

S. 6357--D

A. 8557--D

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

January 21, 2014

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

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

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

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

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highways; and to amend the state finance law, in relation to the dedication of revenues and the costs of rail and truck regulation (Part C); intentionally omitted (Part D); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law, relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part E); intentionally omitted (Part F); intentionally omitted (Part G); to amend the environmental conservation law, in relation to pesticide registration time frames and fees; and to amend chapter 67 of the laws of 1992 amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to the effectiveness thereof (Part H); intentionally omitted (Part I); intentionally omitted (Part J); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration and policy and planning programs from assessments on gas and electric corporations (Part K); to authorize and direct the New York state energy research and development authority to make a payment to the general fund of up to \$913,000 (Part L); to amend the public authorities law, in relation to a grant program for power transfer switches on gas stations located within one-half mile from a strategic upstate highway (Part M); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part N); to amend the business corporation law and the not-for-profit corporation law, in relation to the transmission of incorporation certificates to county clerks (Part O); to amend the executive law, in relation to the national registry fee (Part P); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part Q); to amend the public service law, in relation to transfers of cable franchises and providing for the repeal of such provisions upon expiration thereof (Part R); to amend the public service law, in relation to the temporary state energy and utility service conservation assessment (Part S); intentionally omitted (Part T); intentionally omitted (Part U); to amend the insurance law, in relation to the licensing of agents of authorized title insurance corporations; and to repeal certain provisions of the insurance law relating thereto (Part V); to amend chapter 58 of the laws of 2012 amending the public authorities law relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to extending certain authority of the dormitory authority of the state of New York (Part W); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part X); to amend the public health law, in relation to fees in connection with certain health care facility financings; and to repeal section 2976-a of the public authorities law relating thereto (Part Y); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part Z); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban

development corporation to make loans, in relation to the effectiveness thereof (Part AA); to amend the agriculture and markets law, in relation to voluntary cattle health programs (Part BB); enacting the "Rockland Bergen Flood Mitigation act" and creating the Rockland Bergen Flood Mitigation Task Force; and providing for the repeal of such provisions upon expiration thereof (Part CC); to amend the environmental conservation law, in relation to retrofit technology for diesel-fueled vehicles (Part DD); to direct the department of public service and the New York state energy research and development authority to review existing energy efficiency programs (Part EE); to amend the state finance law, in relation to authorizing and directing the comptroller to transfer funds from the general fund for deposit into the public transportation system operating assistance account (Part FF); and to amend chapter 495 of the laws of 2004 amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness of such provisions (Part GG)

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

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

12 PART A

13 Section 1. Subdivision (d) of section 11 of chapter 329 of the laws of
14 1991 amending the state finance law and other laws relating to the
15 establishment of the dedicated highway and bridge trust fund, as amended
16 by section 4 of part A of chapter 58 of the laws of 2012, is amended to
17 read as follows:

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

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

11 S 2. Subdivision (g) of section 15 of chapter 329 of the laws of 1991,
12 as added by section 9 of chapter 330 of the laws of 1991, is REPEALED,
13 and subdivision (f) of section 15 of chapter 329 of the laws of 1991,
14 amending the state finance law and other laws relating to the establish-
15 ment of the dedicated highway and bridge trust fund, as added by section
16 9 of chapter 330 of the laws of 1991, is amended to read as follows:

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

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

26 1. In connection with the undertaking of any project for which the
27 commissioner is authorized to use moneys of the federal government
28 pursuant to the provisions of subdivision thirty-four-a of section ten
29 and section eighty of this chapter to assure the effective discharge of
30 state responsibilities with respect to regional transportation needs, on
31 highways, roads, streets, bicycle paths or pedestrian paths that are not
32 on the state highway system, the commissioner shall submit such project
33 to the governing body or bodies of the affected municipality or munici-
34 palities together with estimates of costs thereof. If such project
35 includes a municipal project, as that term is defined in accordance with
36 article thirteen of the transportation law, the state share of such
37 municipal project shall also be included. If such project includes a
38 project affecting a highway, road, street, bicycle path or pedestrian
39 path not on the state highway system, the state share shall be equal to
40 eighty percent of the difference between the total project cost and the
41 federal assistance, provided, however, the commissioner may increase the
42 state share to an amount equal to one hundred percent of the difference
43 between the total project cost and the federal assistance where he
44 determines that the need for the project results substantially from
45 actions undertaken pursuant to section ten of this chapter. [Except for
46 individual projects where the non-federal share of a federally aided
47 municipal project is less than five thousand dollars, no state or local
48 shares of municipal streets and highways projects shall be payable from
49 the non-fiduciary funds of the capital projects budget of the depart-
50 ment.] No such project shall proceed without the approval of the govern-
51 ing body of a municipality. Such governing body may request the commis-
52 sioner to undertake the provision of such project. If the commissioner
53 agrees to such undertaking he shall notify the local governing body
54 which shall appropriate sufficient moneys to pay the estimated amount of
55 the municipal share. Such moneys shall be deposited with the state comp-
56 troller who is authorized to receive and accept the same for the

