

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

S. 2608--D

A. 3008--D

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

January 22, 2013

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 authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2013-2014 (Part A); to amend the tax law, in relation to the statewide transmission tax and 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 (Part B); to amend the vehicle and traffic law, in relation to imposing drivers license sanctions (Part C); to amend the vehicle and traffic law, in relation to the hours of operation of the department of motor vehicles; and providing for the repeal of such provisions upon expiration thereof (Part D); to amend the public authorities law, in relation to enforcement assistance; and to repeal section 357-a of such law relating to payment by the New York state thruway authority for services provided by the division of state police (Part E); to amend the environmental conservation law and the state finance law, in relation to establishing the "Cleaner, Greener NY Act of 2013"; and repealing section 27-1017 of

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

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the environmental conservation law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part F); to amend the environmental conservation law, in relation to mandatory tire acceptance (Part G); 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 H); 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 and directing the dormitory authority to report on a design and construction management agreement between such authority and the department of environmental conservation and/or the office of parks, recreation and historic preservation (Part I); intentionally omitted (Part J); 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 K); 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 L); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part M); intentionally omitted (Part N); intentionally omitted (Part O); 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 P); intentionally omitted (Part Q); to amend the environmental conservation law, in relation to the issuance of hunting and fishing licenses; to amend part AA of chapter 60 of the laws of 2011, amending the environmental conservation law relating to saltwater recreational fishing registrations, in relation to making the provisions of such part permanent; and to repeal certain provisions of such law relating thereto (Part R); to amend the agriculture and markets law and the public authorities law, in relation to alternate generated power sources at retail gasoline outlets (Part S); to require the New York state energy research and development authority to develop recommendations regarding the establishment of microgrids (Part T); to amend the environmental conservation law, in relation to the use of ultra low sulfur diesel fuel and best available technology by the state (Part U); and to amend the transportation law, in relation to airport improvement and revitalization grants and loans (Part V)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2013-2014
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through V. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section

1 "of this act", when used in connection with that particular component,
2 shall be deemed to mean and refer to the corresponding section of the
3 Part in which it is found. Section three of this act sets forth the
4 general effective date of this act.

5 PART A

6 Section 1. The sum of four hundred seventy-seven million seven hundred
7 ninety-seven thousand dollars (\$477,797,000), or so much thereof as
8 shall be necessary, and in addition to amounts previously appropriated
9 by law, is hereby made available, in accordance with subdivision 1 of
10 section 380 of the public authorities law as amended, according to the
11 following schedule. Payments pursuant to subdivision (a) of this section
12 shall be made available as moneys become available for such payments.
13 Payments pursuant to subdivisions (b) and (c) of this section shall be
14 made available on the fifteenth day of June, September, December and
15 March or as soon thereafter as moneys become available for such
16 payments. No moneys of the state in the state treasury or any of its
17 funds shall be available for payments pursuant to this section:

18 SCHEDULE

19 (a) Thirty-nine million seven hundred thousand dollars (\$39,700,000)
20 to municipalities for repayment of eligible costs of federal aid munici-
21 pal street and highway projects pursuant to section 15 of chapter 329 of
22 the laws of 1991, as added by section 9 of chapter 330 of the laws of
23 1991, as amended. The department of transportation shall provide such
24 information to the municipalities as may be necessary to maintain the
25 federal tax exempt status of any bonds, notes, or other obligations
26 issued by such municipalities to provide for the non-federal share of
27 the cost of projects pursuant to chapter 330 of the laws of 1991 or
28 section 80-b of the highway law.

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

33 State Fiscal Year	Amount
34 2013-14	\$39,700,000
35 2014-15	\$39,700,000

36 (b) Three hundred seventy-nine million three hundred thousand dollars
37 (\$379,300,000) to counties, cities, towns and villages for reimbursement
38 of eligible costs of local highway and bridge projects pursuant to
39 sections 16 and 16-a of chapter 329 of the laws of 1991, as added by
40 section 9 of chapter 330 of the laws of 1991, as amended. For the
41 purposes of computing allocations to municipalities, the amount distrib-
42 uted pursuant to section 16 of chapter 329 of the laws of 1991 shall be
43 deemed to be \$125,540,000. The amount distributed pursuant to section
44 16-a of chapter 329 of the laws of 1991 shall be deemed to be
45 \$253,760,000. Notwithstanding the provisions of any general or special
46 law, the amounts deemed distributed in accordance with section 16 of
47 chapter 329 of the laws of 1991 shall be adjusted so that such amounts
48 will not be less than 86.579 percent of the "funding level" as defined
49 in subdivision 5 of section 10-c of the highway law for each such muni-
50 cipality. In order to achieve the objectives of section 16 of chapter
51 329 of the laws of 1991, to the extent necessary, the amounts in excess
52 of 86.579 percent of the funding level to be deemed distributed to each
53 municipality under this subdivision shall be reduced in equal propor-
54 tion.

1 (c) Fifty-eight million seven hundred ninety-seven thousand dollars
2 (\$58,797,000) to municipalities for reimbursement of eligible costs of
3 local highway and bridge projects pursuant to sections 16 and 16-a of
4 chapter 329 of the laws of 1991, as added by section 9 of chapter 330 of
5 the laws of 1991, as amended. For the purposes of computing allocations
6 to municipalities, the amount distributed pursuant to section 16 of
7 chapter 329 of the laws of 1991 shall be deemed to be \$19,460,000. The
8 amount distributed pursuant to section 16-a of chapter 329 of the laws
9 of 1991 shall be deemed to be \$39,337,000. Notwithstanding the
10 provisions of any general or special law, the amounts deemed distributed
11 in accordance with section 16 of chapter 329 of the laws of 1991 shall
12 be adjusted so that such amounts will not be less than 13.421 percent of
13 the "funding level" as defined in subdivision 5 of section 10-c of the
14 highway law for each such municipality. In order to achieve the objec-
15 tives of section 16 of chapter 329 of the laws of 1991, to the extent
16 necessary, the amounts in excess of 13.421 percent of the funding level
17 to be deemed distributed to each municipality under this subdivision
18 shall be reduced in equal proportion. To the extent that the total of
19 remaining payment allocations calculated herein varies from \$58,797,000,
20 the payment amounts to each locality shall be adjusted by a uniform
21 percentage so that the total payments equal \$58,797,000.

22 The program authorized pursuant to sections 16 and 16-a of chapter 329
23 of the laws of 1991, as added by section 9 of chapter 330 of the laws of
24 1991, as amended, shall additionally make payments for reimbursement
25 according to the following schedule:

26	State Fiscal Year	Amount
27	2013-14	\$438,097,000
28	2014-15	\$438,097,000

29 S 2. This act shall take effect immediately.

30

PART B

31 Section 1. Subdivision 3 of section 205 of the tax law, as added by
32 section 8 of part U1 of chapter 62 of the laws of 2003, is amended to
33 read as follows:

34 3. [From the] THE moneys collected from the taxes imposed by sections
35 one hundred eighty-three and one hundred eighty-four of this article on
36 and after April first, two thousand [four] THIRTEEN, after reserving
37 amounts for refunds or reimbursements, SHALL BE DISTRIBUTED AS FOLLOWS:
38 twenty percent of such moneys shall be deposited to the credit of the
39 dedicated highway and bridge trust fund established by section eighty-
40 nine-b of the state finance law[. The remainder], FIFTY-FOUR PERCENT OF
41 SUCH MONEYS shall be deposited in the mass transportation operating
42 assistance fund to the credit of the metropolitan mass transportation
43 operating assistance account created pursuant to section eighty-eight-a
44 of the state finance law AND TWENTY-SIX PERCENT OF SUCH MONEYS SHALL BE
45 DEPOSITED IN THE MASS TRANSPORTATION OPERATING ASSISTANCE FUND TO THE
46 CREDIT OF THE PUBLIC TRANSPORTATION SYSTEMS OPERATING ASSISTANCE ACCOUNT
47 CREATED PURSUANT TO SECTION EIGHTY-EIGHT-A OF THE STATE FINANCE LAW.

48 S 2. Section 13 of part U1 of chapter 62 of the laws of 2003 amending
49 the vehicle and traffic law and other laws relating to increasing
50 certain motor vehicle transaction fees, as amended by section 1 of part
51 P of chapter 59 of the laws of 2009, is amended to read as follows:

52 S 13. This act shall take effect immediately; provided however that
53 sections one through SEVEN OF THIS ACT, THE AMENDMENTS TO SUBDIVISION 2
54 OF SECTION 205 OF THE TAX LAW MADE BY SECTION EIGHT OF THIS ACT, AND

1 SECTION nine of this act shall expire and be deemed repealed on March
2 31, 2015; PROVIDED FURTHER, HOWEVER, THAT THE AMENDMENTS TO SUBDIVISION
3 3 OF SECTION 205 OF THE TAX LAW MADE BY SECTION EIGHT OF THIS ACT SHALL
4 EXPIRE AND BE DEEMED REPEALED ON MARCH 31, 2018; provided further,
5 however, that the provisions of section eleven of this act shall take
6 effect April 1, 2004 and shall expire and be deemed repealed on March
7 31, 2015.
8 S 3. This act shall take effect on the same date and in the same
9 manner as the expiration and repeal of subdivision 3 of section 205 of
10 the tax law as provided in section 2 of part P of chapter 59 of the laws
11 of 2012, as amended.

12

PART C

13 Section 1. Paragraph (a) of subdivision 4 of section 510-a of the
14 vehicle and traffic law, as amended by section 14 of part E of chapter
15 60 of the laws of 2005, is amended to read as follows:

16 (a) A serious traffic violation shall mean operating a commercial
17 motor vehicle IN VIOLATION OF ANY PROVISION OF THIS CHAPTER OR THE LAWS
18 OR ORDINANCES OF ANY OTHER STATE OR LOCALITY OUTSIDE OF THIS STATE THAT
19 RESTRICTS OR PROHIBITS THE USE OF A HAND-HELD MOBILE TELEPHONE OR A
20 PORTABLE ELECTRONIC DEVICE WHILE OPERATING A COMMERCIAL MOTOR VEHICLE OR
21 in violation of any provision of this chapter or the laws of any other
22 state, the District of Columbia or any Canadian province which (i)
23 limits the speed of motor vehicles, provided the violation involved
24 fifteen or more miles per hour over the established speed limit; (ii) is
25 defined as reckless driving by state or local law or regulation; (iii)
26 prohibits improper or erratic lane change; (iv) prohibits following too
27 closely; (v) relates to motor vehicle traffic (other than parking,
28 standing or stopping) and which arises in connection with a fatal acci-
29 dent; (vi) operating a commercial motor vehicle without first obtaining
30 a commercial driver's license as required by section five hundred one of
31 this title; (vii) operating a commercial motor vehicle without a commer-
32 cial driver's license in the driver's possession; or (viii) operating a
33 commercial motor vehicle without the proper class of commercial driver's
34 license and/or endorsement for the specific vehicle being operated or
35 for the passengers or type of cargo being transported.

36 S 2. Paragraphs (c) and (e) of subdivision 1 of section 1225-c of the
37 vehicle and traffic law, as added by chapter 69 of the laws of 2001, are
38 amended to read as follows:

39 (c) "Using" shall mean (I) holding a mobile telephone to, or in the
40 immediate proximity of, the user's ear; AND (II) WITH RESPECT TO A
41 PERSON OPERATING A COMMERCIAL MOTOR VEHICLE, HOLDING A MOBILE TELEPHONE
42 TO, OR IN THE IMMEDIATE PROXIMITY OF, THE USER'S EAR, OR DIALING OR
43 ANSWERING A MOBILE TELEPHONE BY PRESSING MORE THAN A SINGLE BUTTON, OR
44 REACHING FOR A MOBILE TELEPHONE IN A MANNER THAT REQUIRES SUCH PERSON TO
45 MANEUVER SO THAT HE OR SHE IS NO LONGER IN A SEATED DRIVING POSITION,
46 RESTRAINED BY A SEAT BELT THAT IS INSTALLED IN ACCORDANCE WITH SECTION
47 393.93 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS AND ADJUSTED IN
48 ACCORDANCE WITH THE VEHICLE MANUFACTURER'S INSTRUCTIONS.

49 (e) "Hands-free mobile telephone" shall mean a mobile telephone that
50 has an internal feature or function, or that is equipped with an attach-
51 ment or addition, whether or not permanently part of such mobile tele-
52 phone, by which a user engages in a call without the use of either hand,
53 whether or not the use of either hand is necessary to activate, deacti-
54 vate or initiate a function of such telephone. PROVIDED, HOWEVER, THAT

1 FOR PURPOSES OF THIS SECTION, A MOBILE TELEPHONE USED BY A PERSON OPER-
2 ATING A COMMERCIAL MOTOR VEHICLE SHALL NOT BE DEEMED A "HANDS-FREE
3 MOBILE TELEPHONE" WHEN SUCH PERSON DIALS OR ANSWERS SUCH MOBILE TELE-
4 PHONE BY PRESSING MORE THAN A SINGLE BUTTON.

5 S 3. Subdivision 1 of section 1225-c of the vehicle and traffic law is
6 amended by adding two new paragraphs (h) and (i) to read as follows:

7 (H) "COMMERCIAL MOTOR VEHICLE" SHALL HAVE THE SAME MEANING AS SUCH
8 TERM IS DEFINED BY SUBDIVISION FOUR-A OF SECTION TWO OF THE TRANSPORTA-
9 TION LAW.

10 (I) "MOTOR CARRIER" SHALL HAVE THE SAME MEANING AS SUCH TERM IS
11 DEFINED BY SUBDIVISION SEVENTEEN OF SECTION TWO OF THE TRANSPORTATION
12 LAW.

13 S 4. Paragraphs (a) and (b) of subdivision 2 of section 1225-c of the
14 vehicle and traffic law, as added by chapter 69 of the laws of 2001, are
15 amended to read as follows:

16 (a) Except as otherwise provided in this section, no person shall
17 operate a motor vehicle upon a public highway while using a mobile tele-
18 phone to engage in a call while such vehicle is in motion; PROVIDED,
19 HOWEVER, THAT NO PERSON SHALL OPERATE A COMMERCIAL MOTOR VEHICLE WHILE
20 USING A MOBILE TELEPHONE TO ENGAGE IN A CALL ON A PUBLIC HIGHWAY INCLUD-
21 ING WHILE TEMPORARILY STATIONARY BECAUSE OF TRAFFIC, A TRAFFIC CONTROL
22 DEVICE, OR OTHER MOMENTARY DELAYS. PROVIDED FURTHER, HOWEVER, THAT A
23 PERSON SHALL NOT BE DEEMED TO BE OPERATING A COMMERCIAL MOTOR VEHICLE
24 WHILE USING A MOBILE TELEPHONE TO ENGAGE IN A CALL ON A PUBLIC HIGHWAY
25 WHEN SUCH VEHICLE IS STOPPED AT THE SIDE OF, OR OFF, A PUBLIC HIGHWAY IN
26 A LOCATION WHERE SUCH VEHICLE IS NOT OTHERWISE PROHIBITED FROM STOPPING
27 BY LAW, RULE, REGULATION OR ANY LAWFUL ORDER OR DIRECTION OF A POLICE
28 OFFICER.

29 (b) An operator of [a] ANY motor vehicle who holds a mobile telephone
30 to, or in the immediate proximity of, his or her ear while such vehicle
31 is in motion is presumed to be engaging in a call within the meaning of
32 this section; PROVIDED, HOWEVER, THAT AN OPERATOR OF A COMMERCIAL MOTOR
33 VEHICLE WHO HOLDS A MOBILE TELEPHONE TO, OR IN THE IMMEDIATE PROXIMITY
34 OF, HIS OR HER EAR WHILE SUCH VEHICLE IS TEMPORARILY STATIONARY BECAUSE
35 OF TRAFFIC, A TRAFFIC CONTROL DEVICE, OR OTHER MOMENTARY DELAYS IS ALSO
36 PRESUMED TO BE ENGAGING IN A CALL WITHIN THE MEANING OF THIS SECTION
37 EXCEPT THAT A PERSON OPERATING A COMMERCIAL MOTOR VEHICLE WHILE USING A
38 MOBILE TELEPHONE TO ENGAGE IN A CALL WHEN SUCH VEHICLE IS STOPPED AT THE
39 SIDE OF, OR OFF, A PUBLIC HIGHWAY IN A LOCATION WHERE SUCH VEHICLE IS
40 NOT OTHERWISE PROHIBITED FROM STOPPING BY LAW, RULE, REGULATION OR ANY
41 LAWFUL ORDER OR DIRECTION OF A POLICE OFFICER SHALL NOT BE PRESUMED TO
42 BE ENGAGING IN A CALL WITHIN THE MEANING OF THIS SECTION. The presump-
43 tion established by this subdivision is rebuttable by evidence tending
44 to show that the operator was not engaged in a call.

45 S 5. Subdivision 2 of section 1225-c of the vehicle and traffic law is
46 amended by adding a new paragraph (d) to read as follows:

47 (D) NO MOTOR CARRIER SHALL ALLOW OR REQUIRE ITS DRIVERS TO USE A
48 HAND-HELD MOBILE TELEPHONE WHILE OPERATING A COMMERCIAL MOTOR VEHICLE AS
49 PROVIDED IN THIS SECTION.

50 S 6. Subdivision 1 of section 1225-d of the vehicle and traffic law,
51 as added by chapter 403 of the laws of 2009, is amended to read as
52 follows:

53 1. Except as otherwise provided in this section, no person shall oper-
54 ate a motor vehicle while using any portable electronic device while
55 such vehicle is in motion; PROVIDED, HOWEVER, THAT NO PERSON SHALL OPER-
56 ATE A COMMERCIAL MOTOR VEHICLE WHILE USING ANY PORTABLE ELECTRONIC

1 DEVICE ON A PUBLIC HIGHWAY INCLUDING WHILE TEMPORARILY STATIONARY
2 BECAUSE OF TRAFFIC, A TRAFFIC CONTROL DEVICE, OR OTHER MOMENTARY DELAYS.
3 PROVIDED FURTHER, HOWEVER, THAT A PERSON SHALL NOT BE DEEMED TO BE OPER-
4 ATING A COMMERCIAL MOTOR VEHICLE WHILE USING A PORTABLE ELECTRONIC
5 DEVICE ON A PUBLIC HIGHWAY WHEN SUCH VEHICLE IS STOPPED AT THE SIDE OF,
6 OR OFF, A PUBLIC HIGHWAY IN A LOCATION WHERE SUCH VEHICLE IS NOT OTHER-
7 WISE PROHIBITED FROM STOPPING BY LAW, RULE, REGULATION OR ANY LAWFUL
8 ORDER OR DIRECTION OF A POLICE OFFICER.

9 S 7. Section 1225-d of the vehicle and traffic law is amended by
10 adding a new subdivision 1-a to read as follows:

11 1-A. NO MOTOR CARRIER SHALL ALLOW OR REQUIRE ITS DRIVERS TO USE A
12 PORTABLE ELECTRONIC DEVICE WHILE OPERATING A COMMERCIAL MOTOR VEHICLE AS
13 PROVIDED IN THIS SECTION.

14 S 8. Paragraphs (a) and (b) of subdivision 2 of section 1225-d of the
15 vehicle and traffic law, as added by chapter 403 of the laws of 2009,
16 are amended to read as follows:

17 (a) "Portable electronic device" shall mean any hand-held mobile tele-
18 phone, as defined by subdivision one of section twelve hundred twenty-
19 five-c of this article, personal digital assistant (PDA), handheld
20 device with mobile data access, laptop computer, pager, broadband
21 personal communication device, two-way messaging device, electronic
22 game, or portable computing device, OR ANY OTHER ELECTRONIC DEVICE WHEN
23 USED TO INPUT, WRITE, SEND, RECEIVE, OR READ TEXT FOR PRESENT OR FUTURE
24 COMMUNICATION.

25 (b) "Using" shall mean holding a portable electronic device while
26 viewing, taking or transmitting images, playing games, or, FOR THE
27 PURPOSE OF PRESENT OR FUTURE COMMUNICATION: PERFORMING A COMMAND OR
28 REQUEST TO ACCESS A WORLD WIDE WEB PAGE, composing, sending, reading,
29 viewing, accessing, browsing, transmitting, saving or retrieving e-mail,
30 text messages, INSTANT MESSAGES, or other electronic data.

31 S 9. Subdivision 2 of section 1225-d of the vehicle and traffic law is
32 amended by adding two new paragraphs (c) and (d) to read as follows:

33 (C) "COMMERCIAL MOTOR VEHICLE" SHALL HAVE THE SAME MEANING AS SUCH
34 TERM IS DEFINED BY SUBDIVISION FOUR-A OF SECTION TWO OF THE TRANSPORTA-
35 TION LAW.

36 (D) "MOTOR CARRIER" SHALL HAVE THE SAME MEANING AS SUCH TERM IS
37 DEFINED BY SUBDIVISION SEVENTEEN OF SECTION TWO OF THE TRANSPORTATION
38 LAW.

