THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW
52 YORK, THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW YORK, THE PRESIDENT
53 OF THE EMPIRE STATE DEVELOPMENT CORPORATION, THE DIRECTOR OF THE DIVI-
54 SION OF THE BUDGET, AND THE STATE COMPTROLLER. THE COMMITTEE SHALL BE
55 CHAIRED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT, AND CO-CHAIRED BY

1 THE COMMISSIONER OF HEALTH. COMMISSIONERS MAY BE REPRESENTED BY DESIG-
2 NEES AT MEETINGS OF THE COMMITTEE.

3 1. POWERS AND DUTIES. THE COMMITTEE SHALL:

4 (A) ESTABLISH GUIDELINES APPROPRIATE TO THE ACTIVITIES REQUIRED UNDER
5 THIS ARTICLE.

6 (B) DESIGNATE AS NEW YORK STATE BIOMEDICAL AND BIOTECHNOLOGICAL TRAN-
7 SITIONAL RESEARCH AND ENTREPRENEURSHIP INITIATIVE CENTERS MEDICAL
8 SCHOOLS WHICH MEET THE CRITERIA ESTABLISHED IN THIS ARTICLE.

9 (C) APPROVE WAIVERS OF REGULATIONS AND PROCEDURES PURSUANT TO SECTION
10 FOUR HUNDRED FORTY-SEVEN OF THIS ARTICLE.

11 (D) ESTABLISH A UNIFIED CONTRACT FOR PROJECTS PURSUANT TO SECTION FOUR
12 HUNDRED FORTY-NINE OF THIS ARTICLE.

13 (E) RECEIVE AND REVIEW PERFORMANCE METRICS REPORTS FROM CENTERS.

14 (F) RE-DESIGNATE THE CENTERS EVERY FIVE YEARS PURSUANT TO THIS ARTI-
15 CLE.

16 (G) DEVELOP RESOURCES AND PROCEDURES TO AID IN COMMERCIALIZATION OF
17 RESEARCH AND FUNDING OF ENTREPRENEURIAL EFFORTS CREATED AS A RESULT OF
18 PROJECTS, INCLUDING BUT NOT LIMITED TO SUCH ACTIVITIES AS PROCUREMENT OF
19 GOODS OR SERVICES FROM COMPANIES CREATED IN THE PROJECTS; ENDORSING,
20 COLLABORATING, OR UPON REQUEST OF A CENTER, ACTING AS A CO-PRINCIPAL
21 INVESTIGATOR OR OTHER LEVEL OF PARTICIPANT ON GRANTS OR OTHER ACTIVITIES
22 THAT WILL AID IN FURTHERING PROJECT ACTIVITIES; AND SUCH OTHER ACTIV-
23 ITIES AS CAN AID RAPID COMMERCIALIZATION AS ARE PERMISSIBLE UNDER LAW.

24 (H) OVERSEE AND MAKE RECOMMENDATIONS FOR APPROVAL OF APPLICATIONS TO
25 THE SCIENTIFIC RESEARCH AND DISCOVERY BANK CREATED BY THIS ARTICLE FOR
26 THE RECRUITMENT OF OUT OF STATE AND RETENTION OF IN-STATE STAR SCIEN-
27 TISTS AND RESEARCHERS.

28 (I) UPON REQUEST, PROVIDE TECHNICAL ASSISTANCE TO APPLICANTS, AND AS
29 MAY BE NEEDED FOR SUCCESSFUL IMPLEMENTATION OF A PROJECT, INCLUDING BUT
30 NOT LIMITED TO ASSISTANCE IN IDENTIFYING AND OBTAINING RESOURCES AND
31 FUNDING.

32 (J) IDENTIFY STATUTORY REQUIREMENTS THAT THE COMMITTEE VIEWS AS IMPED-
33 IMENTS TO SUCCESSFUL IMPLEMENTATION OF APPROVED PLANS, AND AS NECESSARY,
34 SUBMIT REQUESTS TO THE LEGISLATURE IN ACCORDANCE WITH ARTICLE VII OF THE
35 STATE CONSTITUTION FOR SPECIFIC LEGISLATIVE ENACTMENTS NECESSARY TO
36 REMOVE SUCH IMPEDIMENTS.

37 (K) ENTER INTO AGREEMENTS BETWEEN AND AMONG THE MEMBERS OF THE COMMIT-
38 TEE AS NECESSARY TO DELINEATE THEIR RESPECTIVE ROLES REGARDING THE COOP-
39 ERATIVE PROVISION OF FUNDING AND ASSISTANCE.

40 2. THE COMMITTEE MAY ACT THROUGH ITS CHAIRS IN ALL MATTERS OF OVER-
41 SIGHT AND IMPLEMENTATION OF THE PROGRAM AUTHORIZED BY THIS ARTICLE.

42 S 444. APPLICATION FOR DESIGNATION AS A NEW YORK STATE BIOMEDICAL AND
43 BIOTECHNOLOGICAL TRANSLATIONAL RESEARCH AND ENTREPRENEURSHIP INITIATIVE
44 CENTER. IN RESPONSE TO A REQUEST FOR PROPOSALS, A MEDICAL SCHOOL OR A
45 MEDICAL SCHOOL AND AN AFFILIATED ENTITY MAY APPLY FOR FUNDING AND DESIG-
46 NATION AS A NEW YORK STATE BIOMEDICAL AND BIOTECHNOLOGICAL TRANSLATIONAL
47 RESEARCH AND ENTREPRENEURSHIP INITIATIVE CENTER BY SUBMITTING AN APPLI-
48 CATION AND PLAN TO THE COMMISSIONER. THE COMMISSIONER SHALL FORWARD ALL
49 SUCH APPLICATIONS TO THE PEER REVIEW COMMITTEE FOR REVIEW AND RECOMMEN-
50 DATION AS HEREIN PROVIDED, AND THEN TO THE STATE COMMITTEE. IN ADDITION
51 TO SUCH OTHER ITEMS, WARRANTIES, AND INFORMATION AS THE STATE INITIATIVE
52 COMMITTEE MAY REQUIRE, PLANS MUST SHOW THAT THE ACTIVITIES TO BE UNDER-
53 TAKEN WILL COMMERCIALIZE RESEARCH FROM LAB TO MARKETPLACE, DEMONSTRATE
54 THAT THE CENTER MEETS THE MATCHING FUNDS AND ENTREPRENEUR RELATIONSHIP
55 REQUIREMENTS HEREUNDER, AND MEET A MAJORITY OF THE REMAINDER OF THE
56 FOLLOWING ITEMS:

1 1. COMMITMENT: A MULTI-YEAR COMMITMENT TO IMPLEMENT THE PLAN, OVER A
2 PERIOD OF NOT LESS THAN FIVE YEARS, DEMONSTRATED BY A COMMITMENT OF
3 RESOURCES, PERSONNEL, AND FUNDS THAT THE SCHOOL WILL USE, DIRECTLY OR
4 THROUGH PARTNERSHIPS AND COLLABORATIONS, TO PROVIDE AND/OR INCENTIVIZE
5 AN INTEGRATED PROGRAM OF RESEARCH, EDUCATION, CLINICAL PRACTICE, ENTRE-
6 PRENEURSHIP, FINANCING, PARTNERSHIPS, AND RAPID COMMERCIALIZATION OF
7 RESEARCH. SUCH DEMONSTRATION MAY ALSO INCLUDE CAPITAL INVESTMENTS MADE
8 OR PLANNED FOR NEW OR REHABILITATED RESEARCH OR LABORATORY SPACE,
9 CONTINUED SUPPORT FOR ACTIVITIES AFTER THE CONCLUSION OF THE PROJECT,
10 AND OTHER ACTIVITIES DEMONSTRATING COMMITMENT.

11 2. RESOURCES: A DESCRIPTION OF THE ACTIONS AND RESOURCES NECESSARY TO
12 MEET THE PLAN OBJECTIVES OVER ITS DURATION; A DEMONSTRATION THAT THE
13 MEDICAL SCHOOL HAS OR IS DEVELOPING OPERATIONAL CLINICAL FACILITIES AND
14 EXPERTISE OR EVIDENCE OF BONA FIDE COLLABORATIONS AND PARTNERSHIPS THAT
15 CAN PROVIDE SUCH FACILITIES AND EXPERTISE TO SUCCESSFULLY IMPLEMENT THE
16 PLAN; A DEMONSTRATION THAT THE PROJECT WILL HAVE A PROFESSIONAL MANAGE-
17 MENT TEAM WITH EXPERIENCE, EXPERTISE, OR CREDENTIALS IN AREAS INCLUDING
18 BUT NOT LIMITED TO MANAGEMENT, ENTREPRENEURSHIP, BUSINESS DEVELOPMENT,
19 OR OTHER EQUIVALENT AREAS. THE DEMONSTRATION MAY INCLUDE RECRUITMENT
20 PLANS OR COMMITMENTS FOR HIGH LEVEL RESEARCH PROFESSIONALS, INCLUDING
21 HOW THE SCHOOL WOULD MAKE USE OF THE SCIENTIFIC RESEARCH AND DISCOVERY
22 BANK.

23 3. ENTREPRENEURIAL AND RESEARCH COLLABORATIONS: EVIDENCE OF BONA FIDE
24 ENTREPRENEURIAL RELATIONSHIPS WITH ONE OR MORE INCUBATORS OR HOTSPOTS,
25 AND RESEARCH COLLABORATIONS WITH OTHER ENTITIES INCLUDING BUT NOT LIMIT-
26 ED TO OTHER RESEARCH INSTITUTIONS, PHARMACEUTICAL AND BIOMEDICAL AND
27 BIOTECHNOLOGY COMPANIES.

28 4. LEVERAGED AND APPLIED FUNDING: A DEMONSTRATION THAT THE SCHOOL
29 ALREADY POSSESSES OR HAS A COMMITMENT FOR AND WILL MAINTAIN DURING THE
30 PLAN PERIOD THE REQUIRED FUNDING MATCH RATIO OF AT LEAST TWO DOLLARS FOR
31 EVERY STATE DOLLAR PROVIDED PURSUANT TO THIS ARTICLE TO AN APPROVED
32 PLAN, AND HOW THE SCHOOL WILL USE OTHER RESOURCES, PARTNERSHIPS, AND
33 COLLABORATIONS TO AID DIRECTLY OR INDIRECTLY IN ACTIVITIES CRITICAL TO
34 THE COMMERCIALIZATION OF RESEARCH. INsofar AS PRACTICABLE, SUCH MATCHING
35 FUNDS SHOULD NOT CONSIST OF DIRECT STATE GRANTS FROM THE DEPARTMENT OR
36 FROM ANOTHER STATE AGENCY OR STATE PUBLIC AUTHORITY, PROVIDED THAT NOTH-
37 ING IN THIS SUBDIVISION SHALL BE DEEMED TO PROHIBIT A MEDICAL SCHOOL OF
38 THE STATE UNIVERSITY OF NEW YORK WHICH HAS BEEN DESIGNATED AS A CENTER
39 FROM USING A PORTION OF ITS OPERATING FUNDS AS MATCHING FUNDS.

40 5. ADDITIONAL PLANS AND PROGRAMS: OTHER PLANS AND PROGRAMS INTEGRAL TO
41 THE SUCCESSFUL EXECUTION OF THE PROJECT, INCLUDING BUT NOT LIMITED TO
42 PATENT AND INTELLECTUAL PROPERTY PLANS, TRAINING AND EDUCATIONAL
43 PROGRAMS, AND EDUCATIONAL INTEGRATION WITH RESEARCH AND CLINICAL ACTIV-
44 ITIES.

45 6. COMMUNITY SUPPORT: A DEMONSTRATION OF COMMUNITY SUPPORT FROM BUSI-
46 NESS AND GOVERNMENT LEADERS AND ORGANIZATIONS.

47 7. BEST PRACTICES: A DEMONSTRATION THAT THE MEDICAL SCHOOL HAS OR WILL
48 ADOPT BEST PRACTICES AND USE OF MULTI-YEAR METRICS FOR PERFORMANCE, AND
49 THAT IT WILL REPORT DATA AS REQUESTED OR REQUIRED TO THE DEPARTMENT AND
50 THE STATE INITIATIVE COMMITTEE.

51 8. PERFORMANCE METRICS: ANTICIPATED ANNUAL AND CUMULATIVE OUTCOMES OF
52 THE PROJECT IN TERMS OF DIRECT, INDIRECT, AND RETAINED JOBS, INVESTMENT,
53 AND ECONOMIC AND OTHER ACTIVITY, STATED IN A SPECIFIC AND MEASURABLE
54 WAY, AND RESEARCH FINDINGS AND PROGRESS.

55 9. ADVISORY COUNCIL: AN ADVISORY COUNCIL OF FIVE MEMBERS OR MORE THAT
56 INCLUDES ONE OR MORE EXECUTIVE OFFICERS OF FIRMS THAT HAVE BEEN CREATED

FROM RESEARCH AT THE SCHOOL, AND INDIVIDUALS WITH EXPERTISE IN AREAS APPROPRIATE TO THE SPECIFIC DEVELOPMENTAL SECTOR OR CONCENTRATION OF CLIENTS, OR TO BIOMEDICAL AND BIOTECHNOLOGICAL RESEARCH AND DEVELOPMENT, AND TO THE MISSION AND GOAL OF THE PROJECT.

S 445. REVIEW AND APPROVAL OF APPLICATIONS. REVIEW OF APPLICATIONS SHALL TAKE PLACE AS FOLLOWS:

1. THE COMMISSIONER SHALL REVIEW APPLICATIONS AND PLANS RECEIVED FOR COMPLETENESS, AND THEN FORWARD THEM TO THE PEER REVIEW COMMITTEE. NO PLAN SHALL BE APPROVED BY THE STATE INITIATIVE COMMITTEE THAT HAS RECEIVED A DESIGNATION OF NOT RECOMMENDED FOR FURTHER CONSIDERATION (NRFC) BY THE PEER REVIEW COMMITTEE. NO PLANS SHALL BE FORWARDED BY THE COMMISSIONER TO EITHER COMMITTEE THAT REQUIRE THAT FUNDS MADE AVAILABLE PURSUANT TO THIS ARTICLE SHALL BE DIRECTLY OR INDIRECTLY UTILIZED FOR RESEARCH INVOLVING HUMAN REPRODUCTIVE CLONING.

2. THE MEMBERS OF THE PEER REVIEW COMMITTEE SHALL BE SELECTED BY THE CHAIR AND THE CO-CHAIR OF THE STATE INITIATIVE COMMITTEE USING GUIDELINES APPROVED BY SUCH COMMITTEE, WHICH SHALL INCLUDE REQUIREMENTS CONCERNING EXPERTISE AND AVOIDANCE OF CONFLICT OF INTEREST. IF NECESSARY AND DEEMED APPROPRIATE BY THE STATE INITIATIVE COMMITTEE, PLANS MAY BE SUBMITTED BLIND TO THE PEER REVIEW PANEL. PEER REVIEW PANELS SHALL INCLUDE A MINIMUM OF FIVE MEMBERS.

3. THE PEER REVIEW COMMITTEE SHALL REVIEW AND SCORE PLANS BASED ON THE FOLLOWING CRITERIA:

(A) SCIENTIFIC AND TECHNICAL MERIT;

(B) THE LEVEL OF SCIENTIFIC KNOWLEDGE, TECHNICAL CAPABILITY, AND/OR CLINICAL PRACTICE AND OTHER NECESSARY PLAN COMPONENTS THAT WOULD BE REQUIRED TO BE HOUSED AT THE MEDICAL SCHOOL, INCLUDING IMPROVEMENTS THAT MAY BE ANTICIPATED BASED ON THE PLAN;

(C) THE SUITABILITY OF PRINCIPAL INVESTIGATIONS, COLLABORATORS, AND OTHER RESEARCHERS TO THE PROJECT, INCLUDING THE EXPERIENCE AND TRAINING OF STAFF AND COLLABORATORS;

(D) THE ONGOING RECORD OF ACCOMPLISHMENTS AND INTEGRATED EXPERTISE AT THE SCHOOL OR AS PROPOSED IN THE PLAN, INCLUDING LEADERSHIP APPROACH, GOVERNANCE AND ORGANIZATIONAL STRUCTURE;

(E) PLANS FOR PROTECTION OF HUMAN SUBJECTS;

(F) THE SCIENTIFIC ENVIRONMENT IN WHICH THE WORK WILL BE DONE;

(G) APPROPRIATENESS OF INSTITUTIONAL SUPPORT, EQUIPMENT, AND OTHER PHYSICAL RESOURCES; AND

(H) SUCH OTHER INFORMATION AS THE STATE INITIATIVE COMMITTEE SHALL REQUIRE.

4. AN APPLICATION RECEIVING A LOW SCORE BY THE PEER REVIEW COMMITTEE BASED ON THE CRITERIA IN SUBDIVISION THREE OF THIS SECTION, OR WHICH LACKS SIGNIFICANT AND SUBSTANTIAL MERIT, OR WHICH PRESENTS IN THE VIEW OF THE PEER REVIEW COMMITTEE SERIOUS ETHICAL PROBLEMS IN THE PROTECTION OF HUMAN SUBJECTS FROM RESEARCH RISKS, OR OTHER SERIOUS ETHICAL PROBLEMS, SHALL BE DESIGNATED NOT RECOMMENDED FOR FURTHER CONSIDERATION (NRFC). SUCH PLANS SHALL BE RETURNED TO THE COMMISSIONER AND BY THE COMMISSIONER TO THE STATE INITIATIVE COMMITTEE WITH WRITTEN RECOMMENDATIONS FOR CHANGE.

5. THE STATE INITIATIVE COMMITTEE SHALL REVIEW AND SCORE PLANS BASED ON THE CATEGORIES REQUIRED IN THE APPLICATION PURSUANT TO SECTION FOUR HUNDRED FORTY-FOUR OF THIS ARTICLE, AND SHALL ADDITIONALLY CONSIDER THE FOLLOWING:

(A) THE ANTICIPATED EFFECTIVENESS OF THE PLAN AS EVIDENCED BY THE EXISTENCE OF AVAILABLE RESOURCES DEDICATED TO THE PLAN AND THE COMMITMENT OF THE MEDICAL SCHOOL;

1 (B) THE ABILITY OF THE APPLICANT TO UNDERTAKE AND COMPLETE THE PLAN,
2 THE FEASIBILITY OF MEETING THE METRICS AND GOALS PROVIDED FOR DETERMIN-
3 ING THE SUCCESS OF THE PLAN, THE DURABILITY AND EXTENT OF THE RELATION-
4 SHIPS WITH INCUBATORS AND HOTSPOTS, AND WITH START-UP NY PROJECTS, AND
5 WITH PRIVATE AND OTHER PUBLIC COLLABORATORS;

6 (C) THE ABILITY OF THE APPLICANT TO PROVIDE THE NECESSARY DATA FOR AN
7 EFFECTIVE EVALUATION OF THE PROJECT;

8 (D) THE AMOUNT OF FEDERAL AND PRIVATE GRANTS, OR OTHER RESOURCES THAT
9 WILL BE INCENTIVIZED AND MADE AVAILABLE TO THE SCHOOL TO ASSIST IN FUND-
10 ING OF THE PROJECT; AND

11 (E) SUCH OTHER MEASURABLE CRITERIA AS SHALL BE DETERMINED BY THE
12 COMMITTEE.