1 purposes of such project, subject to the draft or requisition of the
2 commissioner. When the work of such project has been completed, the
3 commissioner shall render to the governing body of such municipality an
4 itemized statement showing in full (a) the amount of money that has been
5 deposited by such municipality with the state comptroller as hereinbe-
6 fore provided, and (b) all disbursements made pursuant to this section
7 for such project. Any surplus moneys shall be paid to such municipality
8 on the warrant of the comptroller on vouchers therefor approved by the
9 commissioner. When the work of such project has been completed and it is
10 determined by the commissioner that the amount of the cost to be borne
11 by the municipality is in excess of the amount deposited by such munici-
12 pality with the state comptroller, the commissioner shall then notify
13 the municipality of the deficiency of funds. The municipality shall then
14 within ninety days of the receipt of such notice, pay such amount to the
15 state comptroller. For purposes of this section, the term "municipality"
16 shall include a city, county, town, village or two or more of the fore-
17 going acting jointly.

18 S 4. Subdivision (e) of section 16 of chapter 329 of the laws of 1991,
19 amending the state finance law and other laws relating to the establish-
20 ment of a dedicated highway and bridge trust fund, as added by section 9
21 of chapter 330 of the laws of 1991, is REPEALED.

22 S 5. Subdivision (e) of section 16-a of chapter 329 of the laws of
23 1991, amending the state finance law and other laws relating to the
24 establishment of a dedicated highway and bridge trust fund, as added by
25 section 9 of chapter 330 of the laws of 1991, is REPEALED.

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

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

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

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

50 S 8. This act shall take effect immediately.

51

PART B

52

Intentionally Omitted

1

PART C

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

6 S 13. This act shall take effect immediately; provided however that
7 sections one through seven of this act, the amendments to subdivision 2
8 of section 205 of the tax law made by section eight of this act, and
9 section nine of this act shall expire and be deemed repealed on [March
10 31] APRIL 1, 2015; provided further, however, that the amendments to
11 subdivision 3 of section 205 of the tax law made by section eight of
12 this act shall expire and be deemed repealed on March 31, 2018; provided
13 further, however, that the provisions of section eleven of this act
14 shall take effect April 1, 2004 and shall expire and be deemed repealed
15 on [March 31] APRIL 1, 2015.

16 S 2. Section 2 of part B of chapter 84 of the laws of 2002, amending
17 the state finance law relating to the costs of the department of motor
18 vehicles, as amended by section 1 of part E of chapter 59 of the laws of
19 2009, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

16 S 7. Section 88 of the highway law is amended by adding a new subdivi-
17 sion 13 to read as follows:

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

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

26 (a) The special obligation reserve and payment account shall consist
27 (i) of all moneys required to be deposited in the dedicated highway and
28 bridge trust fund pursuant to the provisions of sections two hundred
29 five, two hundred eighty-nine-e, three hundred one-j, five hundred
30 fifteen and eleven hundred sixty-seven of the tax law, section four
31 hundred one of the vehicle and traffic law, and section thirty-one of
32 chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all
33 fees, fines or penalties collected by the commissioner of transportation
34 pursuant to section fifty-two, section three hundred twenty-six, [and
35 subdivisions five, eight and twelve of] section eighty-eight of the
36 highway law, subdivision fifteen of section three hundred eighty-five of
37 the vehicle and traffic law, section two of the chapter of the laws of
38 two thousand three that amended this paragraph, subdivision (d) of
39 section three hundred four-a, paragraph one of subdivision (a) and
40 subdivision (d) of section three hundred five, subdivision six-a of
41 section four hundred fifteen and subdivision (g) of section twenty-one
42 hundred twenty-five of the vehicle and traffic law, section fifteen of
43 this chapter, excepting moneys deposited with the state on account of
44 betterments performed pursuant to subdivision twenty-seven or subdivi-
45 sion thirty-five of section ten of the highway law, AND SECTIONS NINE-
46 TY-FOUR, ONE HUNDRED THIRTY-FIVE, ONE HUNDRED FORTY-FOUR AND ONE HUNDRED
47 FORTY-FIVE OF THE TRANSPORTATION LAW, (iii) any moneys collected by the
48 department of transportation for services provided pursuant to agree-
49 ments entered into in accordance with section ninety-nine-r of the
50 general municipal law, and (iv) any other moneys collected therefor or
51 credited or transferred thereto from any other fund, account or source.