39 S 10. Subdivision 4 of section 1225-d of the vehicle and traffic law,
40 as amended by chapter 109 of the laws of 2011, is amended to read as
41 follows:

42 4. A person who holds a portable electronic device in a conspicuous
43 manner while operating a motor vehicle OR WHILE OPERATING A COMMERCIAL
44 MOTOR VEHICLE ON A PUBLIC HIGHWAY INCLUDING WHILE TEMPORARILY STATIONARY
45 BECAUSE OF TRAFFIC, A TRAFFIC CONTROL DEVICE, OR OTHER MOMENTARY DELAYS
46 BUT NOT INCLUDING WHEN SUCH COMMERCIAL MOTOR VEHICLE IS STOPPED AT THE
47 SIDE OF, OR OFF, A PUBLIC HIGHWAY IN A LOCATION WHERE SUCH VEHICLE IS
48 NOT OTHERWISE PROHIBITED FROM STOPPING BY LAW, RULE, REGULATION OR ANY
49 LAWFUL ORDER OR DIRECTION OF A POLICE OFFICER is presumed to be using
50 such device, EXCEPT THAT A PERSON OPERATING A COMMERCIAL MOTOR VEHICLE
51 WHILE USING A PORTABLE ELECTRONIC DEVICE WHEN SUCH VEHICLE IS STOPPED AT
52 THE SIDE OF, OR OFF, A PUBLIC HIGHWAY IN A LOCATION WHERE SUCH VEHICLE
53 IS NOT OTHERWISE PROHIBITED FROM STOPPING BY LAW, RULE, REGULATION OR
54 ANY LAWFUL ORDER OR DIRECTION OF A POLICE OFFICER SHALL NOT BE PRESUMED
55 TO BE USING SUCH DEVICE. The presumption established by this subdivision

1 is rebuttable by evidence tending to show that the operator was not
2 using the device within the meaning of this section.
3 S 11. This act shall take effect October 28, 2013 and shall apply to
4 violations committed on or after such date.

PART D

6 Section 1. Subdivision 1 of section 200 of the vehicle and traffic
7 law, as amended by chapter 60 of the laws of 1993, is amended to read as
8 follows:

9 1. There shall be in the state government a department of motor vehi-
10 cles. The head of the department shall be the commissioner of motor
11 vehicles who shall be appointed by the governor, by and with the advice
12 and consent of the senate, and hold office until the end of the term of
13 the appointing governor and until a successor is appointed and has qual-
14 ified, and who shall receive an annual salary within the amount appro-
15 priated therefor. The commissioner of motor vehicles shall have the
16 immediate charge of the department. The commissioner of motor vehicles
17 may appoint, and at pleasure remove, such deputy commissioners of motor
18 vehicles, inspectors, examiners and other assistants and employees of
19 the department as are deemed necessary, within the amounts available
20 therefor by appropriation. The commissioner of motor vehicles and all
21 other officers and employees of the department shall be paid and allowed
22 their necessary, actual and reasonable expenses incurred in the exercise
23 of their duties. All salaries and expenses of the department shall be
24 paid out of the state treasury on the audit and warrant of the comp-
25 troller on the certificate of the commissioner of motor vehicles. The
26 principal office of the department shall be in the city of Albany.
27 NOTWITHSTANDING THE PROVISIONS OF SECTION SIXTY-TWO OF THE PUBLIC OFFI-
28 CERS LAW, THE COMMISSIONER OF MOTOR VEHICLES MAY DESIGNATE CERTAIN
29 BRANCH OFFICES OF THE DEPARTMENT TO BE OPEN TO SERVE THE PUBLIC AND
30 TRANSACT BUSINESS ON SATURDAYS. SUCH DESIGNATION BY THE COMMISSIONER OF
31 MOTOR VEHICLES SHALL NOT WAIVE OR IMPAIR THE TERMS OF AN EXISTING AGREE-
32 MENT NEGOTIATED BETWEEN THE STATE AND AN EMPLOYEE ORGANIZATION NOR LIMIT
33 ANY OBLIGATION TO BARGAIN TERMS AND CONDITIONS OF EMPLOYMENT PURSUANT TO
34 ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

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

PART E

38 Section 1. Section 357-a of public authorities law is REPEALED and a
39 new section 357-a is added to read as follows:

40 S 357-A. STATE POLICE AND STATE PAYMENT FOR SERVICES. 1. ENFORCEMENT
41 ASSISTANCE SHALL BE PROVIDED BY THE DIVISION OF STATE POLICE AT A LEVEL
42 CONSISTENT WITH HISTORICAL PRECEDENTS, AS A MATTER OF STATE INTEREST, ON
43 ALL SECTIONS OF THE THRUWAY. THE AUTHORITY SHALL PROVIDE GOODS AND
44 SERVICES TO THE DIVISION OF STATE POLICE IN CONNECTION WITH ITS ENFORCE-
45 MENT ACTIVITY ON THE THRUWAY. THE DIVISION OF STATE POLICE AND THE
46 AUTHORITY SHALL ENTER INTO AN AGREEMENT IDENTIFYING THOSE GOODS AND
47 SERVICES THAT THE AUTHORITY WILL PROVIDE TO THE DIVISION OF STATE POLICE
48 AND DETERMINE REPORTING AND OTHER REQUIREMENTS RELATED THERETO. ANY
49 COSTS BORNE BY THE STATE POLICE OUTSIDE OF SUCH AGREEMENT SHALL NOT BE
50 REIMBURSED BY THE AUTHORITY NOR SHALL THEY BE DEEMED COSTS OF THE
51 AUTHORITY.

2. THE STATE SHALL BE RESPONSIBLE FOR ADDITIONAL GOODS AND SERVICES PROVIDED BY THE AUTHORITY EQUAL TO TWENTY-FOUR MILLION DOLLARS IN EACH CALENDAR YEAR. SUCH GOODS AND SERVICES SHALL BE DEEMED TO BE COSTS TO THE STATE AND NOT OPERATING COSTS OF THE AUTHORITY. THE AUTHORITY AND THE DIRECTOR OF THE DIVISION OF THE BUDGET SHALL ENTER INTO AN AGREEMENT IDENTIFYING ANY SUCH STATE COSTS AND DETERMINE REPORTING AND OTHER REQUIREMENTS RELATED THERETO.

SUCH AGREEMENT AND ANY AMENDMENTS THERETO SHALL BE TRANSMITTED BY THE AUTHORITY, WITHIN TEN BUSINESS DAYS OF THE EXECUTION OF SUCH AGREEMENT AND AMENDMENTS THERETO, TO THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR OF THE SENATE TRANSPORTATION COMMITTEE AND THE CHAIR OF THE ASSEMBLY TRANSPORTATION COMMITTEE. BY FEBRUARY FIRST OF EACH YEAR, A REPORT IDENTIFYING ALL STATE COSTS PAID PURSUANT TO SUCH AGREEMENT IN THE PRECEDING CALENDAR YEAR WILL BE TRANSMITTED BY THE AUTHORITY TO THE DIRECTOR OF THE BUDGET, THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR OF THE SENATE TRANSPORTATION COMMITTEE AND THE CHAIR OF THE ASSEMBLY TRANSPORTATION COMMITTEE.

3. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE AUTHORITY SHALL NOT CONSTITUTE A PUBLIC BENEFIT CORPORATION WITHIN THE MEANING OF SECTION TWENTY-NINE HUNDRED SEVENTY-FIVE OF THIS CHAPTER AND SHALL NOT BE ASSESSED AN ANNUAL COST RECOVERY CHARGE UNDER SAID SECTION.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2013.

PART F

Section 1. This act shall be known and may be cited as the "Cleaner, Greener NY act of 2013."

S 2. Subdivision 2-a of section 27-1003 of the environmental conservation law, as added by section 3 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

2-a. "Bottler" means a person, firm or corporation who:

a. bottles, cans or otherwise packages beverages in beverage containers except that if such packaging is for [a distributor] ANY OTHER PERSON, FIRM OR CORPORATION having the right to bottle, can or otherwise package the same brand of beverage, then such [distributor] OTHER PERSON, FIRM OR CORPORATION shall be the bottler; or

b. imports filled beverage containers into the United States.

S 3. Section 27-1007 of the environmental conservation law is amended by adding a new subdivision 12 to read as follows:

12. NO PERSON SHALL INTENTIONALLY PROGRAM, TAMPER WITH, RENDER INACCURATE, OR CIRCUMVENT THE PROPER OPERATION OF A REVERSE VENDING MACHINE TO WRONGFULLY ELICIT DEPOSIT MONIES WHEN NO VALID, REDEEMABLE BEVERAGE CONTAINER HAS BEEN PLACED IN AND PROPERLY PROCESSED BY THE REVERSE VENDING MACHINE.

S 4. Section 27-1009 of the environmental conservation law, as amended by section 5 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

S 27-1009. Refusal of acceptance.

1. A dealer or operator of a redemption center may refuse to accept from a redeemer, and a deposit initiator or distributor may refuse to accept from a dealer or operator of a redemption center any empty beverage container which does not state thereon a refund value as established by section 27-1005 and provided by section 27-1011 of this title.

1 2. A dealer or operator of a redemption center may also refuse to
2 accept any broken bottle, corroded, CRUSHED or dismembered [can]
3 CONTAINER, or any beverage container which contains a significant amount
4 of foreign material, as determined in rules and regulations to be
5 promulgated by the commissioner.

6 S 5. Subdivision 1 of section 27-1011 of the environmental conserva-
7 tion law, as amended by chapter 149 of the laws of 1983, is amended to
8 read as follows:

9 1. a. Every beverage container sold or offered for sale in this state
10 [by a distributor or dealer] shall clearly indicate by permanently mark-
11 ing or embossing the container or by printing as part of the product
12 label the refund value of the container and the words "New York" or the
13 letters "NY"[]; provided, however, in the case of private label beverages
14 such information may be embossed or printed on a label which is securely
15 or permanently affixed to the beverage container. Private label beverag-
16 es shall be defined as beverages purchased from a beverage manufacturer
17 in beverage containers bearing a brand name or trademark for sale at
18 retail directly by the owner or licensee of such brand name or trade-
19 mark; or through retail dealers affiliated with such owner or licensee
20 by a cooperative or franchise agreement].

21 b. Such embossing or permanent imprinting on the beverage container
22 shall be the responsibility of the person, firm or corporation which
23 bottles, cans or otherwise fills or packages a beverage container or a
24 brand owner for whose exclusive account private label beverages are
25 bottled, canned or otherwise packaged; provided, however, that the duly
26 authorized agent of any such person, firm or corporation may indicate
27 such refund value by a label securely affixed on any beverage container
28 containing beverages imported into the United States. PRIVATE LABEL
29 BEVERAGES SHALL BE DEFINED AS BEVERAGES PURCHASED FROM A BOTTLER IN
30 BEVERAGE CONTAINERS BEARING A BRAND NAME OR TRADEMARK FOR SALE AT RETAIL
31 DIRECTLY BY THE OWNER OR LICENSEE OF SUCH BRAND NAME OR TRADEMARK; OR
32 THROUGH RETAIL DEALERS AFFILIATED WITH SUCH OWNER OR LICENSEE BY A COOP-
33 ERATIVE OR FRANCHISE AGREEMENT.

34 S 6. Subdivision 5, paragraph b of subdivision 9 and subdivision 12 of
35 section 27-1012 of the environmental conservation law, as added by
36 section 8 of part SS of chapter 59 of the laws of 2009, are amended to
37 read as follows:

38 5. All monies collected or received by the department of taxation and
39 finance pursuant to this title shall be deposited to the credit of the
40 comptroller with such responsible banks, banking houses or trust compa-
41 nies as may be designated by the comptroller. Such deposits shall be
42 kept separate and apart from all other moneys in the possession of the
43 comptroller. The comptroller shall require adequate security from all
44 such depositories. Of the total revenue collected, the comptroller shall
45 retain the amount determined by the commissioner of taxation and finance
46 to be necessary for refunds out of which the comptroller must pay any
47 refunds to which a deposit initiator may be entitled. After reserving
48 the amount to pay refunds, the comptroller must, by the tenth day of
49 each month, pay into the state treasury to the credit of the general
50 fund the revenue deposited under this subdivision during the preceding
51 calendar month and remaining to the comptroller's credit on the last day
52 of that preceding month[.]; PROVIDED, HOWEVER, THAT, BEGINNING APRIL
53 FIRST, TWO THOUSAND THIRTEEN, AND ALL FISCAL YEARS THEREAFTER, FIFTEEN
54 MILLION DOLLARS PLUS ALL FUNDS RECEIVED FROM THE PAYMENTS DUE EACH
55 FISCAL YEAR PURSUANT TO SUBDIVISION FOUR OF THIS SECTION IN EXCESS OF
56 THE AMOUNT RECEIVED FROM APRIL FIRST, TWO THOUSAND TWELVE THROUGH MARCH

THIRTY-FIRST, TWO THOUSAND THIRTEEN, SHALL BE DEPOSITED TO THE CREDIT OF THE ENVIRONMENTAL PROTECTION FUND ESTABLISHED PURSUANT TO SECTION NINE-TWO-S OF THE STATE FINANCE LAW.

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

12. [Beginning on June first, two thousand nine each deposit initiator shall register the container label of any beverage offered for sale in the state on which it initiates a deposit. Any such registered container label shall bear a universal product code. Such universal product code shall be New York state specific, in order to identify the beverage container as offered for sale exclusively in New York state, and as a means of preventing illegal redemption of beverage containers purchased out-of-state. Registration must be on forms as prescribed by the department and must include the universal product code for each combination of beverage and container manufactured. The commissioner may require that such forms be filed electronically. The deposit initiator shall renew a label registration whenever that label is revised by altering the universal product code or whenever the container on which it appears is changed in size, composition or glass color.] A. EACH DEPOSIT INITIATOR SHALL PROVIDE A REPORT TO THE DEPARTMENT DESCRIBING ALL THE TYPES OF BEVERAGE CONTAINERS ON WHICH IT INITIATES DEPOSITS. THE REPORT SHALL INCLUDE THE PRODUCT NAME, TYPE OF BEVERAGE, SIZE AND COMPOSITION OF THE BEVERAGE CONTAINER, UNIVERSAL PRODUCT CODE, AND ANY OTHER INFORMATION THE DEPARTMENT MAY REQUIRE. UPON REQUEST, A DEPOSIT INITIATOR SHALL ALSO PROVIDE TO THE DEPARTMENT A COPY OF THE CONTAINER LABEL OR A PICTURE OF ANY BEVERAGE CONTAINER SOLD OR OFFERED FOR SALE IN THIS STATE ON WHICH IT INITIATES A DEPOSIT. SUCH INFORMATION SHALL BE PROVIDED IN A FORM AS PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT MAY REQUIRE THAT SUCH FORMS BE FILED ELECTRONICALLY.

B. A BOTTLER MAY PLACE ON A BEVERAGE CONTAINER A UNIVERSAL PRODUCT CODE OR OTHER DISTINCTIVE MARKING THAT IS SPECIFIC TO THE STATE OR USED ONLY IN THE STATE AND ANY OTHER STATES WITH LAWS SUBSTANTIALLY SIMILAR TO THIS TITLE AS A MEANS OF PREVENTING THE SALE OR REDEMPTION OF BEVERAGE CONTAINERS ON WHICH NO DEPOSIT WAS INITIATED.

C. A BOTTLER OR DEPOSIT INITIATOR SHALL NOTIFY THE DEPARTMENT, IN A FORM PRESCRIBED BY THE DEPARTMENT, WHENEVER A BEVERAGE CONTAINER OR BEVERAGE CONTAINER LABEL IS REVISED BY ALTERING THE UNIVERSAL PRODUCT CODE, OR WHENEVER THE CONTAINER ON WHICH A UNIVERSAL PRODUCT CODE APPEARS IS CHANGED IN SIZE, COMPOSITION OR GLASS COLOR, OR WHENEVER THE CONTAINER OR CONTAINER LABEL ON WHICH A UNIVERSAL PRODUCT CODE APPEARS IS CHANGED TO INCLUDE A UNIVERSAL PRODUCT CODE THAT IS UNIQUE TO THE STATE OR USED ONLY IN THE STATE AND ANY OTHER STATES WITH LAWS SUBSTANTIALLY SIMILAR TO THIS TITLE.

S 7. Section 27-1013 of the environmental conservation law, as amended by section 9 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

S 27-1013. Redemption centers.

1. The commissioner is hereby empowered to promulgate rules and regulations governing [(1)] (A) the circumstances in which DEPOSIT INITI-

1 ATORS, dealers and distributors, individually or collectively, are
2 required to accept the return of empty beverage containers, INCLUDING
3 BEVERAGE CONTAINERS PROCESSED THROUGH REVERSE VENDING MACHINES and make
4 payment therefor; [(2)] (B) the sorting of the containers which a depos-
5 it initiator or distributor may require of dealers and redemption
6 centers; [(3)] (C) the collection of returned beverage containers by
7 deposit initiators or distributors, including the party to whom such
8 expense is to be charged, the frequency of such pick ups and the payment
9 for refunds and handling fees thereon; [(4)] (D) the right of dealers to
10 restrict or limit the number of containers redeemed, the rules for
11 redemption at the dealers' place of business, and the redemption of
12 containers from a beverage for which sales have been discontinued[,
13 and]; (E) to issue [permits] REGISTRATIONS to persons, firms or corpo-
14 rations which establish redemption centers, subject to applicable
15 provisions of local and state laws, at which redeemers and dealers may
16 return empty beverage containers and receive payment of the refund value
17 of such beverage containers. SUCH REGISTRATIONS SHALL BE ISSUED AT NO
18 COST. SHOULD THE DEPARTMENT REQUIRE BY REGULATIONS ADOPTED PURSUANT TO
19 THIS PARAGRAPH THAT REDEMPTION CENTERS MUST OBTAIN A REGISTRATION AS A
20 CONDITION OF OPERATION, ANY REDEMPTION CENTER IN BUSINESS AS OF MARCH
21 FIRST, TWO THOUSAND THIRTEEN THAT PREVIOUSLY PROVIDED THE DEPARTMENT
22 WITH THE NOTIFICATION INFORMATION REQUIRED BY REGULATIONS IN EFFECT AS
23 OF SUCH DATE MAY CONTINUE TO OPERATE AS IF THE DEPARTMENT HAD ISSUED
24 SUCH REDEMPTION CENTER A REGISTRATION REQUIRED BY REGULATIONS ADOPTED
25 UNDER THIS PARAGRAPH; PROVIDED, HOWEVER, THAT SUCH REDEMPTION CENTER
26 SHALL PROVIDE THE DEPARTMENT WITH ANY OTHER INFORMATION REQUIRED BY
27 REGULATIONS ADOPTED PURSUANT TO THIS PARAGRAPH. THE DEPARTMENT MAY,
28 AFTER DUE NOTICE AND OPPORTUNITY OF HEARING, PURSUANT TO THE PROVISIONS
29 OF SECTION 71-1709 OF THIS CHAPTER, DENY AN APPLICATION OR REVOKE A
30 REGISTRATION. IN DETERMINING WHETHER OR NOT TO REVOKE A REGISTRATION
31 THE COMMISSIONER SHALL AT A MINIMUM, TAKE INTO CONSIDERATION THE COMPLI-
32 ANCE HISTORY OF A VIOLATOR, GOOD FAITH EFFORTS OF A VIOLATOR TO COMPLY,
33 ANY ECONOMIC BENEFIT FROM NONCOMPLIANCE AND WHETHER THE VIOLATION WAS
34 PROCEDURAL IN NATURE. THE COMMISSIONER'S DETERMINATION TO REVOKE A
35 REGISTRATION IS SUBJECT TO REVIEW UNDER ARTICLE SEVENTY-EIGHT OF THE
36 CIVIL PRACTICE LAW AND RULES; AND (F) THE OPERATION OF MOBILE REDEMPTION
37 CENTERS IN ORDER TO ENSURE THAT TO THE BEST EXTENT PRACTICABLE CONTAIN-
38 ERS ARE NOT PROFFERED FOR REDEMPTION TO A DEPOSIT INITIATOR OR DISTRIBUTU-
39 TOR OUTSIDE OF THE GEOGRAPHIC AREA WHERE SUCH DEPOSIT INITIATOR SELLS
40 CONTAINERS AND INITIATES DEPOSITS.

41 2. THE DEPARTMENT MAY REQUIRE A REDEMPTION CENTER TO OBTAIN A PERMIT,
42 AS AN ALTERNATIVE TO REGISTRATION IF SUCH CENTER IS LOCATED AT THE SAME
43 FACILITY OR SITE AS ANOTHER SOLID WASTE MANAGEMENT FACILITY OTHERWISE
44 SUBJECT TO THE REQUIREMENTS OF TITLE SEVEN OF THIS ARTICLE OR THE REGU-
45 LATIONS PROMULGATED PURSUANT THERETO.

46 3. No dealer or distributor, as defined in section 27-1003 of this
47 title, shall be required to obtain a permit to operate a redemption
48 center at the same location as the dealer's or distributor's place of
49 business. Operators of such redemption centers shall receive payment of
50 the refund value of each beverage container from the appropriate deposit
51 initiator or distributor as provided under section 27-1007 of this
52 title.

