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

S. 6357--D A. 8557--D

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

January 21, 2014

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

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

AN ACT to 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), multimodal and Marchiselli programs; and to repeal certain provisions of chapter 329 of the laws of 1991 relating thereto (Part A); intentionally omitted (Part B); to amend part U1 of chapter 62 of the laws of 2003 amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; to amend chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to permanently authorizing payment of department of motor vehicle costs from the dedicated highway and bridge trust fund; to amend the transportation law, in relation to disposition of revenues; to amend the highway law, in relation to disposition of fees charged in connection with outdoor advertising on

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

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highways; and to amend the state finance law, in relation to the dedication of revenues and the costs of rail and truck regulation (Part C); intentionally omitted (Part D); 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 (Part E); intentionally omitted (Part F); intentionally omitted (Part G); to amend the environmental conservation law, in relation to pesticide registration time frames and fees; and 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 effectiveness thereof (Part H); intentionally omitted (Part I); intentionally omitted (Part J); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration and policy and planning programs from assessments on gas and electric corporations (Part 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); to amend the public authorities law, in relation to a grant program for power transfer switches on gas stations located within one-half mile from a strategic upstate highway (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 transfers of cable franchises and providing for the repeal of such provisions upon expiration thereof (Part R); to amend the public service law, in relation to the temporary state energy and utility service conservation assessment (Part S); intentionally omitted (Part T); intentionally omitted (Part U); to amend the insurance law, in relation to the licensing of agents of authorized title insurance corporations; 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); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (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 agriculture and markets law, in relation to voluntary cattle health programs (Part BB); enacting the "Rockland Bergen Flood Mitigation act" and creating the Rockland Bergen Flood Mitigation Task Force; and providing for the repeal of such provisions upon expiration thereof (Part CC); to amend the environmental conservation law, in relation to retrofit technology for diesel-fueled vehicles (Part DD); to direct the department of public service and the New York state energy research and development authority to review existing energy efficiency programs (Part EE); to amend the state finance law, in relation to authorizing and directing the comptroller to transfer funds from the general fund for deposit into the public transportation system operating assistance account (Part FF); and to amend chapter 495 of the laws of 2004 amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness of such provisions (Part GG)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2014-2015 state fiscal year. Each component is wholly contained within a Part identified as Parts A through GG. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Subdivision (d) of section 11 of 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, as amended by section 4 of part A of chapter 58 of the laws of 2012, is amended to read as follows:

(d) Any such service contract (i) shall provide that the obligation of the director of the budget or the state to fund or to pay the amounts therein provided for shall not constitute a debt of the state within the meaning of any constitutional or statutory provisions in the event the thruway authority assigns or pledges service contract payments as security for its bonds or notes, (ii) shall be deemed executory only to the extent moneys are available and SHALL PROVIDE that no liability shall be incurred by the state beyond the moneys available for the purpose, and that such obligation is subject to annual appropriation by the legislature, and (iii) shall provide that no funds shall be made available from the proceeds of bonds or notes issued pursuant to this chapter unless the commissioner of transportation has certified to the [chairman of the thruway authority] DIRECTOR OF THE BUDGET that such funds shall be used exclusively for the purposes authorized by subdivision (a) of this section, and/or construction, reconstruction or improvement of local

highways, bridges and/or highway-railroad crossings, including right of way acquisition, preliminary engineering, and construction supervision and inspection, where the service life of the project is at least ten years or where the project is: (1) microsurfacing, (2) paver placed surface treatment, (3) single course surface treatment involving chip seals and oil and stone and (4) double course surface treatment involving chip seals and oil and stone, and unless [the director of the budget has certified to the chairman of the thruway authority that] a spending plan has been submitted by the commissioner of transportation and has been approved by the director of the budget.

S 2. Subdivision (g) of section 15 of chapter 329 of the laws of 1991, as added by section 9 of chapter 330 of the laws of 1991, is REPEALED, and subdivision (f) of section 15 of 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, as added by section 9 of chapter 330 of the laws of 1991, is amended to read as follows:

(f) The commissioner of transportation shall certify to the [New York state thruway authority] DIRECTOR OF THE BUDGET AND THE COMPTROLLER amounts eligible for repayments as specified herein. Such certification shall include any such information as may be necessary to maintain the federal tax exempt status of bonds, notes or other obligations issued by the New York state thruway authority pursuant to section 380 of the public authorities law.

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

1. In connection with the undertaking of any project for which the commissioner is authorized to use moneys of the federal government pursuant to the provisions of subdivision thirty-four-a of section ten and section eighty of this chapter to assure the effective discharge of state responsibilities with respect to regional transportation needs, on highways, roads, streets, bicycle paths or pedestrian paths that are not on the state highway system, the commissioner shall submit such project to the governing body or bodies of the affected municipality or municipalities together with estimates of costs thereof. If such project includes a municipal project, as that term is defined in accordance with article thirteen of the transportation law, the state share of such municipal project shall also be included. If such project includes a project affecting a highway, road, street, bicycle path or pedestrian path not on the state highway system, the state share shall be equal to eighty percent of the difference between the total project cost and the federal assistance, provided, however, the commissioner may increase the state share to an amount equal to one hundred percent of the difference between the total project cost and the federal assistance where he determines that the need for the project results substantially from actions undertaken pursuant to section ten of this chapter. [Except for individual projects where the non-federal share of a federally aided municipal project is less than five thousand dollars, no state or local shares of municipal streets and highways projects shall be payable from the non-fiduciary funds of the capital projects budget of the department.] No such project shall proceed without the approval of the governing body of a municipality. Such governing body may request the commissioner to undertake the provision of such project. If the commissioner agrees to such undertaking he shall notify the local governing body which shall appropriate sufficient moneys to pay the estimated amount of the municipal share. Such moneys shall be deposited with the state comptroller who is authorized to receive and accept the same for the

purposes of such project, subject to the draft or requisition of the commissioner. When the work of such project has been completed, the commissioner shall render to the governing body of such municipality an itemized statement showing in full (a) the amount of money that has been deposited by such municipality with the state comptroller as hereinbefore provided, and (b) all disbursements made pursuant to this section for such project. Any surplus moneys shall be paid to such municipality on the warrant of the comptroller on vouchers therefor approved by the commissioner. When the work of such project has been completed and it is determined by the commissioner that the amount of the cost to be borne by the municipality is in excess of the amount deposited by such municipality with the state comptroller, the commissioner shall then notify the municipality of the deficiency of funds. The municipality shall then within ninety days of the receipt of such notice, pay such amount to the state comptroller. For purposes of this section, the term "municipality" shall include a city, county, town, village or two or more of the foregoing acting jointly.

S 4. Subdivision (e) of section 16 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 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

Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003 amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, as amended by section 2 of part B of chapter 58 of the laws of 2013, is amended to read as follows:

S 13. This act shall take effect immediately; provided however that sections one through seven of this act, the amendments to subdivision 2 of section 205 of the tax law made by section eight of this act, and section nine of this act shall expire and be deemed repealed on [March 31] APRIL 1, 2015; provided further, however, that the amendments to subdivision 3 of section 205 of the tax law made by section eight of this act shall expire and be deemed repealed on March 31, 2018; provided further, however, that the provisions of section eleven of this act shall take effect April 1, 2004 and shall expire and be deemed repealed on [March 31] APRIL 1, 2015.

S 2. Section 2 of part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, as amended by section 1 of part E of chapter 59 of the laws of 2009, is amended to read as follows:

S 2. This act shall take effect April 1, 2002; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2002; provided further, however, that this act shall expire and be deemed repealed on [March 31] APRIL 1, 2015.

S 3. Subdivision 4 of section 94 of the transportation law, as amended by section 1 of part D of chapter 101 of the laws of 2001, is amended to read as follows:

4. All fees charged and collected by the commissioner hereunder shall be deposited [to the miscellaneous special revenue fund - transportation regulation account for the purposes established in this section] BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION.

S 4. Subdivision 4 of section 135 of the transportation law, as added by chapter 166 of the laws of 1991, is amended to read as follows:

4. All revenues collected pursuant to this section shall be deposited [to the miscellaneous special revenue fund--rail safety inspection account] BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW for the purposes established in this section. Fees will be based on revenues from the preceding calendar year and shall be assessed on or before July first and are payable by September first of each year. On or before January first of each year following assessment of fees pursuant to this section, the commissioner shall report to the railroad companies annual costs associated with this assessment.

S 5. Subdivision 5 of section 144 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

5. For furnishing a certification of any paper, record or official document, one dollar. No fees shall be charged or collected for copies of papers, records or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the commissioner in the ordinary course of distribution, but the commissioner may fix reasonable charges for copies of papers, records, official

documents and other publications furnished or issued to others under this authority. All fees charged and collected by the commissioner [shall belong to the people of the state and shall be paid monthly, accompanied by a detailed statement thereof, into the treasury of the state to the credit of the general fund] PURSUANT TO THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

S 6. Section 145 of the transportation law is amended by adding a new subdivision 8 to read as follows:

8. ALL PENALTIES CHARGED AND COLLECTED BY THE COMMISSIONER PURSUANT TO THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHT-NINE-B OF THE STATE FINANCE LAW.