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

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

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

20 S 10. Paragraph a of subdivision 5 of section 89-b of the state
21 finance law, as amended by section 60 of part HH of chapter 57 of the
22 laws of 2013, is amended to read as follows:

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

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

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

3 S 11. Paragraph a of subdivision 5 of section 89-b of the state
4 finance law, as amended by section 60-a of part HH of chapter 57 of the
5 laws of 2013, is amended to read as follows:

6 a. Moneys in the dedicated highway and bridge trust fund shall,
7 following appropriation by the legislature, be utilized for: recon-
8 struction, replacement, reconditioning, restoration, rehabilitation and
9 preservation of state, county, town, city and village roads, highways,
10 parkways, and bridges thereon, to restore such facilities to their
11 intended functions; construction, reconstruction, enhancement and
12 improvement of state, county, town, city, and village roads, highways,
13 parkways, and bridges thereon, to address current and projected capacity
14 problems including costs for traffic mitigation activities; aviation
15 projects authorized pursuant to section fourteen-j of the transportation
16 law and for payments to the general debt service fund of amounts equal
17 to amounts required for service contract payments related to aviation
18 projects as provided and authorized by section three hundred eighty-six
19 of the public authorities law; programs to assist small and minority and
20 women-owned firms engaged in transportation construction and recon-
21 struction projects, including a revolving fund for working capital
22 loans, and a bonding guarantee assistance program in accordance with
23 provisions of this chapter; matching federal grants or apportionments to
24 the state for highway, parkway and bridge capital projects; the acquisi-
25 tion of real property and interests therein required or expected to be
26 required in connection with such projects; preventive maintenance activ-
27 ities necessary to ensure that highways, parkways and bridges meet or
28 exceed their optimum useful life; expenses of control of snow and ice on
29 state highways by the department of transportation including but not
30 limited to personal services, nonpersonal services and fringe benefits,
31 payment of emergency aid for control of snow and ice in municipalities
32 pursuant to section fifty-five of the highway law, expenses of control
33 of snow and ice on state highways by municipalities pursuant to section
34 twelve of the highway law, and for expenses of arterial maintenance
35 agreements with cities pursuant to section three hundred forty-nine of
36 the highway law; personal services, NONPERSONAL SERVICES, and fringe
37 benefit costs of the department of transportation for bus safety
38 inspection activities, RAIL SAFETY INSPECTION ACTIVITIES, AND TRUCK
39 SAFETY INSPECTION ACTIVITIES; costs of engineering and administrative
40 services of the department of transportation, including but not limited
41 to fringe benefits; the contract services provided by private firms in
42 accordance with section fourteen of the transportation law; personal
43 services and nonpersonal services, for activities including but not
44 limited to the preparation of designs, plans, specifications and esti-
45 mates; construction management and supervision activities; costs of
46 appraisals, surveys, testing and environmental impact statements for
47 transportation projects; expenses in connection with buildings, equip-
48 ment, materials and facilities used or useful in connection with the
49 maintenance, operation, and repair of highways, parkways and bridges
50 thereon; and project costs for: construction, reconstruction, improve-
51 ment, reconditioning and preservation of rail freight facilities and
52 intercity rail passenger facilities and equipment; construction, recon-
53 struction, improvement, reconditioning and preservation of state, munic-
54 ipal and privately owned ports; construction, reconstruction, improve-
55 ment, reconditioning and preservation of municipal airports; privately
56 owned airports and aviation capital facilities, excluding airports oper-