53 4. EACH DEALER AND REDEMPTION CENTER SHALL REQUIRE ANY PERSON TENDER-
54 ING FOR REDEMPTION MORE THAN TWO THOUSAND FIVE HUNDRED CONTAINERS AT ONE
55 TIME TO SUCH DEALER OR REDEMPTION CENTER TO PROVIDE SUCH PERSON'S NAME
56 AND ADDRESS AND THE LICENSE PLATE OF THE VEHICLE USED TO TRANSPORT THE

1 CONTAINERS, OR, IN THE CASE OF AN AGENT OR EMPLOYEE OF A NOT-FOR-PROFIT
2 CORPORATION, A SALES TAX EXEMPTION CERTIFICATE. THE DEALER OR REDEMPTION
3 CENTER REDEEMING THE BEVERAGE CONTAINERS SHALL KEEP THE INFORMATION ON
4 FILE FOR A MINIMUM OF TWELVE MONTHS AND PROVIDE SAME TO THE DEPARTMENT
5 UPON REQUEST.

6 S 8. Section 27-1015 of the environmental conservation law, as amended
7 by section 11 of part SS of chapter 59 of the laws of 2009, is amended
8 to read as follows:

9 S 27-1015. Violations.

10 1. [A violation of this title, except as otherwise provided in this
11 section and section 27-1012 of this title, shall be a public nuisance.
12 In addition, except] EXCEPT as otherwise provided in this section and
13 section 27-1012 of this title, any person who shall violate any
14 provision of this title shall be liable to the state of New York for a
15 civil penalty of not more than five hundred dollars, and an additional
16 civil penalty of not more than five hundred dollars for each day during
17 which each such violation continues. Any civil penalty may be assessed
18 following a hearing or opportunity to be heard.

19 2. Any distributor [or], deposit initiator, REDEMPTION CENTER OR DEAL-
20 ER who violates any provision of this title, except as provided in
21 section 27-1012 of this title, shall be liable to the state of New York
22 for a civil penalty of not more than one thousand dollars, and an addi-
23 tional civil penalty of not more than one thousand dollars for each day
24 during which each such violation continues. Any civil penalty may be
25 assessed following a hearing or opportunity to be heard.

26 3. It shall be unlawful for a distributor or deposit initiator, acting
27 alone or aided by another, to return any empty beverage container to a
28 dealer or redemption center for its refund value if the distributor or
29 deposit initiator had previously accepted such beverage container from
30 any dealer or operator of a redemption center OR IF SUCH CONTAINER WAS
31 PREVIOUSLY ACCEPTED BY A REVERSE VENDING MACHINE. A violation of this
32 subdivision shall be a misdemeanor punishable by a fine of not less than
33 five hundred dollars nor more than one thousand dollars and an amount
34 equal to two times the amount of money received as a result of such
35 violation.

36 4. Any person who willfully tenders to a dealer, distributor, redemp-
37 tion center or deposit initiator more than forty-eight empty beverage
38 containers for which such person knows or should reasonably know that no
39 deposit was paid in New York state may be assessed by the department a
40 civil penalty of up to one hundred dollars for each container or up to
41 twenty-five thousand dollars for each such tender of containers. At each
42 location where a person tenders containers for redemption, dealers and
43 redemption centers must conspicuously display a sign in letters that are
44 at least one inch in height with the following information: "WARNING:
45 Persons tendering for redemption containers on which a deposit was never
46 paid in this state may be subject to a civil penalty of up to one
47 hundred dollars per container or up to twenty-five thousand dollars for
48 each such tender of containers." Any civil penalty may be assessed
49 following a hearing or opportunity to be heard.

50 5. The department, the department of agriculture and markets, the
51 department of taxation and finance and the attorney general are hereby
52 authorized to enforce the provisions of this title AND ALL MONIES
53 COLLECTED SHALL BE DEPOSITED TO THE CREDIT OF THE ENVIRONMENTAL
54 PROTECTION FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-S OF THE
55 STATE FINANCE LAW. In addition, the provisions of section 27-1005 of
56 this title and subdivisions one, two, three, four, five, ten and eleven

1 of section 27-1007 of this title may be enforced by a county, city, town
2 or village and the local legislative body thereof may adopt local laws,
3 ordinances or regulations consistent with this title providing for the
4 enforcement of such provisions.

5 6. (A) ANY PERSON WHO WILLFULLY VIOLATES OR DIRECTS ANOTHER TO VIOLATE
6 THE REQUIREMENTS TO COLLECT OR CHARGE THE REFUND VALUE IMPOSED BY
7 SECTION 27-1005 OR PARAGRAPH A OF SUBDIVISION NINE OF SECTION 27-1012 OF
8 THIS TITLE ON FIVE THOUSAND OR MORE BEVERAGE CONTAINERS IN ONE OR MORE
9 SEPARATE TRANSACTIONS WITHIN ONE YEAR SHALL BE GUILTY OF A CLASS B
10 MISDEMEANOR.

11 (B) ANY PERSON, HAVING PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF
12 PARAGRAPH (A) OF THIS SECTION WITHIN THE PAST THREE YEARS, WHO WILLFULLY
13 VIOLATES OR DIRECTS ANOTHER TO VIOLATE THE REQUIREMENTS TO COLLECT OR
14 CHARGE THE REFUND VALUE IMPOSED BY SECTION 27-1005 OR PARAGRAPH A OF
15 SUBDIVISION NINE OF SECTION 27-1012 OF THIS TITLE ON FIVE THOUSAND OR
16 MORE BEVERAGE CONTAINERS IN ONE OR MORE SEPARATE TRANSACTIONS WITHIN ONE
17 YEAR SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

18 (C) ANY PERSON WHO WILLFULLY VIOLATES OR DIRECTS ANOTHER TO VIOLATE
19 THE REQUIREMENTS TO COLLECT OR CHARGE THE REFUND VALUE IMPOSED BY
20 SECTION 27-1005 OR PARAGRAPH A OF SUBDIVISION NINE OF SECTION 27-1012 OF
21 THIS TITLE ON TWENTY THOUSAND OR MORE BEVERAGE CONTAINERS IN ONE OR MORE
22 SEPARATE TRANSACTIONS WITHIN ONE YEAR SHALL BE GUILTY OF A CLASS E FELONY.
23

24 NOTHING IN THIS SUBDIVISION SHALL APPLY TO COMMON OR CONTRACT CARRIERS
25 OR WAREHOUSEMEN WHILE ENGAGED IN LAWFULLY TRANSPORTING OR STORING SUCH
26 CONTAINERS AS MERCHANDISE, NOR TO ANY EMPLOYEE OF SUCH CARRIER OR WARE-
27 HOUSEMAN ACTING WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT.

28 7. A VIOLATION OF THIS TITLE, EXCEPT AS OTHERWISE PROVIDED IN THIS
29 SECTION AND SECTION 27-1012 OF THIS TITLE, SHALL BE A PUBLIC NUISANCE.

30 S 9. Section 27-1015 of the environmental conservation law is amended
31 by adding a new subdivision 5-a to read as follows:

32 5-A. THE CITY OF NEW YORK, NASSAU COUNTY AND SUFFOLK COUNTY ARE ENTI-
33 TLED TO RETAIN TWENTY-FIVE PERCENT OF ALL MONIES COLLECTED AS FINES OR
34 PENALTIES PURSUANT TO ENFORCEMENT OF SECTION 27-1005 OF THIS CHAPTER.

35 S 10. Section 27-1017 of the environmental conservation law is
36 REPEALED.

37 S 11. Subdivision 3 of section 92-s of the state finance law, as
38 amended by section 2 of part T of chapter 59 of the laws of 2009, is
39 amended to read as follows:

40 3. Such fund shall consist of the amount of revenue collected within
41 the state from the amount of revenue, interest and penalties deposited
42 pursuant to section fourteen hundred twenty-one of the tax law, the
43 amount of fees and penalties received from easements or leases pursuant
44 to subdivision fourteen of section seventy-five of the public lands law
45 and the money received as annual service charges pursuant to section
46 four hundred four-1 of the vehicle and traffic law, all moneys required
47 to be deposited therein from the contingency reserve fund pursuant to
48 section two hundred ninety-four of chapter fifty-seven of the laws of
49 nineteen hundred ninety-three, all moneys required to be deposited
50 pursuant to section thirteen of chapter six hundred ten of the laws of
51 nineteen hundred ninety-three, repayments of loans made pursuant to
52 section 54-0511 of the environmental conservation law, all moneys to be
53 deposited from the Northville settlement pursuant to section one hundred
54 twenty-four of chapter three hundred nine of the laws of nineteen
55 hundred ninety-six, provided however, that such moneys shall only be
56 used for the cost of the purchase of private lands in the core area of

1 the central Suffolk pine barrens pursuant to a consent order with the
2 Northville industries signed on October thirteenth, nineteen hundred
3 ninety-four and the related resource restoration and replacement plan,
4 the amount of penalties required to be deposited therein by section
5 71-2724 of the environmental conservation law, all moneys required to be
6 deposited pursuant to article thirty-three of the environmental conser-
7 vation law, all fees collected pursuant to subdivision eight of section
8 70-0117 of the environmental conservation law, [as added by a chapter of
9 the laws of two thousand nine,] all moneys collected pursuant to title
10 thirty-three of article fifteen of the environmental conservation law,
11 [as added by a chapter of the laws of two thousand nine] BEGINNING WITH
12 THE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND THIRTEEN, AND
13 ALL FISCAL YEARS THEREAFTER, FIFTEEN MILLION DOLLARS PLUS ALL FUNDS
14 RECEIVED BY THE STATE EACH FISCAL YEAR IN EXCESS OF THE AMOUNT RECEIVED
15 FROM APRIL FIRST, TWO THOUSAND TWELVE THROUGH MARCH THIRTY-FIRST, TWO
16 THOUSAND THIRTEEN, FROM THE PAYMENTS COLLECTED PURSUANT TO SUBDIVISION
17 FOUR OF SECTION 27-1012 OF THE ENVIRONMENTAL CONSERVATION LAW AND ALL
18 FUNDS COLLECTED PURSUANT TO SECTION 27-1015 OF THE ENVIRONMENTAL CONSER-
19 VATION LAW, PROVIDED SUCH FUNDS SHALL NOT BE LESS THAN FOUR MILLION
20 DOLLARS FOR THE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND THIR-
21 TEEN, AND NOT LESS THAN EIGHT MILLION DOLLARS FOR ALL FISCAL YEARS THER-
22 EAFTER and all other moneys credited or transferred thereto from any
23 other fund or source pursuant to law. All such revenue shall be initial-
24 ly deposited into the environmental protection fund, for application as
25 provided in subdivision five of this section.

26 S 12. This act shall take effect immediately and shall be deemed to
27 have been in full force and effect on and after April 1, 2013; provided,
28 however, that the amendments to subdivision 5-a of section 27-1015 of
29 the environmental conservation law, as added by section nine of this
30 act, shall expire and be deemed repealed on April 1, 2015.

31

PART G

32 Section 1. Subdivisions 1 and 2 of section 27-1905 of the environ-
33 mental conservation law, as amended by section 1 of part DD of chapter
34 59 of the laws of 2010, are amended to read as follows:

35 1. Until December thirty-first, two thousand [thirteen] SIXTEEN,
36 accept from a customer, waste tires of approximately the same size and
37 in a quantity equal to the number of new tires purchased or installed by
38 the customer; and

39 2. Until December thirty-first, two thousand [thirteen] SIXTEEN, post
40 written notice in a prominent location, which must be at least eight and
41 one-half inches by fourteen inches in size and contain the following
42 language:

43 "New York State law requires us to accept and manage waste tires from
44 vehicles in exchange for an equal number of new tires that we sell or
45 install. Tire retailers are required to charge a separate and distinct
46 waste tire management and recycling fee of \$2.50 for each new tire sold.
47 The retailers in addition are authorized, at their sole discretion, to
48 pass on waste tire management and recycling costs to tire purchasers.
49 Such costs may be included as part of the advertised price of the new
50 tire, or charged as a separate per-tire charge in an amount not to
51 exceed \$2.50 on each new tire sold."

52 The written notice shall also contain one of the following statements
53 at the end of the aforementioned language and as part of the notice,
54 which shall accurately indicate the manner in which the tire service

1 charges for waste tire management and recycling costs, and the amount of
2 any charges that are separately invoiced for such costs:

3 "Our waste tire management and recycling costs are included in the
4 advertised price of each new tire.", or

5 "We charge a separate per-tire charge of \$_____ on each new tire sold
6 that will be listed on your invoice to cover our waste tire management
7 and recycling costs."

8 S 2. Subdivisions 1, 2 and 3 and paragraph (a) of subdivision 6 of
9 section 27-1913 of the environmental conservation law, as amended by
10 section 2 of part E1 of chapter 63 of the laws of 2003 and subdivisions
11 1, 2, the opening paragraph of subdivision 3 and paragraph (a) of subdi-
12 vision 6 as amended by section 4 of part DD of chapter 59 of the laws of
13 2010, are amended to read as follows:

14 1. Until December thirty-first, two thousand [thirteen] SIXTEEN, a
15 waste tire management and recycling fee of two dollars and fifty cents
16 shall be charged on each new tire sold. The fee shall be paid by the
17 purchaser to the tire service at the time the new tire or new motor
18 vehicle is purchased.

19 The waste tire management and recycling fee does not apply to:

20 (a) recapped or resold tires;

21 (b) mail-order sales; or

22 (c) the sale of new motor vehicle tires to a person solely for the
23 purpose of resale provided the subsequent retail sale in this state is
24 subject to such fee.

25 2. Until December thirty-first, two thousand [thirteen] SIXTEEN, the
26 tire service shall collect the waste tire management and recycling fee
27 from the purchaser at the time of the sale and shall remit such fee to
28 the department of taxation and finance with the quarterly report filed
29 pursuant to subdivision three of this section.

30 (a) The fee imposed shall be stated as an invoice item separate and
31 distinct from the selling price of the tire.

32 (b) The tire service shall be entitled to retain an allowance of twen-
33 ty-five cents per tire from fees collected.

34 3. Until March thirty-first, two thousand [fourteen] SEVENTEEN, each
35 tire service maintaining a place of business in this state shall make a
36 return to the department of taxation and finance on a quarterly basis,
37 with the return for December, January, and February being due on or
38 before the immediately following March thirty-first; the return for
39 March, April, and May being due on or before the immediately following
40 June thirtieth; the return for June, July, and August being due on or
41 before the immediately following September thirtieth; and the return for
42 September, October, and November being due on or before the immediately
43 following December thirty-first.

44 (a) Each return shall include:

45 (i) the name of the tire service;

46 (ii) the address of the tire service's principal place of business and
47 the address of the principal place of business (if that is a different
48 address) from which the tire service engages in the business of making
49 retail sales of tires;

50 (iii) the name and signature of the person preparing the return;

51 (iv) the total number of new tires sold at retail for the preceding
52 quarter and the total number of new tires placed on motor vehicles prior
53 to original retail sale;

54 (v) the amount of waste tire management and recycling fees due; and

55 (vi) such other reasonable information as the department of taxation
56 and finance may require.

(b) Copies of each report shall be retained by the tire service for three years.

If a tire service ceases business, it shall file a final return and remit all fees due under this title with the department of taxation and finance not more than one month after discontinuing that business.

(a) Until December thirty-first, two thousand [thirteen] SIXTEEN, any additional waste tire management and recycling costs of the tire service in excess of the amount authorized to be retained pursuant to paragraph (b) of subdivision two of this section may be included in the published selling price of the new tire, or charged as a separate per-tire charge on each new tire sold. When such costs are charged as a separate per-tire charge: (i) such charge shall be stated as an invoice item separate and distinct from the selling price of the tire; (ii) the invoice shall state that the charge is imposed at the sole discretion of the tire service; and (iii) the amount of such charge shall reflect the actual cost to the tire service for the management and recycling of waste tires accepted by the tire service pursuant to section 27-1905 of this title, provided however, that in no event shall such charge exceed two dollars and fifty cents on each new tire sold.

S 3. This act shall take effect immediately.

PART H

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 New York state urban development corporation to make loans, as amended by section 1 of part R of chapter 58 of the laws of 2012, 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, [2013] 2014, 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, 2013.

PART I

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, is amended to read as follows:

S 2. This act shall take effect immediately and shall expire and be deemed repealed April 1, [2013] 2014.

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

1 project, the project identification number of each such project, if
2 applicable, the projected date of completion, the status of the project,
3 the total cost or projected cost of each such project, and the location,
4 including the names of any county, town, village or city, where each
5 such project is located or proposed. In addition, such a report shall be
6 provided to the aforementioned parties by the first day of March of each
7 year that the authority to enter into such agreements pursuant to part
8 BB of chapter 58 of the laws of 2012 is in effect.

9 S 3. This act shall take effect immediately and shall be deemed to
10 have been in effect on and after April 1, 2013.

11 PART J

12 Intentionally omitted

13 PART K

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

18 S 2. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on and after April 1, 2013.

20 PART L

21 Section 1. Expenditures of moneys appropriated in a chapter of the
22 laws of 2013 to the energy research and development authority, under the
23 research, development and demonstration program, from the special reven-
24 ue funds - other/state operations, miscellaneous special revenue fund -
25 339, energy research and planning account, and special revenue funds -
26 other/aid to localities, miscellaneous special revenue fund - 339, ener-
27 gy research and planning account shall be subject to the provisions of
28 this section. Notwithstanding the provisions of subdivision 4-a of
29 section 18-a of the public service law, all moneys committed or expended
30 shall be reimbursed by assessment against gas corporations and electric
31 corporations as defined in section 2 of the public service law, and the
32 total amount which may be charged to any gas corporation and any elec-
33 tric corporation shall not exceed one cent per one thousand cubic feet
34 of gas sold and .010 cent per kilowatt-hour of electricity sold by such
35 corporations in their intrastate utility operations in calendar year
36 2011. Such amounts shall be excluded from the general assessment
37 provisions of subdivision 2 of section 18-a of the public service law,
38 but shall be billed and paid in the manner set forth in such subdivision
39 and upon receipt shall be paid to the state comptroller for deposit in
40 the state treasury for credit to the miscellaneous special revenue fund.
41 The director of the budget shall not issue a certificate of approval
42 with respect to the commitment and expenditure of moneys hereby appro-
43 priated until the chair of such authority shall have submitted, and the
44 director of the budget shall have approved, a comprehensive financial
45 plan encompassing all moneys available to and all anticipated commit-
46 ments and expenditures by such authority from any source for the oper-
47 ations of such authority. Copies of the approved comprehensive financial
48 plan shall be immediately submitted by the director of the budget to the
49 chairs and secretaries of the legislative fiscal committees.

1 S 2. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2013.

3 PART M

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

9 S 2. This act shall take effect immediately and shall be deemed to
10 have been in full force and effect on and after April 1, 2013.

11 PART N
12 Intentionally omitted

13 PART O
14 Intentionally omitted

15 PART P

16 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
17 executive law relating to permitting the secretary of state to provide
18 special handling for all documents filed or issued by the division of
19 corporations and to permit additional levels of such expedited service,
20 as amended by section 1 of part L of chapter 60 of the laws of 2011, is
21 amended to read as follows:

22 S 2. This act shall take effect immediately, provided however, that
23 section one of this act shall be deemed to have been in full force and
24 effect on and after April 1, 2003 and shall expire March 31, [2013]
25 2014.

26 S 2. This act shall take effect immediately and shall be deemed to
27 have been in full force and effect on and after March 31, 2013.

28 PART Q
29 Intentionally omitted

30 PART R

31 Section 1. Subdivision 1 of section 11-0701 of the environmental
32 conservation law is REPEALED and subdivision 12 is renumbered subdivi-
33 sion 1.

34 S 1-a. Section 11-0701 of the environmental conservation law, subdivi-
35 sions 1, 3 and 11 as amended by chapter 344 of the laws of 2008,
36 subdivision 1 as renumbered by section one of this act, paragraph a of
37 subdivision 2 as amended and subdivision 7-a as added by chapter 57 of
38 the laws of 1993, subparagraph 1 of paragraph a of subdivision 2 as
39 added by section 5, paragraph b of subdivision 2 as amended by section
40 6, subdivision 5 as amended by section 10, subdivision 6 as amended by
41 section 11, subdivision 8 as amended by section 12, subdivisions 13, 14
42 and 15 as amended by section 16 and subdivision 17 as added by section
43 17 of part F of chapter 82 of the laws of 2002, paragraph c of subdivi-
44 sion 2 as amended by chapter 25 of the laws of 2011, subdivisions 4 and

16 as amended by section 1 of part LL and paragraph c of subdivision 5 as added by section 1 of part KK of chapter 59 of the laws of 2009, subdivision 9-a as added by chapter 237 of the laws of 1993, and subdivision 10 as amended by chapter 57 of the laws of 1993 and as renumbered by chapter 470 of the laws of 1994, is amended to read as follows:

S 11-0701. Definitions of licenses and privileges of licensees.

1. A [junior] hunting license:

a. entitles a holder who is twelve or thirteen years of age to hunt wildlife, except big game, as provided in title 9 of this article subject, specifically, to the provisions of section 11-0929 of this article. It entitles such holder to possess firearms as provided in section 265.05 of the penal law.

b. entitles a holder who is fourteen or fifteen years of age to hunt wildlife, including wild deer and bear, as provided in title 9 of this article, subject, specifically, to the provisions of section 11-0929 of this article. It entitles such holder to possess firearms as provided in section 265.05 of the penal law.