S 7. Section 88 of the highway law is amended by adding a new subdivision 13 to read as follows:

13. ALL FEES COLLECTED BY THE COMMISSIONER PURSUANT TO THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

S 8. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 2 of part B of chapter 58 of the laws of 2012, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred five, two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation pursuant to section fifty-two, section three hundred twenty-six, [and subdivisions five, eight and twelve of] section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five of the vehicle and traffic law, section two of the chapter of the laws of two thousand three that amended this paragraph, subdivision (d) of section three hundred four-a, paragraph one of subdivision (a) and subdivision (d) of section three hundred five, subdivision six-a of section four hundred fifteen and subdivision (g) of section twenty-one hundred twenty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, AND SECTIONS NINETY-FOUR, ONE HUNDRED THIRTY-FIVE, ONE HUNDRED FORTY-FOUR AND ONE HUNDRED FORTY-FIVE OF THE TRANSPORTATION LAW, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

S 9. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 3 of part B of chapter 58 of the laws of 2012, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and

bridge trust fund pursuant to the provisions of sections two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation pursuant to section fifty-two, section three hundred twenty-six, [and subdivisions five, eight and twelve of] section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, AND SECTIONS NINETY-FOUR, ONE HUNDRED THIRTY-FIVE, ONE HUNDRED FORTY-FOUR AND ONE HUNDRED FORTY-FIVE OF THE TRANSPORTATION LAW (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

S 10. 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 projects as provided and authorized by section three hundred eighty-six of the public authorities law; programs to assist small and minority and women-owned firms engaged in transportation construction and reconstruction projects, including a revolving fund for working capital loans, and a bonding guarantee assistance program in accordance with provisions of this chapter; matching federal grants or apportionments to the state for highway, parkway and bridge capital projects; the acquisition of real property and interests therein required or expected to be required in connection with such projects; preventive maintenance activities necessary to ensure that highways, parkways and bridges meet or exceed their optimum useful life; 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; personal services, NONPERSONAL SERVICES, and fringe benefit costs of the department of transportation for bus safety inspection activities, RAIL SAFETY INSPECTION ACTIVITIES, AND TRUCK SAFETY INSPECTION ACTIVITIES; costs of the department of motor vehicles,

including but not limited to personal and nonpersonal services; costs of engineering and administrative services of the department of transportation, including but not limited to fringe benefits; the contract services provided by private firms in accordance with section fourteen of the transportation law; personal services and nonpersonal services, for activities including but not limited to the preparation of designs, plans, specifications and estimates; construction management and supervision activities; costs of appraisals, surveys, testing and environmental impact statements for transportation projects; expenses in connection with buildings, equipment, materials and facilities used or useful in connection with the maintenance, operation, and repair of highways, parkways and bridges thereon; and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; and construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, and the payment of debt service required on any bonds, notes or other obligations and related expenses for highway, parkway, bridge and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, purposes authorized on or after the effective date of this section. Beginning with disbursements made on and after the first day of April, nineteen hundred ninety-three, moneys in such fund shall be available to pay such costs or expenses made pursuant to appropriations or reappropriations made during the state fiscal year which began on the first of April, nineteen hundred ninety-two. Beginning the first day of April, nineteen hundred ninety-three, moneys in such fund shall also be used for transfers to the general debt service fund and the revenue bond tax fund of amounts equal to that respectively required for service contract and financing agreement payments as provided and authorized by section three hundred eighty of the public authorities law, section eleven of chapter three hundred twenty-nine of the laws of

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

S 11. Paragraph a of subdivision 5 of section 89-b of the state finance law, as amended by section 60-a 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 projects as provided and authorized by section three hundred eighty-six of the public authorities law; programs to assist small and minority and women-owned firms engaged in transportation construction and reconstruction projects, including a revolving fund for working capital loans, and a bonding guarantee assistance program in accordance with provisions of this chapter; matching federal grants or apportionments to the state for highway, parkway and bridge capital projects; the acquisition of real property and interests therein required or expected to be required in connection with such projects; preventive maintenance activities necessary to ensure that highways, parkways and bridges meet or exceed their optimum useful life; 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; personal services, NONPERSONAL SERVICES, and fringe benefit costs of the department of transportation for bus safety inspection activities, RAIL SAFETY INSPECTION ACTIVITIES, AND TRUCK SAFETY INSPECTION ACTIVITIES; costs of engineering and administrative services of the department of transportation, including but not limited to fringe benefits; the contract services provided by private firms in accordance with section fourteen of the transportation law; personal services and nonpersonal services, for activities including but not limited to the preparation of designs, plans, specifications and estimates; construction management and supervision activities; costs of appraisals, surveys, testing and environmental impact statements for transportation projects; expenses in connection with buildings, equipment, materials and facilities used or useful in connection with the maintenance, operation, and repair of highways, parkways and bridges thereon; and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports oper-

ated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; and construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, and the payment of debt service required on any bonds, notes or other obligations and related expenses for highway, parkway, bridge and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, purposes authorized on or after the effective date of this section. Beginning with disbursements made on and after the first day of April, nineteen hundred ninety-three, moneys in such fund shall be available to pay such costs or expenses made pursuant to appropriations or reappropriations made during the state fiscal year which began on the first of April, nineteen hundred ninety-two. Beginning the first day of April, nineteen hundred ninety-three, moneys in such fund shall also be used for transfers to the general debt service fund and the revenue bond tax fund of amounts equal to that respectively required for service contract and financing agreement payments as provided and authorized by section three hundred eighty of the public authorities law, section eleven of chapter three hundred twenty-nine of the laws of nineteen hundred ninety-one, as amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

S 12. This act shall take effect immediately, provided that the amendments to paragraph (a) of subdivision 3 of section 89-b of the state finance law made by section eight of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 13 of part U1 of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section nine of this act shall take effect; and provided further that the amendments to paragraph a of subdivision 5 of section 89-b of the state finance law made by section ten 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 eleven of this act shall take effect.

PART D

Intentionally Omitted

PART E

Section 1. 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 years after the date that the accident prevention course internet, and other technology pilot program is established and implemented by the commissioner of motor vehicles pursuant to article 12-C of the vehicle and traffic law, as added by section three of this act] MAY 31, 2019; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date[; and provided, further, that the commissioner of motor vehicles shall notify the legislative bill drafting commission of the date he or she establishes and implements the accident prevention course internet technology pilot program pursuant to article 12-C of the vehicle and traffic law, as added by section three of this act, in order that such commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law].

S 2. This act shall take effect immediately.

PART F

Intentionally Omitted

PART G

Intentionally Omitted

PART H

Section 1. 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] 2017, fifty dollars for each pesticide proposed to be registered.

S 2. Section 9 of chapter 67 of the laws of 1992, amending the environmental conservation law relating to pesticide product registration 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 3. 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 I

Intentionally Omitted

PART J

Intentionally Omitted

PART K

Section 1. Expenditures of moneys appropriated in a chapter of the laws of 2014 to the energy research and development authority, under the research, development and demonstration program, from the special revenue funds - other/state operations, miscellaneous special revenue fund - 339, energy research and planning account, and special revenue funds - other/aid to localities, miscellaneous special revenue fund - 339, energy research and planning account shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended shall be reimbursed by assessment against gas corporations and electric corporations as defined in section 2 of the public service law, and the total amount which may be charged to any gas corporation and any electric corporation shall not exceed one cent per one thousand cubic feet of gas sold and .010 cent per kilowatt-hour of electricity sold by such corporations in their intrastate utility operations in calendar year 2012. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law, but shall be billed and paid in the manner set forth in such subdivision and upon receipt shall be paid to the state comptroller for deposit in the state treasury for credit to the miscellaneous special revenue fund. The director of the budget shall not issue a certificate of approval with respect to the commitment and expenditure of moneys hereby appropriated until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the director of the budget to the chairs and secretaries of the legislative fiscal committees.

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 L

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

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 M

Section 1. Subdivision 20 of section 1854 of the public authorities law, as added by section 3 of part S of chapter 58 of the laws of 2013, is amended to read as follows:

20. To administer a program, using funds provided for such purpose, to provide a grant based on standards and guidelines established by the authority for costs as follows:

(a) for each retail outlet that is in operation before April first, two thousand fourteen and is subject to the requirements of paragraph (a) of subdivision three of section one hundred ninety-two-h of the agriculture and markets law:

(i) no greater than ten thousand dollars required to prewire such retail outlet with an appropriate transfer switch for using an alternate generated power source as defined in section one hundred ninety-two-h of the agriculture and markets law; or

(ii) no greater than thirteen thousand dollars required to prewire such retail outlet with an appropriate transfer switch for using an alternate generated power source as defined in section one hundred ninety-two-h of the agriculture and markets law and purchase such power source to be permanently affixed at the site.

(b) for each retail outlet that is in operation before April first, two thousand fourteen and is subject to the requirements of paragraph (b) of subdivision three of section one hundred ninety-two-h of the agriculture and markets law, no greater than ten thousand dollars required to: (i) prewire an existing retail outlet with an appropriate transfer switch for using an alternate generated power source as defined in section one hundred ninety-two-h of the agriculture and markets law; and/or (ii) purchase such power source to be permanently affixed at the site.

(c) to the extent funds are available, for retail outlets that become operational on or after April first, two thousand fourteen, or to which subdivision two of section one hundred ninety-two-h of the agriculture and markets law becomes applicable after the effective date of this subdivision, which grants shall otherwise be subject to the same amounts, purposes and restrictions as paragraphs (a) and (b) of this subdivision.