1 ated by the state or operated by a bi-state municipal corporate instru-
2 mentality for which federal funding is not available provided the
3 project is consistent with an approved airport layout plan; and
4 construction, reconstruction, enhancement, improvement, replacement,
5 reconditioning, restoration, rehabilitation and preservation of state,
6 county, town, city and village roads, highways, parkways and bridges;
7 and construction, reconstruction, improvement, reconditioning and pres-
8 ervation of fixed ferry facilities of municipal and privately owned
9 ferry lines for transportation purposes, and the payment of debt service
10 required on any bonds, notes or other obligations and related expenses
11 for highway, parkway, bridge and project costs for: construction, recon-
12 struction, improvement, reconditioning and preservation of rail freight
13 facilities and intercity rail passenger facilities and equipment;
14 construction, reconstruction, improvement, reconditioning and preserva-
15 tion of state, municipal and privately owned ports; construction, recon-
16 struction, improvement, reconditioning and preservation of municipal
17 airports; privately owned airports and aviation capital facilities,
18 excluding airports operated by the state or operated by a bi-state
19 municipal corporate instrumentality for which federal funding is not
20 available provided the project is consistent with an approved airport
21 layout plan; construction, reconstruction, enhancement, improvement,
22 replacement, reconditioning, restoration, rehabilitation and preserva-
23 tion of state, county, town, city and village roads, highways, parkways
24 and bridges; and construction, reconstruction, improvement, recondition-
25 ing and preservation of fixed ferry facilities of municipal and private-
26 ly owned ferry lines for transportation purposes, purposes authorized on
27 or after the effective date of this section. Beginning with disburse-
28 ments made on and after the first day of April, nineteen hundred nine-
29 ty-three, moneys in such fund shall be available to pay such costs or
30 expenses made pursuant to appropriations or reappropriations made during
31 the state fiscal year which began on the first of April, nineteen
32 hundred ninety-two. Beginning the first day of April, nineteen hundred
33 ninety-three, moneys in such fund shall also be used for transfers to
34 the general debt service fund and the revenue bond tax fund of amounts
35 equal to that respectively required for service contract and financing
36 agreement payments as provided and authorized by section three hundred
37 eighty of the public authorities law, section eleven of chapter three
38 hundred twenty-nine of the laws of nineteen hundred ninety-one, as
39 amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

40 S 12. This act shall take effect immediately, provided that the
41 amendments to paragraph (a) of subdivision 3 of section 89-b of the
42 state finance law made by section eight of this act shall be subject to
43 the expiration and reversion of such paragraph pursuant to section 13 of
44 part U1 of chapter 62 of the laws of 2003, as amended, when upon such
45 date the provisions of section nine of this act shall take effect; and
46 provided further that the amendments to paragraph a of subdivision 5 of
47 section 89-b of the state finance law made by section ten of this act
48 shall be subject to the expiration and reversion of such paragraph
49 pursuant to section 2 of part B of chapter 84 of the laws of 2002, as
50 amended, when upon such date the provisions of section eleven of this
51 act shall take effect.

52

PART D

53

Intentionally Omitted

1

PART E

2 Section 1. Section 5 of chapter 751 of the laws of 2005, amending the
3 insurance law and the vehicle and traffic law, relating to establishing
4 the accident prevention course internet technology pilot program, is
5 amended to read as follows:

6 S 5. This act shall take effect on the one hundred eightieth day after
7 it shall have become a law and shall expire and be deemed repealed [five
8 years after the date that the accident prevention course internet, and
9 other technology pilot program is established and implemented by the
10 commissioner of motor vehicles pursuant to article 12-C of the vehicle
11 and traffic law, as added by section three of this act] MAY 31, 2019;
12 provided that any rules and regulations necessary to implement the
13 provisions of this act on its effective date are authorized and directed
14 to be completed on or before such date[; and provided, further, that the
15 commissioner of motor vehicles shall notify the legislative bill draft-
16 ing commission of the date he or she establishes and implements the
17 accident prevention course internet technology pilot program pursuant to
18 article 12-C of the vehicle and traffic law, as added by section three
19 of this act, in order that such commission may maintain an accurate and
20 timely effective data base of the official text of the laws of the state
21 of New York in furtherance of effecting the provisions of section 44 of
22 the legislative law and section 70-b of the public officers law].

23 S 2. This act shall take effect immediately.

24

PART F

25 Intentionally Omitted

26

PART G

27 Intentionally Omitted

28

PART H

29 Section 1. Section 33-0705 of the environmental conservation law, as
30 amended by section 2 of part S of chapter 60 of the laws of 2011, is
31 amended to read as follows:

32 S 33-0705. Fee for registration.

33 The applicant for registration shall pay a fee as follows:

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

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

42 c. After July 1, [2014] 2017, fifty dollars for each pesticide
43 proposed to be registered.

44 S 2. Section 9 of chapter 67 of the laws of 1992, amending the envi-
45 ronmental conservation law relating to pesticide product registration
46 timetables and fees, as amended by section 1 of part S of chapter 60 of
47 the laws of 2011, is amended to read as follows:

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

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

6 PART I

7 Intentionally Omitted

8 PART J

9 Intentionally Omitted

10 PART K

11 Section 1. Expenditures of moneys appropriated in a chapter of the
12 laws of 2014 to the energy research and development authority, under the
13 research, development and demonstration program, from the special reven-
14 ue funds - other/state operations, miscellaneous special revenue fund -
15 339, energy research and planning account, and special revenue funds -
16 other/aid to localities, miscellaneous special revenue fund - 339, ener-
17 gy research and planning account shall be subject to the provisions of
18 this section. Notwithstanding the provisions of subdivision 4-a of
19 section 18-a of the public service law, all moneys committed or expended
20 shall be reimbursed by assessment against gas corporations and electric
21 corporations as defined in section 2 of the public service law, and the
22 total amount which may be charged to any gas corporation and any elec-
23 tric corporation shall not exceed one cent per one thousand cubic feet
24 of gas sold and .010 cent per kilowatt-hour of electricity sold by such
25 corporations in their intrastate utility operations in calendar year
26 2012. Such amounts shall be excluded from the general assessment
27 provisions of subdivision 2 of section 18-a of the public service law,
28 but shall be billed and paid in the manner set forth in such subdivision
29 and upon receipt shall be paid to the state comptroller for deposit in
30 the state treasury for credit to the miscellaneous special revenue fund.
31 The director of the budget shall not issue a certificate of approval
32 with respect to the commitment and expenditure of moneys hereby appro-
33 priated until the chair of such authority shall have submitted, and the
34 director of the budget shall have approved, a comprehensive financial
35 plan encompassing all moneys available to and all anticipated commit-
36 ments and expenditures by such authority from any source for the oper-
37 ations of such authority. Copies of the approved comprehensive financial
38 plan shall be immediately submitted by the director of the budget to the
39 chairs and secretaries of the legislative fiscal committees.

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

42 PART L

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

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, 2014.

3 PART M

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 S 2. This act shall take effect immediately.

32 PART N

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

39 S 2. This act shall take effect immediately, provided however, that
40 section one of this act shall be deemed to have been in full force and
41 effect on and after April 1, 2003 and shall expire March 31, [2014]
42 2015.

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

45 PART O

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

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

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

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

8 S 3. This act shall take effect immediately.

9

PART P

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

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

21 S 2. This act shall take effect immediately.

22

PART Q

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

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

30

PART R

31 Section 1. Subdivision 3 of section 222 of the public service law, as
32 added by chapter 83 of the laws of 1995, is amended to read as follows:

33 3. (A) The commission shall approve the application FOR RENEWAL OR
34 AMENDMENT OF A FRANCHISE unless it finds that the applicant[, the
35 proposed transferee] or the cable television system does not conform to
36 the standards established in the regulations promulgated by the commis-
37 sion pursuant to section two hundred fifteen of this article or that
38 approval would be in violation of law, any regulation or standard
39 promulgated by the commission or the public interest, provided however,
40 that a failure to conform to the standards established in the regu-
41 lations promulgated by the commission shall not preclude approval of any
42 such application if the commission finds that such approval would serve
43 the public interest.

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

1 WOULD NOT BE BE IN VIOLATION OF LAW, OR ANY REGULATION OR STANDARD
2 PROMULGATED BY THE COMMISSION, AND THAT THE TRANSFER IS OTHERWISE IN THE
3 PUBLIC INTEREST; PROVIDED, HOWEVER, THAT A FAILURE TO CONFORM TO THE
4 STANDARDS ESTABLISHED IN THE REGULATIONS PROMULGATED BY THE COMMISSION
5 SHALL NOT PRECLUDE APPROVAL OF ANY SUCH APPLICATION IF THE COMMISSION
6 FINDS THAT SUCH APPROVAL WOULD SERVE THE PUBLIC INTEREST.