2. a. [(1)] A [small and big game] HUNTING license entitles the [resident] holder to hunt wildlife subject to the following:

[(i)] (1) a holder who is eighteen years of age or older may hunt wildlife as provided in title 9 of this article,

[(ii)] (2) a holder who is sixteen years of age or older may hunt wildlife, except big game, as provided in title 9 of this article, and

[(iii)] (3) a holder who is between the ages of sixteen and eighteen may hunt big game pursuant to the provisions of title 9 of this article while the holder is accompanied by a parent, guardian or person over the age of eighteen as required by section 11-0929 of this article.

A holder may take fish with a [gun or] longbow as provided in titles 9 and 13 of this article.

[(2)] A non-resident big game license entitles a person who has not been a resident of the state for more than thirty days to hunt wild deer as provided in title 9. It entitles such person to hunt bear during the regular open bear season or in an open season fixed by regulation pursuant to subdivision eight of section 11-0903 of this article if such person is also the holder of a non-resident bear tag. It entitles a person who is between the ages of sixteen and eighteen years to exercise the privileges of a big game license subject to the provisions of section 11-0929.]

b. A special antlerless deer license is applicable to the hunting of wild antlerless deer in a special open season fixed pursuant to subdivision 6 of section 11-0903 of this article in a tract within a Wilderness Hunting Area and entitles the holder of a HUNTING license [which authorizes the holder to hunt big game] to hunt antlerless deer in such special open season, as provided in title 9 of this article if he OR SHE has on his OR HER person while so hunting both his OR HER HUNTING license [which authorizes the holder to hunt big game] and his OR HER special antlerless deer license.

[c.] 3. A [junior archery license] BOWHUNTING PRIVILEGE WHEN INCLUDED ON A HUNTING LICENSE entitles a [resident] holder:

(1) who is between the ages of twelve and sixteen years to hunt wild deer and bear with a longbow during the special archery season and during the regular season, as provided in title 9 of this article, [as if such person held a license which authorizes the holder to hunt big game with a bowhunting stamp affixed,] subject to the provisions of section 11-0929 and subdivision 3 of section 11-0713 of this article[.

It entitles a non-resident holder who is between the ages of twelve and

1 sixteen years to hunt wild deer and bear with a longbow during the
2 special archery season and during the regular season, as provided in
3 title 9 of this article, as if such person held a non-resident bowhunt-
4 ing license, a non-resident license which authorizes the holder to hunt
5 deer and a non-resident bear tag, subject to the provisions of section
6 11-0929 and subdivision 3 of section 11-0713 of this article.

7 3. A bowhunting stamp when affixed to a resident license which author-
8 izes the holder to hunt big game entitles a holder];

9 (2) who is eighteen years of age or older to hunt wild deer and bear
10 with a longbow, as provided in title 9 of this article, in a special
11 longbow season[, and it entitles a holder]; AND

12 (3) who is sixteen or seventeen years of age to exercise the same
13 privileges subject to the provisions of section 11-0929 and subdivision
14 3 of section 11-0713 of this article.

15 4. A fishing license entitles the holder to take fish by angling,
16 spearing, hooking, longbow and tipups, to take frogs by spearing, catch-
17 ing with the hands or by use of a club or hook, and to take bait fish
18 for personal use, as provided in titles 9 and 13 of this article, except
19 that such license shall not entitle the holder to take migratory fish of
20 the sea or to take fish from the waters of the marine district.

21 [5. a. A combined resident fishing and small and big game license
22 hereinafter in this article referred to as a sportsman license, entitles
23 the holder to the privileges the holder would have if the holder held
24 separately a fishing license and a small and big game license.

25 b. A combined resident fishing, small and big game, bowhunting and
26 muzzle-loading license, hereinafter in this article referred to as a
27 resident super-sportsman license, entitles the holder to the privileges
28 the holder would have if the holder held separately a fishing license, a
29 small and big game license, a bowhunting stamp, a muzzle-loading stamp,
30 and a turkey permit.

31 c. A combined resident fishing, small and big game, muzzle-loading
32 stamp and trapping license, hereinafter in this article referred to as a
33 resident trapper super-sportsman license, entitles the holder to the
34 privileges the holder would have if the holder held separately a fishing
35 license, a small and big game license, a muzzle-loading stamp, a trap-
36 ping license, and a turkey permit.

37 6. A free sportsman license entitles the holder to the privileges the
38 holder would have if the holder held separately a small and big game
39 license and a fishing license.

40 7-a.] 5. A non-resident bear tag entitles a person who has not been a
41 resident of the state for more than thirty days who also possesses a
42 [non-resident big game] HUNTING license to hunt bear during the regular
43 open season therefor or in an open season fixed by regulation pursuant
44 to subdivision eight of section 11-0903 of this article. It entitles a
45 NON-RESIDENT holder who also possesses a [non-resident] HUNTING LICENSE
46 WITH bowhunting [license] PRIVILEGE to hunt bear with a longbow during
47 the open bear season. It entitles a NON-RESIDENT holder who also
48 possesses a [non-resident] HUNTING LICENSE WITH muzzle-loading [license]
49 PRIVILEGE to hunt bear with a muzzleloader during the open bear season.

50 [8.] 6. A seven-day fishing license entitles the holder to exercise
51 the privileges of a fishing license for the seven consecutive days spec-
52 ified in the license.

53 [9-a.] 7. A one-day fishing license entitles the [resident or non-re-
54 sident] holder to exercise the privileges of a fishing license on the
55 day specified on the license.

1 [10.] 8. A trapping license entitles the holder to trap beaver, otter,
2 fisher, mink, muskrat, skunk, raccoon, bobcat, coyote, fox, opossum,
3 weasel, pine marten and unprotected wildlife except birds, as provided
4 in title 11, subject to the provisions of [subdivision 6 of] section
5 11-0713 of this article.

6 [11.] 9. A muzzle-loading [stamp] PRIVILEGE when [affixed to] INCLUDED
7 ON a [resident] HUNTING license [which authorizes the holder to hunt big
8 game] entitles a holder who is fourteen years of age or older to hunt
9 wild deer and bear with a muzzle-loading firearm, as provided in title 9
10 of this article, in a special muzzle-loading firearm season.

11 [13. A non-resident bowhunting license entitles a person who has not
12 been a resident of the state for more than thirty days to hunt wild deer
13 with a longbow in a special longbow season as provided in title 9 of
14 this article and, when accompanied by a non-resident bear tag, entitles
15 the holder to hunt bear with a longbow during the open bear season.

16 14. A non-resident muzzle-loading license entitles a person who has
17 not been a resident of the state for more than thirty days to hunt wild
18 deer with a muzzle-loading firearm in a special muzzle-loading season as
19 provided in title 9 of this article and, when accompanied by a non-resi-
20 dent bear tag, entitles the holder to hunt bear with a muzzleloader
21 during the open bear season.

22 15. A non-resident combined hunting, fishing, big game, bowhunting and
23 muzzle-loading license, hereinafter in this article referred to as a
24 non-resident super-sportsman license, entitles a person who has not been
25 a resident of the state for more than thirty days to the privileges that
26 the holder would have if the holder held separately a non-resident hunt-
27 ing license, a non-resident fishing license, a non-resident big game
28 license, a non-resident bowhunting license, a non-resident muzzle-load-
29 ing license and a non-resident turkey permit.

30 16. A conservation legacy license entitles the holder to fish, except
31 for migratory fish of the sea or from the waters of the marine district,
32 hunt wildlife, hunt big game with a longbow and a muzzle-loading firearm
33 during special seasons therefor, hunt turkey, enjoy the benefits of a
34 voluntary habitat stamp and receive the "New York State Conservationist"
35 magazine as if the holder of such license held separately a resident
36 super-sportsman license, a voluntary habitat stamp and a subscription to
37 the "New York State Conservationist" magazine.

38 17. A conservation patron license entitles the holder to the benefits
39 of a voluntary habitat stamp and a subscription to "New York State
40 Conservationist" magazine as if the holder of such license held sepa-
41 rately a voluntary habitat stamp and a subscription to the "New York
42 State Conservationist" magazine.]

43 S 2. Subdivisions 2, 4, 5 and 6 of section 11-0703 of the environ-
44 mental conservation law, subdivision 2 as amended by chapter 507 of the
45 laws of 2010, subdivision 4 as amended by section 21 and paragraph a of
46 subdivision 5 as amended by section 22 of part F of chapter 82 of the
47 laws of 2002, paragraph b of subdivision 4 as amended by chapter 178 of
48 the laws of 2011, paragraphs d and e of subdivision 4 and subdivision 6
49 as amended by chapter 344 of the laws of 2008, subdivision 5 as amended
50 by chapter 450 of the laws of 1991 and paragraph d of subdivision 5 as
51 relettered by chapter 470 of the laws of 1994, are amended to read as
52 follows:

53 2. Except as provided in section 11-0704 of this title, no license,
54 permit, tag or [stamp] PRIVILEGE is transferable. No person shall alter,
55 change, lend to another or attempt to transfer to another any license or
56 any [button,] permit, tag or [stamp] PRIVILEGE issued therewith. No

1 person, while hunting, shall possess a license, [button,] permit, tag or
2 [stamp] PRIVILEGE which was issued to another person unless actually
3 accompanied by the person to whom such license, [button,] permit, tag or
4 [stamp] PRIVILEGE was issued. No person shall purchase, possess or use
5 more than one [junior archery, junior hunting, small and big game, big
6 game, bowhunting, muzzle-loading, sportsman, or resident super-sportsman
7 license or stamp, non-resident bowhunting or muzzle-loading license,
8 non-resident super-sportsman license, non-resident bear tag] HUNTING
9 LICENSE, TRAPPING LICENSE, BOWHUNTING PRIVILEGE, MUZZLE-LOADING PRIVI-
10 LEGE or special permit for the current license year, except as permitted
11 by regulation of the department. Notwithstanding the prohibitions
12 contained in this subdivision, the department may authorize by rule or
13 regulation the transfer of deer management permits, issued pursuant to
14 section 11-0913 of this article, to any person licensed to hunt deer
15 pursuant to this title.

16 4. a. Non-resident [fishing, non-resident super-sportsman, non-resi-
17 dent bowhunting or muzzle-loading, or non-resident trapping licenses, or
18 non-resident] bear tags are issuable only to non-residents and persons
19 who have been residents for less than thirty days immediately preceding
20 the date of application.

21 b. [A person under the age of fourteen years is ineligible for any
22 license, other than a junior archery license, which authorizes the hold-
23 er to hunt big game. A person under the age of sixteen years is ineligi-
24 ble for a small and big game, sportsman or resident super-sportsman,
25 non-resident super-sportsman, non-resident big game, non-resident
26 bowhunting license, or bowhunting stamp.] A person is ineligible for a
27 [small game, small and big game, junior hunting, big game, junior arch-
28 ery, sportsman and resident super-sportsman, non-resident super-sports-
29 man, or non-resident] HUNTING LICENSE, TRAPPING LICENSE, bowhunting
30 PRIVILEGE or muzzle-loading [license] PRIVILEGE unless such person meets
31 the requirements of subdivision 3 of section 11-0713 of this title.

32 c. Only the following persons are eligible for resident [licenses]
33 FEES: (1) persons who have been residents in the state for [more than]
34 thirty days immediately [preceding] PRIOR TO the date of application for
35 the licenses, or who are enrolled [in a] AS full-time [course] STUDENTS
36 at a college or university within the state and who are in residence in
37 the state for the school year, or who are out of state or foreign
38 exchange high school students enrolled [in a] AS full-time [course]
39 STUDENTS in a high school within the state and who are in residence in
40 the state for the school year; (2) Indian residents or members of the
41 six nations residing on any reservation wholly or partly within the
42 state; AND (3) members of the United States armed forces in active
43 service, stationed in this state, regardless of the place of residence
44 at the time of entry into the service[; and (4) persons privileged under
45 subdivision 5 of section 11-0707 of this article to take wildlife, other
46 than deer and bear, as if they held hunting licenses].

47 d. Only persons who possess a [small and big game] HUNTING license[,
48 the big game license portion of the free sportsman, a sportsman license
49 or resident super-sportsman license] are eligible for a bowhunting PRIV-
50 ILEGE or muzzle-loading [stamp, except that the holder of a junior hunt-
51 ing license, who is a resident and who is at least fourteen years old,
52 is eligible for a muzzle-loading stamp] PRIVILEGE.

53 e. A person under the age of twelve years is ineligible for a [junior]
54 hunting license.

55 5. a. One-day and seven-day fishing licenses expire on the date stated
56 on them.

1 b. A fishing license issued without charge to a resident as formerly
2 provided in subdivision 2 of section 11-0715, shall remain effective for
3 the life of the licensee.

4 c. A special antlerless deer license is effective during the special
5 open season for which it is issued.

6 d. All other licenses and [stamps] PRIVILEGES defined in section
7 11-0701 are effective for a license year beginning [October] SEPTEMBER 1
8 and ending [September 30] AUGUST 31; PROVIDED, HOWEVER, A FISHING
9 LICENSE SHALL REMAIN EFFECTIVE ONE YEAR FROM THE DATE ON WHICH IT WAS
10 ISSUED.

11 6. a. Except as provided in section 11-0707 and section 11-0709 of
12 this title, no person shall (1) hunt wildlife[, other than deer or bear,
13 or take fish with a gun,] unless such person holds and is entitled to
14 exercise the privileges of a [small game, junior hunting, small and big
15 game, free sportsman, sportsman or resident super-sportsman, or non-re-
16 sident super-sportsman] HUNTING license; (2) hunt antlerless deer in a
17 special open season therefor pursuant to subdivision 6 of section
18 11-0903 of this article unless such person holds and is entitled to
19 exercise the privileges of and has on his or her person while so hunting
20 a [small and big game, big game, junior archery, free sportsman, junior]
21 hunting [if the licensee is at least fourteen years old, sportsman,
22 resident super-sportsman, non-resident super-sportsman or non-resident]
23 LICENSE, bowhunting PRIVILEGE or muzzle-loading [license] PRIVILEGE, and
24 a special antlerless deer license; (3) take fish or frogs in the manner
25 described in subdivision 4 of section 11-0701 of this title unless such
26 person is entitled to exercise the privileges of a fishing license; (4)
27 trap wildlife unless such person holds a trapping license.

28 b. Except as provided in section 11-0707 and section 11-0709 of this
29 title, no [resident] PERSON shall (1) hunt wild deer or bear unless such
30 person holds and is entitled to exercise the privileges of a [small and
31 big game, junior archery, junior hunting if the licensee is at least
32 fourteen years old, free sportsman, sportsman, or resident super-sports-
33 man] HUNTING license, and meets the requirements of this article; (2)
34 hunt wild deer or bear with a longbow in a special longbow season unless
35 such person holds and is entitled to exercise the privileges of a [small
36 and big game, junior archery, free sportsman, sportsman, or resident
37 super-sportsman] HUNTING license with a bowhunting [stamp affixed] PRIV-
38 ILEGE and meets the requirements of this article; or (3) hunt wild deer
39 or bear with a muzzle-loading firearm in a special muzzle-loading
40 firearm season unless such person IS AT LEAST FOURTEEN YEARS OLD AND
41 holds a [small and big game, free sportsman, sportsman, junior hunting
42 if the licensee is at least fourteen years old, or resident super-
43 sportsman] HUNTING license with a muzzle-loading [stamp affixed] PRIVI-
44 LEGE and meets the requirements of this article.

45 c. [Except as provided in section 11-0707 and section 11-0709 of this
46 title, no] NO non-resident shall [(1) hunt wild deer unless such person
47 holds and is entitled to exercise the privileges of a big game, junior
48 archery, junior hunting if the licensee is at least fourteen years old,
49 non-resident super-sportsman, or non-resident bowhunting or muzzle-load-
50 ing license; (2) hunt wild deer with a longbow in a special longbow
51 season unless such person holds and is entitled to exercise the privi-
52 leges of a non-resident super-sportsman, non-resident bowhunting, or
53 junior archery license; (3) hunt wild deer with a muzzle-loading firearm
54 in a special muzzle-loading firearm season unless such person holds a
55 non-resident super-sportsman or non-resident muzzle-loading license;
56 (4)] hunt wild bear unless such person holds a [junior] hunting license

1 [if the licensee is at least fourteen years old, a junior archery
2 license, or] AND a non-resident bear tag [in combination with one of the
3 non-resident deer licenses listed in subparagraph 1, 2 or 3 of this
4 paragraph] AND MEETS THE REQUIREMENTS OF THIS ARTICLE.

5 S 3. The opening paragraph of paragraph a of subdivision 1, subdivi-
6 sion 2, subdivision 3 and paragraphs a and b of subdivision 4 of section
7 11-0713 of the environmental conservation law, the opening paragraph of
8 paragraph a of subdivision 1 as amended by section 3 of part AA of chap-
9 ter 60 of the laws of 2011, subdivision 2 as amended by chapter 25 of
10 the laws of 2011, subdivision 3 as amended by chapter 450 of the laws of
11 1991, paragraphs a, b and d of subdivision 3 as amended by section 27 of
12 part F of chapter 82 of the laws of 2002, paragraph c of subdivision 3
13 as amended by chapter 344 of the laws of 2008, such subdivision as
14 renumbered by section 5 of part D of chapter 61 of the laws of 2000 and
15 paragraphs a and b of subdivision 4 as amended by section 28 of part F
16 of chapter 82 of the laws of 2002, are amended to read as follows:

17 All licenses, [stamps] BOWHUNTING PRIVILEGES, MUZZLE-LOADING PRIVI-
18 LEGES, tags, [buttons,] permits, registrations, and permit applications
19 authorized by this title or section 13-0355 of this chapter, and any
20 additional privileges authorized by the department shall be issued by:

21 2. The issuing officer shall not issue a [junior archery license to a
22 person between the ages of twelve and sixteen or a junior] hunting
23 license OR BOWHUNTING PRIVILEGE OR MUZZLE-LOADING PRIVILEGE to a person
24 between the ages of twelve and sixteen years unless, at the time of
25 issuance, THE applicant is accompanied by his or her parent or legal
26 guardian who shall consent to the issuance of the license and shall so
27 signify by signing his or her name in ink across the face of it. At no
28 time shall such licenses be issued by mail to persons between the ages
29 of twelve and sixteen years.

30 3. a. Subject to the provisions of [paragraphs] PARAGRAPH b [and c] of
31 this subdivision, the issuing officer shall not issue a license, [stamp]
32 PRIVILEGE, tag, [button,] permit, or permit application which authorizes
33 the holder to hunt wildlife, to any person unless the applicant
34 presents:

35 (1) a license which authorizes the holder to hunt wildlife issued to
36 him previously; or

37 (2) an affidavit from a license issuing officer stating that applicant
38 previously has been issued a license which authorizes the holder to hunt
39 wildlife; or

40 (3) a certificate of qualification in responsible hunting, responsible
41 bowhunting and responsible trapping practices, including safety, ethics
42 and landowner-hunter relations, issued or honored by the department,
43 pursuant to this subdivision.

44 b. (1) The issuing officer shall not issue a [license or stamp which
45 authorizes the holder to exercise the] BOW HUNTING privilege [of hunting
46 big game with a longbow] to any person unless the applicant presents a
47 HUNTING LICENSE ISSUED TO THAT PERSON FOR THE CORRESPONDING LICENSE YEAR
48 AND A New York state license [or stamp] which authorizes the holder to
49 exercise the privilege of hunting [big game] with a longbow issued in
50 1980 or later, an affidavit as provided in subparagraph 2 of paragraph a
51 of this subdivision or a certificate of qualification in responsible
52 bowhunting practices issued or honored by the department.

53 (2) The issuing officer shall not issue a trapping license to any
54 person unless the applicant presents a trapping license issued to him OR
55 HER previously, an affidavit as provided in subparagraph 2 of paragraph

1 a of this subdivision or a certificate of qualification in responsible
2 trapping practices.

3 [c.] (3) The issuing officer shall not issue a [bowhunting stamp or]
4 muzzle-loading [stamp] PRIVILEGE to any [resident] PERSON unless the
5 applicant presents a [junior] hunting license [if the licensee] ISSUED
6 TO THAT PERSON FOR THE CORRESPONDING LICENSE YEAR AND SUCH PERSON is at
7 least fourteen years old[, or a small and big game, free sportsman, or
8 sportsman or resident super-sportsman license issued to that person for
9 the corresponding license year].

10 [d.] C. Certifications of qualification in responsible hunting,
11 responsible bowhunting and responsible trapping practices may be made by
12 duly qualified and designated persons, whose fitness to give
13 instructions in said practices has been determined by an agent of the
14 department. The department may designate any person it deems qualified
15 to act as its agent in the giving of instruction and the making of
16 certification. No charge shall be made for any certificate or instruc-
17 tion given to a person to qualify him or her to obtain a license or
18 [stamp] PRIVILEGE other than for certain instruction and materials
19 accredited by the department to provide preparation for final instruc-
20 tion and testing by agents of the department or for replacement educa-
21 tion certificates for a commission of one dollar to the issuing agent.
22 The department shall make available to the public courses without charge
23 which do not require additional preparation at the expense of students,
24 and may also offer optional courses which require preparatory instruc-
25 tion which may be at the expense of the student. The department may make
26 rules and regulations which in its opinion effectuate better the purpose
27 of this subdivision.

