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

564

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. GALEF, MONTESANO, RAIA -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the arts and cultural affairs law, in relation to works of art in the empire state plaza; to amend the agriculture and markets law, in relation to plans, policies and programs for the prevention and control of disease in trees and plants; to amend the transportation law, in relation to abolishing the interagency coordinating committee on rural public transportation; to amend the general business law, in relation to abolishing the armored cars advisory board; to amend the executive law, in relation to abolishing the manufactured housing advisory council; to repeal section 74-a of the state law, relating to the New York state collectable series panel; to repeal article 4 of the arts and cultural affairs law, relating to the empire state plaza art commission; to repeal certain provisions of the executive law, relating to the manufactured housing advisory council; to repeal section 169-c of the agriculture and markets law, relating to the plant industry advisory committee; to repeal certain provisions of the transportation law, relating to the interagency coordinating committee on rural public transportation; and to repeal section 154 of the labor law, relating to the child performer advisory board to prevent eating disorders

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

Section 1. Section 74-a of the state law is REPEALED.

S 2. Section 57.03 of the arts and cultural affairs law is amended by adding a new subdivision 7 to read as follows:

7. (A) TO MAKE RECOMMENDATIONS TO STATE AGENCIES REGARDING THE CUSTODY, DISPLAY, CONSERVATION, PRESERVATION AND MAINTENANCE OF WORKS OF ART IN THE EMPIRE STATE PLAZA UNDER THE JURISDICTION OF SUCH AGENCIES;

(B) TO APPRAISE AND CATALOGUE WORKS OF ART IN THE EMPIRE STATE PLAZA;

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

LBD01548-01-5

(C) TO ADVISE AND ASSIST STATE AGENCIES IN THE PREPARATION AND DISTRIBUTION OF PUBLICATIONS BY SUCH AGENCIES;

(D) TO MAKE RECOMMENDATIONS TO THE GOVERNOR, THE LEGISLATURE AND THE COMMISSIONER OF GENERAL SERVICES REGARDING THE PURCHASE OF WORKS OF ART FOR DISPLAY AT THE EMPIRE STATE PLAZA;

(E) TO SOLICIT AND ACQUIRE BY GIFT, GRANT OR LOAN SUCH WORKS OF ART FOR DISPLAY AT THE EMPIRE STATE PLAZA AS IT DEEMS TO BE IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE;

(F) TO ENTER INTO SUCH CONTRACTS AS MAY BE NECESSARY OR APPROPRIATE FOR THE PERFORMANCE OF THE FUNCTIONS VESTED IN IT BY THIS ARTICLE;

(G) TO RENDER SUCH ASSISTANCE AS THE LEGISLATURE OR EITHER HOUSE THEREOF MAY REQUEST WITH RESPECT TO THE LEGISLATIVE OFFICE BUILDING AND OTHER OFFICES AND FACILITIES OF THE LEGISLATURE IN THE EMPIRE STATE PLAZA;

(H) TO RENDER SUCH ASSISTANCE AS THE COMMISSIONER OF EDUCATION MAY REQUEST WITH RESPECT TO THE CULTURAL EDUCATION CENTER;

(I) TO SOLICIT AND ACCEPT GIFTS, CONTRIBUTIONS AND BEQUEST OF FUNDS FROM INDIVIDUALS, FOUNDATIONS, CORPORATIONS AND OTHER ORGANIZATIONS OR INSTITUTIONS FOR PURPOSES OF THE COMMISSION. ALL FUNDS FROM SUCH GIFTS, CONTRIBUTIONS AND BEQUESTS SHALL BE DEPOSITED IN A STATE FIDUCIARY FUND, EXPENDITURES FROM WHICH SHALL BE LIMITED TO THE PURPOSES SET FORTH IN THIS ARTICLE;