13 6. PLANS DESIGNATED AS NOT RECOMMENDED FOR FURTHER CONSIDERATION
14 (NRFC) BY THE PEER REVIEW COMMITTEE OR THE STATE INITIATIVE COMMITTEE
15 SHALL BE RETURNED TO THE APPLICANT WITH ANY RECOMMENDATIONS FOR AMEND-
16 MENT AND MAY BE RESUBMITTED IN THE FOLLOWING YEAR.

17 7. THE STATE INITIATIVE COMMITTEE SHALL REVIEW THE APPLICATIONS AND
18 PLANS SUBMITTED TO IT AND RECOMMEND CHANGES AND DETERMINE FUNDING LEVELS
19 AND SOURCES TO BE INCLUDED IN THE UNIFIED CONTRACT, PROVIDED THAT NOT
20 MORE THAN FORTY PERCENT OF FUNDS, APPROPRIATED PURSUANT TO THIS ARTICLE
21 SHALL BE USED FOR ANY SINGLE PROJECT IN ANY YEAR. INSOFAR AS PRACTICABLE
22 IN APPROVING APPLICATIONS, THE COMMITTEE SHALL SEEK TO PROVIDE A
23 GEOGRAPHICALLY BALANCED DISTRIBUTION AMONG THE REGIONS OF THE STATE IN
24 DESIGNATING NEW YORK STATE BIOMEDICAL AND BIOTECHNOLOGICAL TRANSLATIONAL
25 RESEARCH AND ENTREPRENEURSHIP INITIATIVE CENTERS.

26 8. AS SOON AS PRACTICABLE AFTER APPROVING AN APPLICATION THE COMMITTEE
27 SHALL NOTIFY THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF
28 THE ASSEMBLY OF ITS APPROVAL. SUCH NOTIFICATION SHALL IDENTIFY THE
29 RECIPIENT AND STATE THE PROPOSED LOCATION, THE ESTIMATED PROJECT FUNDING
30 AND AWARD AND PROVIDE A BRIEF DESCRIPTION OF THE PROJECT.

31 S 446. WAIVER IN CERTAIN CASES. TO PROMOTE INNOVATIVE APPROACHES AND
32 MAXIMIZE EFFECTIVE USE OF PUBLIC MONIES AND THE LIKELIHOOD OF SUCCESS IN
33 OPERATION OF APPROVED NEW YORK STATE BIOMEDICAL AND BIOTECHNOLOGICAL
34 TRANSLATIONAL RESEARCH AND ENTREPRENEURSHIP INITIATIVE CENTERS, AND
35 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER OR DIRECTOR
36 OF ANY STATE AGENCY THAT IS A MEMBER OF THE STATE INITIATIVE COMMITTEE
37 MAY WAIVE, UPON APPLICATION BY SUCH CENTER AND SUBJECT TO THE APPROVAL
38 OF THE STATE INITIATIVE COMMITTEE AND THE DIRECTOR OF THE BUDGET, ANY OF
39 SUCH AGENCY'S REGULATORY OR PROCEDURAL REQUIREMENTS THAT MAY IMPEDE THE
40 SUCCESSFUL IMPLEMENTATION OF A PROJECT UNDERTAKEN BY THE CENTER,
41 PROVIDED THAT SUCH WAIVER IS CONSISTENT WITH APPLICABLE STATE AND FEDER-
42 AL STATUTES AND WILL NOT IMPAIR THE GENERAL HEALTH OR WELFARE OF THE
43 PEOPLE RECEIVING SERVICES UNDER SUCH PROJECT OR OTHERS. SUCH COMMISSION-
44 ER OR DIRECTOR SHALL BE AUTHORIZED, IN CONSULTATION WITH THE DIRECTOR OF
45 THE BUDGET, TO IMPOSE APPROPRIATE ALTERNATIVE STANDARDS IN PLACE OF ANY
46 WAIVED REQUIREMENTS.

47 S 447. OPERATION AND RE-DESIGNATION OF NEW YORK STATE BIOMEDICAL AND
48 BIOTECHNOLOGICAL TRANSLATIONAL RESEARCH AND ENTREPRENEURSHIP INITIATIVE
49 CENTERS. IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS ARTICLE, A CENTER
50 WILL AGREE TO PROVIDE DATA SHOWING ITS SUCCESS IN MEETING PROJECT PLAN
51 GOALS, INCLUDING YEAR BY YEAR COMPARISON OF RESEARCH ACTIVITY AND
52 COMMERCIALIZATION THEREOF, FIRM FINANCING AND EQUITY CAPITAL RAISED,
53 PROVIDED OR LEVERAGED FROM ALL SOURCES, PERSONNEL EMPLOYED ON THE
54 PROJECT, AND JOBS CREATED BY AND THROUGH THE PROJECT. THE DEPARTMENT
55 SHALL DESIGN SIMPLIFIED FORMS TO AID IN THE SUBMISSION OF SUCH DATA,
56 WHICH MAY BE SUBMITTED ELECTRONICALLY.

1 THE CHAIRS OF THE STATE INITIATIVE COMMITTEE SHALL EVALUATE AND REPORT
2 ON THE OPERATIONS OF THE CENTER USING METHODS INCLUDING BUT NOT LIMITED
3 TO SITE VISITS, REPORTS PURSUANT TO SPECIFIC INFORMATION, AND REVIEW
4 EVALUATIONS. IF THE CHAIRS DETERMINE THE PROJECT IS NOT PROGRESSING AS
5 AGREED, THE CENTER WILL BE NOTIFIED OF DEFICIENCIES AND THE CENTER SHALL
6 REMEDY ANY DEFICIENCIES IN ITS OPERATIONS IN A TIMELY MANNER. SUCH EVAL-
7 UATIONS SHALL TAKE PLACE NO LESS THAN ONCE EVERY THREE YEARS OR MORE
8 OFTEN FOR ANY INDIVIDUAL CENTER AT THE DISCRETION OF THE CHAIRS, AND
9 SHALL RESULT IN A WRITTEN REPORT THAT INCLUDES PROGRAMMATIC AND FISCAL
10 EVALUATION OF THE PROJECT AND RECOMMENDATIONS FOR IMPROVEMENT.

11 FAILURE TO TIMELY CURE A DEFICIENCY AFTER REVIEW SHALL RESULT IN
12 DISQUALIFICATION OF THE MEDICAL SCHOOL AS A CENTER.

13 A CENTER SHALL BE DEEMED RE-DESIGNATED UPON APPLICATION EVERY FIVE
14 YEARS UNLESS IT SHALL RECEIVE A NEGATIVE EVALUATION FROM THE PEER REVIEW
15 GROUP ON ITS APPLICATION FOR RE-DESIGNATION, OR IF IT SHALL FAIL TO
16 REMEDY IDENTIFIED DEFECTS IN ITS OPERATION MADE KNOWN TO IT PURSUANT TO
17 THIS SECTION, OR IF THE STATE INITIATIVE COMMITTEE DETERMINES THAT SUCH
18 DEFECTS ARE OF SUCH A NATURE, INVOLVE FRAUD, OR ARE OF SUCH EXTENT THAT
19 THEY CANNOT BE REMEDIED.

20 S 448. SCIENTIFIC RESEARCH AND DISCOVERY BANK PROGRAM. THE SCIENTIFIC
21 RESEARCH AND DISCOVERY BANK PROGRAM IS HEREBY CREATED, WHOSE PURPOSE
22 SHALL BE TO PROVIDE FUNDS TO CENTERS FOR RECRUITMENT OF OUT OF STATE AND
23 RETENTION OF IN-STATE SCIENTISTS AND RESEARCHERS NECESSARY TO THE
24 SUCCESSFUL IMPLEMENTATION OF APPROVED PROJECTS. MONIES SHALL BE MADE
25 AVAILABLE TO CENTERS FROM FUNDS APPROPRIATED FOR THE PURPOSES OF THIS
26 ARTICLE, AFTER REVIEW AND UPON APPROVAL BY THE STATE INITIATIVE COMMIT-
27 TEE PURSUANT TO A PLAN SUBMITTED BY A CENTER. SUCH PLAN MAY BE SUBMITTED
28 AT THE TIME OF THE APPLICATION OR AT ANY TIME DURING THE IMPLEMENTATION
29 OF THE MULTI-YEAR APPROVED PLAN AND MUST DEMONSTRATE TO THE SATISFACTION
30 OF THE COMMITTEE THAT THE CENTER HAS OR WILL HAVE DURING THE PERIOD OF
31 THE GRANT A MATCH OF TWO DOLLARS FOR EVERY STATE DOLLAR PROVIDED PURSU-
32 ANT TO THIS SECTION. PLANS MUST SHOW THE TIMELINE AND USAGE OF FUNDS
33 REQUIRED AND SUCH OTHER INFORMATION AS THE COMMITTEE SHALL REQUIRE,
34 INCLUDING: THE NEED FOR SUCH FUNDS AND THE MANNER IN WHICH SUCH AWARD
35 WOULD ENHANCE THE RESEARCH CAPABILITIES OF THE CENTER NECESSARY TO
36 SUCCESSFUL IMPLEMENTATION OF THE PROJECT PLAN; THE ABILITY OF THE
37 RESEARCHER TO LEVERAGE AND ATTRACT FEDERAL FUNDS, VENTURE CAPITAL AND
38 PRIVATE INDUSTRY FUNDS; AND THE WILLINGNESS OF SUCH RESEARCHER TO PURSUE
39 ENTREPRENEURIAL ENTERPRISES RESULTING IN NEW BUSINESS OR THE EXPANSION
40 OF EXISTING BUSINESS IN THIS STATE. THE COMMITTEE SHALL ESTABLISH A
41 SCHEDULE FOR PAYMENT OF THE AWARD. FUNDS PROVIDED PURSUANT TO THIS
42 SECTION MUST BE APPLIED DIRECTLY TO NECESSARY EXPENSES FOR RECRUITMENT
43 AND RETENTION OF SCIENTISTS AND RESEARCHERS, AND MAY NOT BE USED FOR
44 INDIRECT OR OTHER OVERHEAD COSTS OF THE MEDICAL SCHOOL. INSOFAR AS PRAC-
45 TICABLE, SUCH MATCHING FUNDS SHOULD NOT CONSIST OF DIRECT STATE GRANTS
46 FROM THE DEPARTMENT OR FROM ANOTHER STATE AGENCY OR STATE PUBLIC AUTHOR-
47 ITY, PROVIDED THAT NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT A
48 MEDICAL SCHOOL OF THE STATE UNIVERSITY OF NEW YORK WHICH HAS BEEN DESIG-
49 NATED AS A CENTER FROM USING A PORTION OF ITS OPERATING FUNDS AS MATCH-
50 ING FUNDS. FUNDS USED FOR MATCH MAY INCLUDE REASONABLE ADMINISTRATIVE
51 COSTS ASSOCIATED WITH OUT OF STATE RECRUITMENT OR IN-STATE RETENTION.

52 S 449. UNIFIED CONTRACT. THE COMMISSIONER ON BEHALF OF THE STATE
53 INITIATIVE COMMITTEE SHALL ENTER INTO A UNIFIED CONTRACT WITH EACH
54 CENTER. THE PROVISIONS OF SUCH CONTRACT SHALL INCLUDE, BUT NOT BE LIMIT-
55 ED TO: A DESCRIPTION OF PROJECT SERVICES AND ACTIVITIES; THE PLAN;
56 ALLOWABLE PROJECT COSTS; SPECIFIC SOURCES OF FUNDS THAT WILL SUPPORT THE

1 APPROVED COSTS, INCLUDING GOVERNMENTAL AND NON-GOVERNMENTAL FUNDS OR
2 REVENUES THAT ARE PROPOSED TO BE USED IN SUPPORT OF PROJECT COSTS; AND
3 THE ALLOCATION OF COSTS BY FUNDING SOURCE. THE FORM OF SUCH UNIFIED
4 CONTRACT SHALL BE DEVELOPED IN CONSULTATION WITH THE DIVISION OF THE
5 BUDGET AND THE OFFICE OF STATE COMPTROLLER. THE COMPTROLLER IS AUTHOR-
6 IZED PURSUANT TO A CERTIFICATE OF ALLOCATION SUBMITTED BY THE DIVISION
7 OF THE BUDGET TO INTERCHANGE OR TRANSFER FROM APPROPRIATIONS MADE TO THE
8 AGENCIES OF THE COMMITTEE OR ANY OTHER APPROPRIATION, AS APPROPRIATE,
9 SUCH AMOUNTS AS MAY BE REQUIRED TO FULFILL THE OBLIGATIONS OF THE STATE
10 PURSUANT TO SUCH UNIFIED CONTRACTS FOR PAYMENTS OF SUCH OBLIGATIONS. THE
11 DIVISION OF THE BUDGET SHALL PROVIDE THE CHAIRS OF THE SENATE FINANCE
12 COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE WITH QUARTERLY
13 REPORTS OF ALL INTERCHANGES AND TRANSFERS WHICH OCCUR PURSUANT TO THIS
14 SUBDIVISION.

15 1. ALLOWABLE COSTS FOR A PROJECT SHALL INCLUDE, BUT NOT BE LIMITED TO
16 COSTS REASONABLY INCURRED FOR:

17 (A) PREPARATION OF THE PLAN;

18 (B) ACTIVITIES AS APPROVED IN THE PROJECT APPLICATION;

19 (C) EVALUATION OF THE APPROVED PROJECT; AND

20 (D) RENOVATIONS TO EXISTING STRUCTURES AS MAY BE NEEDED IN FURTHERANCE
21 OF THE PLAN, EXCEPT THAT IN NO CASE SHALL THE STATE SUPPORT OF SUCH
22 COSTS EXCEED EITHER TWENTY-FIVE PERCENT OF THE AMOUNT TO BE PROVIDED
23 PURSUANT TO THE CONTRACT OR FIFTY PERCENT OF THE TOTAL RENOVATION COSTS,
24 WHICHEVER IS LESS.

25 2. FUNDING MADE AVAILABLE PURSUANT TO THIS ARTICLE SHALL NOT BE USED
26 TO SUPPLANT OTHER FUNDS FOR OPERATIONS OR PROJECTS OF A CENTER.

27 IN ADDITION TO THE FOREGOING REQUIREMENTS, A CENTER SHALL AGREE TO
28 DEDICATE ALL FUNDS FROM ANY SUPPORT RECEIVED PURSUANT TO THIS ARTICLE,
29 EXCEPT FOR FUNDS RECEIVED PURSUANT TO PARAGRAPH (D) OF SUBDIVISION ONE
30 OF THIS SECTION, TO OPERATIONS OF THE CENTER WITHOUT DEDUCTIONS FOR
31 OVERHEAD, INDIRECT COSTS, OR FACILITIES AND ADMINISTRATION CHARGES OF
32 THE MEDICAL SCHOOL, AND TO LIMIT TO TEN PERCENT OR LESS THE ALLOCATION
33 OF FUNDS RECEIVED THROUGH THIS ARTICLE TO ADMINISTRATIVE COSTS OF THE
34 CENTER.

35 S 3. This act shall take effect on the first of September next
36 succeeding the date on which it shall have become a law.

37 PART TT

38 Section 1. The agriculture and markets law is amended by adding a new
39 section 308-b to read as follows:

40 S 308-B. NOTIFICATION OF FOIL REQUEST. NOTWITHSTANDING ANY OTHER
41 PROVISION OF LAW, UPON THE REQUEST OF ANY PERSON OR ENTITY FOR ANY
42 RECORDS OF A FARM OPERATION, AS DEFINED IN SECTION THREE HUNDRED ONE OF
43 THIS ARTICLE, FROM AN AGENCY OR OTHER STATE ENTITY; THE AGENCY OR STATE
44 ENTITY OF WHICH THE REQUEST HAS BEEN MADE SHALL INFORM THE OWNER AND/OR
45 OPERATOR OF SUCH FARM OPERATION IN WRITING THAT A REQUEST FOR RECORDS
46 CONCERNING THEIR FARM OPERATION HAS BEEN SUBMITTED, PROVIDE A
47 DESCRIPTION OF RECORDS REQUESTED AND PROVIDE THE NAME AND ADDRESS OF THE
48 PERSON OR ENTITY REQUESTING SUCH RECORDS. NOTIFICATION OF THE FARM OPER-
49 ATION IS TO BE MADE BY THE AGENCY OR STATE ENTITY WITHIN FIVE BUSINESS
50 DAYS OF SUBMISSION OF THE RECORDS REQUEST BY THE PERSON OR ENTITY SEEK-
51 ING SUCH RECORDS.

52 S 2. This act shall take effect immediately and the commissioner of
53 agriculture and markets is hereby authorized to add, amend and/or repeal

1 any rule or regulation necessary for the implementation of this act on
2 its effective date.

3 PART UU

4 Section 1. Section 19-0323 of the environmental conservation law, as
5 added by chapter 629 of the laws of 2006, subdivisions 3 and 5 as
6 amended by section 1 of part U of chapter 58 of the laws of 2013, and
7 subdivisions 6, 7 and 8 as renumbered by section 1 of part C of chapter
8 59 of the laws of 2010, is amended to read as follows:

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

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

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

14 b. "Heavy duty vehicle" or "vehicle" means any on and off-road vehicle
15 powered by diesel fuel and having a gross vehicle weight of greater than
16 8,500 pounds, except that those vehicles defined in section 101 of the
17 vehicle and traffic law, paragraph 2 of schedule E and paragraph (a) of
18 schedule F of subdivision 7 of section 401 of such law, and vehicles
19 specified in subdivision 13 of section 401 of such law, and farm type
20 tractors and all terrain type vehicles used exclusively for agricultural
21 or mowing purposes, or for snow plowing, other than for hire, farm
22 equipment, including self-propelled machines used exclusively in grow-
23 ing, harvesting or handling farm produce, and self-propelled caterpillar
24 or crawler-type equipment while being operated on the contract site, and
25 timber harvesting equipment such as harvesters, wood chippers, forward-
26 ers, log skidders, and other processing equipment used exclusively off
27 highway for timber harvesting and logging purposes, shall not be deemed
28 heavy duty vehicles for purposes of this section. This term shall not
29 include vehicles that are specially equipped for emergency response by
30 the department, office of emergency management, sheriff's office of the
31 department of finance, police department or fire department.