(D) TO THE EXTENT FUNDS ARE AVAILABLE, FOR RETAIL OUTLETS THAT VOLUNTARILY APPLY BEFORE APRIL FIRST, TWO THOUSAND FIFTEEN AND ARE LOCATED ON A STRATEGIC UPSTATE HIGHWAY AS DEFINED IN PARAGRAPH (E) OF THIS SUBDIVISION OR WITHIN ONE-HALF MILE BY ROAD MEASUREMENT FROM AN EXIT ROAD ON A STRATEGIC UPSTATE HIGHWAY, IN SUCH AMOUNTS AND FOR SUCH PURPOSES AS SET FORTH IN SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) OF THIS SUBDIVISION.

(E) "STRATEGIC UPSTATE HIGHWAY" MEANS THE FOLLOWING:

(I) I-87 BEGINNING AT THE ROCKLAND-ORANGE COUNTY LINE THENCE NORTHERLY PASSING THROUGH OR IN THE VICINITY OF ALBANY TO THE INTERSECTION WITH I-90, THE FOREGOING ROUTE BEING A PORTION OF THE NEW YORK STATE THRUWAY; THENCE CONTINUING NORTHERLY TO THE NEW YORK-CANADA BORDER;

(II) I-90 BEGINNING AT I-87 IN THE VICINITY OF ALBANY THENCE WESTERLY PASSING THROUGH OR IN THE VICINITY OF SCHENECTADY, UTICA, SYRACUSE, ROCHESTER, AND BUFFALO; THENCE CONTINUING SOUTHWESTERLY TO THE NEW

YORK-PENNSYLVANIA BORDER, THE FOREGOING ROUTE BEING A PORTION OF THE NEW YORK STATE THRUWAY;

(III) THE BERKSHIRE SECTION OF THE NEW YORK STATE THRUWAY BEGINNING AT I-87 THENCE EASTERLY TO THE INTERSECTION WITH I-90 AND CONTINUING ON I-90 TO THE NEW YORK-MASSACHUSETTS BORDER;

(IV) I-84 BEGINNING AT THE NEW YORK-NEW JERSEY BORDER THENCE EASTERLY PASSING THROUGH OR IN THE VICINITY OF NEWBURGH, THENCE CONTINUING EASTERLY AND SOUTHEASTERLY TO THE NEW YORK-CONNECTICUT BORDER;

(V) I-88 BEGINNING AT I-81 IN THE VICINITY OF BINGHAMTON THENCE NORTHEASTERLY TO I-90 IN THE VICINITY OF SCHENECTADY;

(VI) I-86/STATE ROUTE 17 BEGINNING AT I-87 IN THE VICINITY OF WOODBURY THENCE WESTERLY AND NORTHWESTERLY PASSING THROUGH OR IN THE VICINITY OF BINGHAMTON, ELMIRA, AND JAMESTOWN, CONTINUING TO THE NEW YORK-PENNSYLVANIA BORDER;

(VII) I-81 BEGINNING AT THE NEW YORK-PENNSYLVANIA BORDER THENCE NORTHERLY PASSING THROUGH OR IN THE VICINITY OF SYRACUSE AND WATERTOWN, CONTINUING TO THE NEW YORK-CANADA BORDER;

(VIII) I-390 BEGINNING AT I-86 IN THE VICINITY OF AVOCA THENCE NORTHWESTERLY AND NORTHERLY TO I-490 IN THE VICINITY OF ROCHESTER; AND

(IX) I-190 BEGINNING AT I-90 IN THE VICINITY OF BUFFALO, THENCE WESTERLY, NORTHWESTERLY, AND NORTHERLY THROUGH BUFFALO, ACROSS GRAND ISLAND, THE FOREGOING ROUTE BEING A PORTION OF THE NEW YORK STATE THRUWAY, AND THENCE GENERALLY WESTERLY TO THE UNITED STATES-CANADA BORDER IN THE VICINITY OF LEWISTON.

The authority may offer any funds provided for such purpose and not expended to retail outlets that are not [required to comply with the requirements of subdivision two of section one hundred ninety-two-h of the agriculture and markets law] INCLUDED IN PARAGRAPHS (A) THROUGH (D) OF THIS SUBDIVISION but that VOLUNTARILY seek to participate in such program.

S 2. This act shall take effect immediately.

PART N

Section 1. Section 2 of 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, as amended by section 1 of part P of chapter 58 of the laws of 2013, is amended to read as follows:

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

PART O

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

(g) The department shall make, certify and transmit ELECTRONICALLY a 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 2. Paragraph (g) of section 104 of the not-for-profit corporation law, as amended by chapter 375 of the laws of 1998, is amended to read as follows:

(g) The department shall make, certify and transmit ELECTRONICALLY a 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. Subdivision 3 of section 222 of the public service law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

3. (A) The commission shall approve the application FOR RENEWAL OR AMENDMENT OF A FRANCHISE 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 section two hundred fifteen of 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.

(B) THE COMMISSION SHALL NOT APPROVE THE APPLICATION FOR A TRANSFER OF A FRANCHISE, ANY TRANSFER OF CONTROL OF A FRANCHISE OR CERTIFICATE OF CONFIRMATION, OR OF FACILITIES CONSTITUTING A SIGNIFICANT PART OF ANY CABLE TELEVISION SYSTEM UNLESS THE APPLICANT DEMONSTRATES THAT THE PROPOSED TRANSFEREE AND THE CABLE TELEVISION SYSTEM CONFORM TO THE STANDARDS ESTABLISHED IN THE REGULATIONS PROMULGATED BY THE COMMISSION PURSUANT TO SECTION TWO HUNDRED FIFTEEN OF THIS ARTICLE, THAT APPROVAL

WOULD NOT BE BE IN VIOLATION OF LAW, OR ANY REGULATION OR STANDARD PROMULGATED BY THE COMMISSION, AND THAT THE TRANSFER IS OTHERWISE IN 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.

S 2. This act shall take effect immediately and shall apply to any application pending before the public service commission on such date and shall expire and be deemed repealed April 1, 2017.

PART S

Section 1. Paragraph (b) of subdivision 6 of section 18-a of the public service law, as amended by section 2 of part A of chapter 173 of the laws of 2013, is amended to read as follows:

(b) The temporary state energy and utility service conservation assessment shall be based upon the following percentum of the utility entity's gross operating revenues derived from intrastate utility operations in the last preceding calendar year, minus the amount, if any, that such utility entity is assessed pursuant to subdivisions one and two of this section for the corresponding state fiscal year period: (1) two percentum for the state fiscal year beginning April first, two thousand thirteen [and]; (2) 1.63 PERCENTUM FOR the state fiscal year beginning April first, two thousand fourteen; [(2) one and three-quarters] (3) 1.00 percentum for the state fiscal year beginning April first, two thousand fifteen; and [(3) one and one-half] (4) .73 percentum for the state fiscal year beginning April first, two thousand sixteen. With respect to the temporary state energy and utility service conservation assessment to be paid for the state fiscal year beginning April first, two thousand seventeen and notwithstanding clause (i) of paragraph (d) of this subdivision, on or before March tenth, two thousand seventeen, utility entities shall make a payment equal to one-half of the assessment paid by such entities pursuant to this paragraph for the state fiscal year beginning on April first, two thousand sixteen; PROVIDED, FURTHER THAT SUCH ASSESSMENT FOR STATE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND SEVENTEEN SHALL NOT BE REFLECTED IN A CUSTOMER'S RATE AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND SEVENTEEN. With respect to the Long Island power authority, the temporary state energy and utility service conservation assessment shall be based upon the following percentum of such authority's gross operating revenues derived from intrastate utility operations in the last preceding calendar year, minus the amount, if any, that such authority is assessed pursuant to subdivisions one-a and two of this section for the corresponding state fiscal year period: (1) one percentum for the state fiscal year beginning April first, two thousand thirteen [and] ; (2) .84 PERCENTUM FOR the state fiscal year beginning April first, two thousand fourteen; [(2) three-quarters of one] (3) .50 percentum for the state fiscal year beginning April first, two thousand fifteen; and [(3) one-half] (4) .34 percentum for the state fiscal year beginning April first, two thousand sixteen; provided, however, that should the amount assessed by the department for costs and expenses pursuant to such subdivisions equal or exceed such authority's temporary state energy and utility service conservation assessment for a particular fiscal year, the amount to be paid under this subdivision by such authority shall be zero. With respect to the temporary state energy and utility service conservation assessment to be paid for the state fiscal year beginning April first, two thousand

seventeen and notwithstanding clause (i) of paragraph (d) of this subdivision, on or before March tenth, two thousand seventeen, the Long Island power authority shall make a payment equal to one-half of the assessment it paid for the state fiscal year beginning on April first, two thousand sixteen; PROVIDED, FURTHER THAT SUCH ASSESSMENT FOR STATE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND SEVENTEEN SHALL NOT BE REFLECTED IN A CUSTOMER'S RATE AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND SEVENTEEN. No corporation or person subject to the jurisdiction of the commission only with respect to safety, or the power authority of the state of New York, shall be subject to the temporary state energy and utility service conservation assessment provided for under this subdivision. Utility entities whose gross operating revenues from intrastate utility operations are five hundred thousand dollars or less in the preceding calendar year shall not be subject to the temporary state energy and utility service conservation assessment. The minimum temporary state energy and utility service conservation assessment to be billed to any utility entity whose gross revenues from intrastate utility operations are in excess of five hundred thousand dollars in the preceding calendar year shall be two hundred dollars.

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; provided, however, that the amendments to subdivision 6 of section 18-a of the public service law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith.