(J) TO ESTABLISH A PROGRAM, IN CONSULTATION WITH THE COMMISSIONER OF GENERAL SERVICES, FOR THE PROMOTION OF THE EMPIRE STATE PLAZA ART COLLECTION TO THE PUBLIC THROUGH SUCH MEANS AS DETERMINED TO BE APPROPRIATE, INCLUDING, BUT NOT LIMITED TO, EDUCATIONAL SEMINARS, REMOTE EXHIBITIONS, SPECIAL EVENTS AND THE SALE OF SOUVENIRS OR MEMENTOS RELATED TO THE COLLECTION. ALL RECEIPTS FROM PROMOTIONAL EFFORTS SHALL BE DEPOSITED IN A STATE FIDUCIARY FUND, EXPENDITURES FROM WHICH SHALL BE LIMITED TO THE PURPOSES SET FORTH IN THIS ARTICLE; AND

(K) TO APPOINT A CURATOR AND ASSOCIATED EMPLOYEES, PRESCRIBE POWERS AND DUTIES OF THE CURATOR, AND SHALL FIX HIS OR HER COMPENSATION WITHIN THE AMOUNTS APPROPRIATED THEREFOR.

S 3. Article 4 of the arts and cultural affairs law is REPEALED.

S 4. Section 16 of the agriculture and markets law is amended by adding a new subdivision 45 to read as follows:

45. WHEN CONSIDERING PLANS, POLICIES AND PROGRAMS PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER, THE COMMISSIONER SHALL CONSULT WITH THE PLANT INDUSTRY, INCLUDING, BUT NOT LIMITED TO HORTICULTURE OR VEGETABLE GROWERS AND THE CORNELL COOPERATIVE EXTENSION.

S 5. Section 169-c of the agriculture and markets law is REPEALED.

S 6. Subdivision 3 of section 73-c of the transportation law is REPEALED.

S 7. Section 73-d of the transportation law is REPEALED.

S 8. Subdivision 2 and the opening paragraph of subdivision 5 of section 73-e of the transportation law, as amended by chapter 562 of the laws of 1987, are amended and a new subdivision 6 is added to read as follows:

2. Eligible expenses and services. The department shall[, in consultation with the interagency coordinating committee on rural public transportation,] define and determine the categories or types of expenses or services that will be eligible for financial assistance. Public transportation services funded under this article should be designed to maximize usage by the public, including transportation disadvantaged persons. Rail, air, water, freight, emergency medical, charter or tour transportation services shall not be eligible for

assistance provided by this article. No payment of financial assistance under this section shall be made for any expenses incurred by a rural county or its subcontractors prior to the date it receives written notice from the commissioner that it shall be awarded a grant under this article.

Coordination of federal, state, local and private aid; report. The department may compile and maintain current information on available and pending federal, state, local and private aid affecting coordinated public transportation services in rural counties. The department may request and shall be entitled to receive information from state or local agencies regarding the amount of federal, state and local aid received by public and private nonprofit organizations providing or contracting for transportation services and the purpose for which the aid is received. The commissioner may[, in consultation with the interagency coordinating committee on rural public transportation,] use the following criteria to recommend policies to the governor and the legislature that would or could promote compliance with the purposes of this subdivision:

6. THE COMMISSIONER SHALL, IN IMPLEMENTING THIS ARTICLE, CONSULT WITH THE OFFICE FOR THE AGING, THE OFFICE OF MENTAL HEALTH, AND THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES; AND THE DEPARTMENTS OF LABOR, HEALTH, SOCIAL SERVICES, STATE, AND AGRICULTURE AND MARKETS; THE STATE ADVOCATE FOR THE DISABLED; THE DIVISION FOR YOUTH AND REPRESENTATION OF CONSUMERS AND PROVIDERS OF TRANSPORTATION SERVICES IN RURAL COUNTIES.

S 9. Subdivision 1 of section 73-h of the transportation law, as amended by chapter 562 of the laws of 1987, is amended to read as follows:

1. For those rural counties having an approved and implemented coordinated public transportation service plan which has maintained existing levels of funding used for transportation by the coordinated service and has documented the need for additional operating aid, the commissioner may[, in consultation with the interagency coordinating committee on rural public transportation,] grant up to twenty-five thousand dollars per year for operating aid for up to five successive years, subject to annual appropriations to be included in the state budget. Such aid may be extended annually when the county or operator of the coordinated public transportation service has adequately demonstrated the need for such continued aid and that criteria for continuing aid established by rules issued by the commissioner have been met.