28 a. A person who has lost or accidentally destroyed a license or
29 [stamp] PRIVILEGE authorizing the holder to hunt, fish, or trap may
30 apply to the officer who issued it for a certificate in lieu thereof.
31 Such officer shall issue a certificate stating the name and address of
32 the applicant, the type of license issued and the fee, if any, paid for
33 it. Applications and certificates furnished by the department shall be
34 used for this purpose.

35 b. A person who has lost or accidentally destroyed a [button or] tag
36 issued with such a license or [stamp] PRIVILEGE may apply to any license
37 issuing officer for a duplicate and the department shall issue a dupli-
38 cate [button or] tag when satisfied that the application is made in good
39 faith. [A duplicate free sportsman tag shall be issued free of charge.]

40 S 4. Subdivisions 1 and 2, and the opening paragraph of subdivision 3
41 of section 11-0715 of the environmental conservation law, subdivision 2
42 as amended by section 3 and the opening paragraph of subdivision 3 as
43 amended by section 4 of part KK of chapter 59 of the laws of 2009, are
44 amended to read as follows:

45 1. When any license or [stamp] PRIVILEGE listed in this section is
46 issued by the department or an officer or employee of the department,
47 the license fee is the amount specified in this section plus the amount,
48 if any, specified as a fee to the issuing clerk.

49 2. A member of the Shinnecock tribe or the Poospatuck tribe or a
50 member of the six nations, residing on any reservation wholly or partly
51 within the state, is entitled to receive free of charge a fishing
52 license, a [small and big game license, a sportsman] HUNTING license, a
53 muzzle-loading [stamp] PRIVILEGE, a trapping license, and a [bow hunting
54 stamp] BOWHUNTING PRIVILEGE; a resident of the state who is a member of
55 the United States armed forces in active service who is not stationed
56 within the state and has not been herein longer than thirty days on

1 leave or furlough, is entitled to receive free of charge a fishing
 2 license, a [small and big game] HUNTING license, and a trapping license;
 3 a resident of the state who is an active member of the organized militia
 4 of the state of New York as defined by section one of the military law,
 5 or the reserve components of the armed forces of the United States, and
 6 excluding members of the inactive national guard and individual ready
 7 reserve, is entitled to receive free of charge a fishing license, a
 8 [small and big game] HUNTING license, and a trapping license; and a
 9 resident who is blind is entitled to receive a fishing license free of
 10 charge. For the purposes of this subdivision a person is blind only if
 11 either: (a) his or her central visual acuity does not exceed 20/200 in
 12 the better eye with correcting lenses, or (b) his or her visual acuity
 13 is greater than 20/200 but is accompanied by a limitation of the field
 14 of vision such that the widest diameter of the visual field subtends an
 15 angle no greater than 20 degrees.

16 [A resident in the state for a period of thirty days immediately prior
 17 to the date of application who has attained the age of seventy is enti-
 18 tled to receive a sportsman license at the cost of ten dollars as a
 19 license fee.]

20 A resident in the state for a period of thirty days immediately prior
 21 to the date of application who has attained the age of seventy is enti-
 22 tled to receive a fishing license, [and] a trapping LICENSE, AND A HUNT-
 23 ING license, at a cost of five dollars for each license.

24 A resident in the state for a period of thirty days immediately prior
 25 to the date of application who has attained the age of seventy is enti-
 26 tled to receive free of charge a bowhunting [stamp] PRIVILEGE and a
 27 muzzle-loading [stamp] PRIVILEGE.

28 Each applicant for a license, permit or [stamp] PRIVILEGE shall pay to
 29 the issuing officer a fee, according to the license, permit or [stamp]
 30 PRIVILEGE issued and the residence or other qualification of the appli-
 31 cant.

32 S 5. Paragraphs a, b, and c of subdivision 3 of section 11-0715 of the
 33 environmental conservation law, as amended by section 4 of part KK of
 34 chapter 59 of the laws of 2009, are amended to read as follows:

35 a. In the case of persons who [have been residents of the state for
 36 more than thirty days immediately preceding the date of application or
 37 who are enrolled in a full-time course at a college or university within
 38 the state and who are in residence in the state for the school year,
 39 Indians residing off reservations in the state and members of the United
 40 States armed forces in active service stationed in this state regardless
 41 of place of residence at the time of entry into service] MEET THE CRITE-
 42 RIA SET FORTH IN PARAGRAPH C OF SUBDIVISION FOUR OF SECTION 11-0703 OF
 43 THIS TITLE:

License	Fee	
(1) [Super-sportsman	\$88.00	
(2) Trapper Super-sportsman	\$88.00	
(3) Sportsman	\$47.00	
(4) Small and big game	\$29.00]	
(A) HUNTING	\$22.00	
(B) HUNTING AGES FIFTEEN		
AND UNDER	\$5.00	
[(5)] (2) Fishing	[\$29.00]	\$25.00
[(6)] (3)(A) Trapping	[\$21.00]	\$20.00
[(7) Small game	\$26.00]	
[(8) Junior trapping]		
(B) TRAPPING AGES FIFTEEN AND UNDER	[\$ 6.00]	\$5.00

1	[(9)] (4) Muzzle-loading [stamp]	[\$21.00] \$15.00
2	PRIVILEGE	
3	[(10)] (5)(A) Bowhunting [stamp]	[\$21.00] \$15.00
4	PRIVILEGE	
5	(B) BOWHUNTING PRIVILEGE	
6	AGES FIFTEEN AND UNDER	\$5.00
7	[(11)] (6) Turkey permit	\$10.00
8	[(12)] (7) Seven-day fishing	[\$15.00] \$13.00
9	[(13)] Conservation legacy	\$96.00
10	[(14)] (8) One-day fishing	\$ 5.00

11 b. In the case of a non-resident and persons resident in the state for
 12 less than thirty days[, other than persons who are enrolled in a full-
 13 time course at a college or university within the state and who are in
 14 residence in the state for the school year and those members of the
 15 United States armed forces as to whom fees are specified in paragraph a
 16 of this subdivision]:

17	License	Fee
18	(1) [Big game](A) HUNTING	[\$140.00] \$100.00
19	(B) HUNTING AGES FIFTEEN AND UNDER	\$5.00
20	(2) [Small game]	\$85.00
21	(3)] Fishing	[\$70.00] \$50.00
22	[(4)] (3) Seven-day fishing	[\$35.00] \$31.00
23	[(5)] (4)(A) Trapping	[\$310.00] \$275.00
24	[(6)] Super-sportsman	\$280.00
25	(7)](B) TRAPPING AGES FIFTEEN AND UNDER	\$5.00
26	(5)(A) Bowhunting PRIVILEGE	[\$140.00] \$30.00
27	(B) BOWHUNTING PRIVILEGE AGES	
28	FIFTEEN AND UNDER	\$5.00
29	[(8)] (6) Muzzle-loading	[\$140.00] \$30.00
30	[(9)] Bear tag	\$50.00]
31	[(10)] (7) Turkey permit	[\$50.00] \$20.00
32	[(11)] (8) One-day fishing	[\$15.00] \$10.00

33 c. In all cases:

34	(1) Certificates in lieu of	
35	lost license or [stamp] PRIVILEGE or tag	\$5.00
36	(2) Duplicate for lost or	
37	destroyed permit[, button] or tag	\$10.00
38	[(3)] Junior hunting license	\$ 5.00
39	(4) Junior archery license	\$ 9.00
40	(5) One-day fishing license	\$15.00
41	(6) Conservation patron license	\$12.00]

42 S 6. Subdivisions 4 and 6 of section 11-0715 of the environmental
 43 conservation law, subdivision 4 as amended by section 5 of part KK of
 44 chapter 59 of the laws of 2009, subdivision 6 as added by section 32 of
 45 part F of chapter 82 of the laws of 2002, paragraph a of subdivision 6
 46 as amended by chapter 344 of the laws of 2008, are amended to read as
 47 follows:

48 4. A person, resident in the state for at least thirty days immediate-
 49 ly prior to the date of application, who has been honorably discharged
 50 from service in the armed forces of the United States and certified as
 51 having a forty percent or greater service-connected disability is enti-
 52 tled to receive all licenses, [stamps] PRIVILEGES, tags, [buttons,] and
 53 permits authorized by this title for which he or she is eligible, except
 54 turkey permits, renewable each year for a five dollar fee.

55 6. a. License issuing officers may retain 1.1 percent of the gross
 56 proceeds from the sale of [the following:

1 (1) non-resident small game license
2 (2) non-resident big game license
3 (3) non-resident trapping license
4 (4) bear tag
5 (5) non-resident bowhunting license
6 (6) non-resident muzzle-loading license
7 (7) non-resident super-sportsman license
8 (8) non-resident turkey permit
9 (9)] all lifetime licenses listed in section 11-0702 of this title.

10 b. License issuing officers may retain 5.5 percent of the gross
11 proceeds from sale of all other license, [stamps] PRIVILEGES, certif-
12 icates and permits, including any application fees associated with such
13 licenses, [stamps,] PRIVILEGES, certificates and permits.

14 S 7. Paragraphs c, d and e of subdivision 1 of section 11-0907 of the
15 environmental conservation law, paragraph c as amended by section 38 and
16 paragraphs d and e as added by section 40 of part F of chapter 82 of the
17 laws of 2002, are amended to read as follows:

18 c. The limit for wild deer is one deer per person in a license year
19 except that (1) a person entitled to exercise the privileges of a
20 special antlerless deer license may take an antlerless deer while hunt-
21 ing pursuant to such license in addition to the limit of one deer in a
22 license year otherwise applicable, (2) a person who is a member of a
23 hunting group holding a deer management permit or permits issued pursu-
24 ant to section 11-0913 of this article may take additional deer while
25 hunting in accordance with the conditions of the permit or permits, (3)
26 the holder of a bowhunting [license or stamp] PRIVILEGE or a muzzle-
27 loading [license or stamp] PRIVILEGE may take up to two additional deer,
28 pursuant to regulations promulgated by the department, and (4) an eligi-
29 ble non-ambulatory person, pursuant to subdivision 2 of section 11-0931
30 of this article may take a deer of either sex in any wildlife management
31 unit area where deer management permits have been issued by the depart-
32 ment, while in possession of a valid HUNTING license [which authorizes
33 the holder to hunt big game]. Nothing contained in this section shall be
34 construed to limit the power of the department to designate by regu-
35 lation an area or areas of the state consisting of a county or part of a
36 county where such season shall apply and whether the number of such
37 special permits shall be limited.

38 d. (1) A person who holds licenses [or stamps] AND PRIVILEGES author-
39 izing the holder to hunt deer during a special archery season and the
40 regular open season and who has taken a deer by longbow in a special
41 archery season and who has not taken a deer in a regular open season
42 may, in addition to the limit of one deer in a license year otherwise
43 applicable, take during the same license year additional deer as speci-
44 fied by department regulation in a special archery season following the
45 close of the regular open deer season.

46 (2) A person who holds licenses [or stamps] AND PRIVILEGES authorizing
47 the holder to hunt deer during a special archery season and the regular
48 open season and who has taken a deer by longbow in the regular open
49 season for deer in Westchester or Suffolk counties may, in addition to
50 the limit of one deer in a license year otherwise applicable, take
51 during the same license year additional deer as specified by department
52 regulation during such Westchester or Suffolk county regular open deer
53 season.

54 e. A person who holds licenses [or stamps] AND PRIVILEGES authorizing
55 the holder to hunt deer during a special muzzle-loading season and the
56 regular open season and who has taken a deer by muzzle-loading firearm

1 in a muzzle-loading season and who has not taken a deer in a regular
2 open season may, in addition to the limit of one deer in a license year
3 otherwise applicable, take during the same year additional deer as spec-
4 ified by department regulation in a special muzzle-loading season
5 following the close of the regular deer season.

6 S 8. Paragraph c of subdivision 1 of section 11-0907 of the environ-
7 mental conservation law, as amended by section 39 of part F of chapter
8 82 of the laws of 2002, is amended to read as follows:

9 c. The limit for wild deer and bear is one deer and one bear per
10 person in a license year except that (1) a person entitled to exercise
11 the privileges of a special antlerless deer license may take an antler-
12 less deer while hunting pursuant to such license in addition to the
13 limit of one deer in a license year otherwise applicable, (2) a person
14 who is a member of a hunting group holding a deer management permit or
15 permits issued pursuant to section 11-0913 of this article may take
16 additional deer while hunting in accordance with the conditions of the
17 permit or permits, (3) the holder of a bowhunting [license or stamp]
18 PRIVILEGE or a muzzle-loading [license or stamp] PRIVILEGE may take up
19 to two additional deer, pursuant to regulations promulgated by the
20 department, and (4) an eligible non-ambulatory person, pursuant to
21 subdivision 2 of section 11-0931 of this article may take a deer of
22 either sex in any wildlife management unit area where deer management
23 permits have been issued by the department, while in possession of a
24 valid HUNTING license [which authorizes the holder to hunt big game].
25 Nothing contained in this section shall be construed to limit the power
26 of the department to designate by regulation an area or areas of the
27 state consisting of a county or part of a county where such season shall
28 apply and whether the number of such special permits shall be limited.

29 S 9. Paragraph a of subdivision 3 of section 11-0907 of the environ-
30 mental conservation law, as amended by section 41 of part F of chapter
31 82 of the laws of 2002, is amended to read as follows:

32 a. In every area identified in column one of the table set forth in
33 subdivision 2 of this section, except Westchester and Suffolk Counties
34 in which a regular open season for taking deer by firearms is estab-
35 lished and effective, a special open season is established for taking
36 deer of either sex, by the use of a long bow only by holders of a [small
37 and big game, sportsman, or free sportsman] HUNTING license [to which]
38 WITH a valid bowhunting [stamp is affixed or to holders of a junior
39 archery, resident or non-resident super-sportsman, or non-resident
40 bowhunting license] PRIVILEGE.

41 S 10. Paragraph a of subdivision 3 of section 11-0907 of the environ-
42 mental conservation law, as amended by section 42 of part F of chapter
43 82 of the laws of 2002, is amended to read as follows:

44 a. In every area identified in column one of the table set forth in
45 subdivision 2 of this section, except Westchester and Suffolk Counties
46 in which a regular open season for taking deer by firearms is estab-
47 lished and effective, a special open season is established for taking
48 deer of either sex, and bear, by the use of a long bow only by holders
49 of a [small and big game, sportsman, or free sportsman] HUNTING license
50 [to which] WITH a valid bowhunting [stamp is affixed or to holders of a
51 junior archery, resident or non-resident super-sportsman, or non-resi-
52 dent bowhunting license] PRIVILEGE.

53 S 11. Paragraph a of subdivision 8 of section 11-0907 of the environ-
54 mental conservation law, as amended by section 45 of part F of chapter
55 82 of the laws of 2002, is amended to read as follows:

1 a. In every area identified in column one of the table set forth in
2 subdivision 2 of this section, except those areas restricted to special
3 seasons for taking deer by longbow only, special open seasons may be
4 established by regulation for taking deer and/or bear, by the use of
5 muzzle-loading firearms, of not less than .44 caliber shooting a single
6 projectile, by the holders of a [small and big game, sportsman or free
7 sportsman] HUNTING license [to which] WITH a valid muzzle-loading [stamp
8 is affixed or to holders of a resident or non-resident super-sportsman,
9 or non-resident muzzle-loading license] PRIVILEGE.

10 S 12. Subdivision 7 of section 11-0913 of the environmental conserva-
11 tion law, as amended by section 6 of part KK of chapter 59 of the laws
12 of 2009, is amended to read as follows:

13 7. The department shall charge and receive a fee of ten dollars for
14 the application and the processing of such permit or permits. Applicants
15 who are successful in the computerized selection shall receive the
16 permit or permits free of any additional charge. The application fee
17 shall be non-refundable. The department may waive the application fee
18 for holders of a lifetime sportsman license existing as of October
19 first, two thousand nine[, junior archery license, resident super-
20 sportsman license, or junior hunting license] AND HOLDERS OF A HUNTING
21 LICENSE LESS THAN SIXTEEN YEARS OF AGE.

22 S 13. Section 11-0929 of the environmental conservation law, as
23 amended by chapter 344 of the laws of 2008, subdivision 5 as added by
24 chapter 25 of the laws of 2011, is amended to read as follows:

25 S 11-0929. Hunting by minors.

26 1. A licensee who is twelve or thirteen years of age shall not hunt
27 wildlife with a gun or a longbow unless he or she is accompanied by his
28 or her parent or legal guardian, or by a person twenty-one years of age
29 or older designated in writing by his or her parent or legal guardian on
30 a form prescribed by the department, who holds a HUNTING license [which
31 authorizes the holder to hunt wildlife].

32 2. A licensee who is fourteen or fifteen years of age shall not:

33 a. hunt wildlife with a gun or longbow, other than wild deer or bear
34 as provided in paragraph b of this subdivision, unless he or she is
35 accompanied by his or her parent or legal guardian holding a HUNTING
36 license [which authorizes the holder to hunt wildlife], or by a person
37 eighteen years of age or older, designated in writing by his or her
38 parent or legal guardian, holding such license;

39 b. hunt wild deer or bear with a gun unless:

40 (1) he or she is accompanied by his or her parent or a legal guardian,
41 or a youth mentor who is twenty-one years of age or older designated in
42 writing by the parent or legal guardian of the licensee on a form
43 prescribed by the department; and

44 (2) such parent, guardian or youth mentor has had at least three years
45 of experience in hunting big game; and

46 (3) such parent, guardian or youth mentor holds a HUNTING license
47 [which authorizes the holder to hunt big game]; and

48 (4) such parent, guardian or youth mentor maintains physical control
49 over the minor he or she is accompanying at all times while hunting; and

50 (5) such parent, guardian or youth mentor and the minor he or she is
51 accompanying remain at ground level at all times while hunting; and

52 (6) such parent, guardian or youth mentor and the minor he or she is
53 accompanying shall each display either a minimum total of two hundred
54 fifty square inches of solid fluorescent orange or patterned fluorescent
55 orange consisting of no less than fifty percent fluorescent orange mate-
56 rial worn above the waist and visible from all directions, or a hat or

1 cap with no less than fifty percent of the exterior consisting of solid
2 fluorescent orange material and visible from all directions. For
3 purposes of this paragraph, "physical control" shall mean that the phys-
4 ical proximity of the minor to the parent, guardian or youth mentor is
5 such that the parent, guardian or youth mentor is reasonably able to
6 issue verbal directions and instructions, maintain constant visual
7 contact, and otherwise provide guidance and supervision to the minor.

8 3. A licensee who is sixteen or seventeen years of age and who has not
9 previously had a license which authorizes the holder to hunt big game
10 issued to him or her and engaged in hunting pursuant to it shall not
11 hunt deer or bear unless he or she is accompanied by his or her parent
12 or legal guardian, or by a person designated in writing by his or her
13 parent or legal guardian on a form prescribed by the department and who
14 is eighteen years of age or older and who has had at least one year's
15 experience in hunting deer or bear, and such accompanying parent, guard-
16 ian or person holds a HUNTING license [which authorizes the holder to
17 hunt big game].

18 4. A [junior archery] HUNTING licensee WITH A BOWHUNTING PRIVILEGE,
19 who is fourteen or fifteen years of age, shall not hunt deer or bear
20 unless he or she is accompanied by his or her parent or legal guardian,
21 or by a person designated in writing by his or her parent or legal guar-
22 dian on a form prescribed by the department who is eighteen years of age
23 or older and who has had at least one year's experience in hunting deer
24 or bear by longbow, and such accompanying parent, guardian or person
25 holds a HUNTING license [which authorizes the holder to hunt big game
26 during a special archery season and the regular open season] WITH A
27 BOWHUNTING PRIVILEGE.

28 5. A [junior archery] HUNTING licensee WITH A BOWHUNTING PRIVILEGE,
29 who is twelve or thirteen years of age, shall not hunt deer or bear
30 unless:

31 (a) he or she is accompanied by his or her parent or legal guardian,
32 or by a person designated in writing by his or her parent or legal guar-
33 dian on a form prescribed by the department who is twenty-one years of
34 age or older and

35 (b) such parent, guardian or person has had at least three year's
36 experience in hunting deer or bear by longbow and

37 (c) such parent, guardian or person holds a HUNTING license [that
38 authorizes the holder to hunt big game] and

39 (d) such parent, guardian or person maintains physical control over
40 the minor he or she is accompanying at all times while hunting. For the
41 purposes of this paragraph "physical control" shall mean that the phys-
42 ical proximity of the minor to the parent, guardian or person is such
43 that the parent, guardian or person is reasonably able to issue verbal
44 directions and instructions, maintain constant visual contact, and
45 otherwise provide guidance and supervision to the minor.

46 S 14. Subdivision 1 of section 13-0355 of the environmental conserva-
47 tion law, as amended by section 1 of part AA of chapter 60 of the laws
48 of 2011, is amended to read as follows:

49 1. Definitions of registrations; privileges. A recreational marine
50 fishing registration entitles the holder who is sixteen years of age or
51 older to take fish from the waters of the marine and coastal district
52 and to take migratory fish of the sea from all waters of the state,
53 except as provided in sections 13-0333 and 13-0335 of this title. A
54 recreational marine fishing registration is effective for [a registra-
55 tion year beginning January first and ending December thirty-first] ONE
56 YEAR FROM THE DATE IT WAS ISSUED.