PART T

Intentionally Omitted

PART U

Intentionally Omitted

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:

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

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

(Y)(1) IN THIS CHAPTER, "TITLE INSURANCE AGENT" MEANS ANY AUTHORIZED OR ACKNOWLEDGED AGENT OF A TITLE INSURANCE CORPORATION, AND ANY SUBAGENT OR OTHER REPRESENTATIVE OF SUCH AN AGENT, WHO OR WHICH FOR COMMISSION, COMPENSATION, OR ANY OTHER THING OF VALUE, PERFORMS THE FOLLOWING ACTS IN CONJUNCTION WITH THE ISSUANCE OF A TITLE INSURANCE POLICY:

(A) SELLS, OR NEGOTIATES THE SALE OF A TITLE INSURANCE POLICY;

(B) EVALUATES THE INSURABILITY OF TITLE, BASED UPON THE PERFORMANCE OR REVIEW OF A TITLE SEARCH; AND

(C) PERFORMS ONE OR MORE OF THE FOLLOWING FUNCTIONS:

(I) COLLECTS, REMITS OR DISBURSES TITLE INSURANCE PREMIUMS, ESCROWS OR OTHER RELATED FUNDS;

(II) PREPARES, AMENDS, MARKS UP OR DELIVERS A TITLE INSURANCE COMMITMENT OR CERTIFICATE OF TITLE FOR THE PURPOSE OF THE ISSUANCE OF A TITLE INSURANCE POLICY BY A TITLE INSURANCE CORPORATION;

(III) PREPARES, AMENDS OR DELIVERS A TITLE INSURANCE POLICY ON BEHALF OF A TITLE INSURANCE CORPORATION; OR

(IV) NEGOTIATES THE CLEARANCE OF TITLE EXCEPTIONS, IN CONNECTION WITH THE ISSUANCE OF A TITLE INSURANCE POLICY.

(2) SUCH TERM SHALL NOT INCLUDE ANY REGULAR SALARIED OFFICER OR EMPLOYEE OF AN AUTHORIZED TITLE INSURANCE CORPORATION OR OF A LICENSED TITLE INSURANCE AGENT, WHO DOES NOT RECEIVE A COMMISSION OR OTHER COMPENSATION FOR SERVICES, WHICH COMMISSION OR OTHER COMPENSATION IS DIRECTLY DEPENDENT UPON THE AMOUNT OF TITLE INSURANCE BUSINESS DONE.

S 4. Subsection (a) of section 2109 of the insurance law, paragraph 3 as amended by chapter 687 of the laws of 2003, is amended to read as follows:

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

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

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

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

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

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

(2) to any person who may be designated by a person licensed pursuant to this chapter as an insurance agent, TITLE INSURANCE AGENT or an insurance broker, or both AN INSURANCE AGENT AND INSURANCE BROKER, and who is absent because of service in any branch of the armed forces of the United States, including a partnership or corporation [which] THAT is licensed pursuant to this chapter as an insurance agent, TITLE INSURANCE AGENT or as an insurance broker, or both AN INSURANCE AGENT AND INSURANCE BROKER, in a case where the sub-licensee or all sub-licensees, if more than one, named in the license or licenses issued to such partnership or corporation is or are absent because of service in any branch of the armed forces of the United States; and

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

S 5. Subsection (c) of section 2109 of the insurance law is amended to read as follows:

(c) Such license or licenses shall authorize the person or persons named therein to renew the business of the deceased, absent or disabled INSURANCE agent, TITLE INSURANCE AGENT, or INSURANCE broker, or both AN INSURANCE AGENT AND INSURANCE BROKER, as the case may be, or of the firm or, in the case of a license issued pursuant to paragraph one or three of subsection (a) [hereof] OF THIS SECTION, the association whose business is being continued thereunder, each such agent[,] OR broker[, firm or association] being referred to in this section as "original licensee", expiring during the period in which such temporary license or licenses are in force, to collect premiums due and payable to the original licensee or, in the case of a license issued pursuant to paragraph one of subsection (a) [hereof] OF THIS SECTION, to his OR HER estate, and to perform such other acts as an insurance agent, A TITLE INSURANCE AGENT or [as] an insurance broker, or both AN INSURANCE AGENT OR INSURANCE BROKER, as the case may be, as are incidental to the continuance of the insurance business of such original licensee.

S 6. Section 2109 of the insurance law is amended by adding a new subsection (h) to read as follows:

(H) (1) IN THE CASE OF A PERSON SEEKING A TEMPORARY LICENSE TO ACT AS A TITLE INSURANCE AGENT PURSUANT TO SUBSECTION (A) OF THIS SECTION, THE SUPERINTENDENT MAY ISSUE A LICENSE FOR A TERM NOT TO EXCEED ONE HUNDRED EIGHTY DAYS TO SUCH PERSON PROVIDED THE PERSON:

(A) DEMONSTRATES TO THE SATISFACTION OF THE SUPERINTENDENT THAT A TITLE INSURANCE CORPORATION IS WILLING TO APPOINT HIM OR HER;

(B) SUBMITS TO THE NEXT AVAILABLE TITLE INSURANCE AGENT EXAMINATION; AND

(C) DEMONSTRATES TO THE SATISFACTION OF THE SUPERINTENDENT THAT HE OR SHE IS QUALIFIED, COMPETENT, EXPERIENCED AND TRUSTWORTHY TO ACT AS A TITLE INSURANCE AGENT.

(2) ANY PERSON ISSUED A LICENSE PURSUANT TO THIS SUBSECTION SHALL, BY VIRTUE OF SUCH LICENSE, BE AUTHORIZED TO SOLICIT, NEGOTIATE OR SELL NEW POLICIES OF TITLE INSURANCE.

S 7. Subsections (a), (c), and (d) of section 2112 of the insurance law, subsection (a) as amended by chapter 540 of the laws of 1996, subsection (c) as amended by chapter 647 of the laws of 1992 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, IN THE CASE OF A TITLE INSURANCE CORPORATION, TITLE INSURANCE AGENTS, to represent such insurer, fraternal benefit society or health maintenance organization.

(c) Certificates of appointment shall be valid until [(i)] (1) terminated by the appointing insurer OR TITLE INSURANCE AGENT after a termination in accordance with the provisions of the agency contract; [(ii)]

(2) the license is suspended or revoked by the superintendent; or [(iii)] (3) the license expires and is not renewed.

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

S 2113. TITLE INSURANCE AGENT COMMISSIONS; DISCLOSURE. (A) NO INSURER DOING BUSINESS IN THIS STATE, AND NO AGENT OR OTHER REPRESENTATIVE THEREOF, SHALL PAY ANY COMMISSION OR OTHER COMPENSATION TO ANY PERSON, FIRM, ASSOCIATION OR CORPORATION FOR ACTING AS A TITLE INSURANCE AGENT IN THIS STATE, EXCEPT TO A LICENSED TITLE INSURANCE AGENT.

(B) AT THE TIME OF THE APPLICATION, A TITLE INSURANCE AGENT SHALL PROVIDE TO EVERY APPLICANT FOR INSURANCE, A WRITTEN GOOD FAITH ESTIMATE OF THE PREMIUM ON THE POLICY OR POLICIES TO BE ISSUED AND A BREAKDOWN OF THE AMOUNT OF ALL FEES AND SERVICE COSTS, INCLUDING ALL FILING FEES, RECORDING CHARGES, AND CLOSING COSTS, AND ANY OTHER ANCILLARY OR DISCRETIONARY CHARGES TO BE INCURRED, AND THE AMOUNT OF ANY COMMISSION OR OTHER COMPENSATION TO BE PAID TO SUCH AGENT BY THE TITLE INSURANCE CORPORATION. IF NO TITLE INSURANCE AGENT IS UTILIZED, THE TITLE INSURER SHALL PROVIDE THE DISCLOSURES. IF THE APPLICANT IS REPRESENTED BY AN ATTORNEY, THE WRITTEN GOOD FAITH ESTIMATE SHALL BE PROVIDED TO THE ATTORNEY.

(C) NOTHING IN THIS CHAPTER SHALL BE DEEMED TO OR BE CONSTRUED IN A MANNER TO AUTHORIZE OR PERMIT ANY ACTIVITY OR PRACTICE, WITH RESPECT TO THE BUSINESS OF TITLE INSURANCE, THAT IS PROHIBITED BY SECTION FOUR HUNDRED EIGHTY-FOUR OR FOUR HUNDRED NINETY-FIVE OF THE JUDICIARY LAW, OR OTHERWISE PROHIBITED BY LAW, INCLUDING THE UNAUTHORIZED PRACTICE OF LAW.