32 c. "Best available retrofit technology" means technology, verified by
33 the United States environmental protection agency for reducing the emis-
34 sion of pollutants that achieves reductions in particulate matter emis-
35 sions at the highest classification level for diesel emission control
36 strategies that is applicable to the particular engine and application.
37 Such technology shall also, at a reasonable cost, achieve the greatest
38 reduction in emissions of nitrogen oxides at such particulate matter
39 reduction level and shall in no event result in a net increase in the
40 emissions of either particulate matter or nitrogen oxides.

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

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

50 3. Any diesel powered heavy duty vehicle that is owned by, operated by
51 [or on behalf of,] or leased by a state agency and state and regional
52 public authority with more than half of its governing body appointed by
53 the governor shall utilize the best available retrofit technology for
54 reducing the emission of pollutants. The commissioner shall promulgate

1 regulations for the implementation of this subdivision specifying that
2 all vehicles covered by this subdivision shall have best available
3 retrofit technology on or before December 31, [2014] 2016.

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

7 4. In addition to other provisions for regulations in this section,
8 the commissioner shall promulgate regulations as necessary and appropri-
9 ate to carry out the provisions of this [act] SECTION including but not
10 limited to provision for waivers upon written finding by the commis-
11 sioner that (a) best available retrofit technology for reducing the emis-
12 sions of pollutants as required by subdivision 3 of this section is not
13 available for a particular vehicle or class of vehicles and (b) that
14 ultra low sulfur diesel fuel is not available.

15 5. In addition to any waiver which may be issued pursuant to subdivi-
16 sion four of this section, the department shall issue a waiver to a
17 state agency[,] OR a state or regional public authority, [or a person
18 operating any diesel-powered heavy duty vehicle on behalf of a state
19 agency, state or regional public authority,] upon a request in a form
20 acceptable to the department for a waiver from the provisions of subdivi-
21 sion three of this section for a vehicle engine provided that such
22 vehicle engine will cease to be used in the state on or before December
23 thirty-first, two thousand fourteen. Any waiver issued pursuant to this
24 subdivision shall expire when a state agency[, a state or regional
25 public authority, or a person operating any diesel-powered heavy duty
26 vehicle on behalf of a state agency,] OR A state or regional public
27 authority ceases to use the engine in the state but not later than
28 December thirty-first, two thousand [fourteen] NINETEEN.

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

31 7. On or before January 1, 2008 and every year thereafter, the commis-
32 sioner shall report to the governor and legislature on the use of ultra
33 low sulfur diesel fuel [and the use of the best available retrofit tech-
34 nology as required under this section]. ON OR BEFORE JANUARY 1, 2017
35 AND EVERY YEAR THEREAFTER, THE COMMISSIONER SHALL INCLUDE IN THE REPORT
36 TO THE GOVERNOR AND LEGISLATURE THE USE OF THE BEST AVAILABLE RETROFIT
37 TECHNOLOGY AS REQUIRED UNDER THIS SECTION. The information contained in
38 this report shall include, but not be limited to, for each state agency
39 and public authority covered by this section: (a) the total number of
40 diesel fuel-powered motor vehicles owned or operated by such agency and
41 authority; (b) the number of such motor vehicles that were powered by
42 ultra low sulfur diesel fuel; (c) the total number of diesel fuel-pow-
43 ered motor vehicles owned or operated by such agency and authority
44 having a gross vehicle weight rating of more than 8,500 pounds; (d) the
45 number of such motor vehicles that utilized the best available retrofit
46 technology, including a breakdown by motor vehicle model, engine year
47 and the type of technology used for each vehicle; (e) the number of such
48 motor vehicles that are equipped with an engine certified to the appli-
49 cable 2007 United States environmental protection agency standard for
50 particulate matter as set forth in section 86.007-11 of title 40 of the
51 code of federal regulations or to any subsequent United States environ-
52 mental protection agency standard for particulate matter that is at
53 least as stringent; and (f) all waivers, findings, and renewals of such
54 findings, which, for each waiver, shall include, but not be limited to,
55 the quantity of diesel fuel needed to power diesel fuel-powered motor

vehicles owned or operated by such agency and authority; specific information concerning the availability of ultra low sulfur diesel fuel.

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

S 2. This act shall take effect immediately.

PART VV

Section 1. Notwithstanding any other section of law or regulation, an electric generating facility proposed to be constructed on a site at all or a portion of tax map plots 206/007-01-001.1, 206/007-01-001.3, and 206/007-01-001.2 in the village of Port Jefferson in the county of Suffolk to which a certificate of completion has been issued pursuant to section 27-1419 of the environmental conservation law shall be deemed to be a site used primarily for manufacturing as that term is delimited in subparagraph (A) of paragraph (3-a) of subdivision (a) of section 21 of the tax law, and such site shall be considered in an environmental zone as described in subparagraph (A) of paragraph (6) of subdivision (b) of section 21 of the tax law and subparagraph (A) of paragraph (5) of subdivision (a) of section 22 of the tax law if such electric generating facility:

1. is designed and intended to operate at an electricity production efficiency level of at least forty-eight percent;

2. will be capable of producing at least 600 MW of electric generating capacity running at least 7000 hours per year;

3. will be able to achieve a 2 parts per million limit for nitrous oxide emissions using Lowest Achievable Emission Rate technologies;

4. will utilize Lowest Achievable Emission Rate technologies if feasible, or, at a minimum, Best Available Control Technologies for carbon monoxide and sulfur dioxide emission levels;

5. will safely demolish and remove from the site the existing two operating 175 MW generators currently operating on the site and the two 40 megawatt generators that are decommissioned at the site, and the two 79 megawatt peaking units on the site must either be safely demolished and removed from the site or will only be operated under conditions determined to meet the criteria of an energy emergency as declared by the New York independent system operator;

6. will have been issued such certificate of completion no later than March 31, 2018; and,

7. will place in service the new electric generating facilities no later than March 31, 2021.

S 2. This act shall take effect immediately and shall expire and be deemed repealed on April 1, 2021.

PART WW

Section 1. The agriculture and markets law is amended by adding a new section 23-a to read as follows:

S 23-A. LIMITATION ON DISCLOSURES ASSOCIATED WITH FREEDOM OF INFORMATION LAW. 1. NOTWITHSTANDING ARTICLE SIX OF THE PUBLIC OFFICERS LAW, THE COMMISSIONER, ANY OFFICER OR EMPLOYEE OF THE DEPARTMENT, OR ANY CONTRACTOR OR COOPERATOR OF THE DEPARTMENT, SHALL NOT DISCLOSE PURSUANT TO A REQUEST MADE PURSUANT TO SUCH ARTICLE:

(A) INFORMATION VOLUNTARILY PROVIDED BY AN OWNER OR OPERATOR OF A FARM OPERATION IN ORDER TO PARTICIPATE IN THE NEW YORK STATE CATTLE HEALTH

1 ASSURANCE PROGRAM OR ANY SUCCESSOR CATTLE HEALTH PROGRAM ESTABLISHED BY
2 THE DEPARTMENT PURSUANT TO SUBDIVISION FORTY-ONE OF SECTION SIXTEEN OF
3 THIS ARTICLE (COLLECTIVELY, "NYSCHAP"); OR

4 (B) INFORMATION OTHERWISE CREATED AND MAINTAINED BY THE COMMISSIONER
5 ABOUT FARM OPERATIONS FOR WHICH INFORMATION DESCRIBED IN PARAGRAPH (A)
6 OF THIS SUBDIVISION IS VOLUNTARILY PROVIDED.

7 2. THE DISCLOSURE OF INFORMATION UNDER SUBDIVISION ONE OF THIS SECTION
8 SHALL NOT CONSTITUTE A WAIVER OF ANY APPLICABLE PRIVILEGE OR PROTECTION
9 UNDER FEDERAL OR STATE LAW, INCLUDING TRADE SECRET PROTECTION.

10 3. THE MEANING OF THE TERM "FARM OPERATION" AS USED IN THIS SECTION
11 SHALL BE THE SAME AS IT IS DEFINED IN SUBDIVISION ELEVEN OF SECTION
12 THREE HUNDRED ONE OF THIS CHAPTER.

13 S 2. This act shall take effect immediately.

14 PART XX

15 Section 1. Section 95-e of the state finance law, as added by chapter
16 301 of the laws of 2004, is amended to read as follows:

17 S 95-e. The New York state autism awareness and research fund. 1.
18 There is hereby established in the joint custody of the commissioner of
19 taxation and finance and the comptroller, a special fund to be known as
20 the New York state autism awareness and research fund.

21 2. Such fund shall consist of all revenues received pursuant to the
22 provisions of section four hundred four-v of the vehicle and traffic
23 law, and all other moneys appropriated, credited, or transferred thereto
24 from any other fund or source pursuant to law. Nothing contained in this
25 section shall prevent the state from receiving grants, gifts or bequests
26 for the purposes of the fund as defined in this section and depositing
27 them into the fund according to law.

28 3. (a) Monies of the fund shall be expended only for autism awareness
29 projects or autism research projects approved by the department of
30 health in New York state provided, however, that no more than ten
31 percent of monies from such fund shall be expended on the aggregate
32 number of autism research projects approved in a fiscal year.

33 (b) As used in this section, the term "autism research project" means
34 scientific research approved by the department of health into the causes
35 and/or treatment of autism, and the term "autism awareness project"
36 means a project approved by the department of health aimed toward
37 educating the general public about the causes, symptoms, and treatments
38 of autism.

39 4. Monies shall be payable from the fund on the audit and warrant of
40 the comptroller on vouchers approved and certified by the commissioner
41 of health.

42 5. To the extent practicable, the commissioner of health shall ensure
43 that all monies received during a fiscal year are expended prior to the
44 end of that fiscal year AND MONIES FROM THIS FUND SHALL NOT BE TRANS-
45 FERRED TO SUPPORT GENERAL FUND SPENDING.

46 6. (A) ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMP-
47 TROLLER SHALL CERTIFY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE
48 SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMITTEE,
49 CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR OF THE SENATE
50 STANDING COMMITTEE ON HEALTH, AND CHAIR OF THE ASSEMBLY COMMITTEE ON
51 HEALTH THE AMOUNT OF MONEY DEPOSITED IN THE AUTISM AWARENESS AND
52 RESEARCH FUND DURING THE PRECEDING CALENDAR YEAR AS A RESULT OF REVENUE
53 DERIVED PURSUANT TO SECTION FOUR HUNDRED FOUR-V OF THE VEHICLE AND TRAF-
54 FIC LAW, AND FROM GRANTS, GIFTS, AND BEQUESTS.

1 (B) ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE DEPARTMENT
2 OF HEALTH SHALL PROVIDE AN ANNUAL REPORT TO THE GOVERNOR, TEMPORARY
3 PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF SENATE
4 FINANCE COMMITTEE, CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR
5 OF THE SENATE STANDING COMMITTEE ON HEALTH, CHAIR OF THE ASSEMBLY
6 COMMITTEE ON HEALTH, AND THE PUBLIC, REGARDING THE MANNER IN WHICH THE
7 AUTISM AWARENESS AND RESEARCH FUND MONIES ARE UTILIZED.

8 (C) THE ANNUAL REPORT SHALL INCLUDE BUT NOT BE LIMITED TO:

9 (1) THE AMOUNT OF MONEY DISBURSED FROM THE FUND;

10 (2) A JUSTIFICATION IN THE EVENT THAT ALL FUNDS WERE NOT DISBURSED,
11 AND A REMEDIAL PLAN TO ENSURE THE TIMELY AND EFFECTIVE USE OF THE
12 REMAINING FUNDS;

13 (3) THE MANNER IN WHICH THE FUNDS WERE AWARDED;

14 (4) THE AMOUNT AWARDED TO EACH RECIPIENT OR RECIPIENTS; AND

15 (5) THE PURPOSE OF THE DISBURSED FUNDS.

16 S 2. Section 95-b of the state finance law, as added by chapter 339 of
17 the laws of 2001, is amended to read as follows:

18 S 95-b. The New York state "drive out diabetes research and education
19 fund". 1. There is hereby established in the joint custody of the
20 commissioner of taxation and finance and the comptroller, a special fund
21 to be known as the New York state "drive out diabetes research and
22 education fund".

23 2. Such fund shall consist of all revenues received pursuant to the
24 provisions of section four hundred four-s of the vehicle and traffic law
25 and all other moneys appropriated, credited, or transferred thereto from
26 any other fund or source pursuant to law. Nothing contained herein shall
27 prevent the state from receiving grants, gifts or bequests for the
28 purposes of the fund as defined in this section and depositing them into
29 the fund according to law.

30 3. Monies of the fund shall be expended only for diabetes research and
31 education projects. As used in this section, "diabetes research and
32 education projects" means scientific research or educational projects
33 which, pursuant to article twenty-seven-H of the public health law as
34 redesignated by chapter five hundred eighty-four of the laws of nineteen
35 hundred eighty-eight, are approved by the department of health.

36 4. Monies shall be payable from the fund on the audit and warrant of
37 the comptroller on vouchers approved and certified by the commissioner
38 of health.

39 5. To the extent practicable, the commissioner of health shall ensure
40 that all monies received during a fiscal year are expended prior to the
41 end of that fiscal year AND MONIES FROM THIS FUND SHALL NOT BE TRANS-
42 FERRED TO SUPPORT GENERAL FUND SPENDING.

43 6. (A) ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMP-
44 TROLLER SHALL CERTIFY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE
45 SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMITTEE,
46 CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR OF THE SENATE
47 STANDING COMMITTEE ON HEALTH, AND CHAIR OF THE ASSEMBLY COMMITTEE ON
48 HEALTH THE AMOUNT OF MONEY DEPOSITED IN THE "DRIVE OUT DIABETES RESEARCH
49 AND EDUCATION FUND" DURING THE PRECEDING CALENDAR YEAR AS A RESULT OF
50 REVENUE DERIVED PURSUANT TO SECTION FOUR HUNDRED FOUR-S OF THE VEHICLE
51 AND TRAFFIC LAW, AND FROM GRANTS, GIFTS, AND BEQUESTS.

52 (B) ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE DEPARTMENT
53 OF HEALTH SHALL PROVIDE AN ANNUAL REPORT TO THE GOVERNOR, TEMPORARY
54 PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE
55 FINANCE COMMITTEE, CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR
56 OF THE SENATE STANDING COMMITTEE ON HEALTH, CHAIR OF THE ASSEMBLY

1 COMMITTEE ON HEALTH, AND THE PUBLIC, REGARDING THE MANNER IN WHICH THE
2 "DRIVE OUT DIABETES RESEARCH AND EDUCATION FUND" MONIES ARE UTILIZED.

3 (C) THE ANNUAL REPORT SHALL INCLUDE BUT NOT BE LIMITED TO:

4 (1) THE AMOUNT OF MONEY DISBURSED FROM THE FUND;

5 (2) A JUSTIFICATION IN THE EVENT THAT ALL FUNDS WERE NOT DISBURSED,
6 AND A REMEDIAL PLAN TO ENSURE THE TIMELY AND EFFECTIVE USE OF THE
7 REMAINING FUNDS;

8 (3) THE MANNER IN WHICH THE FUNDS WERE AWARDED;

9 (4) THE AMOUNT AWARDED TO EACH RECIPIENT OR RECIPIENTS; AND

10 (5) THE PURPOSE OF THE DISBURSED FUNDS.

11 S 3. Section 404-u of the vehicle and traffic law, as added by chapter
12 379 of the laws of 2003, is amended to read as follows:

13 S 404-u. Distinctive "keep kids drug free" license plates. 1. Any
14 person residing in this state shall, upon request, be issued a distinc-
15 tive "keep kids drug free" license plate in support of youth drug
16 prevention and treatment programs. Application for such license plate
17 shall be filed with the commissioner in such form and detail as the
18 commissioner shall prescribe.

19 2. A distinctive "keep kids drug free" license plate issued pursuant
20 to this section shall be issued in the same manner as other number
21 plates upon the payment of the regular registration fee prescribed by
22 section four hundred one of this article, provided, however, that an
23 additional annual service charge of twenty-five dollars shall be charged
24 for such plate. The additional service charge of twenty-five dollars
25 shall be deposited to the credit of the office of alcoholism and
26 substance abuse services and shall be used to support programs which
27 seek to reduce alcoholism and substance abuse among the youth population
28 in New York state through prevention and/or treatment. Such deposits
29 shall not be used to replace, offset, or supplant any existing funding
30 streams which aid the office, but shall be in addition thereto, AND
31 MONIES FROM THIS FUND SHALL NOT BE TRANSFERRED TO SUPPORT GENERAL FUND
32 SPENDING. Provided, however, that one year after the effective date of
33 this section, funds in the amount of five thousand dollars, or so much
34 thereof as may be available, shall be allocated to the department to
35 offset costs associated with the production of such license plates.

36 3. A. ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMP-
37 TROLLER SHALL CERTIFY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE
38 SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMITTEE,
39 CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR OF THE SENATE
40 STANDING COMMITTEE ON HEALTH, AND CHAIR OF THE ASSEMBLY COMMITTEE ON
41 HEALTH THE AMOUNT OF MONEY RECEIVED PURSUANT TO THE PURCHASES OF THE
42 "KEEP KIDS DRUG FREE" LICENSE PLATE DURING THE PRECEDING CALENDAR YEAR
43 AS A RESULT OF REVENUE DERIVED PURSUANT TO THIS SECTION OF THE VEHICLE
44 AND TRAFFIC LAW, AND FROM GRANTS, GIFTS, AND BEQUESTS.

45 B. ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE OFFICE OF
46 ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL PROVIDE AN ANNUAL REPORT
47 TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE
48 ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMITTEE, CHAIR OF THE ASSEMBLY
49 WAYS AND MEANS COMMITTEE, CHAIR OF THE SENATE STANDING COMMITTEE ON
50 HEALTH, CHAIR OF THE ASSEMBLY COMMITTEE ON HEALTH, AND THE PUBLIC,
51 REGARDING THE MANNER IN WHICH THE "KEEP KIDS DRUG FREE" LICENSE PLATE
52 PURCHASES ARE UTILIZED.