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

10 PART S

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

14 (b) The temporary state energy and utility service conservation
15 assessment shall be based upon the following percentum of the utility
16 entity's gross operating revenues derived from intrastate utility oper-
17 ations in the last preceding calendar year, minus the amount, if any,
18 that such utility entity is assessed pursuant to subdivisions one and
19 two of this section for the corresponding state fiscal year period: (1)
20 two percentum for the state fiscal year beginning April first, two thou-
21 sand thirteen [and]; (2) 1.63 PERCENTUM FOR the state fiscal year begin-
22 ning April first, two thousand fourteen; [(2) one and three-quarters]
23 (3) 1.00 percentum for the state fiscal year beginning April first, two
24 thousand fifteen; and [(3) one and one-half] (4) .73 percentum for the
25 state fiscal year beginning April first, two thousand sixteen. With
26 respect to the temporary state energy and utility service conservation
27 assessment to be paid for the state fiscal year beginning April first,
28 two thousand seventeen and notwithstanding clause (i) of paragraph (d)
29 of this subdivision, on or before March tenth, two thousand seventeen,
30 utility entities shall make a payment equal to one-half of the assess-
31 ment paid by such entities pursuant to this paragraph for the state
32 fiscal year beginning on April first, two thousand sixteen; PROVIDED,
33 FURTHER THAT SUCH ASSESSMENT FOR STATE FISCAL YEAR BEGINNING APRIL
34 FIRST, TWO THOUSAND SEVENTEEN SHALL NOT BE REFLECTED IN A CUSTOMER'S
35 RATE AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND SEVENTEEN. With respect
36 to the Long Island power authority, the temporary state energy and util-
37 ity service conservation assessment shall be based upon the following
38 percentum of such authority's gross operating revenues derived from
39 intrastate utility operations in the last preceding calendar year, minus
40 the amount, if any, that such authority is assessed pursuant to subdivi-
41 sions one-a and two of this section for the corresponding state fiscal
42 year period: (1) one percentum for the state fiscal year beginning April
43 first, two thousand thirteen [and] ; (2) .84 PERCENTUM FOR the state
44 fiscal year beginning April first, two thousand fourteen; [(2) three-
45 quarters of one] (3) .50 percentum for the state fiscal year beginning
46 April first, two thousand fifteen; and [(3) one-half] (4) .34 percentum
47 for the state fiscal year beginning April first, two thousand sixteen;
48 provided, however, that should the amount assessed by the department for
49 costs and expenses pursuant to such subdivisions equal or exceed such
50 authority's temporary state energy and utility service conservation
51 assessment for a particular fiscal year, the amount to be paid under
52 this subdivision by such authority shall be zero. With respect to the
53 temporary state energy and utility service conservation assessment to be
54 paid for the state fiscal year beginning April first, two thousand

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

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

41 PART T

42 Intentionally Omitted

43 PART U

44 Intentionally Omitted

45 PART V

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

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

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

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

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

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

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

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

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

6 (II) PREPARES, AMENDS, MARKS UP OR DELIVERS A TITLE INSURANCE COMMIT-
7 MENT OR CERTIFICATE OF TITLE FOR THE PURPOSE OF THE ISSUANCE OF A TITLE
8 INSURANCE POLICY BY A TITLE INSURANCE CORPORATION;

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (c) Such license or licenses shall authorize the person or persons
11 named therein to renew the business of the deceased, absent or disabled
12 INSURANCE agent, TITLE INSURANCE AGENT, or INSURANCE broker, or both AN
13 INSURANCE AGENT AND INSURANCE BROKER, as the case may be, or of the firm
14 or, in the case of a license issued pursuant to paragraph one or three
15 of subsection (a) [hereof] OF THIS SECTION, the association whose busi-
16 ness is being continued thereunder, each such agent[,] OR broker[, firm
17 or association] being referred to in this section as "original licen-
18 see", expiring during the period in which such temporary license or
19 licenses are in force, to collect premiums due and payable to the
20 original licensee or, in the case of a license issued pursuant to para-
21 graph one of subsection (a) [hereof] OF THIS SECTION, to his OR HER
22 estate, and to perform such other acts as an insurance agent, A TITLE
23 INSURANCE AGENT or [as] an insurance broker, or both AN INSURANCE AGENT
24 OR INSURANCE BROKER, as the case may be, as are incidental to the
25 continuance of the insurance business of such original licensee.

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

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

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

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

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

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

42 S 7. Subsections (a), (c), and (d) of section 2112 of the insurance
43 law, subsection (a) as amended by chapter 540 of the laws of 1996,
44 subsection (c) as amended by chapter 647 of the laws of 1992 and
45 subsection (d) as amended by chapter 687 of the laws of 2003, are
46 amended to read as follows:

47 (a) Every insurer, fraternal benefit society or health maintenance
48 organization doing business in this state shall file a certificate of
49 appointment in such form as the superintendent may prescribe in order to
50 appoint insurance agents OR, IN THE CASE OF A TITLE INSURANCE CORPO-
51 RATION, TITLE INSURANCE AGENTS, to represent such insurer, fraternal
52 benefit society or health maintenance organization.

53 (c) Certificates of appointment shall be valid until [(i)] (1) termi-
54 nated by the appointing insurer OR TITLE INSURANCE AGENT after a termi-
55 nation in accordance with the provisions of the agency contract; [(ii)]