(D) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, NO PERSON OR ENTITY WHO ACTS AS AN AGENT, REPRESENTATIVE, ATTORNEY, OR EMPLOYEE OF THE OWNER, LESSEE, OR MORTGAGEE, OR OF THE PROSPECTIVE OWNER, LESSEE, OR MORTGAGEE OF THE REAL PROPERTY OR ANY INTEREST THEREIN AND WHO OR WHOSE SPOUSE ALSO IS A MEMBER, EMPLOYEE, OR DIRECTOR OF A TITLE INSURANCE AGENT, OWNS ANY INTEREST IN A TITLE INSURANCE AGENT, OR IS A SUBSIDIARY OR AFFILIATE OF ANY TITLE INSURANCE AGENT, SHALL REFER AN APPLICANT FOR INSURANCE TO SUCH AGENT, AND NO SUCH TITLE INSURANCE AGENT SHALL ACCEPT ANY SUCH REFERRAL OF TITLE INSURANCE BUSINESS, UNLESS THE REFERRAL IS

MADE IN ACCORDANCE WITH SECTION SIX THOUSAND FOUR HUNDRED NINE OF THIS CHAPTER AND SUCH PERSON OR ENTITY, AT THE TIME OF MAKING A REFERRAL, PROVIDES, AT A MINIMUM, THE FOLLOWING WRITTEN DISCLOSURE TO THE APPLICANT:

(1) THE NATURE OF THE RELATIONSHIP BETWEEN THE PERSON OR ENTITY AND THE TITLE INSURANCE AGENT;

(2) THAT THE APPLICANT IS NOT REQUIRED TO USE THE SERVICES OF THE TITLE INSURANCE AGENT OR THE TITLE INSURANCE CORPORATION TO WHICH THE APPLICANT IS BEING REFERRED;

(3) THAT ANY MONEY OR OTHER THING OF VALUE DIRECTLY OR INDIRECTLY PAID BY THE TITLE INSURANCE AGENT OR TITLE INSURANCE CORPORATION TO THE PERSON OR ENTITY IS BASED ON THE PERSON OR ENTITY'S FINANCIAL INTEREST IN THE TITLE INSURANCE AGENT, AND IS NOT RELATED TO THE AMOUNT OF TITLE INSURANCE BUSINESS THE PERSON OR ENTITY REFERS TO THE TITLE INSURANCE AGENT;

(4) THAT THE PERSON OR ENTITY IS NOT REQUIRED TO REFER A SPECIFIED AMOUNT OF TITLE INSURANCE BUSINESS TO THE TITLE INSURANCE AGENCY;

(5) THE AMOUNT OR VALUE OF ANY COMPENSATION OR OTHER THING OF VALUE THAT THE PERSON OR ENTITY EXPECTS TO RECEIVE IN CONNECTION WITH THE SERVICES TO BE PROVIDED BY THE TITLE INSURANCE AGENT OR THE TITLE INSURANCE CORPORATION TO WHICH THE PARTY IS BEING REFERRED; AND

(6) ANY RELEVANT DISCLOSURES REQUIRED BY THE FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974, AS AMENDED.

(E) FOR THE PURPOSES OF THIS CHAPTER, AN ATTORNEY OR HIS OR HER LAW FIRM MAY REPRESENT A CLIENT IN A MATTER AND MAY ALSO ACT AS A TITLE INSURANCE AGENT IN SUCH MATTER SUBJECT TO APPLICABLE LAW.

(F) WHERE A LICENSED ATTORNEY REPRESENTS AN APPLICANT IN A REAL ESTATE TRANSACTION AND THE APPLICANT ALSO RETAINS THE ATTORNEY AS THE TITLE INSURANCE AGENT, THE ATTORNEY SHALL NOT BE REQUIRED TO MAKE THE WRITTEN DISCLOSURE REQUIRED BY SUBSECTION (D) OF THIS SECTION PROVIDED THE ATTORNEY ADVISES THE CLIENT THAT THE CLIENT IS NOT REQUIRED TO USE THE ATTORNEY AS THE TITLE INSURANCE AGENT.

(G) AS USED IN THIS SECTION, "APPLICANT" MEANS THE PERSON, FIRM, LIMITED LIABILITY COMPANY OR CORPORATION FOR WHOM THE PURCHASE OF THE PROPERTY THAT IS THE SUBJECT OF THE TITLE INSURANCE POLICY IS FINANCED OR TO WHOM A MORTGAGE LOAN IS MADE OR WHO OWNS THE PROPERTY, OR TO A PERSON WHO IS AN ATTORNEY-IN-FACT FOR SUCH PERSON.

(H) THE SUPERINTENDENT SHALL PROMULGATE REGULATIONS TO ENFORCE THE DISCLOSURE REQUIREMENTS OF SUBDIVISION (D) OF THIS SECTION AND IN DOING SO SHALL CONSIDER THE RELEVANT STANDARDS OF THE FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974, AS AMENDED.

S 9. The section heading of section 2119 of the insurance law, as amended by chapter 499 of the laws of 2009, is amended and a new subsection (f) is added to read as follows:

Insurance agents, brokers, consultants, [and] life settlement brokers, AND TITLE INSURANCE AGENTS; written contract for compensation; excess charges prohibited.

(F) NO TITLE INSURANCE AGENT MAY RECEIVE ANY COMPENSATION OR FEE, DIRECT OR INDIRECT, FOR OR ON ACCOUNT OF SERVICES PERFORMED IN CONNECTION WITH THE ISSUANCE OF A TITLE INSURANCE POLICY, UNLESS SUCH COMPENSATION IS: (1) FOR ANCILLARY SERVICES NOT ENCOMPASSED IN THE RATE OF PREMIUM APPROVED BY THE SUPERINTENDENT; AND (2) BASED UPON A WRITTEN MEMORANDUM SIGNED BY THE PARTY TO BE CHARGED, AND SPECIFYING OR CLEARLY DEFINING THE AMOUNT OR EXTENT OF SUCH COMPENSATION TO BE CHARGED FOR EACH ANCILLARY SERVICE AS WELL AS THE TOTAL AMOUNT OR EXTENT OF THE COMPENSATION TO BE CHARGED. A COPY OF EVERY SUCH MEMORANDUM SHALL BE

RETAINED BY THE LICENSEE FOR NOT LESS THAN THREE YEARS AFTER SUCH SERVICES HAVE BEEN FULLY PERFORMED. FOR PURPOSES OF THIS SUBSECTION, LEGAL SERVICES PERFORMED BY A NEW YORK STATE LICENSED ATTORNEY WHO IS ALSO ENGAGED AS A TITLE INSURANCE AGENT SHALL NOT BE CONSIDERED ANCILLARY SERVICES.

S 10. The section heading and subsections (a) and (c) of section 2120 of the insurance law are amended to read as follows:

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

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

S 11. The section heading and subsection (a) of section 2122 of the insurance law are amended to read as follows:

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

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

S 12. Subsections (a) and (b) of section 2128 of the insurance law, subsection (b) as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

(a) Notwithstanding the provisions of sections two thousand three hundred twenty-four and four thousand two hundred twenty-four of this chapter, no [insurance agent, insurance broker, insurance consultant, excess line broker, reinsurance intermediary or insurance adjuster] LICENSEE SUBJECT TO THIS ARTICLE shall receive any commissions or fees or shares thereof in connection with insurance coverages placed for or insurance services rendered to the state, its agencies and departments, public benefit corporations, municipalities and other governmental subdivisions in this state, unless such [insurance agent, insurance broker, insurance consultant, excess line broker, reinsurance intermediary or insurance adjuster] LICENSEE actually placed insurance coverages on behalf of or rendered insurance services to the state, its agencies and departments, public benefit corporations, municipalities and other governmental subdivisions in this state.

(b) The superintendent shall, by regulation, require [insurance agents, insurance brokers, insurance consultants, excess line brokers, reinsurance intermediaries and insurance adjusters] LICENSEES SUBJECT TO THIS ARTICLE to file disclosure statements with the department of financial services and the most senior official of the governmental unit involved, with respect to any insurance coverages placed for or insurance services rendered to the state, its agencies and departments,

public benefit corporations, municipalities and other governmental subdivisions in this state, EXCEPT THAT NEITHER A TITLE INSURANCE CORPORATION NOR A TITLE INSURANCE AGENT SHALL BE REQUIRED TO FILE A DISCLOSURE STATEMENT IF AN INDUSTRIAL DEVELOPMENT AGENCY, STATE OF NEW YORK MORTGAGE AGENCY OR ITS SUCCESSOR, OR ANY SIMILAR TYPE OF ENTITY, IS THE NAMED INSURED UNDER THE POLICY AND IS A MORTGAGEE WITH RESPECT TO THE PROPERTY INSURED.

S 13. Subsections (a) and (b) of section 2132 of the insurance law, as amended by chapter 499 of the laws of 2009, are amended to read as follows:

(a) This section shall apply to resident and non-resident persons licensed pursuant to this article with respect to:

(1) life insurance, annuity contracts, variable annuity contracts and variable life insurance;

(2) sickness, accident and health insurance;

(3) all lines of property and casualty insurance; [and]

(4) life settlements[.]; AND

(5) TITLE INSURANCE.

(b) This section shall not apply to:

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

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

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

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

S 14. The insurance law is amended by adding a new section 2139 to read as follows:

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

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

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

(D) BEFORE ANY ORIGINAL TITLE INSURANCE AGENT'S LICENSE IS ISSUED, THERE SHALL BE ON FILE IN THE OFFICE OF THE SUPERINTENDENT AN APPLICATION BY THE PROSPECTIVE LICENSEE IN SUCH FORM OR FORMS AND SUPPLEMENTS THERETO, ALONG WITH A FEE IN THE AMOUNT OF FORTY DOLLARS FOR EACH YEAR OR FRACTION OF A YEAR IN WHICH THE LICENSE SHALL BE VALID, AND CONTAINING INFORMATION THE SUPERINTENDENT PRESCRIBES.