53 C. THE ANNUAL REPORT SHALL INCLUDE BUT NOT BE LIMITED TO:

54 (1) THE AMOUNT OF MONEY DISBURSED FROM THE FUND;

1 (2) A JUSTIFICATION IN THE EVENT THAT ALL FUNDS WERE NOT DISBURSED,
2 AND A REMEDIAL PLAN TO ENSURE THE TIMELY AND EFFECTIVE USE OF THE
3 REMAINING FUNDS;

4 (3) THE MANNER IN WHICH THE FUNDS WERE AWARDED;

5 (4) THE AMOUNT AWARDED TO EACH RECIPIENT OR RECIPIENTS; AND

6 (5) THE PURPOSE OF THE DISBURSED FUNDS.

7 S 4. Section 95-d of the state finance law, as added by chapter 384 of
8 the laws of 2003, is amended to read as follows:

9 S 95-d. The New York state "multiple sclerosis research fund". 1.
10 There is hereby established in the joint custody of the commissioner of
11 taxation and finance and the comptroller, a special fund to be known as
12 the New York state "multiple sclerosis research fund".

13 2. Such fund shall consist of all revenues received pursuant to the
14 provisions of section four hundred four-u of the vehicle and traffic law
15 and all other moneys appropriated, credited, or transferred thereto from
16 any other fund or source pursuant to law. Nothing contained in this
17 section shall prevent the state from receiving grants, gifts or bequests
18 for the purposes of the fund as defined in this section and depositing
19 them into the fund according to law.

20 3. (a) Monies of the fund shall be expended only for multiple sclero-
21 sis research projects conducted by MS care centers in New York state.

22 (b) As used in this section, "multiple sclerosis research projects"
23 means scientific research into the causes and/or treatment of multiple
24 sclerosis that is approved by the department of health.

25 (c) As used in this section, "MS care centers" are facilities licensed
26 under article twenty-eight of the public health law that are affiliated
27 with the national multiple sclerosis society for the purpose of provid-
28 ing health care to individuals with multiple sclerosis and conducting
29 research into the causes and treatment of multiple sclerosis.

30 4. Monies shall be payable from the fund on the audit and warrant of
31 the comptroller on vouchers approved and certified by the commissioner
32 of health.

33 5. [To] NOTWITHSTANDING ANY OTHER PROVISIONS MONIES OF THE FUND SHALL
34 NOT BE TRANSFERRED INTO THE GENERAL FUND FOR ANY PURPOSES AND TO the
35 extent practicable, the commissioner of health shall ensure that all
36 monies received during a fiscal year are expended prior to the end of
37 that fiscal year.

38 6. (A) ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMP-
39 TROLLER SHALL CERTIFY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE
40 SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMITTEE,
41 CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR OF THE SENATE
42 STANDING COMMITTEE ON HEALTH, AND CHAIR OF THE ASSEMBLY COMMITTEE ON
43 HEALTH THE AMOUNT OF MONEY DEPOSITED IN THE MULTIPLE SCLEROSIS RESEARCH
44 FUND DURING THE PRECEDING CALENDAR YEAR AS A RESULT OF REVENUE DERIVED
45 PURSUANT TO SECTION FOUR HUNDRED FOUR-U OF THE VEHICLE AND TRAFFIC LAW,
46 AND FROM GRANTS, GIFTS, AND BEQUESTS.

47 (B) ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE DEPARTMENT
48 OF HEALTH SHALL PROVIDE AN ANNUAL REPORT TO THE GOVERNOR, TEMPORARY
49 PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE
50 FINANCE COMMITTEE, CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR
51 OF THE SENATE STANDING COMMITTEE ON HEALTH, CHAIR OF THE ASSEMBLY
52 COMMITTEE ON HEALTH, AND THE PUBLIC, REGARDING THE MANNER IN WHICH THE
53 MULTIPLE SCLEROSIS RESEARCH FUND MONIES ARE UTILIZED.

54 (C) THE ANNUAL REPORT SHALL INCLUDE BUT NOT BE LIMITED TO:

55 (1) THE AMOUNT OF MONEY DISBURSED FROM THE FUND;

(2) A JUSTIFICATION IN THE EVENT THAT ALL FUNDS WERE NOT DISBURSED, AND A REMEDIAL PLAN TO ENSURE THE TIMELY AND EFFECTIVE USE OF THE REMAINING FUNDS;

(3) THE MANNER IN WHICH THE FUNDS WERE AWARDED;

(4) THE AMOUNT AWARDED TO EACH RECIPIENT OR RECIPIENTS; AND

(5) THE PURPOSE OF THE DISBURSED FUNDS.

S 5. This act shall take effect immediately.

PART YY

Section 1. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to the following funds and/or accounts:

1. Tuition reimbursement account (20451).
2. Proprietary vocational school supervision account (20452).
3. Local government records management account (20501).
4. Child health plus program account (20810).
5. Hospital based grants program account (20812).
6. EPIC premium account (20818).
7. Education - New (20901).
8. VLT - Sound basic education fund (20904).
9. Sewage treatment program management and administration fund (21000).
10. Hazardous bulk storage account (21061).
11. Federal grants indirect cost recovery account (21065).
12. Low level radioactive waste account (21066).
13. Recreation account (21067).
14. Public safety recovery account (21077).
15. Conservationist magazine account (21080).
16. Environmental regulatory account (21081).
17. Natural resource account (21082).
18. Mined land reclamation program account (21084).
19. Great lakes restoration initiative account (21087).
20. Environmental protection and oil spill compensation fund (21200).
21. Public transportation systems account (21401).
22. Metropolitan mass transportation (21402).
23. Operating permit program account (21451).
24. Mobile source account (21452).
25. Statewide planning and research cooperative system account (21902).
26. OPWDD provider of service account (21903).
27. Mental hygiene program fund account (21907).
28. Mental hygiene patient income account (21909).
29. Financial control board account (21911).
30. Regulation of racing account (21912).
31. New York Metropolitan Transportation Council account (21913).
32. Cyber upgrade account (21919).
33. State university dormitory income reimbursable account (21937).
34. Energy research account (21943).
35. Criminal justice improvement account (21945).
36. Fingerprint identification and technology account (21950).
37. Environmental laboratory reference fee account (21959).
38. Clinical laboratory reference system assessment account (21962).
39. Public employment relations board account (21964).
40. Indirect cost recovery account (21978).

1 41. High school equivalency program account (21979).
2 42. Multi-agency training account (21989).
3 43. Bell jar collection account (22003).
4 44. Industry and utility service account (22004).
5 45. Real property disposition account (22006).
6 46. Parking account (22007).
7 47. Asbestos safety training program account (22009).
8 48. Batavia school for the blind account (22032).
9 49. Investment services account (22034).
10 50. Surplus property account (22036).
11 51. Financial oversight account (22039).
12 52. Regulation of indian gaming account (22046).
13 53. Rome school for the deaf account (22053).
14 54. Seized assets account (22054).
15 55. Administrative adjudication account (22055).
16 56. Federal salary sharing account (22056).
17 57. New York City assessment account (22062).
18 58. Cultural education account (22063).
19 59. Local services account (22078).
20 60. DHCR mortgage servicing account (22085).
21 61. Department of motor vehicles compulsory insurance account (22087).
22 62. Housing indirect cost recovery account (22090).
23 63. Accident prevention course program account (22094).
24 64. DHCR-HCA application fee account (22100).
25 65. Low income housing monitoring account (22130).
26 66. Corporation administration account (22135).
27 67. Montrose veteran's home account (22144).
28 68. Deferred compensation administration account (22151).
29 69. Rent revenue other New York City account (22156).
30 70. Rent revenue account (22158).
31 71. Tax revenue arrearage account (22168).
32 72. State university general income offset account (22654).
33 73. State police motor vehicle law enforcement account (22802).
34 74. Highway safety program account (23001).
35 75. EFC drinking water program account (23101).
36 76. DOH drinking water program account (23102).
37 77. NYCCC operating offset account (23151).
38 78. Commercial gaming revenue account (23701).
39 79. Commercial gaming regulation account (23702).
40 80. Highway and bridge capital account (30051).
41 81. State university residence hall rehabilitation fund (30100).
42 82. State parks infrastructure account (30351).
43 83. Clean water/clean air implementation fund (30500).
44 84. Hazardous waste remedial cleanup account (31506).
45 85. Youth facilities improvement account (31701).
46 86. Housing assistance fund (31800).
47 87. Housing program fund (31850).
48 88. Highway facility purpose account (31951).
49 89. Miscellaneous capital projects fund, information technology capi-
50 tal financing account.
51 90. New York racing account (32213).
52 91. Mental hygiene facilities capital improvement fund (32300).
53 92. Correctional facilities capital improvement fund (32350).
54 93. New York State Storm Recovery Capital Fund (33000).
55 94. OGS convention center account (50318).
56 95. Centralized services fund (55000).

1 96. Archives records management account (55052).
2 97. Federal single audit account (55053).
3 98. Civil service law section II administrative account (55055).
4 99. Civil service EHS occupational health program account (55056).
5 100. Banking services account (55057).
6 101. Cultural resources survey account (55058).
7 102. Neighborhood work project (55059).
8 103. Automation & printing chargeback account (55060).
9 104. OFT NYT account (55061).
10 105. Data center account (55062).
11 106. Human service telecom account (55063).
12 107. Intrusion detection account (55066).
13 108. Domestic violence grant account (55067).
14 109. Centralized technology services account (55069).
15 110. Labor contact center account (55071).
16 111. Human services contact center account (55072).
17 112. Tax contact center account (55073).
18 113. Joint labor/management administration fund (55201).
19 114. Executive direction internal audit account (55251).
20 115. CIO Information technology centralized services account (55252).
21 116. Health insurance internal service account (55300).
22 117. Civil service employee benefits division administrative account
23 (55301).
24 118. Correctional industries revolving fund (55350).
25 119. Employees health insurance account (60201).
26 120. Medicaid management information system escrow fund (60900).
27 S 1-a. The state comptroller is hereby authorized and directed to loan
28 money in accordance with the provisions set forth in subdivision 5 of
29 section 4 of the state finance law to any account within the following
30 federal funds, provided the comptroller has made a determination that
31 sufficient federal grant award authority is available to reimburse such
32 loans:
33 1. Federal USDA-food and nutrition services fund. (25000).
34 2. Federal health and human services fund (25100).
35 3. Federal education fund (25200).
36 4. Federal block grant fund (25250).
37 5. Federal miscellaneous operating grants fund. (25300)
38 6. Federal unemployment insurance administration fund (25900).
39 7. Federal unemployment insurance occupational training fund (25950).
40 8. Federal emergency employment act fund (26000).
41 9. Federal capital projects fund (31350).
42 S 2. Notwithstanding any law to the contrary, and in accordance with
43 section 4 of the state finance law, the comptroller is hereby authorized
44 and directed to transfer, upon request of the director of the budget, on
45 or before March 31, 2015, up to the unencumbered balance or the follow-
46 ing amounts:
47 Economic Development and Public Authorities:
48 1. \$175,000 from the miscellaneous special revenue fund, underground
49 facilities safety training account (22172), to the general fund.
50 2. An amount up to the unencumbered balance from the miscellaneous
51 special revenue fund, business and licensing services account (21977),
52 to the general fund.
53 3. \$12,710,000 from the miscellaneous special revenue fund, code
54 enforcement account (21904), to the general fund.
55 4. \$3,000,000 from the general fund to the miscellaneous special
56 revenue fund, tax revenue arrearage account (22168).

1 5. \$350,000 from the state exposition special fund, state fair
2 receipts account (50051), to the general fund.

3 Education:

4 1. \$2,265,000,000 from the general fund to the state lottery fund,
5 education account (20901), as reimbursement for disbursements made from
6 such fund for supplemental aid to education pursuant to section 92-c of
7 the state finance law that are in excess of the amounts deposited in
8 such fund for such purposes pursuant to section 1612 of the tax law.

9 2. \$950,604,000 from the general fund to the state lottery fund, VLT
10 education account (20904), as reimbursement for disbursements made from
11 such fund for supplemental aid to education pursuant to section 92-c of
12 the state finance law that are in excess of the amounts deposited in
13 such fund for such purposes pursuant to section 1612 of the tax law.

14 3. Moneys from the state lottery fund up to an amount deposited in
15 such fund pursuant to section 1612 of the tax law in excess of the
16 current year appropriation for supplemental aid to education pursuant to
17 section 92-c of the state finance law.

18 4. \$300,000 from the local government records management improvement
19 fund (20500) to the archives partnership trust fund (20350).

20 5. \$900,000 from the general fund to the miscellaneous special revenue
21 fund, Batavia school for the blind account (22032).

22 6. \$900,000 from the general fund to the miscellaneous special revenue
23 fund, Rome school for the deaf account (22053).

24 7. \$343,400,000 from the state university dormitory income fund
25 (40350) to the miscellaneous special revenue fund, state university
26 dormitory income reimbursable account (21937).

27 8. \$24,000,000 from any of the state education department special
28 revenue and internal service funds to the miscellaneous special revenue
29 fund, indirect cost recovery account (21978).

30 9. \$8,318,000 from the general fund to the state university income
31 fund, state university income offset account (22654), for the state's
32 share of repayment of the STIP loan.

33 10. \$64,000,000 from the state university income fund, state universi-
34 ty hospitals income reimbursable account (22656) to the general fund for
35 hospital debt service for the period April 1, 2014 through March 31,
36 2015.

37 Environmental Affairs:

38 1. \$16,000,000 from any of the department of environmental conserva-
39 tion's special revenue federal funds to the environmental conservation
40 special revenue fund, federal indirect recovery account (21065).

41 2. \$2,000,000 from any of the department of environmental conserva-
42 tion's special revenue federal funds to the conservation fund as neces-
43 sary to avoid diversion of conservation funds.

44 3. \$3,000,000 from any of the office of parks, recreation and historic
45 preservation capital projects federal funds and special revenue federal
46 funds to the miscellaneous special revenue fund, federal grant indirect
47 cost recovery account (22188).

48 4. \$1,000,000 from any of the office of parks, recreation and historic
49 preservation special revenue federal funds to the miscellaneous special
50 revenue fund, I love NY water account (21930).

51 Family Assistance:

52 1. \$10,000,000 from any of the office of children and family services,
53 office of temporary and disability assistance, or department of health
54 special revenue federal funds and the general fund, in accordance with
55 agreements with social services districts, to the miscellaneous special

1 revenue fund, office of human resources development state match account
2 (21967)).

3 2. \$3,000,000 from any of the office of children and family services
4 or office of temporary and disability assistance special revenue federal
5 funds to the miscellaneous special revenue fund, family preservation and
6 support services and family violence services account (22082).

7 3. \$18,670,000 from any of the office of children and family services,
8 office of temporary and disability assistance, or department of health
9 special revenue federal funds and any other miscellaneous revenues
10 generated from the operation of office of children and family services
11 programs to the general fund.

12 4. \$140,000,000 from any of the office of temporary and disability
13 assistance or department of health special revenue funds to the general
14 fund.

15 5. \$2,500,000 from any of the office of temporary and disability
16 assistance or office of children and family services special revenue
17 federal funds to the miscellaneous special revenue fund, office of
18 temporary and disability assistance program account (21980).

19 6. \$35,000,000 from any of the office of children and family services,
20 office of temporary and disability assistance, department of labor, and
21 department of health special revenue federal funds to the office of
22 children and family services miscellaneous special revenue fund, multi-
23 agency training contract account (21989).

24 7. \$122,000,000 from the miscellaneous special revenue fund, youth
25 facility per Diem account (22186), to the general fund.

26 8. \$621,850 from the general fund to the combined gifts, grants, and
27 bequests fund, WB Hoyt Memorial account (20128).

28 9. \$2,500,000 from the miscellaneous special revenue fund, state
29 central registry (22028) to the general fund.

30 General Government:

31 1. \$1,566,000 from the miscellaneous special revenue fund, examination
32 and miscellaneous revenue account (22065) to the general fund.

33 2. \$12,500,000 from the general fund to the health insurance revolving
34 fund (55300).

35 3. \$192,400,000 from the health insurance reserve receipts fund
36 (60550) to the general fund.

37 4. \$150,000 from the general fund to the not-for-profit revolving loan
38 fund (20650).

39 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
40 general fund.

41 6. \$30,000,000 from the miscellaneous special revenue fund, real prop-
42 erty disposition account (22006), to the general fund.

43 7. \$3,000,000 from the miscellaneous special revenue fund, surplus
44 property account (22036), to the general fund.

45 8. \$19,900,000 from the general fund to the miscellaneous special
46 revenue fund, alcoholic beverage control account (22033).

47 9. \$23,000,000 from the miscellaneous special revenue fund, revenue
48 arrearage account (22024), to the general fund.

49 10. \$1,826,000 from the miscellaneous special revenue fund, revenue
50 arrearage account (22024), to the miscellaneous special revenue fund,
51 authority budget office account (22138).

52 11. \$1,000,000 from the miscellaneous special revenue fund, parking
53 services account (22007), to the general fund, for the purpose of reim-
54 bursing the costs of debt service related to state parking facilities.

55 12. \$21,800,000 from the general fund to the internal service fund,
56 COPS account (55013).