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

3 (d) Every insurer, fraternal benefit society or health maintenance
4 organization or insurance producer or the authorized representative of
5 the insurer, fraternal benefit society, health maintenance organization
6 or insurance producer doing business in this state shall, upon termi-
7 nation of the certificate of appointment as set forth in subsection (a)
8 of this section of any insurance agent, OR TITLE INSURANCE AGENT
9 licensed in this state, or upon termination for cause for activities as
10 set forth in subsection (a) of section two thousand one hundred ten of
11 this article, of the certificate of appointment, of employment, of a
12 contract or other insurance business relationship with any insurance
13 producer, file with the superintendent within thirty days a statement,
14 in such form as the superintendent may prescribe, of the facts relative
15 to such termination for cause. The insurer, fraternal benefit society,
16 health maintenance organization, insurance producer or the authorized
17 representative of the insurer, fraternal benefit society, health mainte-
18 nance organization or insurance producer shall provide, within fifteen
19 days after notification has been sent to the superintendent, a copy of
20 the statement filed with the superintendent to the insurance producer at
21 his, or her or its last known address by certified mail, return receipt
22 requested, postage prepaid or by overnight delivery using a nationally
23 recognized carrier. Every statement made pursuant to this subsection
24 shall be deemed a privileged communication.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 public benefit corporations, municipalities and other governmental
2 subdivisions in this state, EXCEPT THAT NEITHER A TITLE INSURANCE CORPO-
3 RATION NOR A TITLE INSURANCE AGENT SHALL BE REQUIRED TO FILE A DISCLO-
4 SURE STATEMENT IF AN INDUSTRIAL DEVELOPMENT AGENCY, STATE OF NEW YORK
5 MORTGAGE AGENCY OR ITS SUCCESSOR, OR ANY SIMILAR TYPE OF ENTITY, IS THE
6 NAMED INSURED UNDER THE POLICY AND IS A MORTGAGEE WITH RESPECT TO THE
7 PROPERTY INSURED.

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

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

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

15 (2) sickness, accident and health insurance;

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

17 (4) life settlements[.]; AND

18 (5) TITLE INSURANCE.

19 (b) This section shall not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (5) ANY LICENSE SHALL BE CONSIDERED IN GOOD STANDING WITHIN THE
14 LICENSE TERM UNLESS:

15 (A) REVOKED OR SUSPENDED BY THE SUPERINTENDENT PURSUANT TO THIS ARTI-
16 CLE; OR

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

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

22 (A) FILED A COMPLETED RENEWAL APPLICATION IN SUCH FORM OR FORMS, AND
23 SUPPLEMENTS THERETO, AND CONTAINING SUCH INFORMATION AS THE SUPERINTEN-
24 DENT MAY PRESCRIBE; AND

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

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

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

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

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

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

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

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

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

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

21 (2) ACTING IN A MANNER INCONSISTENT WITH:

22 (A) REGULATIONS BY THE SUPERINTENDENT WHICH ARE PROMULGATED IN ACCORD-
23 ANCE WITH THE RELEVANT PROVISIONS OF THE FEDERAL REAL ESTATE SETTLEMENT
24 PROCEDURES ACT OF 1974, AS AMENDED; OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (3) each person, firm, association, or corporation that has filed an
12 application for a license as a title insurance agent, on or before Janu-
13 ary 1, 2015 or within 90 days after the superintendent of financial
14 services has promulgated application forms pursuant to this act, which-
15 ever date is later, may act as such licensee without a license issued
16 pursuant to section 2139 of the insurance law, as added by section four-
17 teen of this act, until the superintendent of financial services has
18 made a final determination on the application for such license filed by
19 such person, firm, association, or corporation.

20

PART W

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

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

28 S 2. Within 90 days of the effective date of this act, the dormitory
29 authority of the state of New York shall provide a report providing
30 information regarding any project undertaken pursuant to a design and
31 construction management agreement, as authorized by part BB of chapter
32 58 of the laws of 2012, between the dormitory authority of the state of
33 New York and the department of environmental conservation and/or the
34 office of parks, recreation and historic preservation to the governor,
35 the temporary president of the senate and speaker of the assembly. Such
36 report shall include but not be limited to a description of each such
37 project, the project identification number of each such project, if
38 applicable, the projected date of completion, the status of the project,
39 the total cost or projected cost of each such project, and the location,
40 including the names of any county, town, village or city, where each
41 such project is located or proposed. In addition, such a report shall be
42 provided to the aforementioned parties by the first day of March of each
43 year that the authority to enter into such agreements pursuant to part
44 BB of chapter 58 of the laws of 2012 is in effect.