(E) THE SUPERINTENDENT SHALL, IN ORDER TO DETERMINE THE COMPETENCY OF EVERY INDIVIDUAL APPLICANT AND OF EVERY PROPOSED SUB-LICENSEE FOR THE TITLE INSURANCE AGENT LICENSE, REQUIRE SUCH INDIVIDUAL TO SUBMIT TO A PERSONAL WRITTEN EXAMINATION AND TO PASS THE SAME TO THE SATISFACTION OF THE SUPERINTENDENT. THE EXAMINATION SHALL BE HELD AT SUCH TIMES AND PLACES AS THE SUPERINTENDENT SHALL FROM TIME TO TIME DETERMINE. EVERY INDIVIDUAL APPLYING TO TAKE ANY WRITTEN EXAMINATION SHALL, AT THE TIME OF APPLYING THEREFOR, PAY TO THE SUPERINTENDENT OR, AT THE DISCRETION OF THE SUPERINTENDENT, DIRECTLY TO ANY ORGANIZATION THAT IS UNDER CONTRACT TO PROVIDE EXAMINATION SERVICES, AN EXAMINATION FEE OF AN AMOUNT THAT IS THE ACTUAL DOCUMENTED ADMINISTRATIVE COST OF CONDUCTING SAID QUALIFYING EXAMINATION AS CERTIFIED BY THE SUPERINTENDENT FROM TIME TO TIME. AN EXAMINATION FEE REPRESENTS AN ADMINISTRATIVE EXPENSE AND SHALL NOT BE REFUNDABLE. THE SUPERINTENDENT MAY ACCEPT, IN LIEU OF ANY SUCH EXAMINATION, THE RESULT OF ANY PREVIOUS WRITTEN EXAMINATION, GIVEN BY THE SUPERINTENDENT, WHICH IN THE SUPERINTENDENT'S JUDGMENT, IS EQUIVALENT TO THE EXAMINATION FOR WHICH IT IS SUBSTITUTED.

(F) EVERY INDIVIDUAL SEEKING TO QUALIFY TO OBTAIN A LICENSE UNDER SUBSECTION (B) OF THIS SECTION SHALL BE REQUIRED TO PASS THE TYPE OR TYPES OF EXAMINATION PRESCRIBED BY THE SUPERINTENDENT. AN INDIVIDUAL SHALL NOT BE DEEMED QUALIFIED TO TAKE THE EXAMINATION UNLESS THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED A COURSE OR COURSES, APPROVED AS TO METHOD AND CONTENT BY THE SUPERINTENDENT, COVERING THE TITLE INSURANCE BUSINESS AND REQUIRING NOT LESS THAN TWENTY HOURS OF CLASSROOM WORK OR THE EQUIVALENT IN CORRESPONDENCE WORK OR SIMILAR INSTRUCTION. SUCH COURSE OR COURSES SHALL HAVE BEEN GIVEN BY AN INSTITUTION MEETING THE STANDARDS PRESCRIBED BY SUBPARAGRAPH (A) OF PARAGRAPH ONE OF SUBSECTION (C) OF SECTION TWO THOUSAND ONE HUNDRED FOUR OF THIS ARTICLE.

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

(1) APPLICANT WHO FILES AN APPLICATION UNDER THIS SECTION WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION AND WHO DEMONSTRATES TO THE SATISFACTION OF THE SUPERINTENDENT THAT SUCH APPLICANT OR ITS PROSPECTIVE SUB-LICENSEE HAS, WITHOUT INTERRUPTION, REGULARLY AND CONTINUOUSLY PERFORMED THE FUNCTIONS OF A TITLE INSURANCE AGENT FOR A PERIOD OF AT LEAST FIVE YEARS IMMEDIATELY PRECEDING THE FILING OF SUCH APPLICATION AND IS COMPETENT AND TRUSTWORTHY TO ACT AS A TITLE INSURANCE AGENT;

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

(3) APPLICANT SEEKING TO OBTAIN A LICENSE AS A TITLE INSURANCE AGENT, WHEN SUCH APPLICANT IS A LICENSED ATTORNEY-AT-LAW IN THIS STATE PROVIDED THAT SUCH ATTORNEY IS IN GOOD STANDING WITH THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION.

(H) THE SUPERINTENDENT MAY REFUSE TO ISSUE TO AN APPLICANT A TITLE INSURANCE AGENT'S LICENSE IF, IN THE SUPERINTENDENT'S JUDGMENT, THE PROPOSED LICENSEE OR ANY SUB-LICENSEE:

(1) IS NOT TRUSTWORTHY AND COMPETENT TO ACT AS SUCH AGENT;

(2) HAS GIVEN CAUSE FOR THE REVOCATION OR SUSPENSION OF SUCH A LICENSE; OR

(3) HAS FAILED TO COMPLY WITH ANY PREREQUISITE FOR THE ISSUANCE OF SUCH LICENSE.

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

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

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

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

(5) 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.

(6) 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; AND

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

(7) 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.

(8) 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 OR HER JUDGMENT HAVE KNOWLEDGE OF THE FACTS AND WHO MAKE AFFIDAVIT SHOWING SUCH MILITARY SERVICE AND THE INABILITY OF SUCH TITLE INSURANCE AGENT TO MAKE PERSONAL APPLICATION.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(J) THE SUPERINTENDENT MAY REFUSE TO ISSUE A LICENSE OR RENEWAL LICENSE, AS THE CASE MAY BE, TO ANY APPLICANT IF THE SUPERINTENDENT FINDS THAT THE APPLICANT HAS BEEN OR WILL BE:

(1) RECEIVING ANY BENEFIT OR ADVANTAGE IN VIOLATION OF SECTION SIX THOUSAND FOUR HUNDRED NINE OF THIS CHAPTER; OR

(2) ACTING IN A MANNER INCONSISTENT WITH:

(A) REGULATIONS BY THE SUPERINTENDENT WHICH ARE PROMULGATED IN ACCORDANCE WITH THE RELEVANT PROVISIONS OF THE FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974, AS AMENDED; OR

(B) SECTION TWENTY-ONE HUNDRED THIRTEEN OF THIS ARTICLE.

(K) FOR THE PURPOSES OF THIS CHAPTER, ANY PERSON OR ENTITY PERFORMING ANY ACTIVITY RELATED TO THE PROCUREMENT OR ISSUANCE OF A TITLE INSURANCE POLICY, AS THE RESULT OF AN AUTHORIZATION OR REQUEST FROM A LICENSED TITLE AGENT OR TITLE INSURANCE CORPORATION, SHALL BE PRESUMED TO BE ACTING UNDER THE AUTHORITY OF SUCH LICENSED AGENT OR TITLE INSURANCE CORPORATION, FOR THE PURPOSE OF PERFORMING SUCH ACTIVITY SO AUTHORIZED OR REQUESTED.

S 15. Section 2314 of the insurance law is amended to read as follows:

S 2314. Charging of rates. No authorized insurer shall, and no licensed insurance agent, NO TITLE INSURANCE AGENT, no employee or other representative of an authorized insurer, and no licensed insurance broker shall knowingly, charge or demand a rate or receive a premium [which] THAT departs from the rates, rating plans, classifications, schedules, rules and standards in effect on behalf of the insurer, or shall issue or make any policy or contract involving a violation thereof.

S 16. Subsection (a) of section 107 of the insurance law is amended by adding a new paragraph 54 to read as follows:

(54) "TITLE INSURANCE AGENT" SHALL BE DEEMED TO HAVE THE SAME MEANING AS PARAGRAPH ONE OF SUBSECTION (Y) OF SECTION TWO THOUSAND ONE HUNDRED ONE OF THIS CHAPTER.

S 17. Section 6409 of the insurance law, subsection (c) as added by chapter 955 of the laws of 1984, is amended to read as follows:

S 6409. Filing of policy forms; rates; classification of risks; commissions and rebates prohibited. (a) No title insurance policy shall be issued or delivered in this state, unless [and until a copy of the form thereof shall have] IT HAS been filed with the superintendent [for his information] IN ACCORDANCE WITH ARTICLE TWENTY-THREE OF THIS CHAPTER.

(b) [Every title insurance corporation shall file with the superintendent its rate manual, if any, its basic schedule of rates and classi-

fication of risks, its rating plan and rules in connection with the writing or issuance of policies of title insurance and shall thereafter likewise file any changes therein. After any such filing no such corporation shall, in connection with the writing or issuance of any such policy, deviate from the rates, classifications of risks and rules last filed by it, either by making any reduction in rates without having filed the same as herein provided, or by way of any discriminations in favor of or against any insured. The superintendent shall have the powers specified in article twenty-three of this chapter applicable to title insurers.] TITLE INSURANCE RATES AND RATE FILINGS SHALL BE SUBJECT TO ARTICLE TWENTY-THREE OF THIS CHAPTER.

(c) Notwithstanding any other provision of this article, every title insurance [company] CORPORATION shall [be required to] offer, at or prior to title closing, an optional policy form [which will insure] THAT INSURES the title of owner-occupied real property used predominantly for residential purposes [which] THAT consists of not more than four dwelling units for an amount equal to the market value of the property at the time a loss is discovered. Such policy form shall be filed with, AND APPROVED BY, the superintendent [pursuant to subsection (a) of this section] IN ACCORDANCE WITH ARTICLE TWENTY-THREE OF THIS CHAPTER. Rates for such coverage shall be filed AND APPROVED pursuant to [subsection (b) of this section] ARTICLE TWENTY-THREE OF THIS CHAPTER.