S 15. Section 9 of part AA of chapter 60 of the laws of 2011, amending the environmental conservation law relating to saltwater recreational fishing registrations, is amended to read as follows:

S 9. This act shall take effect immediately [and shall expire and be deemed repealed December 31, 2013].

S 16. Subdivisions 1 and 2 of section 11-0702 of the environmental conservation law, subdivision 1 as amended by section 2 of part AA of chapter 60 of the laws of 2011 and subdivision 2 as amended by section 18 of part F of chapter 82 of the laws of 2002, are amended to read as follows:

1. There are hereby created the following lifetime hunting, fishing, trapping, archery and muzzle-loading [licenses] PRIVILEGES and fees therefor subject to the same privileges and obligations of a comparable short term license:

Licenses	Fees
a. Lifetime [sportsman] license INCLUDING A HUNTING LICENSE, FISHING LICENSE and turkey permit. If purchased, for a child four years of age or younger	\$380.00
for a child age five through eleven years of age	\$535.00
for a person age twelve through sixty-nine years of age	\$765.00
for a person age seventy and over.	\$65.00
b. Lifetime [small and big game] HUNTING license.	\$535.00
c. Lifetime fishing license for a person age sixty-nine or younger.	\$460.00
d. Lifetime fishing license for a person age seventy and over.	\$ 65.00
e. Lifetime trapping license.	\$395.00
f. Lifetime archery [stamp] PRIVILEGE.	\$235.00
g. Lifetime muzzle-loading [stamp] PRIVILEGE.	\$235.00
[j.] H. For transfer to a person pursuant to section 11-0704 of this title	\$50.00

The holder of a lifetime [small and big game] HUNTING license or LIFE-TIME fishing license may, at any time, convert such license to a lifetime [sportsman] license [and turkey permit] PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION for an additional fee equal to the [existing differential] DIFFERENCE BETWEEN THE CURRENT FEE FOR THE NEW LICENSE AND THE FEE ORIGINALLY PAID FOR THE LICENSE.

2. Legal residency within the state of New York shall be a prerequisite for persons to obtain, or have obtained for them, any lifetime licenses included within this section. Lifetime licenses so obtained shall continue to be valid for use within the state by the person to whom the lifetime license was issued, regardless of a change in residency of that lifetime license holder. Holders of lifetime HUNTING licenses

1 [which include lifetime big game privileges] who become non-residents of
2 the state may continue to obtain resident bowhunting and muzzle-loading
3 [stamps] PRIVILEGES, including lifetime archery and muzzle-loading
4 [stamps] PRIVILEGES. Holders of lifetime [licenses which include]
5 bowhunting and muzzle-loading privileges who become non-residents of the
6 state may continue to obtain resident [big game] HUNTING privileges,
7 including ANY lifetime [sportsman or small and big game licenses. An
8 annual turkey permit will be granted at no additional fee as an addi-
9 tional privilege of all existing lifetime sportsman licenses.] LICENSES
10 THAT INCLUDE ANY HUNTING PRIVILEGES. Possession of lifetime licenses is
11 nontransferable.

12 S 17. The section heading of section 11-0707 of the environmental
13 conservation law is amended to read as follows:
14 Exemptions from requirement of hunting, [big game,] fishing and trapping
15 licenses.

16 S 18. Subdivision 5 of section 11-1911 of the environmental conserva-
17 tion law, as amended by chapter 57 of the laws of 1993, is amended to
18 read as follows:

19 5. The holder of [a] ANY TYPE OF fishing[, three-day or five-day fish-
20 ing, combination free hunting-big game hunting-fishing or combined resi-
21 dent hunting, fishing and big game license or combined non-resident
22 hunting, fishing, big game, bowhunting and muzzle-loading] license, or a
23 person entitled to exercise the privileges of such a license, may, with
24 the permission of the licensee, take fish by angling from the licensed
25 pond provided the holder complies with the provisions of title 13 of the
26 Fish and Wildlife Law, with respect to open seasons, minimum size limits
27 and daily and seasonal possession limits.

28 S 19. Subdivision 8 of section 71-0921 of the environmental conserva-
29 tion law, as amended by chapter 595 of the laws of 1984, is amended to
30 read as follows:

31 8. Making a false statement in applying for a license, [stamp] PRIVI-
32 LEGE or permit under the Fish and Wildlife Law, or for a certificate in
33 lieu of a lost license or [stamp] PRIVILEGE or a duplicate [big game]
34 HUNTING license tag under title 7 of article 11 of this chapter. Each
35 such misdemeanor shall be punishable by imprisonment for not more than
36 three months, or by a fine of not more than two hundred dollars, or by
37 both such imprisonment and fine. In addition, the department may imme-
38 diately revoke the license, [stamp] PRIVILEGE, permit or certificate for
39 which application was made for the remainder of its effective term.

40 S 20. Paragraph (a) of subdivision 3 of section 11-0327 of the envi-
41 ronmental conservation law, as amended by section 4 of part F of chapter
42 82 of the laws of 2002, is amended to read as follows:

43 (a) To review the allocations and expenditures of the department for
44 fish and wildlife purposes as provided in section 11-0303 of this title
45 and report to the commissioner by November fifteenth of each year. To
46 assist the board in its review, the department shall by September first
47 of each year make available to the board, the governor and the legisla-
48 ture current and anticipated income and expenditures for the fish and
49 wildlife programs, including planned expenditures by time and activity
50 code for the next fiscal year. Such report shall include the findings of
51 the advisory board regarding such allocations and expenditures, includ-
52 ing expenditures and appropriations from the conservation fund and the
53 extent to which such expenditures and appropriations are consistent with
54 the requirements of state law. The report shall also include recommended
55 maximum annual fees for the licenses and [stamps] BOWHUNTING AND/OR
56 MUZZLE-LOADING PRIVILEGES identified in subdivision 3 of section 11-0715

1 of this article. In recommending such fees the board shall consider
2 economic indicators, the status of the conservation fund, and such
3 program indicators as it may deem appropriate. The commissioner shall
4 submit such report, in its entirety, to the governor and the legisla-
5 ture.

6 S 21. Section 11-0705 of the environmental conversation law, the
7 section heading, paragraph a of subdivision 1 and subdivision 3 as
8 amended by chapter 57 of the laws of 1993, paragraph b of subdivision 1
9 as amended by chapter 189 of the laws of 1992, paragraphs a, b and d of
10 subdivision 2 as amended by section 24 of part F of chapter 82 of the
11 laws of 2002, is amended to read as follows:

12 S 11-0705. Failure to carry license, tag or [stamp] BOWHUNTING AND/OR
13 MUZZLE-LOADING PRIVILEGES.

14 1. a. The holder of a license, tag [or stamp], BOWHUNTING PRIVILEGE OR
15 MUZZLE-LOADING PRIVILEGE defined in section 11-0701 OF THIS TITLE shall:

16 (1) have such license, tag or [stamp] PRIVILEGE on the holder's person
17 while exercising any privilege of that license stated in section 11-0701
18 OF THIS TITLE, or while assisting or accompanying a minor in hunting as
19 provided in section 11-0929 OF THIS ARTICLE, and

20 (2) [if a stamp is required to be affixed to the license it shall be
21 so affixed; and

22 b.] shall exhibit it on demand to any police officer, peace officer or
23 owner, lessee or person in control of the lands or waters or the desig-
24 nees of the owner, lessee or person in control of the lands or waters on
25 which the license holder is present[; and

26 c. if a button was issued with the license he shall wear such button
27 in plain sight].

28 2. a. Holders of a HUNTING license [which authorizes the holder to
29 hunt wildlife other than big game,] while exercising the privileges of
30 such license, shall have the back tag issued with their license attached
31 to and displayed on the back of the outer garment between the shoulders
32 in such manner that all figures are plainly visible at all times.

33 b. [Holders of a license which authorizes the holder to hunt big game,
34 while hunting wild deer or bear, shall have the back tag issued with
35 their license so attached and displayed.

36 c.] The license tag for the current year only shall be displayed.

37 [d.] C. Notwithstanding the provisions of paragraphs a[,] AND b [and
38 c] of this subdivision, a license holder shall not be required to
39 display such license tag in the Northern Zone or the Catskill Park.

40 3. Failure of a licensee to have the holder's license, tag or license
41 with [stamp affixed] BOWHUNTING AND/OR MUZZLE-LOADING PRIVILEGE
42 INCLUDED, on the holder's person while [exercising any privilege of the
43 license, tag or license and stamp, and to wear in plain sight any button
44 issued with the license while so doing] HUNTING, FISHING OR TRAPPING, is
45 presumptive evidence that the holder is hunting, fishing or trapping, as
46 the case may be, without holding the license, tag or license and [stamp]
47 BOWHUNTING OR MUZZLE-LOADING PRIVILEGE required by subdivision 6 of
48 section 11-0703 OF THIS TITLE.

49 S 22. Section 11-0706 of the environmental conservation law, as added
50 by section 1 of part FF of chapter 58 of the laws of 2012, is amended to
51 read as follows:

52 S 11-0706. Gift cards for hunting and fishing licenses.

53 1. The commissioner is authorized to establish gift cards for the
54 licenses and [stamps] BOWHUNTING AND MUZZLE-LOADING PRIVILEGES set forth
55 in section 11-0701 of this title.

1 2. For the purposes of this title, the term "gift card" shall mean a
2 restricted monetary equivalent or voucher that, when redeemed by the
3 holder, entitles such person to a valid license or [stamp] BOWHUNTING
4 AND/OR MUZZLE-LOADING PRIVILEGE as set forth in section 11-0701 of this
5 title.

6 S 23. Subdivision 13 of section 11-0901 of the environmental conserva-
7 tion law, as added by chapter 486 of the laws of 1985, is amended to
8 read as follows:

9 13. Persons engaged in hunting deer and/or bear with a longbow must
10 possess a current bowhunting [stamp] PRIVILEGE or a valid certificate of
11 qualification in responsible bowhunting practices issued or honored by
12 the department.

13 S 24. Subdivision 6 of section 11-0931 of the environmental conserva-
14 tion law, as amended by chapter 97 of the laws of 1978, is amended to
15 read as follows:

16 6. No person while engaged in hunting deer or bear pursuant to a
17 bowhunting [stamp] PRIVILEGE, and no person accompanying him OR HER or a
18 member of his OR HER party, while he OR SHE is so engaged during a
19 special longbow season, shall have in his OR HER possession a firearm of
20 any kind, and no person while engaged in hunting deer or bear pursuant
21 to a muzzle-loading [stamp] PRIVILEGE, and no person accompanying him OR
22 HER or a member of his OR HER party, while he OR SHE is so engaged
23 during a special muzzle-loading firearm season, shall have in his OR HER
24 possession a firearm of any kind other than a muzzle-loading firearm.

25 S 25. Subdivision 4 of section 11-1201 of the environmental conserva-
26 tion law, as amended by section 52 of part F of chapter 82 of the laws
27 of 2002, is amended to read as follows:

28 4. "License to hunt", ["stamp to hunt",] or "permit to hunt" means any
29 license, permit, or other privilege granted pursuant to section 11-0701
30 of this article which authorizes the holder to hunt wildlife.

31 S 26. Paragraph a of subdivision 1 of section 11-0719 of the environ-
32 mental conservation law, as amended by chapter 176 of the laws of 1987,
33 is amended to read as follows:

34 a. In the circumstances described in paragraph b OF THIS SUBDIVISION
35 the department may revoke any license [or stamp], BOWHUNTING PRIVILEGE,
36 OR MUZZLE-LOADING PRIVILEGE, of any person, to hunt, fish or trap,
37 defined in section 11-0701 OF THIS TITLE or issued pursuant to any
38 provision of the Fish and Wildlife Law, or it may revoke all of such
39 licenses [or stamps], BOWHUNTING PRIVILEGES, OR MUZZLE-LOADING PRIVI-
40 LEGES. It may also deny such person, for a period not exceeding five
41 years, the privilege of obtaining such license or licenses [or stamp or
42 stamps], BOWHUNTING PRIVILEGE, OR MUZZLE-LOADING PRIVILEGE, or of hunt-
43 ing, trapping or fishing, anywhere in the state with or without license
44 [or stamp], BOWHUNTING PRIVILEGE, OR MUZZLE-LOADING PRIVILEGE, except as
45 provided in subdivision 1 of section 11-0707 OF THIS TITLE or in section
46 11-0523 OF THIS ARTICLE. It may also require that such person success-
47 fully complete a department-sponsored course and obtain a certificate of
48 qualification in responsible hunting, responsible bowhunting or respon-
49 sible trapping practices before being issued another license.

50 S 27. Subdivision 2 of section 11-0719 of the environmental conserva-
51 tion law, paragraph a as amended by chapter 119 of the laws of 1999, the
52 opening paragraph of paragraph a as amended by section 33 of part F of
53 chapter 82 of the laws of 2002, paragraph b as amended by chapter 269 of
54 the laws of 1975, paragraph c as amended by chapter 176 of the laws of
55 1987, and paragraph d as amended by chapter 595 of the laws of 1984, is
56 amended to read as follows:

1 2. a. The department may revoke the licenses, tags, [and stamps]
2 BOWHUNTING PRIVILEGES, OR MUZZLE-LOADING PRIVILEGES, which authorize the
3 holder to hunt and/or trap wildlife, and may deny the privilege of
4 obtaining such licenses, tags, [and stamps] BOWHUNTING PRIVILEGES, OR
5 MUZZLE-LOADING PRIVILEGES, and may deny the privileges of hunting and/or
6 trapping with or without a license.
7 (1) of any person who, while engaged in hunting or trapping,
8 (i) causes death or injury to another by discharging a firearm or
9 longbow, or
10 (ii) so negligently discharges a firearm or longbow as to endanger the
11 life or safety of another, or
12 (iii) so negligently and wantonly discharges a firearm or longbow as
13 to destroy or damage public or private property; or
14 (2) of any agent of the department authorized to issue certificates of
15 qualification in responsible hunting, bowhunting, or trapping practices
16 who improperly issues any such certification to a person whom he has not
17 trained, or whom he knows has not satisfactorily completed all of the
18 requirements necessary for such certification.
19 b. Action by the department resulting in the revocation of such
20 license or denial of the privilege to hunt and trap as provided in this
21 subdivision shall be only after a hearing held by the department upon
22 notice to the offender, at which proof of facts indicating the violation
23 is established to the satisfaction of the commissioner or of the hearing
24 officer designated by him and concurred in by the commissioner. Provided
25 that where a person, while hunting, causes death or injury to any person
26 by discharge of a firearm or longbow, the commissioner may, in his
27 discretion, suspend such person's license or licenses to hunt and
28 suspend such person's right to hunt without a license for a period of up
29 to sixty days pending a hearing as provided for in this subdivision.
30 c. In case such discharge of a firearm or longbow causes death or
31 injury to another, the license or licenses, BOWHUNTING PRIVILEGE, AND
32 MUZZLE-LOADING PRIVILEGE shall be revoked and the [privilege of obtain-
33 ing] ABILITY TO OBTAIN any such license and of hunting or of trapping
34 anywhere in the state with or without a license denied, for a period not
35 exceeding ten years, except that no revocation shall be made in cases in
36 which facts established at the hearing indicate to the satisfaction of
37 the commissioner that there was no negligence on the part of the shooter
38 or bowman. In all other cases the license or licenses, BOWHUNTING PRIVI-
39 LEGE, OR MUZZLE-LOADING PRIVILEGE, shall be revoked and the privilege of
40 obtaining such license, BOWHUNTING PRIVILEGE, OR MUZZLE-LOADING PRIVI-
41 LEGE, and of hunting or of trapping anywhere in the state with or with-
42 out a license denied for a period not exceeding five years. The depart-
43 ment may also require that the person causing such death or injury
44 successfully complete a department-sponsored course and obtain a certif-
45 icate of qualification in responsible hunting or bowhunting practices
46 before being issued another hunting license.
47 d. Every person injuring himself, herself or another person in a hunt-
48 ing accident, as such term is defined in subdivision 25 of section
49 11-0103 of this [chapter] ARTICLE, and the investigating law enforcement
50 officer summoned to or arriving at the scene of such accident shall
51 within ten days from the occurrence of such accident file a report of
52 the accident in writing with the department. Every such person or law
53 enforcement officer shall make such other and additional reports as the
54 department shall require. Failure to report such accident as herein
55 provided by the person causing injury or to furnish relevant information
56 required by the department shall be a violation and shall constitute

1 grounds for suspension or revocation of such person's hunting licenses
2 AND BOWHUNTING AND MUZZLE-LOADING PRIVILEGES and denial of the [privi-
3 lege of obtaining] ABILITY TO OBTAIN any such license and of hunting
4 with or without a license following a hearing or opportunity to be
5 heard. In addition, the department may temporarily suspend the license
6 of the person failing to report a hunting accident within the period
7 prescribed herein until such report has been filed. In the case of a
8 non-resident, the failure to report an accident as herein provided shall
9 constitute grounds for suspension or revocation of his or her privileges
10 of hunting within this state. The report required by this section shall
11 be made in such form and number as the department may prescribe.

12 S 28. Subdivisions 3 and 5 of section 11-0719 of the environmental
13 conservation law, subdivision 3 as amended by chapter 25 of the laws of
14 2011, are amended to read as follows:

15 3. A [junior] hunting license issued to a person who is at least
16 twelve and less than sixteen years of age or a [junior archery license]
17 HUNTING LICENSE WITH BOWHUNTING PRIVILEGE issued to a person who is
18 between the ages of twelve and sixteen years may be revoked by the
19 department upon proof satisfactory to the department that such person,
20 while under the age of sixteen, has engaged in hunting wildlife with a
21 gun or longbow, in circumstances in which a license AND/OR BOWHUNTING OR
22 MUZZLE-LOADING PRIVILEGE is required, while not accompanied by his or
23 her parent, guardian or other adult as provided in section 11-0929 of
24 this article. If such license or privilege is revoked the department
25 shall fix the period of such revocation, which is not to exceed six
26 years. The department may require that such person successfully complete
27 a department sponsored course and obtain a certificate of qualification
28 in responsible hunting or responsible bowhunting practices before being
29 issued another hunting or bowhunting license.

30 5. When the department has revoked a license, or has denied to any
31 person the [privilege of obtaining] ABILITY TO OBTAIN a license, or of
32 hunting, trapping or fishing without a license, it shall cause the fact
33 of such revocation or denial, or both, as the case may be, and the terms
34 and extent thereof, to be entered in the minutes of the department, and
35 shall forthwith send a written notice of its action as so entered in the
36 minutes to the person affected, at his last known address, either by
37 registered or certified mail or by delivery personally by a represen-
38 tative of the department. Within five days after service of such notice,
39 such person shall deliver to the department the license or licenses
40 revoked, together with any [buttons or] tags issued in connection with
41 them. If the license was one entitling the holder to [the privilege of
42 several licenses,] A BOWHUNTING OR MUZZLE-LOADING PRIVILEGE and the
43 revocation concerned some but not all of such privileges, any license,
44 [button] or tag so delivered shall be returned by the department to the
45 person to whom it was issued, appropriately marked or stamped to show
46 the extent to which it is revoked.

47 S 29. Subdivisions 3, 4, and 5 of section 11-1205 of the environmental
48 conservation law, as added by chapter 726 of the laws of 1977, are
49 amended to read as follows:

50 3. If such person, having been placed under arrest or after a breath
51 test indicates the presence of alcohol in his system and having there-
52 after been requested to submit to chemical test, refuses to submit to
53 such chemical test, the test shall not be given, and a report of such
54 refusal shall be forwarded by the officer under whose direction the test
55 was requested to the department of environmental conservation within
56 seventy-two hours and the department shall revoke all licenses, [stamps]

1 BOWHUNTING PRIVILEGES, MUZZLE-LOADING PRIVILEGES, and permits to hunt
2 which such person may possess; provided, however, that such revocation
3 shall become effective only after a hearing held by the department upon
4 notice to such person, unless such hearing is waived by such person.

5 4. A license, [stamp] BOWHUNTING PRIVILEGE, MUZZLE-LOADING PRIVILEGE,
6 or permit to hunt may, upon the basis of a report, verified as herein-
7 after provided, of the administering officer that he had reasonable
8 grounds to believe such person to have been engaged in conduct in
9 violation of any subdivision of section 11-1203 of this title and that
10 said person had refused to submit to such test, be temporarily suspended
11 without notice pending the determination upon any such hearing. Such
12 report may be verified by having the report sworn to, or by affixing to
13 such report a form notice that false statements made therein are punish-
14 able as a class A misdemeanor pursuant to section 210.45 of the penal
15 law and such form notice together with the signature of the deponent
16 shall constitute a verification of the report.

17 5. No license, [stamp] BOWHUNTING PRIVILEGE, MUZZLE-LOADING PRIVILEGE,
18 or permit to hunt shall be revoked because of a refusal to submit to
19 such chemical test if the hearing officer is satisfied that the person
20 requested to submit to such chemical test had not been warned prior to
21 such refusal to the effect that a refusal to submit to such chemical
22 test may result in the revocation of such license, [stamp] BOWHUNTING
23 PRIVILEGE, MUZZLE-LOADING PRIVILEGE, or permit to hunt whether or not he
24 is found guilty of the charge for which he has been arrested.