1 13. \$14,000,000 from the general fund to the agencies internal service
2 fund, central technology services account (55069), for the purpose of
3 enterprise technology projects.
4 14. \$600,000 from the office of general services special events
5 account (20120) to the general fund.
6 15. \$5,000,000 from the building administration account to the general
7 fund.
8 16. \$3,000,000 from the abandoned property audit account to the gener-
9 al fund.
10 17. \$1,000,000 from the internal services fund, OFT NYT account to the
11 general fund.
12 18. \$5,000,000 from the internal services fund, OFT NYT account to the
13 general fund.
14 Health:
15 1. \$64,600,000 from the miscellaneous special revenue fund, quality of
16 care account (21915) to the general fund.
17 2. \$1,000,000 from the general fund to the combined gifts, grants and
18 bequests fund, breast cancer research and education account (20155), an
19 amount equal to the monies collected and deposited into that account in
20 the previous fiscal year.
21 3. \$1,464,000 from any of the department of health accounts within the
22 federal health and human services fund to the department of health
23 miscellaneous special revenue fund, statewide planning and research
24 cooperation system (SPARCS) program account (21902).
25 4. \$250,000 from the general fund to the combined gifts, grants and
26 bequests fund, prostate cancer research, detection, and education
27 account (20183), an amount equal to the moneys collected and deposited
28 into that account in the previous fiscal year.
29 5. \$500,000 from the general fund to the combined gifts, grants and
30 bequests fund, Alzheimer's disease research and assistance account
31 (20143), an amount equal to the moneys collected and deposited into that
32 account in the previous fiscal year.
33 6. \$26,527,000 from the HCRA resources fund (20800), to the miscella-
34 neous special revenue fund, empire state stem cell trust fund account
35 (22161).
36 7. \$11,373,000 from the general fund to the miscellaneous special
37 revenue fund, empire state stem cell trust fund (22161).
38 8. \$64,600,000 from any of the department of health accounts within
39 the federal health and human services fund to the miscellaneous special
40 revenue fund, quality of care account (21915).
41 9. \$4,000,000 from the miscellaneous special revenue fund, certificate
42 of need account (21920), to the general fund.
43 10. \$3,000,000 from the miscellaneous special revenue fund, adminis-
44 tration program account (21982), to the general fund.
45 11. \$3,000,000 from the miscellaneous special revenue fund, vital
46 records account (22103), to the general fund.
47 12. \$10,000,000 from the HCRA resources fund (20800) to the capital
48 projects fund (30000), for the purpose of funding the all payers claims
49 database.
50 13. \$3,700,000 from the miscellaneous New York state agency fund,
51 Medicaid recoveries account (60615), to the general fund.
52 14. \$26,800,000 from the HCRA resources fund (20800) to the general
53 fund.
54 Labor:

- 1 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
2 penalty account (21923), to the child performer's protection fund, child
3 performer protection account (20401).
- 4 2. \$9,400,000 from the miscellaneous special revenue fund, DOL fee and
5 penalty account (21923), to the general fund.
- 6 3. \$3,300,000 from the unemployment insurance interest and penalty
7 fund, unemployment insurance special interest and penalty account
8 (23601), to the general fund.
- 9 4. \$2,000,000 from the fee and penalty account (21923) to the general
10 fund.
- 11 Mental Hygiene:
- 12 1. \$10,000,000 from the miscellaneous special revenue fund, mental
13 hygiene patient income account (21909), to the miscellaneous special
14 revenue fund, federal salary sharing account (22056).
- 15 2. \$100,000,000 from the miscellaneous special revenue fund, mental
16 hygiene patient income account (21909), to the miscellaneous special
17 revenue fund, provider of service accounts (21903).
- 18 3. \$100,000,000 from the miscellaneous special revenue fund, mental
19 hygiene program fund account (21907), to the miscellaneous special
20 revenue fund, provider of service account (21903).
- 21 4. \$1,280,300,000 from the general fund to the miscellaneous special
22 revenue fund, mental hygiene patient income account (21909).
- 23 5. \$1,640,278,651 from the general fund to the miscellaneous special
24 revenue fund, mental hygiene program fund account (21907).
- 25 6. \$100,000,000 from the miscellaneous special revenue fund, mental
26 hygiene program fund account (21907), to the general fund.
- 27 7. \$100,000,000 from the miscellaneous special revenue fund, mental
28 hygiene patient income account (21909), to the general fund.
- 29 Public Protection:
- 30 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
31 management account (21944), to the general fund.
- 32 2. \$3,300,000 from the general fund to the miscellaneous special
33 revenue fund, recruitment incentive account (22171).
- 34 3. \$13,000,000 from the general fund to the correctional industries
35 revolving fund, correctional industries internal service account
36 (55350).
- 37 4. \$12,000,000 from the federal miscellaneous operating grants fund,
38 DMNA damage account (25324), to the general fund.
- 39 5. \$14,300,000 from the general fund to the miscellaneous special
40 revenue fund, crimes against revenue program account (22015).
- 41 6. \$9,100,000 from the miscellaneous special revenue fund, criminal
42 justice improvement account (21945), to the general fund.
- 43 7. \$50,000,000 from the miscellaneous special revenue fund, statewide
44 public safety communications account (22123), to the revenue bond tax
45 fund.
- 46 8. \$106,000,000 from the state police motor vehicle law enforcement
47 and motor vehicle theft and insurance fraud prevention fund, state
48 police motor vehicle enforcement account (22802), to the general fund
49 for state operation expenses of the division of state police.
- 50 9. \$21,500,000 from the general fund to the correctional facilities
51 capital improvement fund (32350).
- 52 10. \$5,000,000 from the general fund to the dedicated highway and
53 bridge trust fund (30050) for the purpose of work zone safety activities
54 provided by the division of state police for the department of transpor-
55 tation.
- 56 11. Intentionally omitted.

12. \$2,000,000 from the miscellaneous special revenue fund, indigent legal services account (23551), to the general fund.

Transportation:

1. \$17,672,000 from the federal miscellaneous operating grants fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

2. \$20,147,000 from the federal capital projects fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

3. \$15,700,000 from the miscellaneous special revenue fund, compulsory insurance account (22087), to the general fund.

4. \$12,000,000 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401).

5. \$164,483,000 from the general fund to the dedicated highway and bridge trust fund (30050).

6. Intentionally omitted.

7. Intentionally omitted.

8. \$310,550,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

9. Intentionally omitted.

10. Intentionally omitted.

11. Intentionally omitted.

Miscellaneous:

1. \$150,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

2. \$500,000,000 from the general fund to the debt reduction reserve fund (40000).

3. \$450,000,000 from the New York state storm recovery capital fund (33000) to the revenue bond tax fund (40152).

4. \$15,500,000 from the general fund, community projects account GG (10256), to the general fund, state purposes account (10050).

S 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2015:

1. Upon request of the commissioner of environmental conservation, up to \$11,283,800 from revenues credited to any of the department of environmental conservation special revenue funds, including \$3,275,400 from the environmental protection and oil spill compensation fund (21200), and \$1,773,600 from the conservation fund (21150), to the environmental conservation special revenue fund, indirect charges account (21060).

2. Upon request of the commissioner of agriculture and markets, up to \$3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the general fund, to pay appropriate administrative expenses.

3. Upon request of the commissioner of agriculture and markets, up to \$2,000,000 from the state exposition special fund, state fair receipts account (50051) to the miscellaneous capital projects fund, state fair capital improvement account (32208).

4. Upon request of the commissioner of the division of housing and community renewal, up to \$6,221,000 from revenues credited to any division of housing and community renewal federal or miscellaneous special revenue fund to the miscellaneous special revenue fund, housing indirect cost recovery account (22090).

5. Upon request of the commissioner of the division of housing and community renewal, up to \$5,500,000 may be transferred from any miscel-

1 laneous special revenue fund account, to any miscellaneous special
2 revenue fund.

3 6. Upon request of the commissioner of health up to \$5,000,000 from
4 revenues credited to any of the department of health's special revenue
5 funds, to the miscellaneous special revenue fund, administration account
6 (21982).

7 S 3-a. Employees of the division of military and naval affairs in the
8 unclassified service of the state, who are substantially engaged in the
9 performance of duties to support business and financial services, admin-
10 istrative services, payroll administration, time and attendance, benefit
11 administration and other transactional human resources functions, may be
12 transferred to the office of general services in accordance with the
13 provisions of section 45 of the civil service law as if the state had
14 taken over a private entity. No employee who is transferred pursuant to
15 this act shall suffer a reduction in basic annual salary as a result of
16 the transfer.

17 S 4. Notwithstanding section 2815 of the public health law or any
18 other contrary provision of law, upon the direction of the director of
19 the budget and the commissioner of health, the dormitory authority of
20 the state of New York is directed to transfer \$7,000,000 annually from
21 funds available and uncommitted in the New York state health care
22 restructuring pool to the health care reform act (HCRA) resources fund -
23 HCRA resources account.

24 S 5. On or before March 31, 2015, the comptroller is hereby authorized
25 and directed to deposit earnings that would otherwise accrue to the
26 general fund that are attributable to the operation of section 98-a of
27 the state finance law, to the agencies internal service fund, banking
28 services account (55057), for the purpose of meeting direct payments
29 from such account.

30 S 6. Notwithstanding any law to the contrary, upon the direction of
31 the director of the budget and upon requisition by the state university
32 of New York, the dormitory authority of the state of New York is
33 directed to transfer, up to \$22,000,000 in revenues generated from the
34 sale of notes or bonds, to the state university of New York for
35 reimbursement of bondable equipment for further transfer to the state's
36 general fund.

37 S 7. Notwithstanding any law to the contrary, and in accordance with
38 section 4 of the state finance law, the comptroller is hereby authorized
39 and directed to transfer, upon request of the director of the budget and
40 upon consultation with the state university chancellor or his or her
41 designee, on or before March 31, 2015, up to \$16,000,000 from the state
42 university income fund general revenue account (22653) to the state
43 general fund for debt service costs related to campus supported capital
44 project costs for the NY-SUNY 2020 challenge grant program at the
45 University at Buffalo.

46 S 8. Notwithstanding any law to the contrary, and in accordance with
47 section 4 of the state finance law, the comptroller is hereby authorized
48 and directed to transfer, upon request of the director of the budget and
49 upon consultation with the state university chancellor or his or her
50 designee, on or before March 31, 2015, up to \$6,500,000 from the state
51 university income fund general revenue account (22653) to the state
52 general fund for debt service costs related to campus supported capital
53 project costs for the NY-SUNY 2020 challenge grant program at the
54 University at Albany.

55 S 9. Notwithstanding any law to the contrary, the state university
56 chancellor or his or her designee is authorized and directed to transfer

1 estimated tuition revenue balances from the state university collection
2 fund (61000) to the state university income fund, state university
3 general revenue offset account (22655) on or before March 31, 2015.

4 S 10. Notwithstanding any law to the contrary, and in accordance with
5 section 4 of the state finance law, the comptroller is hereby authorized
6 and directed to transfer, upon request of the director of the budget, up
7 to \$69,264,000 from the general fund to the state university income
8 fund, state university hospitals income reimbursable account (22656)
9 during the period July 1, 2014 through June 30, 2015 to reflect ongoing
10 state subsidy of SUNY hospitals and to pay costs attributable to the
11 SUNY hospitals' state agency status.

12 S 11. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state finance law, the comptroller is hereby authorized
14 and directed to transfer, upon request of the director of the budget, up
15 to \$969,050,300 from the general fund to the state university income
16 fund, state university general revenue offset account (22655) during the
17 period of July 1, 2014 through June 30, 2015 to support operations at
18 the state university.

19 S 12. Notwithstanding any law to the contrary, and in accordance with
20 section 4 of the state finance law, the comptroller is hereby authorized
21 and directed to transfer, upon request of the state university chancel-
22 lor or his or her designee, up to \$50,000,000 from the state university
23 income fund, state university hospitals income reimbursable account
24 (22656), for services and expenses of hospital operations and capital
25 expenditures at the state university hospitals; and the state university
26 income fund, Long Island veterans' home account (22652) to the state
27 university capital projects fund (32400) on or before June 30, 2015.

28 S 13. Notwithstanding any law to the contrary, and in accordance with
29 section 4 of the state finance law, the comptroller, after consultation
30 with the state university chancellor or his or her designee, is hereby
31 authorized and directed to transfer moneys, in the first instance, from
32 the state university collection fund, Stony Brook hospital collection
33 account (61006), Brooklyn hospital collection account (61007), and Syra-
34 cuse hospital collection account (61008) to the state university income
35 fund, state university hospitals income reimbursable account (22656) in
36 the event insufficient funds are available in the state university
37 income fund, state university hospitals income reimbursable account
38 (22656) to permit the full transfer of moneys authorized for transfer,
39 to the general fund for payment of debt service related to the SUNY
40 hospitals. Notwithstanding any law to the contrary, the comptroller is
41 also hereby authorized and directed, after consultation with the state
42 university chancellor or his or her designee, to transfer moneys from
43 the state university income fund to the state university income fund,
44 state university hospitals income reimbursable account (22656) in the
45 event insufficient funds are available in the state university income
46 fund, state university hospitals income reimbursable account (22656) to
47 pay hospital operating costs or to permit the full transfer of moneys
48 authorized for transfer, to the general fund for payment of debt service
49 related to the SUNY hospitals on or before March 31, 2015.

50 S 14. Notwithstanding any law to the contrary, upon the direction of
51 the director of the budget and the chancellor of the state university of
52 New York or his or her designee, and in accordance with section 4 of the
53 state finance law, the comptroller is hereby authorized and directed to
54 transfer monies from the state university dormitory income fund (40350)
55 to the state university residence hall rehabilitation fund (30100), and
56 from the state university residence hall rehabilitation fund (30100) to

1 the state university dormitory income fund (40350), in an amount not to
2 exceed in the aggregate \$80 million.

3 S 15. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state finance law, the comptroller is hereby authorized
5 and directed to transfer monies, upon request of the director of the
6 budget, on or before March 31, 2015, from and to any of the following
7 accounts: the miscellaneous special revenue fund, patient income account
8 (21909), the miscellaneous special revenue fund, mental hygiene program
9 fund account (21907), the miscellaneous special revenue fund, federal
10 salary sharing account (22056) or the general fund in any combination,
11 the aggregate of which shall not exceed \$350 million.

12 S 16. Intentionally omitted.

13 S 17. Notwithstanding any law to the contrary, and in accordance with
14 section 4 of the state finance law, the comptroller is hereby authorized
15 and directed to transfer, at the request of the director of the budget,
16 up to \$100 million from any non-general fund or account, or combination
17 of funds and accounts, to the miscellaneous special revenue fund, tech-
18 nology financing account (22207) or the miscellaneous capital projects
19 fund, information technology capital financing account, for the purpose
20 of consolidating technology procurement and services. The amounts
21 transferred to the miscellaneous special revenue fund, technology
22 financing account (22207) pursuant to this authorization shall be equal
23 to or less than the amount of such monies intended to support informa-
24 tion technology costs which are attributable, according to a plan, to
25 such account made in pursuance to an appropriation by law. Transfers to
26 the technology financing account shall be completed from amounts
27 collected by non-general funds or accounts pursuant to a fund deposit
28 schedule or permanent statute, and shall be transferred to the technolo-
29 gy financing account pursuant to a schedule agreed upon by the affected
30 agency commissioner. Transfers from funds that would result in the loss
31 of eligibility for federal benefits or federal funds pursuant to federal
32 law, rule, or regulation as assented to in chapter 683 of the laws of
33 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to
34 this authorization.

35 S 18. Intentionally omitted.

36 S 19. Intentionally omitted.

37 S 19-a. Notwithstanding any provision of law, rule or regulation to
38 the contrary, the New York State energy research and development author-
39 ity is authorized and directed to pay to the state treasury to the
40 credit of the general fund the amount of \$165,600,000 in reallocated
41 clean energy ratepayer funds, and the amount of \$52,900,000 from
42 proceeds collected by the authority from the auction or sale of carbon
43 dioxide emission allowances allocated by the department of environmental
44 conservation under the Regional Greenhouse Gas Initiative for the fiscal
45 year commencing April 1, 2014.

46 S 20. Subdivision 5 of section 97-rrr of the state finance law, as
47 amended by section 20 of part HH of chapter 57 of the laws of 2013, is
48 amended to read as follows:

49 5. Notwithstanding the provisions of section one hundred seventy-one-a
50 of the tax law, as separately amended by chapters four hundred eighty-
51 one and four hundred eighty-four of the laws of nineteen hundred eight-
52 y-one, and notwithstanding the provisions of chapter ninety-four of the
53 laws of two thousand eleven, or any other provisions of law to the
54 contrary, during the fiscal year beginning April first, two thousand
55 [thirteen] FOURTEEN, the state comptroller is hereby authorized and
56 directed to deposit to the fund created pursuant to this section from

1 amounts collected pursuant to article twenty-two of the tax law and
2 pursuant to a schedule submitted by the director of the budget, up to
3 [\$3,419,375,000] \$3,429,375,000, as may be certified in such schedule as
4 necessary to meet the purposes of such fund for the fiscal year begin-
5 ning April first, two thousand [thirteen] FOURTEEN.

6 S 21. The comptroller is authorized and directed to deposit to the
7 general fund-state purposes account reimbursements from moneys appropri-
8 ated or reappropriated to the correctional facilities capital improve-
9 ment fund by a chapter of the laws of 2014. Reimbursements shall be
10 available for spending from appropriations made to the department of
11 corrections and community supervision in the general fund-state purposes
12 accounts by a chapter of the laws of 2014 for costs associated with the
13 administration and security of capital projects and for other costs
14 which are attributable, according to a plan, to such capital projects.

15 S 22. Subdivision 6 of section 4 of the state finance law, as amended
16 by section 18 of part U of chapter 59 of the laws of 2012, is amended to
17 read as follows:

18 6. Notwithstanding any law to the contrary, at the beginning of the
19 state fiscal year, the state comptroller is hereby authorized and
20 directed to receive for deposit to the credit of a fund and/or an
21 account such monies as are identified by the director of the budget as
22 having been intended for such deposit to support disbursements from such
23 fund and/or account made in pursuance of an appropriation by law. As
24 soon as practicable upon enactment of the budget, the director of the
25 budget shall, but not less than three days following preliminary
26 submission to the chairs of the senate finance committee and the assem-
27 bly ways and means committee, file with the state comptroller an iden-
28 tification of specific monies to be so deposited. Any subsequent change
29 regarding the monies to be so deposited shall be filed by the director
30 of the budget, as soon as practicable, but not less than three days
31 following preliminary submission to the chairs of the senate finance
32 committee and the assembly ways and means committee.

33 All monies identified by the director of the budget to be deposited to
34 the credit of a fund and/or account shall be consistent with the intent
35 of the budget for the then current state fiscal year as enacted by the
36 legislature.

37 [The provisions of this subdivision shall expire on March thirty-
38 first, two thousand fourteen.]

39 S 23. Subdivision 4 of section 40 of the state finance law, as amended
40 by section 19 of part U of chapter 59 of the laws of 2012, is amended to
41 read as follows:

42 4. Every appropriation made from a fund or account to a department or
43 agency shall be available for the payment of prior years' liabilities in
44 such fund or account for fringe benefits, indirect costs, and telecommu-
45 nications expenses and expenses for other centralized services fund
46 programs without limit. Every appropriation shall also be available for
47 the payment of prior years' liabilities other than those indicated
48 above, but only to the extent of one-half of one percent of the total
49 amount appropriated to a department or agency in such fund or account.

50 [The provisions of this subdivision shall expire March thirty-first,
51 two thousand fourteen.]