(d) No title insurance corporation, TITLE INSURANCE AGENT, or any other person acting for or on behalf of [it] THE TITLE INSURANCE CORPORATION OR TITLE INSURANCE AGENT, shall OFFER OR make, DIRECTLY OR INDIRECTLY, any rebate of any portion of the fee, premium or charge made, or pay or give to any applicant [for insurance], or to any person, firm, or corporation acting as agent, representative, attorney, or employee of the owner, lessee, mortgagee or the prospective owner, lessee, or mortgagee [or the prospective owner, lessee, or mortgagee] of the real property or any interest therein, either directly or indirectly, any commission, any part of its fees or charges, or any other consideration or valuable thing, as an inducement for, or as compensation for, any title insurance business, NOR SHALL ANY APPLICANT, OR ANY PERSON, FIRM, OR CORPORATION ACTING AS AGENT, REPRESENTATIVE, ATTORNEY, OR EMPLOYEE OF THE OWNER, LESSEE, MORTGAGEE OR OF THE PROSPECTIVE OWNER, LESSEE, OR MORTGAGEE OF THE REAL PROPERTY OR ANYONE HAVING ANY INTEREST IN REAL PROPERTY KNOWINGLY RECEIVE, DIRECTLY OR INDIRECTLY, ANY SUCH REBATE OR OTHER CONSIDERATION OR VALUABLE THING. Any person or entity who [accepts or receives such a commission or rebate] VIOLATES THIS SECTION shall be subject to a penalty [equal to the greater of one thousand dollars or five times the amount thereof] OF (1) FIVE THOUSAND DOLLARS; OR (2) UP TO TEN TIMES THE AMOUNT OF ANY COMPENSATION OR REBATE RECEIVED OR PAID IN THE CASE OF A TITLE INSURANCE CORPORATION OR TITLE INSURANCE AGENT; OR (3) UP TO FIVE TIMES THE AMOUNT OF ANY COMPENSATION OR REBATE RECEIVED OR PAID; OR (4) IN THE CASE OF AN APPLICANT FOR TITLE INSURANCE THAT COVERS REAL PROPERTY USED PREDOMINANTLY FOR RESIDENTIAL PURPOSES, AND WHICH CONSISTS OF NOT MORE THAN FOUR DWELLING UNITS, OTHER THAN HOTELS AND MOTELS, AN AMOUNT NOT TO EXCEED THE COMPENSATION OR REBATE RECEIVED OR PAID, WHEN SUCH APPLICANT KNEW THAT IT WAS A VIOLATION TO RECEIVE SUCH REBATE, OR OTHER CONSIDERATION OR VALUABLE THING; PROVIDED, HOWEVER, IF SUCH APPLICANT DID NOT KNOW THAT IT WAS A VIOLATION TO RECEIVE SUCH REBATE, OR OTHER CONSIDERATION OR VALUABLE THING, HE OR SHE SHALL NOT BE ASSESSED A PENALTY UNDER THIS SUBDIVISION.

(e) Premium rates for coverage shall fully reflect the foregoing prohibitions of subsection (d) [hereof] OF THIS SECTION.

S 18. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided, however, that effective immediately:

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

(2) the superintendent of financial services shall promulgate application forms for persons, firms, associations, and corporations seeking to obtain a license as a title insurance agent; and

(3) each person, firm, association, or corporation that has filed an application for a license as a title insurance agent, on or before January 1, 2015 or within 90 days after the superintendent of financial services has promulgated application forms pursuant to this act, whichever date is later, may act as such licensee without a license issued pursuant to section 2139 of the insurance law, as added by section fourteen of this act, until the superintendent of financial services has made a final determination on the application for such license filed by such person, firm, association, or corporation.

PART W

Section 1. Section 2 of part BB of 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, as amended by section 1 of part I of chapter 58 of the laws of 2013, is amended to read as follows:

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

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

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

PART X

Section 1. Section 2 of chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, as amended by section 28 of part D of chapter 56 of the laws of 2012, is amended to read as follows:

S 2. This act shall take effect immediately and shall expire and be deemed repealed on July 1, [2014] 2016; provided however, that the expiration of this act shall not impair or otherwise affect any of the powers, duties, responsibilities, functions, rights or liabilities of any subsidiary duly created pursuant to subdivision twenty-five of section 1678 of the public authorities law prior to such expiration.

S 2. This act shall take effect immediately.

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:

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

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 BB

Section 1. Subdivision 41 of section 16 of the agriculture and markets law, as amended by chapter 361 of the laws of 2003, is amended to read as follows:

41. (A) Establish and maintain New York state domestic animal health assurance programs, voluntary, on-farm, integrated disease prevention programs, directed at improving animal health and promoting a safe and wholesome food supply. Such programs may include but are not limited to the New York state cattle and horse health assurance programs. To carry out such programs, the department may contract with public, private and academic entities and shall encourage such entities to seek federal and private sources of funds for such programs.

(B) ANY PROPRIETARY FARM PROTOCOL, ANIMAL OR HERD TESTING INFORMATION AND/OR PRODUCER HERD DATA MAINTAINED IN CONFIDENCE AND VOLUNTARILY PROVIDED BY AN OWNER OR OPERATOR OF A FARM OPERATION AS DEFINED IN SECTION THREE HUNDRED ONE OF THIS CHAPTER TO PARTICIPATE IN A VOLUNTARY CATTLE HEALTH PROGRAM ESTABLISHED PURSUANT TO THIS SUBDIVISION SHALL BE EXEMPT FROM PUBLIC DISCLOSURE. THE SUBMISSION OF ANY SUCH INFORMATION OR RECORDS BY THE OWNER OR OPERATOR OF A FARM OPERATION DOES NOT CONSTITUTE A WAIVER OF ANY APPLICABLE PRIVILEGE OR PROTECTION UNDER FEDERAL OR STATE LAW.

(C) THE EXEMPTION DESCRIBED IN PARAGRAPH (B) OF THIS SUBDIVISION SHALL NOT APPLY TO: (1) INFORMATION COLLECTED OR CREATED AS PART OF A FEDERAL, STATE, OR LOCAL HEALTH AGENCY INVESTIGATION OR OFFICIAL ACTION TAKEN IN CONNECTION WITH A PUBLIC HEALTH RISK; AND (2) RECORDS THAT DO NOT IDENTIFY AND CANNOT BE USED TO DISCERN THE IDENTITY OF ANY PARTICIPATING FARM.

S 2. This act shall take effect immediately and shall apply to requests for disclosures made after the effective date of this act.

PART CC

Section 1. This act shall be known and may be cited as the "Rockland Bergen Flood Mitigation act".

S 2. The legislature finds and declares that the states of New York and New Jersey and their respective citizens share a common concern to protect their personal safety and property through the identification and remediation of potential flood hazards along the tributaries and watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle

River, and Sparkill Brook/Creek that cross the interstate border region. The identification and remediation of potential flood hazards requires a bi-state comprehensive approach. A bi-state comprehensive flood prevention approach will also help ensure the preservation and maintenance of the environmentally beneficial impacts of the tributaries and watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle River, and Sparkill Brook/Creek. A bi-state approach will encourage open space and recreational opportunities along the tributaries and watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle River, and Sparkill Brook/Creek. The legislature further finds that there has been a long history of cooperation among state and local governmental entities and various private organizations and individuals in the vicinity of the tributaries and watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle River, and Sparkill Brook/Creek.

The legislature therefore determines that there is a need to endorse and formalize that bi-state cooperative effort to identify and remediate potential flood hazards and to protect the natural, scenic and recreational opportunities of the tributaries and watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle River, and Sparkill Brook/Creek. The legislature further determines that the creation of a bi-state task force is an appropriate means to accomplish these very important goals.

S 3. As used in this act, "Bi-state region" shall mean the tributaries and watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle River, and Sparkill Brook/Creek, within the counties of Rockland in New York and Bergen in New Jersey. "Resident voter" shall mean an individual registered to vote within the county of Rockland in New York or the county of Bergen, Essex, or Hudson in New Jersey.

S 4. a. There is hereby created the Rockland Bergen Flood Mitigation Task Force, which shall be comprised of twelve voting members. Six members shall be from New York and shall be appointed as follows: one each, by the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly, of New York, and of the county executive of the county of Rockland in New York, all of whom shall be resident voters of the county of Rockland, New York. Six members shall be from New Jersey and shall be appointed as follows: one each, by the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly, of New Jersey, and the county executive of the county of Bergen in New Jersey, all of whom shall be resident voters from either the county of Bergen, Essex, or Hudson. Additionally, the task force shall include three non-voting members, as follows: the commissioner of the New York state department of environmental conservation or a designee thereof who shall serve ex-officio; the commissioner of the New Jersey department of environmental protection or a designee thereof who shall serve ex-officio; and a representative of United Water Inc. or its successor.

b. Vacancies in the appointed positions on the task force shall be filled in the same manner as the original appointments were made.

c. Members of the task force shall serve voluntarily and without compensation.

d. Members of the task force shall serve at the pleasure of the relevant appointing authority.