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

47

PART X

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

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

8 PART Y

9 Section 1. Section 2976-a of the public authorities law is REPEALED.
 10 S 2. Section 2868 of the public health law, as amended by section 43-a
 11 of part B of chapter 58 of the laws of 2008, is amended to read as
 12 follows:

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

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

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

38 S 4. This act shall take effect immediately.

39 PART Z

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

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

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

49 PART AA

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

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

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

16 PART BB

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

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

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

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

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

45 PART CC

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

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

1 River, and Sparkill Brook/Creek that cross the interstate border region.
2 The identification and remediation of potential flood hazards requires a
3 bi-state comprehensive approach. A bi-state comprehensive flood
4 prevention approach will also help ensure the preservation and mainte-
5 nance of the environmentally beneficial impacts of the tributaries and
6 watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle
7 River, and Sparkill Brook/Creek. A bi-state approach will encourage open
8 space and recreational opportunities along the tributaries and
9 watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle
10 River, and Sparkill Brook/Creek. The legislature further finds that
11 there has been a long history of cooperation among state and local
12 governmental entities and various private organizations and individuals
13 in the vicinity of the tributaries and watersheds of the Hackensack
14 River, Mahwah River, Ramapo River, Saddle River, and Sparkill
15 Brook/Creek.

16 The legislature therefore determines that there is a need to endorse
17 and formalize that bi-state cooperative effort to identify and remediate
18 potential flood hazards and to protect the natural, scenic and recre-
19 ational opportunities of the tributaries and watersheds of the Hacken-
20 sack River, Mahwah River, Ramapo River, Saddle River, and Sparkill
21 Brook/Creek. The legislature further determines that the creation of a
22 bi-state task force is an appropriate means to accomplish these very
23 important goals.

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

30 S 4. a. There is hereby created the Rockland Bergen Flood Mitigation
31 Task Force, which shall be comprised of twelve voting members. Six
32 members shall be from New York and shall be appointed as follows: one
33 each, by the governor, the temporary president of the senate, the speak-
34 er of the assembly, the minority leader of the senate and the minority
35 leader of the assembly, of New York, and of the county executive of the
36 county of Rockland in New York, all of whom shall be resident voters of
37 the county of Rockland, New York. Six members shall be from New Jersey
38 and shall be appointed as follows: one each, by the governor, the tempo-
39 rary president of the senate, the speaker of the assembly, the minority
40 leader of the senate, and the minority leader of the assembly, of New
41 Jersey, and the county executive of the county of Bergen in New Jersey,
42 all of whom shall be resident voters from either the county of Bergen,
43 Essex, or Hudson. Additionally, the task force shall include three non-
44 voting members, as follows: the commissioner of the New York state
45 department of environmental conservation or a designee thereof who shall
46 serve ex-officio; the commissioner of the New Jersey department of envi-
47 ronmental protection or a designee thereof who shall serve ex-officio;
48 and a representative of United Water Inc. or its successor.

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

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

53 d. Members of the task force shall serve at the pleasure of the rele-
54 vant appointing authority.

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

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

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

13 c. A majority of the voting membership of the task force shall consti-
14 tute a quorum for the transaction of task force business. Action may be
15 taken and motions and resolutions adopted by the task force at any meet-
16 ing thereof by the affirmative vote of seven members of the task force.

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

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

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

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

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

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

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

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

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

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

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

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

1 such legislation, this act shall take effect immediately and shall
2 expire and be deemed repealed on June 30, 2016; provided that the Rock-
3 land Bergen bi-state river task force shall notify the legislative bill
4 drafting commission upon the occurrence of the enactment of the legis-
5 lation provided for in this act in order that the legislative bill
6 drafting commission may maintain an accurate and timely effective data
7 base of the official text of the laws of the state of New York in furth-
8 erance of effecting the provisions of section 44 of the legislative law
9 and section 70-b of the public officers law.

PART DD

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

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

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

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

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

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

1 ered motor vehicles owned or operated by such agency and authority
2 having a gross vehicle weight rating of more than 8,500 pounds; (d) the
3 number of such motor vehicles that utilized the best available retrofit
4 technology, including a breakdown by motor vehicle model, engine year
5 and the type of technology used for each vehicle; (e) the number of such
6 motor vehicles that are equipped with an engine certified to the appli-
7 cable 2007 United States environmental protection agency standard for
8 particulate matter as set forth in section 86.007-11 of title 40 of the
9 code of federal regulations or to any subsequent United States environ-
10 mental protection agency standard for particulate matter that is at
11 least as stringent; and (f) all waivers, findings, and renewals of such
12 findings, which, for each waiver, shall include, but not be limited to,
13 the quantity of diesel fuel needed to power diesel fuel-powered motor
14 vehicles owned or operated by such agency and authority; specific infor-
15 mation concerning the availability of ultra low sulfur diesel fuel.

16 S 3. This act shall take effect immediately.

17

PART EE

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

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

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

52 S 4. This act shall take effect immediately.

53

PART FF

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

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

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

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

25 S 2. This act shall take effect immediately.

26 PART GG

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

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

38 S 2. This act shall take effect immediately.

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

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