52 S 24. Notwithstanding any other law, rule, or regulation to the
53 contrary, the state comptroller is hereby authorized and directed to use
54 any balance remaining in the mental health services fund debt service
55 appropriation, after payment by the state comptroller of all obligations
56 required pursuant to any lease, sublease, or other financing arrangement

1 between the dormitory authority of the state of New York as successor to
2 the New York state medical care facilities finance agency, and the
3 facilities development corporation pursuant to chapter 83 of the laws of
4 1995 and the department of mental hygiene for the purpose of making
5 payments to the dormitory authority of the state of New York for the
6 amount of the earnings for the investment of monies deposited in the
7 mental health services fund that such agency determines will or may have
8 to be rebated to the federal government pursuant to the provisions of
9 the internal revenue code of 1986, as amended, in order to enable such
10 agency to maintain the exemption from federal income taxation on the
11 interest paid to the holders of such agency's mental services facilities
12 improvement revenue bonds. Annually on or before each June 30th, such
13 agency shall certify to the state comptroller its determination of the
14 amounts received in the mental health services fund as a result of the
15 investment of monies deposited therein that will or may have to be
16 rebated to the federal government pursuant to the provisions of the
17 internal revenue code of 1986, as amended.

18 S 25. Section 68-b of the state finance law is amended by adding a new
19 subdivision 12 to read as follows:

20 12. THE COMPTROLLER IS HEREBY AUTHORIZED TO RECEIVE FROM THE AUTHOR-
21 IZED ISSUERS ANY PORTION OF BOND PROCEEDS PAID TO PROVIDE FUNDS FOR OR
22 REIMBURSE THE STATE FOR ITS COSTS ASSOCIATED WITH SUCH AUTHORIZED
23 PURPOSES AND TO CREDIT SUCH AMOUNTS TO THE CAPITAL PROJECTS FUND OR ANY
24 OTHER APPROPRIATE FUND.

25 S 26. Section 69-n of the state finance law is amended by adding a new
26 subdivision 12 to read as follows:

27 12. THE COMPTROLLER IS HEREBY AUTHORIZED TO RECEIVE FROM THE AUTHOR-
28 IZED ISSUERS ANY PORTION OF BOND PROCEEDS PAID TO PROVIDE FUNDS FOR OR
29 REIMBURSE THE STATE FOR ITS COSTS ASSOCIATED WITH SUCH AUTHORIZED
30 PURPOSES AND TO CREDIT SUCH AMOUNTS TO THE CAPITAL PROJECTS FUND OR ANY
31 OTHER APPROPRIATE FUND.

32 S 27. Paragraph (b) of subdivision 4 of section 72 of the state
33 finance law, as amended by section 37 of part U of chapter 59 of the
34 laws of 2012, is amended to read as follows:

35 (b) On or before the beginning of each quarter, the director of the
36 budget may certify to the state comptroller the estimated amount of
37 monies that shall be reserved in the general debt service fund for the
38 payment of debt service and related expenses payable by such fund during
39 each month of the state fiscal year, excluding payments due from the
40 revenue bond tax fund. Such certificate may be periodically updated, as
41 necessary. Notwithstanding any provision of law to the contrary, the
42 state comptroller shall reserve in the general debt service fund the
43 amount of monies identified on such certificate as necessary for the
44 payment of debt service and related expenses during the current or next
45 succeeding quarter of the state fiscal year. Such monies reserved shall
46 not be available for any other purpose. Such certificate shall be
47 reported to the chairpersons of the Senate Finance Committee and the
48 Assembly Ways and Means Committee. The provisions of this paragraph
49 shall expire June thirtieth, two thousand [fourteen] SIXTEEN.

50 S 28. Section 47 of section 1 of chapter 174 of the laws of 1968,
51 constituting the New York state urban development corporation act, as
52 added by section 47 of part HH of chapter 57 of the laws of 2013, is
53 amended to read as follows:

54 S 47. 1. Notwithstanding the provisions of any other law to the
55 contrary, the dormitory authority and the corporation are hereby author-
56 ized to issue bonds or notes in one or more series for the purpose of

1 funding project costs for the office of information technology services,
2 DEPARTMENT OF LAW, and other state costs associated with such capital
3 projects. The aggregate principal amount of bonds authorized to be
4 issued pursuant to this section shall not exceed [eighty-seven] ONE
5 HUNDRED EIGHTY-TWO million [seven] FOUR hundred forty thousand dollars,
6 excluding bonds issued to fund one or more debt service reserve funds,
7 to pay costs of issuance of such bonds, and bonds or notes issued to
8 refund or otherwise repay such bonds or notes previously issued. Such
9 bonds and notes of the dormitory authority and the corporation shall not
10 be a debt of the state, and the state shall not be liable thereon, nor
11 shall they be payable out of any funds other than those appropriated by
12 the state to the dormitory authority and the corporation for principal,
13 interest, and related expenses pursuant to a service contract and such
14 bonds and notes shall contain on the face thereof a statement to such
15 effect. Except for purposes of complying with the internal revenue code,
16 any interest income earned on bond proceeds shall only be used to pay
17 debt service on such bonds.

18 2. Notwithstanding any other provision of law to the contrary, in
19 order to assist the dormitory authority and the corporation in undertak-
20 ing the financing for project costs for the office of information tech-
21 nology services, DEPARTMENT OF LAW, and other state costs associated
22 with such capital projects, the director of the budget is hereby author-
23 ized to enter into one or more service contracts with the dormitory
24 authority and the corporation, none of which shall exceed thirty years
25 in duration, upon such terms and conditions as the director of the budg-
26 et and the dormitory authority and the corporation agree, so as to annu-
27 ally provide to the dormitory authority and the corporation, in the
28 aggregate, a sum not to exceed the principal, interest, and related
29 expenses required for such bonds and notes. Any service contract entered
30 into pursuant to this section shall provide that the obligation of the
31 state to pay the amount therein provided shall not constitute a debt of
32 the state within the meaning of any constitutional or statutory
33 provision and shall be deemed executory only to the extent of monies
34 available and that no liability shall be incurred by the state beyond
35 the monies available for such purpose, subject to annual appropriation
36 by the legislature. Any such contract or any payments made or to be made
37 thereunder may be assigned and pledged by the dormitory authority and
38 the corporation as security for its bonds and notes, as authorized by
39 this section.

40 S 29. Subdivision 1 of section 16 of part D of chapter 389 of the laws
41 of 1997, relating to the financing of the correctional facilities
42 improvement fund and the youth facility improvement fund, as amended by
43 section 49 of part HH of chapter 57 of the laws of 2013, is amended to
44 read as follows:

45 1. Subject to the provisions of chapter 59 of the laws of 2000, but
46 notwithstanding the provisions of section 18 of section 1 of chapter 174
47 of the laws of 1968, the New York state urban development corporation is
48 hereby authorized to issue bonds, notes and other obligations in an
49 aggregate principal amount not to exceed seven billion one hundred
50 [thirty-three] FORTY-EIGHT million sixty-nine thousand dollars
51 [\$7,133,069,000] \$7,148,069,000, and shall include all bonds, notes and
52 other obligations issued pursuant to chapter 56 of the laws of 1983, as
53 amended or supplemented. The proceeds of such bonds, notes or other
54 obligations shall be paid to the state, for deposit in the correctional
55 facilities capital improvement fund to pay for all or any portion of the
56 amount or amounts paid by the state from appropriations or reappropri-

1 ations made to the department of corrections and community supervision
2 from the correctional facilities capital improvement fund for capital
3 projects. The aggregate amount of bonds, notes or other obligations
4 authorized to be issued pursuant to this section shall exclude bonds,
5 notes or other obligations issued to refund or otherwise repay bonds,
6 notes or other obligations theretofore issued, the proceeds of which
7 were paid to the state for all or a portion of the amounts expended by
8 the state from appropriations or reappropriations made to the department
9 of corrections and community supervision; provided, however, that upon
10 any such refunding or repayment the total aggregate principal amount of
11 outstanding bonds, notes or other obligations may be greater than seven
12 billion one hundred [thirty-three] FORTY-EIGHT million sixty-nine thou-
13 sand dollars [\$7,133,069,000] \$7,148,069,000, only if the present value
14 of the aggregate debt service of the refunding or repayment bonds, notes
15 or other obligations to be issued shall not exceed the present value of
16 the aggregate debt service of the bonds, notes or other obligations so
17 to be refunded or repaid. For the purposes hereof, the present value of
18 the aggregate debt service of the refunding or repayment bonds, notes or
19 other obligations and of the aggregate debt service of the bonds, notes
20 or other obligations so refunded or repaid, shall be calculated by
21 utilizing the effective interest rate of the refunding or repayment
22 bonds, notes or other obligations, which shall be that rate arrived at
23 by doubling the semi-annual interest rate (compounded semi-annually)
24 necessary to discount the debt service payments on the refunding or
25 repayment bonds, notes or other obligations from the payment dates ther-
26 eof to the date of issue of the refunding or repayment bonds, notes or
27 other obligations and to the price bid including estimated accrued
28 interest or proceeds received by the corporation including estimated
29 accrued interest from the sale thereof.

30 S 30. Paragraph (a) of subdivision 2 of section 47-e of the private
31 housing finance law, as amended by section 50 of part HH of chapter 57
32 of the laws of 2013, is amended to read as follows:

33 (a) Subject to the provisions of chapter fifty-nine of the laws of two
34 thousand, in order to enhance and encourage the promotion of housing
35 programs and thereby achieve the stated purposes and objectives of such
36 housing programs, the agency shall have the power and is hereby author-
37 ized from time to time to issue negotiable housing program bonds and
38 notes in such principal amount as shall be necessary to provide suffi-
39 cient funds for the repayment of amounts disbursed (and not previously
40 reimbursed) pursuant to law or any prior year making capital appropri-
41 ations or reappropriations for the purposes of the housing program;
42 provided, however, that the agency may issue such bonds and notes in an
43 aggregate principal amount not exceeding two billion [eight hundred
44 forty-four] NINE HUNDRED NINETY-NINE million [eight hundred] ninety-nine
45 thousand dollars, plus a principal amount of bonds issued to fund the
46 debt service reserve fund in accordance with the debt service reserve
47 fund requirement established by the agency and to fund any other
48 reserves that the agency reasonably deems necessary for the security or
49 marketability of such bonds and to provide for the payment of fees and
50 other charges and expenses, including underwriters' discount, trustee
51 and rating agency fees, bond insurance, credit enhancement and liquidity
52 enhancement related to the issuance of such bonds and notes. No reserve
53 fund securing the housing program bonds shall be entitled or eligible to
54 receive state funds apportioned or appropriated to maintain or restore
55 such reserve fund at or to a particular level, except to the extent of
56 any deficiency resulting directly or indirectly from a failure of the

1 state to appropriate or pay the agreed amount under any of the contracts
2 provided for in subdivision four of this section.

3 S 31. Subdivision (b) of section 11 of chapter 329 of the laws of
4 1991, amending the state finance law and other laws relating to the
5 establishment of the dedicated highway and bridge trust fund, as amended
6 by section 51 of part HH of chapter 57 of the laws of 2013, is amended
7 to read as follows:

8 (b) Any service contract or contracts for projects authorized pursuant
9 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
10 14-k of the transportation law, and entered into pursuant to subdivision
11 (a) of this section, shall provide for state commitments to provide
12 annually to the thruway authority a sum or sums, upon such terms and
13 conditions as shall be deemed appropriate by the director of the budget,
14 to fund, or fund the debt service requirements of any bonds or any obli-
15 gations of the thruway authority issued to fund OR TO REIMBURSE THE
16 STATE FOR FUNDING such projects having a cost not in excess of
17 [\$7,591,875,000] \$8,080,728,000 cumulatively by the end of fiscal year
18 [2013-14] 2014-15.

19 S 32. Subdivision 1 of section 1689-i of the public authorities law,
20 as amended by section 52 of part HH of chapter 57 of the laws of 2013,
21 is amended to read as follows:

22 1. The dormitory authority is authorized to issue bonds, at the
23 request of the commissioner of education, to finance eligible library
24 construction projects pursuant to section two hundred seventy-three-a of
25 the education law, in amounts certified by such commissioner not to
26 exceed a total principal amount of [one hundred twelve] ONE HUNDRED
27 TWENTY-SIX million dollars.

28 S 33. Subdivision (a) of section 27 of part Y of chapter 61 of the
29 laws of 2005, providing for the administration of certain funds and
30 accounts related to the 2005-2006 budget, as amended by section 53 of
31 part HH of chapter 57 of the laws of 2013, is amended to read as
32 follows:

33 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
34 notwithstanding any provisions of law to the contrary, the urban devel-
35 opment corporation is hereby authorized to issue bonds or notes in one
36 or more series in an aggregate principal amount not to exceed
37 [\$133,600,000] \$139,600,000, excluding bonds issued to finance one or
38 more debt service reserve funds, to pay costs of issuance of such bonds,
39 and bonds or notes issued to refund or otherwise repay such bonds or
40 notes previously issued, for the purpose of financing capital projects
41 INCLUDING IT INITIATIVES for the division of state police, debt service
42 and leases; and to reimburse the state general fund for disbursements
43 made therefor. Such bonds and notes of such authorized issuer shall not
44 be a debt of the state, and the state shall not be liable thereon, nor
45 shall they be payable out of any funds other than those appropriated by
46 the state to such authorized issuer for debt service and related
47 expenses pursuant to any service contract executed pursuant to subdivi-
48 sion (b) of this section and such bonds and notes shall contain on the
49 face thereof a statement to such effect. Except for purposes of comply-
50 ing with the internal revenue code, any interest income earned on bond
51 proceeds shall only be used to pay debt service on such bonds.

52 S 34. Section 44 of section 1 of chapter 174 of the laws of 1968,
53 constituting the New York state urban development corporation act, as
54 amended by section 54 of part HH of chapter 57 of the laws of 2013, is
55 amended to read as follows:

1 S 44. Issuance of certain bonds or notes. 1. Notwithstanding the
2 provisions of any other law to the contrary, the dormitory authority and
3 the corporation are hereby authorized to issue bonds or notes in one or
4 more series for the purpose of funding project costs for the regional
5 economic development council initiative, the economic transformation
6 program, state university of New York college for nanoscale and science
7 engineering, projects within the city of Buffalo or surrounding envi-
8 rons, the New York works economic development fund, projects for the
9 retention of professional football in western New York, the empire state
10 economic [development] DEVELOPMENT fund, THE CLARKSON-TRUDEAU PARTNER-
11 SHIP, THE NEW YORK GENOME CENTER, THE CORNELL UNIVERSITY COLLEGE OF
12 VETERINARY MEDICINE, THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY, A
13 PROJECT AT NANO UTICA, ONONDAGA COUNTY REVITALIZATION PROJECTS, A
14 RESEARCH AND DEVELOPMENT PARK AT STONY BROOK, and other state costs
15 associated with such projects. The aggregate principal amount of bonds
16 authorized to be issued pursuant to this section shall not exceed [one]
17 TWO billion [three] FIFTY-SEVEN million [six] TWO hundred [seven]
18 FIFTY-SEVEN thousand dollars, excluding bonds issued to fund one or more
19 debt service reserve funds, to pay costs of issuance of such bonds, and
20 bonds or notes issued to refund or otherwise repay such bonds or notes
21 previously issued. Such bonds and notes of the dormitory authority and
22 the corporation shall not be a debt of the state, and the state shall
23 not be liable thereon, nor shall they be payable out of any funds other
24 than those appropriated by the state to the dormitory authority and the
25 corporation for principal, interest, and related expenses pursuant to a
26 service contract and such bonds and notes shall contain on the face
27 thereof a statement to such effect. Except for purposes of complying
28 with the internal revenue code, any interest income earned on bond
29 proceeds shall only be used to pay debt service on such bonds.

30 2. Notwithstanding any other provision of law to the contrary, in
31 order to assist the dormitory authority and the corporation in undertak-
32 ing the financing for project costs for the regional economic develop-
33 ment council initiative, the economic transformation program, state
34 university of New York college for nanoscale and science engineering,
35 projects within the city of Buffalo or surrounding environs, the New
36 York works economic development fund, projects for the retention of
37 professional football in western New York, the empire state economic
38 development fund, THE CLARKSON-TRUDEAU PARTNERSHIP, THE NEW YORK GENOME
39 CENTER, THE CORNELL UNIVERSITY COLLEGE OF VETERINARY MEDICINE, THE OLYM-
40 PIC REGIONAL DEVELOPMENT AUTHORITY, A PROJECT AT NANO UTICA, ONONDAGA
41 COUNTY REVITALIZATION PROJECTS, THE RESEARCH AND DEVELOPMENT PARK AT
42 STONY BROOK and other state costs associated with such projects, the
43 director of the budget is hereby authorized to enter into one or more
44 service contracts with the dormitory authority and the corporation, none
45 of which shall exceed thirty years in duration, upon such terms and
46 conditions as the director of the budget and the dormitory authority and
47 the corporation agree, so as to annually provide to the dormitory
48 authority and the corporation, in the aggregate, a sum not to exceed the
49 principal, interest, and related expenses required for such bonds and
50 notes. Any service contract entered into pursuant to this section shall
51 provide that the obligation of the state to pay the amount therein
52 provided shall not constitute a debt of the state within the meaning of
53 any constitutional or statutory provision and shall be deemed executory
54 only to the extent of monies available and that no liability shall be
55 incurred by the state beyond the monies available for such purpose,
56 subject to annual appropriation by the legislature. Any such contract or

1 any payments made or to be made thereunder may be assigned and pledged
2 by the dormitory authority and the corporation as security for its bonds
3 and notes, as authorized by this section.

4 S 35. Subdivision 3 of section 1285-p of the public authorities law,
5 as amended by section 55 of part HH of chapter 57 of the laws of 2013,
6 is amended to read as follows:

7 3. The maximum amount of bonds that may be issued for the purpose of
8 financing environmental infrastructure projects authorized by this
9 section shall be one billion [two] THREE hundred [sixty-five]
10 THIRTY-FIVE million [seven] SIX hundred [sixty] TWENTY-EIGHT thousand
11 dollars, exclusive of bonds issued to fund any debt service reserve
12 funds, pay costs of issuance of such bonds, and bonds or notes issued to
13 refund or otherwise repay bonds or notes previously issued. Such bonds
14 and notes of the corporation shall not be a debt of the state, and the
15 state shall not be liable thereon, nor shall they be payable out of any
16 funds other than those appropriated by the state to the corporation for
17 debt service and related expenses pursuant to any service contracts
18 executed pursuant to subdivision one of this section, and such bonds and
19 notes shall contain on the face thereof a statement to such effect.