S 5. a. The task force shall organize as soon as may be practicable after the appointment of its members, and shall select two co-chairper-

sons from its members, one from each state, and a secretary who need not be a member.

b. The task force shall meet regularly as it may determine. Meetings of the task force shall be at such times and places as the co-chairpersons of the task force deem appropriate, but to the maximum extent practicable and feasible, shall be rotated between the two states on an alternating basis. Meetings held in New Jersey shall be subject to the provisions and requirements of the "Senator Byron M. Baer Open Public Meetings Act," P.L. 1975, c. 231 (C.10:4-6 et seq.). Meetings held in New York shall be subject to the provisions and requirements of that state's open meetings law, article 7 of the public officers law. The task force shall also meet at the call of either co-chairperson.

c. A majority of the voting membership of the task force shall constitute a quorum for the transaction of task force business. Action may be taken and motions and resolutions adopted by the task force at any meeting thereof by the affirmative vote of seven members of the task force.

d. The task force may request assistance, and the services of, any municipalities that are within the bi-state watershed region, as it may require and as may be made available to it for the purpose of carrying out its duties under this act. Nothing in this section shall be construed to require assistance from any municipality in New York or New Jersey.

S 6. The duties of the task force shall be to:

a. assess present and projected development, land use, and land management practices and patterns, and identify actual and potential flood hazards, around the bi-state region, and determine the effects of those practices and patterns, threats, and problems upon the property, public safety, and natural, and recreational resources of the bi-state region;

b. develop recommended regulations, procedures, policies, planning strategies, and model ordinances and resolutions pertaining to the protection, preservation, maintenance, management, and enhancement of the bi-state region which would be implemented as appropriate on a voluntary basis by those municipalities within the bi-state region;

c. coordinate communication of stream cleanup, maintenance, and protection efforts undertaken, for the benefit of the bi-state region by municipalities within the bi-state region;

d. coordinate with all municipalities within the bi-state region;

e. recommend appropriate state legislation and administrative action pertaining to the protection, preservation, maintenance, management, and enhancement of the bi-state region;

f. advocate for federal, state, or private funding of stream cleanup, maintenance, protection projects, flood prevention projects and flood hazard remediation for the bi-state region;

g. identify existing and projected flood hazards in the bi-state region; and

h. recommend, propose and coordinate a bi-state comprehensive plan to remediate existing and projected flood hazards in the bi-state region.

S 7. The task force shall, within 24 months of the date it organizes, prepare a report on its activities, and submit it, together with any recommendations for legislation, administrative action, or action by local governments, to the governors and legislatures of the states of New Jersey and New York.

S 8. This act shall take effect upon the enactment into law by the state of New Jersey of legislation having substantially similar effect with this act, but if the state of New Jersey shall have already enacted

such legislation, this act shall take effect immediately and shall expire and be deemed repealed on June 30, 2016; provided that the Rockland Bergen bi-state river task force shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in this act in order that the legislative bill drafting commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART DD

Section 1. Subdivisions 3 and 5 of section 19-0323 of the environmental conservation law, as amended by section 1 of part U of chapter 58 of the laws of 2013, are amended to read as follows:

3. Any diesel powered heavy duty vehicle that is owned by, operated by or on behalf of, or leased by a state agency and state and regional public authority with more than half of its governing body appointed by the governor shall utilize the best available retrofit technology for reducing the emission of pollutants. The commissioner shall promulgate regulations for the implementation of this subdivision specifying that all vehicles covered by this subdivision shall have best available retrofit technology on or before December 31, [2014] 2015.

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

5. In addition to any waiver which may be issued pursuant to subdivision four of this section, the department shall issue a waiver to a state agency, a state or regional public authority, or a person operating any diesel-powered heavy duty vehicle on behalf of a state agency, state or regional public authority, upon a request in a form acceptable to the department for a waiver from the provisions of subdivision three of this section for a vehicle engine provided that such vehicle engine will cease to be used in the state on or before December thirty-first, two thousand [fourteen] SIXTEEN. Any waiver issued pursuant to this subdivision shall expire when a state agency, a state or regional public authority, or a person operating any diesel-powered heavy duty vehicle on behalf of a state agency, state or regional public authority ceases to use the engine in the state but not later than December thirty-first, two thousand [fourteen] SIXTEEN.

S 2. Subdivision 7 of section 19-0323 of the environmental conservation law, as added by chapter 629 of the laws of 2006, and as renumbered by section 1 of part C of chapter 59 of the laws of 2010, is amended to read as follows:

7. On or before January 1, 2008 and every year thereafter, the commissioner shall report to the governor and legislature on the use of ultra low sulfur diesel fuel [and the use of the best available retrofit technology as required under this section]. ON OR BEFORE JANUARY 1, 2016 AND EVERY YEAR THEREAFTER, THE COMMISSIONER SHALL INCLUDE IN THE REPORT TO THE GOVERNOR AND LEGISLATURE THE USE OF THE BEST AVAILABLE RETROFIT TECHNOLOGY AS REQUIRED UNDER THIS SECTION. The information contained in this report shall include, but not be limited to, for each state agency and public authority covered by this section: (a) the total number of diesel fuel-powered motor vehicles owned or operated by such agency and authority; (b) the number of such motor vehicles that were powered by ultra low sulfur diesel fuel; (c) the total number of diesel fuel-pow-

ered motor vehicles owned or operated by such agency and authority having a gross vehicle weight rating of more than 8,500 pounds; (d) the number of such motor vehicles that utilized the best available retrofit technology, including a breakdown by motor vehicle model, engine year and the type of technology used for each vehicle; (e) the number of such motor vehicles that are equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for particulate matter that is at least as stringent; and (f) all waivers, findings, and renewals of such findings, which, for each waiver, shall include, but not be limited to, 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.

S 3. This act shall take effect immediately.

PART EE

Section 1. Legislative intent. The legislature recognizes the environmental health and energy benefits of increasing the efficiency of residential heating and cooling systems, and converting to cleaner fuel and more efficient heating and cooling systems that can reduce emissions of carbon and particulate matter that is two and one-half microns or less in width (commonly referred to as PM 2.5 emissions). The legislature also recognizes the need to use funds from public purpose programs, including those administered by the New York state energy research and development authority and utilities, in order to provide financial assistance to building owners seeking to install and improve heating and cooling retrofits. The legislature finds that no less than fifteen million dollars is required to assist residential building owners with the installation of cleaner, more efficient heating and cooling technologies.

S 2. The department of public service and the New York state energy research and development authority shall review existing energy efficiency programs administered by utilities and/or such authority to determine the extent to which funding or financing support is available to assist installing any improvement to a heating or cooling system in residential and multi-family buildings which will increase efficiency by at least ten percent over the equipment currently installed or reduce fuel usage by at least ten percent over the equipment currently installed, and lead to a significant reduction in carbon emissions. Such improvements shall include, but are not limited to, the installation of a high efficiency boiler or furnace, an improvement to and/or replacement of a burner in a boiler, and any other improvement to a heating system. Such review shall determine whether the existing efficiency programs would provide support for the replacement or improvement of boilers regulated by the New York city department of environmental protection.

S 3. The department of public service and New York state energy research and development authority shall report the findings of such review to the governor and to the legislature no later than 45 days after the effective date of this act.

S 4. This act shall take effect immediately.

PART FF

Section 1. Subdivision 5 of section 88-a of the state finance law is amended by adding a new paragraph (c) to read as follows:

(C) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO TRANSFER FROM THE GENERAL FUND FOR DEPOSIT INTO THE PUBLIC TRANSPORTATION SYSTEM OPERATING ASSISTANCE ACCOUNT, UPON REQUEST OF THE DIRECTOR OF THE BUDGET, ON OR BEFORE MARCH 31 OF EACH YEAR, AN AMOUNT EQUAL TO THE FOLLOWING:

(I) FOR THE STATE FISCAL YEAR ENDING MARCH 31, 2015, TWO MILLION EIGHT HUNDRED EIGHT THOUSAND NINETY-SIX DOLLARS;

(II) IN EACH SUCCEEDING STATE FISCAL YEAR, THE TRANSFER SHALL EQUAL THE PRODUCT OF THE DOLLAR AMOUNT IN (I) AND ONE PLUS THE SALES TAX GROWTH FACTOR. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE SALES TAX GROWTH FACTOR IS THE PERCENTAGE, IF ANY, BY WHICH THE AGGREGATE AMOUNT OF SALES AND COMPENSATING USE TAXES IMPOSED PURSUANT TO THE AUTHORITY OF SUBPART B OF PART I OF ARTICLE TWENTY-NINE OF THE TAX LAW, EXCLUDING SUCH SALES AND COMPENSATING USE TAXES COLLECTED IN THE TWELVE COUNTIES THAT COMPRISE THE METROPOLITAN TRANSPORTATION COMMUTER DISTRICT CREATED AND ESTABLISHED PURSUANT TO SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, FOR THE TWELVE MONTH PERIOD ENDING ON DECEMBER THIRTY-FIRST OF THE IMMEDIATELY PRECEDING CALENDAR YEAR EXCEEDS THE AGGREGATE AMOUNT OF SUCH SALES AND COMPENSATING USE TAXES FOR THE TWELVE MONTH PERIOD ENDING ON DECEMBER THIRTY-FIRST, TWO THOUSAND THIRTEEN. IN NO YEAR WILL THE AMOUNT OF THE DEPOSIT AUTHORIZED UNDER THIS SECTION BE LESS THAN THE AMOUNT MADE IN THE PRIOR YEAR.

S 2. This act shall take effect immediately.

PART GG

Section 1. Section 4 of chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, as amended by section 25 of part C of chapter 59 of the laws of 2011, is amended to read as follows:

S 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that this act shall remain in effect until July 1, [2014] 2015 when upon such date the provisions of this act shall expire and be deemed repealed; provided, further, that a displaced worker shall be eligible for continuation assistance retroactive to July 1, 2004.

S 2. This act shall take effect immediately.

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

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