25 S 30. Subdivision 3 of section 11-1209 if the environmental conserva-
26 tion law, as added by chapter 726 of the laws of 1977, is amended to
27 read as follows:

28 3. Notwithstanding any provision in section 11-1205 of this title, the
29 department [of environmental conservation] may revoke, for a period not
30 exceeding two years, any or all licenses, [stamps] BOWHUNTING PRIVI-
31 LEGES, MUZZLE-LOADING PRIVILEGES, or permits to hunt of any person who
32 violates any subdivision of section 11-1203 of this title. Action by the
33 department resulting in such revocation shall become effective only
34 after a hearing held by the department upon notice to such person, at
35 which proof of facts indicating the violation is established to the
36 satisfaction of the commissioner, or of the hearing officer and
37 concurred in by the commissioner. A person whose license to hunt has
38 been revoked as provided in this subdivision is ineligible for such
39 license during the period determined by the department as provided in
40 this section. No such person shall, during such period, procure any
41 license for which he is ineligible. No person shall without license hunt
42 or trap during any period in which the privilege to do so has been
43 denied him by the department as provided in this section. When the
44 department has revoked a license, or has denied to any person the [priv-
45 ilege of obtaining] ABILITY TO OBTAIN a license, it shall cause the fact
46 of such revocation or denial, or both, as the case may be, and the terms
47 and extent thereof, to be entered in the minutes of the department, and
48 shall forthwith send a written notice of its action as so entered in the
49 minutes to the person affected, at his last known address, either by
50 registered or certified mail or by delivery personally by a represen-
51 tative of the department. Within five days after service of such notice,
52 such person shall deliver to the department the license or licenses
53 revoked, together with any [buttons] BOWHUNTING PRIVILEGES, MUZZLE-LOAD-
54 ING PRIVILEGES or tags issued in connection with them. If the license
55 was one entitling the holder to the privilege of several licenses, and
56 the revocation concerned some but not all of such privileges, any

1 license, [button] BOWHUNTING PRIVILEGE, MUZZLE-LOADING PRIVILEGE or tag
2 so delivered shall be returned by the department to the person to whom
3 it was issued, appropriately marked or stamped to show the extent to
4 which it is revoked.

5 S 31. Paragraph d of subdivision 1 of section 71-0919 of the environ-
6 mental conservation law, as amended by chapter 640 of the laws of 1977,
7 is amended to read as follows:

8 d. In the cases provided in sections 11-0719 and 11-2115, is liable to
9 revocation of licenses to hunt, fish or trap OR FOR BOWHUNTING PRIVILEGE
10 OR MUZZLE-LOADING PRIVILEGE, disqualification for such licenses AND/OR
11 FOR BOWHUNTING PRIVILEGE OR MUZZLE-LOADING PRIVILEGE and denial of the
12 [privilege of] ABILITY TO OBTAIN ANY hunting, fishing or trapping
13 LICENSE AND BOWHUNTING PRIVILEGE AND MUZZLE-LOADING PRIVILEGE, as
14 provided in those sections; and

15 S 32. This act shall take effect February 1, 2014; provided, however,
16 that the amendments to paragraph c of subdivision 1 of section 11-0907
17 of the environmental conservation law made by section seven of this act
18 and the amendments to paragraph a of subdivision 3 of section 11-0907 of
19 the environmental conservation law made by section nine of this act
20 shall not affect the expiration of such paragraphs pursuant to section
21 13 of chapter 600 of the laws of 1993, as amended, when upon such date
22 sections eight and ten of this act shall take effect, and provided
23 further, that the amendments to section 9 of part AA of chapter 60 of
24 the laws of 2011 made by section fifteen of this act shall take effect
25 immediately.

26

PART S

27 Section 1. Legislative findings. The legislature hereby finds and
28 determines:

29 1. In 2011 and 2012, three storms of enormous magnitude - Hurricane
30 Irene, Tropical Storm Lee and Superstorm Sandy - each battered New York,
31 causing billions of dollars of damage to roads, buildings and other
32 infrastructure. The three storms collectively resulted in millions of
33 residential, business and industrial customers of electric utilities
34 losing electricity for extended periods of time.

35 2. Each of these storms caused, among other things, a disruption in
36 the distribution and supply of motor fuels, and in the case of Super-
37 storm Sandy, downstate motorists were unable to obtain routine supplies
38 of fuel for several weeks.

39 3. In addition, temporary fuel distribution disruptions associated
40 with the aftermath of a storm can result in emergency vehicles and
41 responders unable to adequately address ongoing public safety and health
42 emergencies, delay an appropriate response to infrastructure damages
43 caused by a storm, and otherwise disrupt commerce in the state due to
44 difficulty to obtain readily available motor fuels.

45 4. On November 15, 2012, in response to Superstorm Sandy, Governor
46 Andrew M. Cuomo announced the creation of the NYS Ready Commission and
47 tasked it with finding ways to ensure critical systems and services are
48 prepared for future natural disasters and other emergencies. As related
49 to this act, the Commission was tasked with addressing vulnerabilities
50 in the state's energy systems.

51 5. The NYS Ready Commission recommended, among other things, to
52 require that retail gasoline outlets located in strategic locations have
53 on-site back-up power capacity to ensure that such outlets can continue
54 fuel sales operations during a long-term electric outage. The purpose of

1 this act is to ensure that the state is better situated in the future to
2 address the temporary disruption of retail fuel supplies.

3 S 2. The agriculture and markets law is amended by adding a new
4 section 192-h to read as follows:

5 S 192-H. ALTERNATE GENERATED POWER SOURCE AT RETAIL GASOLINE OUTLETS.

6 1. DEFINITIONS. WHEN USED IN THIS SECTION:

7 (A) "ALTERNATE GENERATED POWER SOURCE" MEANS ELECTRIC GENERATING
8 EQUIPMENT THAT IS OF A CAPACITY THAT IS CAPABLE OF PROVIDING ADEQUATE
9 ELECTRICITY TO OPERATE ALL DISPENSERS, DISPENSING EQUIPMENT, LIFE SAFETY
10 SYSTEMS AND PAYMENT-ACCEPTANCE EQUIPMENT LOCATED AT A RETAIL OUTLET AND
11 WHICH CAN OPERATE INDEPENDENT OF THE LOCAL ELECTRIC UTILITY DISTRIBUTION
12 SYSTEM AND PROVIDE ELECTRICITY DURING A GENERAL POWER OUTAGE OR DECLARED
13 ENERGY OR FUEL SUPPLY EMERGENCY TO OPERATE THE SYSTEMS NAMED HEREIN.

14 (B) "CHAIN OF RETAIL OUTLETS" MEANS A NETWORK OF SUBSIDIARIES OR
15 AFFILIATES, UNDER DIRECT OR INDIRECT COMMON CONTROL, THAT OPERATE TEN OR
16 MORE RETAIL OUTLETS LOCATED IN A SINGLE DOWNSTATE REGION; PROVIDED,
17 HOWEVER THAT THIS TERM DOES NOT INCLUDE ANY FRANCHISOR OF THE BRAND OF
18 MOTOR FUEL BEING SOLD AT SUCH OUTLET, EXCEPT IF SUCH FRANCHISOR OWNS
19 SUCH OUTLET.

20 (C) "CONTROLLED ACCESS HIGHWAY" MEANS EVERY HIGHWAY, STREET, OR ROAD-
21 WAY IN RESPECT TO WHICH OWNERS OR OCCUPANTS OF ABUTTING LANDS AND OTHER
22 PERSONS HAVE NO LEGAL RIGHT OF ACCESS TO OR FROM THE SAME EXCEPT AT SUCH
23 POINTS ONLY AND IN SUCH MANNER AS MAY BE DETERMINED BY THE PUBLIC
24 AUTHORITY HAVING JURISDICTION OVER SUCH HIGHWAY, STREET, OR ROADWAY.

25 (D) "DIESEL MOTOR FUEL" MEANS ANY FUEL SOLD IN THIS STATE AND FOR USE
26 IN DIESEL ENGINES WHICH IS COMMERCIALY KNOWN OR OFFERED FOR SALE AS
27 DIESEL MOTOR FUEL.

28 (E) "DISPENSER" MEANS A DEVICE LOCATED AT A RETAIL OUTLET THAT IS USED
29 TO PUMP MOTOR FUEL FROM AN ABOVE-GROUND OR UNDERGROUND STORAGE TANK INTO
30 A MOTOR VEHICLE.

31 (F) "DOWNSTATE REGION" MEANS EACH OF THE FOLLOWING REGIONS OF THE
32 STATE:

33 (I) LONG ISLAND REGION: INCLUDES NASSAU AND SUFFOLK COUNTIES.

34 (II) LOWER MID-HUDSON REGION: INCLUDES ROCKLAND AND WESTCHESTER COUN-
35 TIES.

36 (III) NEW YORK CITY REGION: INCLUDES BRONX, KINGS, NEW YORK, QUEENS
37 AND RICHMOND COUNTIES.

38 (G) "EVACUATION ROUTE" MEANS THOSE ROADS DESIGNATED BY EACH COUNTY
39 THAT ARE TO BE USED BY MOTORISTS IN CASE OF A HURRICANE OR OTHER NATURAL
40 DISASTER.

41 (H) "FRANCHISOR" MEANS A PERSON OR COMPANY THAT GRANTS A FRANCHISE TO
42 A FRANCHISEE.

43 (I) "GASOLINE" MEANS ANY FUEL SOLD IN THIS STATE FOR USE IN INTERNAL
44 COMBUSTION ENGINES WHICH IS COMMERCIALY KNOWN OR OFFERED FOR SALE AS
45 GASOLINE, WHETHER OR NOT BLENDED WITH ETHANOL OR OTHER CHEMICALS.

46 (J) "MOTOR FUEL" MEANS ANY PETROLEUM PRODUCT, INCLUDING ANY GASOLINE
47 OR DIESEL MOTOR FUEL, WHICH IS USED FOR THE PROPULSION OF MOTOR VEHI-
48 CLES.

49 (K) "RETAILER" MEANS ANY PERSON WHO OWNS, OPERATES, OR CONTROLS A
50 RETAIL OUTLET THAT IS SUBJECT TO THE REQUIREMENTS OF SUBDIVISION TWO OF
51 THIS SECTION.

52 (L) "RETAIL OUTLET" MEANS A FACILITY, INCLUDING ALL LAND, IMPROVEMENTS
53 AND ASSOCIATED STRUCTURES AND EQUIPMENT, THAT DISPENSES MOTOR FUEL FOR
54 SALE TO THE GENERAL PUBLIC.

1 2. PREWIRING AND TRANSFER SWITCH. (A) RETAIL OUTLETS IN THE DOWNSTATE
2 REGION SHALL BE PREWIRED WITH AN APPROPRIATE TRANSFER SWITCH FOR USING
3 AN ALTERNATE GENERATED POWER SOURCE AT SUCH RETAIL OUTLETS AS FOLLOWS:

4 (I) EACH RETAIL OUTLET IN OPERATION ON THE EFFECTIVE DATE OF THIS
5 SECTION THAT IS LOCATED WITHIN ONE-HALF MILE BY ROAD MEASUREMENT FROM AN
6 EXIT ROAD ON A CONTROLLED ACCESS HIGHWAY OR FROM AN EVACUATION ROUTE
7 SHALL BE PREWIRED BY NO LATER THAN APRIL FIRST, TWO THOUSAND FOURTEEN;

8 (II) EACH RETAIL OUTLET BEGINNING OPERATION AFTER THE EFFECTIVE DATE
9 OF THIS SECTION AND BEFORE APRIL FIRST, TWO THOUSAND FOURTEEN THAT IS
10 LOCATED WITHIN ONE-HALF MILE BY ROAD MEASUREMENT FROM AN EXIT ROAD ON A
11 CONTROLLED ACCESS HIGHWAY OR FROM AN EVACUATION ROUTE SHALL BE PREWIRED
12 BY NO LATER THAN APRIL FIRST, TWO THOUSAND FIFTEEN;

13 (III) EACH RETAIL OUTLET THAT IS LOCATED WITHIN ONE-HALF MILE BY ROAD
14 MEASUREMENT FROM AN EVACUATION ROUTE THAT IS DESIGNATED AS SUCH AFTER
15 THE EFFECTIVE DATE OF THIS SECTION OR WITHIN ONE-HALF MILE BY ROAD MEAS-
16 UREMENT FROM AN EXIT ROAD THAT IS ESTABLISHED AFTER THE EFFECTIVE DATE
17 OF THIS SECTION SHALL BE PREWIRED WITHIN ONE YEAR OF SUCH DESIGNATION OR
18 ESTABLISHMENT PROVIDED THAT FUNDING IS AVAILABLE AT SUCH TIME FOR THE
19 PROGRAM ESTABLISHED UNDER SUBDIVISION TWENTY OF SECTION EIGHTEEN HUNDRED
20 FIFTY-FOUR OF THE PUBLIC AUTHORITIES LAW; AND

21 (IV) THIRTY PERCENT OF ALL RETAIL OUTLETS THAT ARE PART OF A CHAIN OF
22 RETAIL OUTLETS, EXCLUSIVE OF THOSE INCLUDED IN SUBPARAGRAPHS (I), (II)
23 AND (III) OF THIS PARAGRAPH, SHALL BE PREWIRED BY NO LATER THAN AUGUST
24 FIRST, TWO THOUSAND FIFTEEN, PROVIDED, HOWEVER, IN THE CASE OF AN EXIST-
25 ING RETAIL OUTLET THAT BECOMES PART OF A CHAIN OF RETAIL OUTLETS AFTER
26 THE EFFECTIVE DATE OF THIS SECTION AND THAT HAS BEEN DESIGNATED BY THE
27 CHAIN AS AN OUTLET COMPRISING SUCH THIRTY PERCENT, BY NO LATER THAN
28 AUGUST FIRST, TWO THOUSAND FIFTEEN OR ONE YEAR AFTER BECOMING PART OF
29 SUCH CHAIN, WHICHEVER IS LATER, AND PROVIDED FURTHER, IN THE CASE OF A
30 RETAIL OUTLET THAT IS PART OF A CHAIN OF RETAIL OUTLETS, IS PART OF SUCH
31 THIRTY PERCENT AND IS SUBJECT TO PARAGRAPH (B) OF THIS SUBDIVISION AS
32 REQUIRED IN PARAGRAPH (B) OF THIS SUBDIVISION.

33 (B) EACH RETAIL OUTLET FOR WHICH A BUILDING PERMIT IS ISSUED ON OR
34 AFTER APRIL FIRST, TWO THOUSAND FOURTEEN FOR NEW CONSTRUCTION OR FOR
35 SUBSTANTIAL DEMOLITION AND RECONSTRUCTION, SHALL BE PREWIRED WITH AN
36 APPROPRIATE TRANSFER SWITCH FOR USING AN ALTERNATE GENERATED POWER
37 SOURCE.

38 (C) SUCH TRANSFER SWITCH AND ALL ASSOCIATED ELECTRICAL WIRING SHALL BE
39 INSTALLED, OPERATED, AND MAINTAINED IN COMPLIANCE WITH ALL APPLICABLE
40 PROVISIONS OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING
41 CODE OR ANY APPLICABLE LOCAL BUILDING CODE OR STANDARD. INSTALLATION OF
42 APPROPRIATE WIRING AND TRANSFER SWITCHES SHALL BE PERFORMED BY A
43 LICENSED ELECTRICAL CONTRACTOR.

44 (D) EACH RETAILER SHALL KEEP ON FILE AT THE RETAIL OUTLET A WRITTEN
45 STATEMENT IN A FORM APPROVED BY THE DEPARTMENT AND CONTAINING AN ATTES-
46 TATION BY A LICENSED ELECTRICIAN THAT THE WIRING AND TRANSFER SWITCH
47 WERE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS. IN
48 ADDITION, EACH SUCH RETAILER SHALL MAINTAIN THE WIRING AND TRANSFER
49 SWITCH IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS.

50 (E) EACH RETAIL OUTLET IN OPERATION ON THE EFFECTIVE DATE OF THIS
51 SECTION THAT SOLD LESS THAN SEVENTY-FIVE THOUSAND GALLONS OF MOTOR FUEL
52 PER MONTH ON AVERAGE FOR THE PERIOD THEY WERE IN OPERATION DURING THE
53 TWELVE MONTHS PRIOR TO THE EFFECTIVE DATE SHALL BE EXEMPT FROM THE
54 REQUIREMENTS OF THIS SUBDIVISION.

55 3. EMERGENCY DEPLOYMENT. IN THE EVENT THAT A DECLARATION OF AN ENERGY
56 OR FUEL SUPPLY EMERGENCY ISSUED BY THE GOVERNOR, THE COUNTY EXECUTIVE OF

1 A COUNTY IN THE DOWNSTATE REGION OR THE MAYOR OF A CITY WITH A POPU-
2 LATION IN EXCESS OF ONE MILLION INHABITANTS IS IN EFFECT, A RETAILER OF
3 A RETAIL OUTLET WITHIN ANY SUCH COUNTY OR CITY FOR WHICH SUCH DECLARA-
4 TION WAS ISSUED SHALL DEPLOY AND INSTALL AN ALTERNATE GENERATED POWER
5 SOURCE AS FOLLOWS:

6 (A) FOR A RETAIL OUTLET SUBJECT TO THE REQUIREMENTS OF: (I) SUBPARA-
7 GRAPHS (I), (II) OR (III) OF PARAGRAPH (A) OF SUBDIVISION TWO OF THIS
8 SECTION OR (II) PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION THAT IS
9 LOCATED IN THE DOWNSTATE REGION AND THAT IS LOCATED WITHIN ONE-HALF MILE
10 BY ROAD MEASUREMENT FROM AN EXIT ROAD ON A CONTROLLED ACCESS HIGHWAY OR
11 FROM AN EVACUATION ROUTE, WITHIN TWENTY-FOUR HOURS OF SUCH DECLARATION,
12 IF SUCH OUTLET IS WITHOUT POWER AT THE TIME OF SUCH DECLARATION.
13 PROVIDED, HOWEVER, IF ANY SUCH OUTLET LOSES POWER FOLLOWING SUCH DECLA-
14 RATION AND WHILE THE DECLARATION IS STILL IN EFFECT, THEN THE ALTERNATE
15 GENERATED POWER SOURCE SHALL BE DEPLOYED AND INSTALLED WITHIN
16 TWENTY-FOUR HOURS OF SUCH LOSS OF POWER.

17 (B) FOR A RETAIL OUTLET PREWIRED PURSUANT TO THE REQUIREMENTS OF
18 SUBPARAGRAPH (IV) OF PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION,
19 WITHIN FORTY-EIGHT HOURS OF SUCH DECLARATION, IF SUCH OUTLET IS WITHOUT
20 POWER AT THE TIME OF SUCH DECLARATION. PROVIDED, HOWEVER, IF ANY SUCH
21 OUTLET LOSES POWER FOLLOWING SUCH DECLARATION AND WHILE THE DECLARATION
22 IS STILL IN EFFECT, THEN THE ALTERNATE GENERATED POWER SOURCE SHALL BE
23 DEPLOYED AND INSTALLED WITHIN FORTY-EIGHT HOURS OF THE LOSS OF POWER.

24 3-A. DECLARATION OF ENERGY OR FUEL SUPPLY EMERGENCY. UPON ISSUANCE OF
25 A DECLARATION OF AN ENERGY OR FUEL SUPPLY EMERGENCY PURSUANT TO THIS
26 SUBDIVISION, A COUNTY EXECUTIVE OF A COUNTY IN THE DOWNSTATE REGION OR
27 MAYOR OF A CITY WITH A POPULATION IN EXCESS OF ONE MILLION INHABITANTS
28 WHO DECLARED SUCH EMERGENCY SHALL PROMPTLY NOTIFY THE PRESIDENT OF THE
29 NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, THE COMMIS-
30 SIONER OF HOMELAND SECURITY AND EMERGENCY SERVICES, AND IMPACTED RESI-
31 DENTS USING SUCH MEANS AS ARE PRACTICABLE AND EFFICIENT.

32 4. PLAN FOR ALTERNATE GENERATED POWER SOURCE. EACH RETAILER SUBJECT TO
33 SUBDIVISION THREE OF THIS SECTION SHALL BY THE DATE OF THE INSTALLATION
34 OF THE PREWIRING AND TRANSFER SWITCH REQUIRED UNDER SUBDIVISION TWO OF
35 THIS SECTION HAVE IN PLACE AT EACH APPLICABLE RETAIL OUTLET DOCUMENTA-
36 TION IN A FORM APPROVED BY THE DEPARTMENT DEMONSTRATING A PLAN TO DEPLOY
37 AND INSTALL AN ALTERNATE GENERATED POWER SOURCE LOCATED AT SUCH RETAIL
38 OUTLET AS REQUIRED UNDER SUBDIVISION THREE OF THIS SECTION. SUCH PLAN
39 SHALL TAKE ONE OF THE FOLLOWING FORMS:

40 (A) A RECEIPT OR OTHER DOCUMENTATION SHOWING OWNERSHIP OF SUCH POWER
41 SOURCE;

42 (B) FOR A RETAILER SUBJECT TO PARAGRAPH (A) OF SUBDIVISION THREE OF
43 THIS SECTION, DOCUMENTATION ATTESTING TO PARTICIPATION IN THE PROGRAM
44 ESTABLISHED UNDER SUBDIVISION TWENTY-ONE OF SECTION EIGHTEEN HUNDRED
45 FIFTY-FOUR OF THE PUBLIC AUTHORITIES LAW; OR

46 (C) A CONTRACT WITH A SUPPLIER OF SUCH POWER SOURCE PROVIDING FOR
47 DEPLOYMENT AND INSTALLATION OF SUCH POWER SOURCE IN COMPLIANCE WITH THE
48 REQUIREMENTS OF THIS SECTION, OR OTHER DOCUMENTATION DEMONSTRATING THE
49 RETAILER'S ABILITY TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION,
50 WHICH MAY INCLUDE THE GENERATOR DEPLOYMENT AND INSTALLATION PLAN OF A
51 CHAIN OF RETAIL OUTLETS.