20 S 36. Section 93-a of the state finance law, as added by section 64 of
21 part HH of chapter 57 of the laws of 2013, is amended to read as
22 follows:

23 S 93-a. New York state storm recovery capital fund. 1. (a) There is
24 hereby established in the joint custody of the comptroller and the
25 commissioner of taxation and finance a special fund to be known as the
26 "New York state storm recovery capital fund".

27 (b) The sources of funds shall consist of all moneys collected there-
28 for, or moneys credited, appropriated or transferred thereto from any
29 other fund or source pursuant to law, or any other moneys made available
30 for the purposes of the fund. [Any interest received by the comptroller
31 on moneys on deposit shall be retained in and become a part of the fund,
32 unless otherwise directed by law.]

33 2. Following appropriation by the legislature, moneys in the storm
34 recovery capital fund shall be available [to finance] FOR the repair,
35 rehabilitation, or replacement of capital works or purposes damaged by
36 Hurricane Sandy or any future natural disaster expected to be eligible
37 for reimbursement by the Federal Emergency Management Agency (FEMA), the
38 Federal Transit Administration (FTA), the Federal Highway Administration
39 (FHWA) [and] AND/OR any other Federal reimbursement source. No money in
40 this account may be expended for any project [until] UNLESS the director
41 of the budget OR HIS OR HER DESIGNEE has determined that there is a
42 substantial likelihood that the costs of such project shall be [reim-
43 bursed] ELIGIBLE FOR REIMBURSEMENT by Federal sources. [The director
44 shall issue formal rules that set forth the process by which he or she
45 will determine whether there is a substantial likelihood of reimburse-
46 ment by Federal sources.]

47 S 37. Intentionally omitted.

48 S 38. Subdivision (a) of section 48 of part K of chapter 81 of the
49 laws of 2002, providing for the administration of certain funds and
50 accounts related to the 2002-2003 budget, as amended by section 68 of
51 part HH of chapter 57 of the laws of 2013, is amended to read as
52 follows:

53 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
54 notwithstanding the provisions of section 18 of the urban development
55 corporation act, the corporation is hereby authorized to issue bonds or
56 notes in one or more series in an aggregate principal amount not to

1 exceed [\$67,000,000] \$199,000,000 excluding bonds issued to fund one or
2 more debt service reserve funds, to pay costs of issuance of such bonds,
3 and bonds or notes issued to refund or otherwise repay such bonds or
4 notes previously issued, for the purpose of financing capital costs
5 related to homeland security and training facilities for the division of
6 state police, the division of military and naval affairs, and any other
7 state agency, including the reimbursement of any disbursements made from
8 the state capital projects fund, and is hereby authorized to issue bonds
9 or notes in one or more series in an aggregate principal amount not to
10 exceed [\$220,800,000] \$317,800,000, excluding bonds issued to fund one
11 or more debt service reserve funds, to pay costs of issuance of such
12 bonds, and bonds or notes issued to refund or otherwise repay such bonds
13 or notes previously issued, for the purpose of financing improvements to
14 State office buildings and other facilities located statewide, including
15 the reimbursement of any disbursements made from the state capital
16 projects fund. Such bonds and notes of the corporation shall not be a
17 debt of the state, and the state shall not be liable thereon, nor shall
18 they be payable out of any funds other than those appropriated by the
19 state to the corporation for debt service and related expenses pursuant
20 to any service contracts executed pursuant to subdivision (b) of this
21 section, and such bonds and notes shall contain on the face thereof a
22 statement to such effect.

23 S 39. Subdivision 1 of section 386-b of the public authorities law, as
24 amended by section 69 of part HH of chapter 57 of the laws of 2013, is
25 amended to read as follows:

26 1. Notwithstanding any other provision of law to the contrary, the
27 authority, the dormitory authority and the urban development corporation
28 are hereby authorized to issue bonds or notes in one or more series for
29 the purpose of financing peace bridge projects and capital costs of
30 state and local highways, parkways, bridges, the New York state thruway,
31 Indian reservation roads, and facilities, and transportation infrastruc-
32 ture projects including aviation projects, non-MTA mass transit
33 projects, and rail service preservation projects, including work appur-
34 tenant and ancillary thereto. The aggregate principal amount of bonds
35 authorized to be issued pursuant to this section shall not exceed [two]
36 FOUR hundred [forty] SIXTY-FIVE million dollars [(\$240,000,000)]
37 (\$465,000,000), excluding bonds issued to fund one or more debt service
38 reserve funds, to pay costs of issuance of such bonds, and to refund or
39 otherwise repay such bonds or notes previously issued. Such bonds and
40 notes of the authority, the dormitory authority and the urban develop-
41 ment corporation shall not be a debt of the state, and the state shall
42 not be liable thereon, nor shall they be payable out of any funds other
43 than those appropriated by the state to the authority, the dormitory
44 authority and the urban development corporation for principal, interest,
45 and related expenses pursuant to a service contract and such bonds and
46 notes shall contain on the face thereof a statement to such effect.
47 Except for purposes of complying with the internal revenue code, any
48 interest income earned on bond proceeds shall only be used to pay debt
49 service on such bonds.

50 S 40. Paragraph (c) of subdivision 19 of section 1680 of the public
51 authorities law, as amended by section 69-a of part HH of chapter 57 of
52 the laws of 2013, is amended to read as follows:

53 (c) Subject to the provisions of chapter fifty-nine of the laws of two
54 thousand, the dormitory authority shall not issue any bonds for state
55 university educational facilities purposes if the principal amount of
56 bonds to be issued when added to the aggregate principal amount of bonds

1 issued by the dormitory authority on and after July first, nineteen
2 hundred eighty-eight for state university educational facilities will
3 exceed [ten] TWELVE billion [four] TWO hundred [twenty-two] THIRTY-TWO
4 million dollars; provided, however, that bonds issued or to be issued
5 shall be excluded from such limitation if: (1) such bonds are issued to
6 refund state university construction bonds and state university
7 construction notes previously issued by the housing finance agency; or
8 (2) such bonds are issued to refund bonds of the authority or other
9 obligations issued for state university educational facilities purposes
10 and the present value of the aggregate debt service on the refunding
11 bonds does not exceed the present value of the aggregate debt service on
12 the bonds refunded thereby; provided, further that upon certification by
13 the director of the budget that the issuance of refunding bonds or other
14 obligations issued between April first, nineteen hundred ninety-two and
15 March thirty-first, nineteen hundred ninety-three will generate long
16 term economic benefits to the state, as assessed on a present value
17 basis, such issuance will be deemed to have met the present value test
18 noted above. For purposes of this subdivision, the present value of the
19 aggregate debt service of the refunding bonds and the aggregate debt
20 service of the bonds refunded, shall be calculated by utilizing the true
21 interest cost of the refunding bonds, which shall be that rate arrived
22 at by doubling the semi-annual interest rate (compounded semi-annually)
23 necessary to discount the debt service payments on the refunding bonds
24 from the payment dates thereof to the date of issue of the refunding
25 bonds to the purchase price of the refunding bonds, including interest
26 accrued thereon prior to the issuance thereof. The maturity of such
27 bonds, other than bonds issued to refund outstanding bonds, shall not
28 exceed the weighted average economic life, as certified by the state
29 university construction fund, of the facilities in connection with which
30 the bonds are issued, and in any case not later than the earlier of
31 thirty years or the expiration of the term of any lease, sublease or
32 other agreement relating thereto; provided that no note, including
33 renewals thereof, shall mature later than five years after the date of
34 issuance of such note. The legislature reserves the right to amend or
35 repeal such limit, and the state of New York, the dormitory authority,
36 the state university of New York, and the state university construction
37 fund are prohibited from covenanting or making any other agreements with
38 or for the benefit of bondholders which might in any way affect such
39 right.

40 S 41. Paragraph (c) of subdivision 14 of section 1680 of the public
41 authorities law, as amended by section 67 of part HH of chapter 57 of
42 the laws of 2013, is amended to read as follows:

43 (c) Subject to the provisions of chapter fifty-nine of the laws of two
44 thousand, (i) the dormitory authority shall not deliver a series of
45 bonds for city university community college facilities, except to refund
46 or to be substituted for or in lieu of other bonds in relation to city
47 university community college facilities pursuant to a resolution of the
48 dormitory authority adopted before July first, nineteen hundred eighty-
49 five or any resolution supplemental thereto, if the principal amount of
50 bonds so to be issued when added to all principal amounts of bonds
51 previously issued by the dormitory authority for city university commu-
52 nity college facilities, except to refund or to be substituted in lieu
53 of other bonds in relation to city university community college facili-
54 ties will exceed the sum of four hundred twenty-five million dollars and
55 (ii) the dormitory authority shall not deliver a series of bonds issued
56 for city university facilities, including community college facilities,

1 pursuant to a resolution of the dormitory authority adopted on or after
2 July first, nineteen hundred eighty-five, except to refund or to be
3 substituted for or in lieu of other bonds in relation to city university
4 facilities and except for bonds issued pursuant to a resolution supple-
5 mental to a resolution of the dormitory authority adopted prior to July
6 first, nineteen hundred eighty-five, if the principal amount of bonds so
7 to be issued when added to the principal amount of bonds previously
8 issued pursuant to any such resolution, except bonds issued to refund or
9 to be substituted for or in lieu of other bonds in relation to city
10 university facilities, will exceed [six] SEVEN billion eight hundred
11 [fifty-three] TWENTY-SIX million [two] EIGHT hundred TWENTY-EIGHT thou-
12 sand dollars. The legislature reserves the right to amend or repeal
13 such limit, and the state of New York, the dormitory authority, the city
14 university, and the fund are prohibited from covenanting or making any
15 other agreements with or for the benefit of bondholders which might in
16 any way affect such right.

17 S 42. Subdivision 10-a of section 1680 of the public authorities law,
18 as amended by section 66 of part HH of chapter 57 of the laws of 2013,
19 is amended to read as follows:

20 10-a. Subject to the provisions of chapter fifty-nine of the laws of
21 two thousand, but notwithstanding any other provision of the law to the
22 contrary, the maximum amount of bonds and notes to be issued after March
23 thirty-first, two thousand two, on behalf of the state, in relation to
24 any locally sponsored community college, shall be [six] SEVEN hundred
25 [sixty-three] FIFTY-TWO million ONE HUNDRED TWENTY-NINE THOUSAND
26 dollars. Such amount shall be exclusive of bonds and notes issued to
27 fund any reserve fund or funds, costs of issuance and to refund any
28 outstanding bonds and notes, issued on behalf of the state, relating to
29 a locally sponsored community college.

30 S 43. The public authorities law is amended by adding a new section
31 1680-r to read as follows:

32 S 1680-R. AUTHORIZATION FOR THE ISSUANCE OF BONDS FOR THE CAPITAL
33 RESTRUCTURING FINANCING PROGRAM. 1. NOTWITHSTANDING THE PROVISIONS OF
34 ANY OTHER LAW TO THE CONTRARY, THE DORMITORY AUTHORITY AND THE URBAN
35 DEVELOPMENT CORPORATION ARE HEREBY AUTHORIZED TO ISSUE BONDS OR NOTES IN
36 ONE OR MORE SERIES FOR THE PURPOSE OF FUNDING PROJECT COSTS FOR THE
37 CAPITAL RESTRUCTURING FINANCING PROGRAM FOR HEALTH CARE AND RELATED
38 FACILITIES LICENSED PURSUANT TO THE PUBLIC HEALTH LAW OR THE MENTAL
39 HYGIENE LAW AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL PROJECTS.
40 THE AGGREGATE PRINCIPAL AMOUNT OF BONDS AUTHORIZED TO BE ISSUED PURSUANT
41 TO THIS SECTION SHALL NOT EXCEED ONE BILLION TWO HUNDRED MILLION
42 DOLLARS, EXCLUDING BONDS ISSUED TO FUND ONE OR MORE DEBT SERVICE RESERVE
43 FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH BONDS, AND BONDS OR NOTES ISSUED
44 TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES PREVIOUSLY ISSUED. SUCH
45 BONDS AND NOTES OF THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT
46 CORPORATION SHALL NOT BE A DEBT OF THE STATE, AND THE STATE SHALL NOT BE
47 LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER THAN
48 THOSE APPROPRIATED BY THE STATE TO THE DORMITORY AUTHORITY AND THE URBAN
49 DEVELOPMENT CORPORATION FOR PRINCIPAL, INTEREST, AND RELATED EXPENSES
50 PURSUANT TO A SERVICE CONTRACT AND SUCH BONDS AND NOTES SHALL CONTAIN ON
51 THE FACE THEREOF A STATEMENT TO SUCH EFFECT. EXCEPT FOR PURPOSES OF
52 COMPLYING WITH THE INTERNAL REVENUE CODE, ANY INTEREST INCOME EARNED ON
53 BOND PROCEEDS SHALL ONLY BE USED TO PAY DEBT SERVICE ON SUCH BONDS. THE
54 ISSUANCE OF ANY BONDS OR NOTES HEREUNDER SHALL FURTHER BE SUBJECT TO THE
55 APPROVAL OF THE DIRECTOR OF THE DIVISION OF THE BUDGET, AND ANY PROJECTS
56 FUNDED THROUGH THE ISSUANCE OF BONDS OR NOTES HEREUNDER SHALL BE

1 APPROVED BY THE NEW YORK STATE PUBLIC AUTHORITIES CONTROL BOARD, AS
2 REQUIRED UNDER SECTION FIFTY-ONE OF THIS CHAPTER.

3 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
4 ORDER TO ASSIST THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPO-
5 RATION IN UNDERTAKING THE FINANCING FOR PROJECT COSTS FOR THE CAPITAL
6 RESTRUCTURING FINANCING PROGRAM FOR HEALTH CARE AND RELATED FACILITIES
7 LICENSED PURSUANT TO THE PUBLIC HEALTH LAW OR THE MENTAL HYGIENE LAW AND
8 OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL PROJECTS, THE DIRECTOR OF
9 THE BUDGET IS HEREBY AUTHORIZED TO ENTER INTO ONE OR MORE SERVICE
10 CONTRACTS WITH THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPO-
11 RATION, NONE OF WHICH SHALL EXCEED THIRTY YEARS IN DURATION, UPON SUCH
12 TERMS AND CONDITIONS AS THE DIRECTOR OF THE BUDGET AND THE DORMITORY
13 AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AGREE, SO AS TO ANNUALLY
14 PROVIDE TO THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPO-
15 RATION, IN THE AGGREGATE, A SUM NOT TO EXCEED THE PRINCIPAL, INTEREST,
16 AND RELATED EXPENSES REQUIRED FOR SUCH BONDS AND NOTES. ANY SERVICE
17 CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL PROVIDE THAT THE
18 OBLIGATION OF THE STATE TO PAY THE AMOUNT THEREIN PROVIDED SHALL NOT
19 CONSTITUTE A DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL
20 OR STATUTORY PROVISION AND SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT
21 OF MONIES AVAILABLE AND THAT NO LIABILITY SHALL BE INCURRED BY THE STATE
22 BEYOND THE MONIES AVAILABLE FOR SUCH PURPOSE, SUBJECT TO ANNUAL APPRO-
23 PRIATION BY THE LEGISLATURE. ANY SUCH CONTRACT OR ANY PAYMENTS MADE OR
24 TO BE MADE THEREUNDER MAY BE ASSIGNED AND PLEDGED BY THE DORMITORY
25 AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AS SECURITY FOR ITS
26 BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

27 S 44. Subdivision 1 of section 17 of part D of chapter 389 of the laws
28 of 1997, providing for the financing of the correctional facilities
29 improvement fund and the youth facility improvement fund, as amended by
30 section 43 of part BB of chapter 58 of the laws of 2011, is amended to
31 read as follows:

32 1. Subject to the provisions of chapter 59 of the laws of 2000, but
33 notwithstanding the provisions of section 18 of section 1 of chapter 174
34 of the laws of 1968, the New York state urban development corporation is
35 hereby authorized to issue bonds, notes and other obligations in an
36 aggregate principal amount not to exceed four hundred [twenty-nine]
37 SIXTY-FIVE million [five] THREE hundred [fifteen] SIXTY-FIVE thousand
38 dollars [(\$429,515,000)] (\$465,365,000), which authorization increases
39 the aggregate principal amount of bonds, notes and other obligations
40 authorized by section 40 of chapter 309 of the laws of 1996, and shall
41 include all bonds, notes and other obligations issued pursuant to chap-
42 ter 211 of the laws of 1990, as amended or supplemented. The proceeds of
43 such bonds, notes or other obligations shall be paid to the state, for
44 deposit in the youth facilities improvement fund, to pay for all or any
45 portion of the amount or amounts paid by the state from appropriations
46 or reappropriations made to the office of children and family services
47 from the youth facilities improvement fund for capital projects. The
48 aggregate amount of bonds, notes and other obligations authorized to be
49 issued pursuant to this section shall exclude bonds, notes or other
50 obligations issued to refund or otherwise repay bonds, notes or other
51 obligations theretofore issued, the proceeds of which were paid to the
52 state for all or a portion of the amounts expended by the state from
53 appropriations or reappropriations made to the office of children and
54 family services; provided, however, that upon any such refunding or
55 repayment the total aggregate principal amount of outstanding bonds,
56 notes or other obligations may be greater than four hundred [twenty-

1 nine] SIXTY-FIVE million [five] THREE hundred [fifteen] SIXTY-FIVE thou-
2 sand dollars [\$429,515,000] (\$465,365,000), only if the present value of
3 the aggregate debt service of the refunding or repayment bonds, notes or
4 other obligations to be issued shall not exceed the present value of the
5 aggregate debt service of the bonds, notes or other obligations so to be
6 refunded or repaid. For the purposes hereof, the present value of the
7 aggregate debt service of the refunding or repayment bonds, notes or
8 other obligations and of the aggregate debt service of the bonds, notes
9 or other obligations so refunded or repaid, shall be calculated by
10 utilizing the effective interest rate of the refunding or repayment
11 bonds, notes or other obligations, which shall be that rate arrived at
12 by doubling the semi-annual interest rate (compounded semi-annually)
13 necessary to discount the debt service payments on the refunding or
14 repayment bonds, notes or other obligations from the payment dates ther-
15 eof to the date of issue of the refunding or repayment bonds, notes or
16 other obligations and to the price bid including estimated accrued
17 interest or proceeds received by the corporation including estimated
18 accrued interest from the sale thereof.