52 5. INSPECTION; RECORDKEEPING; REPORTING. THE COMMISSIONER OR THE
53 COMMISSIONER'S DESIGNEE SHALL BE AUTHORIZED TO ENTER DURING REGULAR
54 BUSINESS HOURS UPON A RETAIL OUTLET SUBJECT TO THE REQUIREMENTS OF
55 SUBDIVISION TWO OF THIS SECTION FOR THE PURPOSE OF DETERMINING COMPLI-
56 ANCE WITH THE PROVISIONS OF THIS SECTION AND ANY RULES OR REGULATIONS

1 PROMULGATED HEREUNDER. ALL DOCUMENTS REQUIRED PURSUANT TO SUBDIVISIONS
2 TWO AND FOUR OF THIS SECTION SHALL BE MAINTAINED AT THE APPLICABLE
3 RETAIL OUTLET AND MADE AVAILABLE TO THE COMMISSIONER OR THE COMMISSION-
4 ER'S DESIGNEE UPON REQUEST. IN ADDITION, EACH RETAILER OF A RETAIL
5 OUTLET, EXCEPT FOR RETAIL OUTLETS GRANTED EXEMPTIONS UNDER PARAGRAPH (E)
6 OF SUBDIVISION TWO OF THIS SECTION, SHALL PROVIDE TO THE DEPARTMENT BY
7 APRIL FIRST, TWO THOUSAND FOURTEEN AND EVERY TWO YEARS THEREAFTER WRIT-
8 TEN DOCUMENTATION IN A FORM APPROVED BY THE DEPARTMENT CERTIFYING THAT
9 SUCH RETAIL OUTLET IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS
10 SECTION, AND ANY OTHER REQUIREMENT SPECIFIED BY ANY RULES OR REGULATIONS
11 PROMULGATED HEREUNDER; PROVIDED, HOWEVER, THAT, FOR EACH RETAIL OUTLET
12 THAT IS PART OF A CHAIN OF RETAIL OUTLETS OR TO WHICH SUBPARAGRAPH (II)
13 OR (III) OF PARAGRAPH (A) OR PARAGRAPH (B) OF SUBDIVISION TWO APPLIES,
14 SUCH WRITTEN DOCUMENTATION SHALL BE PROVIDED TO THE DEPARTMENT WITHIN
15 TEN DAYS AFTER THE DATE OF INSTALLATION OF THE PREWIRING AND TRANSFER
16 SWITCH REQUIRED TO BE INSTALLED UNDER SUBDIVISION TWO OF THIS SECTION
17 AND EVERY TWO YEARS THEREAFTER.

18 6. RULES AND REGULATIONS; NOTIFICATION OF APPLICABILITY. THE COMMIS-
19 SIONER SHALL HAVE THE AUTHORITY, WITH THE ASSISTANCE OF THE COMMISSIONER
20 OF TRANSPORTATION, THE COMMISSIONER OF HOMELAND SECURITY AND EMERGENCY
21 SERVICES, THE PRESIDENT OF THE NEW YORK STATE ENERGY RESEARCH AND DEVEL-
22 OPMENT AUTHORITY, THE SECRETARY OF STATE AND THE CHAIR OF THE PUBLIC
23 SERVICE COMMISSION, TO PROMULGATE SUCH RULES AND REGULATIONS AS THE
24 COMMISSIONER SHALL DEEM NECESSARY TO EFFECTUATE THE PURPOSES OF THIS
25 SECTION. THE COMMISSIONER SHALL BY JUNE FIRST, TWO THOUSAND THIRTEEN:
26 (A) NOTIFY BY FIRST CLASS MAIL ALL EXISTING RETAIL OUTLETS THAT APPEAR
27 TO MEET THE CRITERIA SPECIFIED IN SUBDIVISION TWO OF THIS SECTION OF THE
28 REQUIREMENTS OF THIS SECTION AND INCLUDE WITH SUCH NOTIFICATION ANY
29 OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSIONER, INCLUDING INFOR-
30 MATION REGARDING APPLICABILITY CRITERIA, COMPLIANCE MEASURES AND POTEN-
31 TIAL GRANT ASSISTANCE; (B) PROVIDE A LIST OF ALL SUCH RETAIL OUTLETS TO
32 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF
33 THE ASSEMBLY; AND (C) POST SUCH LIST ON THE DEPARTMENT'S WEBSITE. IF
34 APPROVAL OF FEDERAL MITIGATION FUNDS OR OTHER APPROVED RESOURCES FOR THE
35 PROGRAM ESTABLISHED UNDER SUBDIVISION TWENTY OF SECTION EIGHTEEN HUNDRED
36 FIFTY-FOUR OF THE PUBLIC AUTHORITIES LAW OCCURS AFTER JUNE FIRST, TWO
37 THOUSAND THIRTEEN, THE COMMISSIONER SHALL PROVIDE ADDITIONAL NOTIFICA-
38 TION OF SUCH APPROVAL WITHIN THIRTY DAYS. ANY RETAILER OF A RETAIL
39 OUTLET SPECIFIED ON SUCH LIST SHALL BE SUBJECT TO THE REQUIREMENTS OF
40 THIS SECTION UNLESS HE OR SHE PROVIDES WRITTEN DOCUMENTATION TO THE
41 DEPARTMENT BY AUGUST FIRST, TWO THOUSAND THIRTEEN PROVING THAT SUCH
42 OUTLET DOES NOT QUALIFY, OR IS ELIGIBLE FOR AN EXEMPTION PURSUANT TO
43 PARAGRAPH (E) OF SUBDIVISION TWO OF THIS SECTION. THE COMMISSIONER SHALL
44 UPDATE SUCH LIST EVERY FIVE YEARS THEREAFTER AND NOTIFY ALL NEW RETAIL
45 OUTLETS THAT BECOME SUBJECT TO THE REQUIREMENTS OF THIS SECTION;
46 PROVIDED, HOWEVER, THAT COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION
47 IS NOT CONDITIONED ON SUCH NOTIFICATION.

48 7. VIOLATIONS AND PENALTIES. ANY RETAILER WHO VIOLATES ANY PROVISION
49 OF THIS SECTION, OR ANY RULE OR REGULATION PROMULGATED HEREUNDER, SHALL
50 BE LIABLE TO THE PEOPLE OF THE STATE FOR A CIVIL PENALTY OF UP TO ONE
51 THOUSAND FIVE HUNDRED DOLLARS PER DAY FOR EVERY SUCH VIOLATION, TO BE
52 ASSESSED BY THE COMMISSIONER, AFTER A HEARING OR OPPORTUNITY TO BE HEARD
53 UPON DUE NOTICE AND WITH THE RIGHT TO REPRESENTATION BY COUNSEL. IN
54 DETERMINING THE AMOUNT OF CIVIL PENALTY, THE COMMISSIONER SHALL TAKE
55 INTO CONSIDERATION MITIGATING FACTORS, SUCH AS THE AVAILABILITY OF GASO-
56 LINE AT THE RETAIL OUTLET, PROVIDED THAT THE RETAILER DID NOT REFUSE

1 SUCH DELIVERY, AND THE EXTENT TO WHICH THE RETAILER'S ACTION OR INACTION
2 CONTRIBUTED TO THE VIOLATION. SUCH PENALTY MAY BE RECOVERED IN AN
3 ACTION BROUGHT BY THE ATTORNEY GENERAL AT THE REQUEST AND IN THE NAME OF
4 THE COMMISSIONER IN ANY COURT OF COMPETENT JURISDICTION. SUCH CIVIL
5 PENALTY MAY BE RELEASED OR COMPROMISED BY THE COMMISSIONER BEFORE THE
6 MATTER HAS BEEN REFERRED TO THE ATTORNEY GENERAL. ADDITIONALLY, AFTER
7 SUCH HEARING AND A FINDING THAT SUCH RETAILER HAS VIOLATED THE
8 PROVISIONS OF THIS SECTION, OR OF ANY RULE OR REGULATION PROMULGATED
9 THEREUNDER, THE COMMISSIONER MAY ISSUE AND CAUSE TO BE SERVED UPON SUCH
10 PERSON AN ORDER ENJOINING SUCH PERSON FROM VIOLATING SUCH PROVISIONS AND
11 TAKING ALL NECESSARY ACTIONS FOR SUCH PERSON TO COME INTO COMPLIANCE
12 WITH SUCH PROVISIONS. ANY SUCH ORDER OF THE COMMISSIONER MAY BE
13 ENFORCED IN AN ACTION BROUGHT BY THE ATTORNEY GENERAL AT THE REQUEST AND
14 IN THE NAME OF THE COMMISSIONER IN ANY COURT OF COMPETENT JURISDICTION.

15 NOTWITHSTANDING THE FOREGOING, SUCH RETAILER SHALL NOT BE IN VIOLATION
16 OF SUBDIVISION THREE OF THIS SECTION IF HE OR SHE IS UNABLE TO DEPLOY,
17 INSTALL OR OPERATE AN ALTERNATE GENERATED POWER SOURCE BECAUSE OF UNCON-
18 TROLLABLE CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO, RESTRICTIONS
19 IMPOSED BY PUBLIC SAFETY OFFICERS TO ADDRESS AN EMERGENCY SITUATION OR
20 THAT SUCH RETAIL STATION IS MADE UNSAFE OR UNABLE TO OPERATE DUE TO ACTS
21 OF GOD, FIRES, FLOODS, EXPLOSIONS OR THE SAFETY OF PERSONNEL NEEDED TO
22 OPERATE SUCH RETAIL OUTLET. ADDITIONALLY, SUCH RETAILER SHALL NOT BE IN
23 VIOLATION OF SUBDIVISION THREE OF THIS SECTION IF HE OR SHE IS A PARTIC-
24 IPANT IN THE PROGRAM ESTABLISHED UNDER SUBDIVISION TWENTY-ONE OF SECTION
25 EIGHTEEN HUNDRED FIFTY-FOUR OF THE PUBLIC AUTHORITIES LAW AND A GENERA-
26 TOR IS NOT PROVIDED TO THE RETAILER DUE TO THE PRIORITIZATION ALLOWED
27 UNDER SUCH SUBDIVISION OR THROUGH NO FAULT OF THE RETAILER.

28 8. THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE ANY RETAILER TO
29 MAINTAIN SET BUSINESS HOURS IN THE EVENT OF AN ENERGY OR FUEL SUPPLY
30 EMERGENCY.

31 9. THE PROVISIONS OF THIS SECTION SHALL SUPERSEDE ALL LOCAL LAWS OR
32 ORDINANCES IN THE DOWNSTATE REGION RELATING TO THE INSTALLATION AND
33 DEPLOYMENT OF AN ALTERNATE GENERATED POWER SOURCE OR ANY RELATED ELEC-
34 TRICAL OR OTHER EQUIPMENT AT ANY RETAIL OUTLET.

35 10. THE REQUIREMENTS OF THIS SECTION SHALL BE CONTINGENT ON THE
36 APPROVAL OF FEDERAL MITIGATION FUNDS OR OTHER APPROVED RESOURCES FOR THE
37 PROGRAM ESTABLISHED UNDER SUBDIVISION TWENTY OF SECTION EIGHTEEN HUNDRED
38 FIFTY-FOUR OF THE PUBLIC AUTHORITIES LAW. IN THE EVENT SUCH APPROVAL
39 DOES NOT OCCUR AS OF JUNE FIRST, TWO THOUSAND THIRTEEN, ALL DEADLINES
40 WITH A DATE OF APRIL FIRST, TWO THOUSAND FOURTEEN SHALL BE DELAYED BY
41 THE AMOUNT OF TIME SUCH APPROVAL IS DELAYED PAST JUNE FIRST, TWO THOU-
42 SAND THIRTEEN.

43 S 3. Section 1854 of the public authorities law is amended by adding
44 two new subdivisions 20 and 21 to read as follows:

45 20. TO ADMINISTER A PROGRAM, USING FUNDS PROVIDED FOR SUCH PURPOSE, TO
46 PROVIDE A GRANT BASED ON STANDARDS AND GUIDELINES ESTABLISHED BY THE
47 AUTHORITY FOR COSTS AS FOLLOWS:

48 (A) FOR EACH RETAIL OUTLET THAT IS IN OPERATION BEFORE APRIL FIRST,
49 TWO THOUSAND FOURTEEN AND IS SUBJECT TO THE REQUIREMENTS OF PARAGRAPH
50 (A) OF SUBDIVISION THREE OF SECTION ONE HUNDRED NINETY-TWO-H OF THE
51 AGRICULTURE AND MARKETS LAW:

52 (I) NO GREATER THAN TEN THOUSAND DOLLARS REQUIRED TO PREWIRE SUCH
53 RETAIL OUTLET WITH AN APPROPRIATE TRANSFER SWITCH FOR USING AN ALTERNATE
54 GENERATED POWER SOURCE AS DEFINED IN SECTION ONE HUNDRED NINETY-TWO-H OF
55 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 NINETEEN-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 NINETEEN-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 NINETEEN-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 NINETEEN-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.

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 NINETEEN-TWO-H OF THE AGRICULTURE AND MARKETS LAW BUT THAT SEEK TO PARTICIPATE IN SUCH PROGRAM.

21. TO ADMINISTER A PROGRAM TO ESTABLISH A POOL OF GENERATORS FOR RETAIL OUTLETS AS DEFINED IN SECTION ONE HUNDRED NINETEEN-TWO-H OF THE AGRICULTURE AND MARKETS LAW. THE AUTHORITY MAY ENTER INTO OR FACILITATE CONTRACTS, LEASE AGREEMENTS AND ANY OTHER INSTRUMENTS SUBJECT TO THE PROVISIONS OF LAW, WITH COMPANIES PROVIDING GENERATORS AND GENERATOR SERVICES TO PROVIDE FOR SUCH POOL AND THE DEPLOYMENT AND INSTALLATION OF GENERATORS IN THE POOL. RETAIL OUTLETS THAT ELECT TO PARTICIPATE IN THE PROGRAM AND ARE SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION ONE HUNDRED NINETEEN-TWO-H OF THE AGRICULTURE AND MARKETS LAW SHALL BE REQUIRED ONLY TO PAY THE ACTUAL COST OF GENERATOR RENTAL, DEPLOYMENT AND INSTALLATION IN THE EVENT THAT EMERGENCY DEPLOYMENT IS REQUIRED, PROVIDED, THAT A PARTICIPANT MUST ABIDE BY THE TERMS OF ANY CONTRACT OR WRITTEN AGREEMENT COVERING THE RENTAL, DEPLOYMENT AND INSTALLATION OF SUCH GENERATOR. IN THE EVENT THAT AN INSUFFICIENT NUMBER OF GENERATORS IS AVAILABLE TO MEET REQUIRED EMERGENCY DEPLOYMENT, THE AUTHORITY IN CONSULTATION WITH THE COMMISSIONER OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL PRIORITIZE SUCH RETAIL OUTLETS AS ARE MOST ESSENTIAL TO PUBLIC SAFETY AND WELL-BEING DURING THE ENERGY OR FUEL SUPPLY EMERGENCY. WHEN GENERATORS FROM SUCH PROGRAM ARE DEPLOYED, THE AUTHORITY SHALL PROVIDE PUBLIC NOTICE ON ITS WEBSITE, TO THE MEDIA AND THROUGH OTHER MEANS PRACTICABLE OF THOSE RETAIL OUTLETS WHERE GENERATORS ARE DEPLOYED.

S 4. The New York state energy research and development authority shall conduct a study evaluating the efficacy of potential alternate generated power source provisions at retail gasoline outlets that are located outside of the downstate region as defined in section 192-h of the agriculture and markets law. In conducting such study, the authority shall solicit public input and consult with residents of such region, local elected officials, emergency preparedness and response experts, retail gasoline outlet owners and operators, members of other affected

1 industries, experts in the field of energy, and other stakeholders. The
2 study shall consider factors including the risk of energy or fuel supply
3 emergency, potential costs and benefits of alternate generated power
4 source provisions at retail gasoline outlets, other impediments to
5 routine operations that may exist at the retail level due to the fuel
6 supply chain, and the locations of critical infrastructure and other
7 strategic assets. The authority shall by December 15, 2013, issue a
8 report providing its findings and recommendations associated with such
9 study to the governor, the temporary president of the senate and the
10 speaker of the assembly.

11 S 5. This act shall take effect immediately.

12

PART T

13 Section 1. The New York state energy research and development author-
14 ity, in consultation with the department of public service and the divi-
15 sion of homeland security and emergency services, shall develop recom-
16 mendations regarding the establishment of microgrids in the state of New
17 York. For purposes of this act, the term "microgrid" shall mean a group
18 of interconnected loads and distributed energy resources within clearly
19 defined electrical boundaries that acts as a single controllable entity
20 with respect to the grid and can connect and disconnect from the grid to
21 enable it to operate in both grid-connected or island-mode. Specif-
22 ically, the authority shall develop recommendations which include, but
23 are not limited to, the following:

24 (a) Whether hospitals, first responder headquarters, such as police
25 and fire stations, emergency shelters, schools, water filtration plants,
26 sewage treatment plants, municipalities, commercial entities, and other
27 locations in the state of New York may desire to collaborate on success-
28 ful microgrids;

29 (b) The geographic areas in the state of New York where the establish-
30 ment of such microgrids should be a priority, based upon severe storm
31 damage during the two years prior to the effective date of this act;

32 (c) the regulatory structure under which microgrid systems would oper-
33 ate;

34 (d) how the operation of microgrids would conform with the current
35 requirements of utilities to provide safe and adequate service to rate-
36 payers;

37 (e) the type of microgrid projects that may be implemented, including,
38 but not limited to, distributed generation, combined heat and power; or
39 utilizing renewable technologies such as fuel cells, wind, solar, energy
40 storage, or other energy systems;

41 (f) the technical and regulatory aspect of how a microgrid will be
42 interconnected to the power grid;

43 (g) the adequacy of a microgrid system to operate in emergency situ-
44 ations and that proper protections are in place to ensure operation in
45 the event of an emergency situation; and

46 (h) funding mechanisms that should be considered in order to pay for
47 the establishment, operation and maintenance of such microgrids, includ-
48 ing a cost benefit analysis for the development and implementation of
49 microgrids.

50 S 2. The authority shall submit a final report of recommendations to
51 the governor, the temporary president of the senate and the speaker of
52 the assembly within one year after the effective date of this act.

53 S 3. This act shall take effect immediately.

1

PART U

2 Section 1. Subdivisions 3 and 5 of section 19-0323 of the environ-
3 mental conservation law, subdivision 3 as amended by section 1 of part
4 EE of chapter 58 of the laws of 2012 and subdivision 5 as added by
5 section 1 of part C of chapter 59 of the laws of 2010, are amended to
6 read as follows:

7 3. Any diesel powered heavy duty vehicle that is owned by, operated by
8 or on behalf of, or leased by a state agency and state and regional
9 public authority with more than half of its governing body appointed by
10 the governor shall utilize the best available retrofit technology for
11 reducing the emission of pollutants. The commissioner shall promulgate
12 regulations for the implementation of this subdivision specifying that
13 all vehicles covered by this subdivision shall have best available
14 retrofit technology on or before December 31, [2013] 2014.

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

18 5. In addition to any waiver which may be issued pursuant to subdivi-
19 sion four of this section, the department shall issue a waiver to a
20 state agency, a state or regional public authority, or a person operat-
21 ing any diesel-powered heavy duty vehicle on behalf of a state agency,
22 state or regional public authority, upon a request in a form acceptable
23 to the department for a waiver from the provisions of subdivision three
24 of this section for a vehicle engine provided that such vehicle engine
25 will cease to be used in the state on or before December thirty-first,
26 two thousand [thirteen] FOURTEEN. Any waiver issued pursuant to this
27 subdivision shall expire when a state agency, a state or regional public
28 authority, or a person operating any diesel-powered heavy duty vehicle
29 on behalf of a state agency, state or regional public authority ceases
30 to use the engine in the state but not later than December thirty-first,
31 two thousand [thirteen] FOURTEEN.

32 S 2. This act shall take effect immediately.

33

PART V

34 Section 1. Paragraph (f) of subdivision 2 of section 14-1 of the
35 transportation law, as added by section 2 of part H of chapter 413 of
36 the laws of 1999, is amended to read as follows:

37 (f) No grant or loan to any eligible applicant shall exceed the sum of
38 [three hundred thousand] ONE MILLION dollars, and no part of any such
39 grant or loan shall be used for salaries or for services regularly
40 provided by the applicant for administrative costs in connection with
41 such grant or loan.

42 S 2. This act shall take effect immediately.

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

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