19 S 45. Subdivision 3 of section 1285-q of the public authorities law,
20 as added by section 6 of part I of chapter 1 of the laws of 2003, is
21 amended to read follows:

22 3. The maximum amount of bonds that may be issued for the purpose of
23 financing hazardous waste site remediation projects AND ENVIRONMENTAL
24 RESTORATION PROJECTS authorized by this section shall not exceed one
25 billion two hundred million dollars and shall not exceed one hundred
26 twenty million dollars for appropriations enacted for any state fiscal
27 year, provided that the bonds not issued for such appropriations may be
28 issued pursuant to reappropriation in subsequent fiscal years. [No bonds
29 shall be issued for the repayment of any new appropriation enacted after
30 March thirty-first, two thousand thirteen for hazardous waste site reme-
31 diation projects authorized by this section.] Amounts authorized to be
32 issued by this section shall be exclusive of bonds issued to fund any
33 debt service reserve funds, pay costs of issuance of such bonds, and
34 bonds or notes issued to refund or otherwise repay bonds or notes previ-
35 ously issued. Such bonds and notes of the corporation shall not be a
36 debt of the state, and the state shall not be liable thereon, nor shall
37 they be payable out of any funds other than those appropriated by this
38 state to the corporation for debt service and related expenses pursuant
39 to any service contracts executed pursuant to subdivision one of this
40 section, and such bonds and notes shall contain on the face thereof a
41 statement to such effect.

42 S 46. Paragraph b of subdivision 2 of section 9-a of section 1 of
43 chapter 392 of the laws of 1973, constituting the New York state medical
44 care facilities finance agency act, as amended by section 49-c of part
45 PP of chapter 56 of the laws of 2009, is amended to read as follows:

46 b. The agency shall have power and is hereby authorized from time to
47 time to issue negotiable bonds and notes in conformity with applicable
48 provisions of the uniform commercial code in such principal amount as,
49 in the opinion of the agency, shall be necessary, after taking into
50 account other moneys which may be available for the purpose, to provide
51 sufficient funds to the facilities development corporation, or any
52 successor agency, for the financing or refinancing of or for the design,
53 construction, acquisition, reconstruction, rehabilitation or improvement
54 of mental health services facilities pursuant to paragraph a of this
55 subdivision, the payment of interest on mental health services improve-
56 ment bonds and mental health services improvement notes issued for such

1 purposes, the establishment of reserves to secure such bonds and notes,
2 the cost or premium of bond insurance or the costs of any financial
3 mechanisms which may be used to reduce the debt service that would be
4 payable by the agency on its mental health services facilities improve-
5 ment bonds and notes and all other expenditures of the agency incident
6 to and necessary or convenient to providing the facilities development
7 corporation, or any successor agency, with funds for the financing or
8 refinancing of or for any such design, construction, acquisition, recon-
9 struction, rehabilitation or improvement and for the refunding of mental
10 hygiene improvement bonds issued pursuant to section 47-b of the private
11 housing finance law; provided, however, that the agency shall not issue
12 mental health services facilities improvement bonds and mental health
13 services facilities improvement notes in an aggregate principal amount
14 exceeding seven billion [three] FOUR hundred [sixty-six] THIRTY-FIVE
15 million [six] EIGHT hundred FIFTEEN thousand dollars, excluding mental
16 health services facilities improvement bonds and mental health services
17 facilities improvement notes issued to refund outstanding mental health
18 services facilities improvement bonds and mental health services facili-
19 ties improvement notes; provided, however, that upon any such refunding
20 or repayment of mental health services facilities improvement bonds
21 and/or mental health services facilities improvement notes the total
22 aggregate principal amount of outstanding mental health services facili-
23 ties improvement bonds and mental health facilities improvement notes
24 may be greater than seven billion [three] FOUR hundred [sixty-six] THIR-
25 TY-FIVE million [six] EIGHT hundred FIFTEEN thousand dollars only if,
26 except as hereinafter provided with respect to mental health services
27 facilities bonds and mental health services facilities notes issued to
28 refund mental hygiene improvement bonds authorized to be issued pursuant
29 to the provisions of section 47-b of the private housing finance law,
30 the present value of the aggregate debt service of the refunding or
31 repayment bonds to be issued shall not exceed the present value of the
32 aggregate debt service of the bonds to be refunded or repaid. For
33 purposes hereof, the present values of the aggregate debt service of the
34 refunding or repayment bonds, notes or other obligations and of the
35 aggregate debt service of the bonds, notes or other obligations so
36 refunded or repaid, shall be calculated by utilizing the effective
37 interest rate of the refunding or repayment bonds, notes or other obli-
38 gations, which shall be that rate arrived at by doubling the semi-annual
39 interest rate (compounded semi-annually) necessary to discount the debt
40 service payments on the refunding or repayment bonds, notes or other
41 obligations from the payment dates thereof to the date of issue of the
42 refunding or repayment bonds, notes or other obligations and to the
43 price bid including estimated accrued interest or proceeds received by
44 the authority including estimated accrued interest from the sale there-
45 of. Such bonds, other than bonds issued to refund outstanding bonds,
46 shall be scheduled to mature over a term not to exceed the average
47 useful life, as certified by the facilities development corporation, of
48 the projects for which the bonds are issued, and in any case shall not
49 exceed thirty years and the maximum maturity of notes or any renewals
50 thereof shall not exceed five years from the date of the original issue
51 of such notes. Notwithstanding the provisions of this section, the agen-
52 cy shall have the power and is hereby authorized to issue mental health
53 services facilities improvement bonds and/or mental health services
54 facilities improvement notes to refund outstanding mental hygiene
55 improvement bonds authorized to be issued pursuant to the provisions of
56 section 47-b of the private housing finance law and the amount of bonds

1 issued or outstanding for such purposes shall not be included for
2 purposes of determining the amount of bonds issued pursuant to this
3 section. The director of the budget shall allocate the aggregate princi-
4 pal authorized to be issued by the agency among the office of mental
5 health, office [of mental retardation and] FOR PEOPLE WITH developmental
6 disabilities, and the office of alcoholism and substance abuse services,
7 in consultation with their respective commissioners to finance bondable
8 appropriations previously approved by the legislature.

9 S 47. The public authorities law is amended by adding a new section
10 1018 to read as follows:

11 S 1018. USE AND TRANSFER OF FUNDS. NOTWITHSTANDING ANY OTHER PROVISION
12 OF LAW, AS DEEMED FEASIBLE AND ADVISABLE BY ITS TRUSTEES, ANY AND ALL
13 FUNDS OF THE AUTHORITY SHALL BE USED EXCLUSIVELY FOR THE PURPOSE OF
14 EFFECTUATING THE POLICY DECLARED IN SECTION ONE THOUSAND ONE OF THIS
15 TITLE AND SHALL, UNDER NO CIRCUMSTANCES, BE TRANSFERRED OR OTHERWISE
16 GIVEN TO THE STATE OF NEW YORK UNLESS SUCH FUNDS ARE USED DIRECTLY FOR
17 ENERGY PROJECTS. FOR THE PURPOSES OF THIS SECTION, THE TERM "ENERGY
18 PROJECTS" SHALL MEAN INFRASTRUCTURE IMPROVEMENTS AT AN ELECTRIC GENERAT-
19 ING FACILITY, ACQUISITION OR INSTALLMENT OF NEW EQUIPMENT AT AN ELECTRIC
20 GENERATING FACILITY, REPLACEMENT OR RETROFIT OF BURNERS OR TURBINES,
21 INSTALLATION OR ACQUISITION OF ON-SITE RENEWABLE ENERGY GENERATION,
22 INSTALLATION OR UPGRADE OF TRANSMISSION LINES, REPLACEMENT OR REINFORCE-
23 MENT OF TRANSMISSION INFRASTRUCTURE, PUBLIC POLICY REPOWERING PROJECTS,
24 ENERGY EFFICIENCY PROJECTS, CLEAN ENERGY TECHNOLOGY PROJECTS, AND ANY
25 PROGRAMS TO FINANCE ANY SUCH PROJECTS.

26 S 48. The public authorities law is amended by adding a new section
27 1884 to read as follows:

28 S 1884. USE AND TRANSFER OF FUNDS. NOTWITHSTANDING ANY OTHER PROVISION
29 OF LAW, ANY FUNDS COLLECTED BY THE AUTHORITY IN CONNECTION WITH ANY
30 ENERGY OR ENERGY-RELATED FEE OR SURCHARGE AUTHORIZED BY THE PUBLIC
31 SERVICE COMMISSION SHALL BE DEDICATED AND USED EXCLUSIVELY FOR THE
32 PURPOSES SPECIFIED BY THE PUBLIC SERVICE COMMISSION FOR SUCH FEE OR
33 SURCHARGE. IN THE EVENT THAT COLLECTIONS BY THE AUTHORITY IN A CALENDAR
34 YEAR EXCEED THE COST OF PROGRAMS AND SERVICES OFFERED IN CONNECTION WITH
35 SUCH FEES OR SURCHARGES DURING SUCH CALENDAR YEAR, THEN SUCH EXCESS
36 COLLECTIONS SHALL BE RETURNED TO RATEPAYERS PURSUANT TO A PROCEEDING
37 ESTABLISHED BY THE PUBLIC SERVICE COMMISSION.

38 S 49. The public authorities law is amended by adding a new section
39 1680-s to read as follows:

40 S 1680-S. AUTHORIZATION FOR THE ISSUANCE OF BONDS FOR THE HOSPITAL
41 TRANSITION PROGRAMS. 1. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW
42 TO THE CONTRARY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT
43 CORPORATION ARE HEREBY AUTHORIZED TO ISSUE BONDS OR NOTES IN ONE OR
44 MORE SERIES FOR THE PURPOSE OF FUNDING PROJECT COSTS FOR THE HOSPITAL
45 PROGRAM FOR HEALTH CARE AND RELATED FACILITIES LICENSED PURSUANT TO THE
46 PUBLIC HEALTH LAW OR THE MENTAL HYGIENE LAW AND OTHER STATE COSTS
47 ASSOCIATED WITH SUCH CAPITAL PROJECTS. THE AGGREGATE PRINCIPAL AMOUNT
48 OF BONDS AUTHORIZED TO BE ISSUED PURSUANT TO THIS SECTION SHALL NOT
49 EXCEED ONE HUNDRED MILLION DOLLARS, EXCLUDING BONDS ISSUED TO FUND ONE
50 OR MORE DEBT SERVICE RESERVE FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH
51 BONDS, AND BONDS OR NOTES ISSUED TO REFUND OR OTHERWISE REPAY SUCH
52 BONDS OR NOTES PREVIOUSLY ISSUED. SUCH BONDS AND NOTES OF THE DORMITORY
53 AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION SHALL NOT BE A DEBT OF
54 THE STATE, AND THE STATE SHALL NOT BE LIABLE THEREON, NOR SHALL THEY BE
55 PAYABLE OUT OF ANY FUNDS OTHER THAN THOSE APPROPRIATED BY THE STATE TO
56 THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION FOR PRIN-

1 CIPAL, INTEREST, AND RELATED EXPENSES PURSUANT TO A SERVICE CONTRACT AND
2 SUCH BONDS AND NOTES SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO
3 SUCH EFFECT. EXCEPT FOR PURPOSES OF COMPLYING WITH THE INTERNAL REVENUE
4 CODE, ANY INTEREST INCOME EARNED ON BOND PROCEEDS SHALL ONLY BE USED TO
5 PAY DEBT SERVICE ON SUCH BONDS. THE ISSUANCE OF ANY BONDS OR NOTES
6 HEREUNDER SHALL FURTHER BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF
7 THE DIVISION OF THE BUDGET, AND ANY PROJECTS FUNDED THROUGH THE ISSU-
8 ANCE OF BONDS OR NOTES HEREUNDER SHALL BE APPROVED BY THE NEW YORK
9 STATE PUBLIC AUTHORITIES CONTROL BOARD, AS REQUIRED UNDER SECTION
10 FIFTY-ONE OF THIS CHAPTER.

11 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
12 ORDER TO ASSIST THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT
13 CORPORATION IN UNDERTAKING THE FINANCING FOR PROJECT COSTS FOR THE
14 HOSPITAL TRANSITION PROGRAM FOR HEALTH CARE AND RELATED FACILITIES
15 LICENSED PURSUANT TO THE PUBLIC HEALTH LAW OR THE MENTAL HYGIENE LAW
16 AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL PROJECTS, THE DIREC-
17 TOR OF THE BUDGET IS HEREBY AUTHORIZED TO ENTER INTO ONE OR MORE
18 SERVICE CONTRACTS WITH THE DORMITORY AUTHORITY AND THE URBAN DEVELOP-
19 MENT CORPORATION, NONE OF WHICH SHALL EXCEED THIRTY YEARS IN DURATION,
20 UPON SUCH TERMS AND CONDITIONS AS THE DIRECTOR OF THE BUDGET AND THE
21 DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AGREE, SO AS
22 TO ANNUALLY PROVIDE TO THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT
23 CORPORATION, IN THE AGGREGATE, A SUM NOT TO EXCEED THE PRINCIPAL,
24 INTEREST, AND RELATED EXPENSES REQUIRED FOR SUCH BONDS AND NOTES. ANY
25 SERVICE CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL PROVIDE
26 THAT THE OBLIGATION OF THE STATE TO PAY THE AMOUNT THEREIN PROVIDED
27 SHALL NOT CONSTITUTE A DEBT OF THE STATE WITHIN THE MEANING OF ANY
28 CONSTITUTIONAL OR STATUTORY PROVISION AND SHALL BE DEEMED EXECUTORY ONLY
29 TO THE EXTENT OF MONIES AVAILABLE AND THAT NO LIABILITY SHALL BE
30 INCURRED BY THE STATE BEYOND THE MONIES AVAILABLE FOR SUCH PURPOSE,
31 SUBJECT TO ANNUAL APPROPRIATION BY THE LEGISLATURE. ANY SUCH CONTRACT
32 OR ANY PAYMENTS MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED AND
33 PLEDGED BY THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPO-
34 RATION AS SECURITY FOR ITS BONDS AND NOTES, AS AUTHORIZED BY THIS
35 SECTION.

36 S 50. This act shall take effect immediately and shall be deemed to
37 have been in full force and effect on and after April 1, 2014; provided
38 that sections one through nine, and sections thirteen, fourteen, fifteen
39 and seventeen of this act shall expire March 31, 2015, when upon such
40 date, the provisions of such sections shall be deemed repealed.

41 PART ZZ

42 Section 1. Legislative findings. The legislature finds that:

43 1. In the past two decades, the provision of telecommunication
44 services, in particular, the traditional landline telephone service, has
45 undergone a major transformation. Cable television companies have
46 entered the voice market, while traditional telephone corporations have
47 entered the cable television market. Wireless technologies have prolif-
48 erated, with millions of customers going wireless only.

49 2. In New York, this transformation is occurring with little change in
50 the laws governing telecommunications or the public service commission.
51 Although new services and products are increasingly available, the reli-
52 ability, affordability, and accessibility of voice and data service are
53 uneven. Full participation in today's society requires access to voice
54 and high speed data services.

1 3. The legislature is concerned that the current laws that are appli-
2 cable to the telecommunications industry are outdated and do not provide
3 sufficient protections to the general public. The laws regulating the
4 provision of telephone services were enacted at a time when such
5 services were provided solely through landlines that were owned, oper-
6 ated and maintained by regulated telephone companies.

7 4. Federal and state laws and regulations that currently apply to
8 landline telephone service do not apply in large part to the new tech-
9 nologies. The different telecommunications networks and services, such
10 as cable company networks (CATV), fiber to the premise networks (FTTP),
11 telephone service, and wireless service are regulated to a substantially
12 different extent by federal, state or local government, resulting in the
13 potential loss of significant and important consumer protections. As
14 such, there may be deficiencies in the oversight, standards and regu-
15 lation with respect to these new telecommunication services.

16 5. It is necessary and appropriate for the legislature to consider and
17 determine whether the current laws and regulations are appropriate or
18 sufficient in this new environment. The legislature has a compelling
19 interest to ensure that the statutory protections that are currently
20 afforded to landline telephone customers are available and applicable to
21 all customers of telecommunication services, and that reliable and
22 affordable voice and data services are accessible to all New Yorkers.

23 6. To assist the legislature in its considerations, the legislature
24 requires a full and complete analysis of the strength and weaknesses,
25 and the advantages and disadvantages to the consumer of the different
26 telecommunication services and systems being offered and provided in
27 this state.

28 S 2. The public service commission, no later than thirty days after
29 the effective date of this act, shall undertake a comprehensive examina-
30 tion and study of the state of the telecommunications industry in this
31 state. The examination and study shall include, but not be limited to,
32 the following:

33 1. the current business, economic and technical activities of tele-
34 phone corporations and other telecommunications service providers in
35 this state;

36 2. the sufficiency of the facilities and instrumentalities furnished
37 or provided by such corporations, companies and entities;

38 3. how the adequacy, availability and affordability of telecommuni-
39 cations services vary among different demographic groups, as defined by
40 population density, income, home ownership, race and ethnicity, age,
41 disability, rural and underserved communities, and other relevant crite-
42 ria;

43 4. the current condition of the landline telephone networks;

44 5. the impact of the different types of telecommunications services on
45 the universal service objectives required under the 1996 Telecommuni-
46 cations Act;

47 6. the resiliency and functionality of the different types of network
48 services in a natural disaster or other emergencies;

49 7. the extent of the development of wireless and FTTP telecommuni-
50 cations services in locations throughout the state;

51 8. the extent to which the non-landline telephone services meet
52 consumer requirements for reliable voice and data telecommunications
53 service at affordable rates, as well as their impact on public safety;
54 and

55 9. the sufficiency of the current regulatory system to protect the
56 interests of customers and whether current laws or regulations should be

1 changed or amended to enhance or strengthen oversight and regulation
2 over the entire telecommunications industry.

3 S 3. In furtherance of the study, the commission may require telephone
4 corporations and other telecommunications service providers in this
5 state to deliver, provide or otherwise make available such records,
6 documents, reports and analyses as necessary to assist the commission in
7 performing the study.

8 S 4. The commission shall issue a report, setting forth its findings,
9 conclusions and recommendations to the governor, the temporary president
10 of the senate, the speaker of the assembly, and the chair of both the
11 senate and the assembly committees on telecommunications and energy on
12 or before December 15, 2014.

13 S 5. This act shall take effect immediately.

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

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