S 10. Subdivisions 6, 14 and 15 of section 73-j of the transportation law, subdivision 6 as amended by chapter 562 of the laws of 1987 and subdivisions 14 and 15 as amended by chapter 659 of the laws of 1989, are amended to read as follows:

6. Except as provided for in section seventy-three-g of this article, a rural county's apportionment of funds made available in accordance with this article may be used for capital, operating and or administrative assistance to provide rural public transportation. The commissioner[, in consultation with the interagency coordinating committee on rural public transportation,] may award other grants for operating and capital expenses.

14. Notwithstanding any other provisions of this article to the contrary, no application for financial assistance made pursuant to section seventy-three-g of this article shall be awarded by the commissioner for less than fifty-five thousand dollars or for less than the amount requested unless the commissioner shall, in writing, prior to

making the award, each year certify the reasons why such applicant was awarded less than fifty-five thousand dollars or an amount less than requested. Such certification, including the reasons for such action, shall be sent to the applicant, [the interagency coordinating committee on rural public transportation,] the secretary of the senate finance committee, the secretary of the assembly ways and means committee, the director of the office of rural affairs and the director of the legislative commission on the development of rural resources.

15. Notwithstanding any other provisions of this article to the contrary, no grant for operating aid, as authorized by section seventy-three-h of this article, shall be made by the commissioner to any county for less than thirty-five thousand dollars in any one year unless the commissioner shall, in writing, prior to making the grant, each year certify the reasons why such county was awarded less than thirty-five thousand dollars. Such certification including the reasons for such action shall be sent to such county, [the interagency coordinating committee on rural public transportation,] the secretary of the senate finance committee, the secretary of the assembly ways and means committee, the director of the office of rural affairs and the director of the legislative commission on the development of rural resources.

S 11. Section 73-p of the transportation law, as added by chapter 895 of the laws of 1986, is amended to read as follows:

S 73-p. Department report. Commencing December thirty-first, nineteen hundred eighty-seven, the department[, in cooperation with the state interagency coordinating committee on rural public transportation,] shall prepare and submit to the governor and the legislature a report on or before the first day of January of each year, which shall include information relating to the operation of coordinated public transportation services in rural counties then being funded under this article and any recommendations for overall program improvement; stating the receipts and disbursements made during the preceding fiscal year and adequacy of programs financed by federal, state, local and private aid in rural counties of the state. The department shall analyze the programs financed in accordance with this article and recommend methods of avoiding duplication and increasing the efficacy of programs financed. The department shall receive comments from the officers and agents of affected state and local government units relative to the department's analysis.

S 12. Subdivision 13 of section 89-ppp of the general business law, as added by chapter 557 of the laws of 1997, is amended to read as follows:

13. "Qualified firearms training course" means a minimum forty-seven hour firearms training course for armored car guards that is specific and germane to the armored car carrier industry, recognized by the division in consultation with the [board] ARMORED CAR CARRIER INDUSTRY AND THE NEW YORK ARMORED CAR ASSOCIATION, INC.

S 13. Subdivision 4 of section 89-sss of the general business law, as added by chapter 557 of the laws of 1997, is amended to read as follows:

4. The commissioner[, upon the recommendation and with the general advice of the board,] shall waive the training requirements specified in subdivision one of this section, with respect to applicants employed by armored car carriers, if the applicant provides appropriate documentation to demonstrate that he or she was or is subject to training requirements which meet or exceed the requirements established pursuant to such subdivision.

S 14. Section 89-yyy of the general business law, as added by chapter 557 of the laws of 1997, is amended to read as follows:

S 89-yyy. Regulations. The secretary and commissioner, in consultation with the [board] ARMORED CAR CARRIER INDUSTRY AND THE NEW YORK ARMORED CAR ASSOCIATION, INC., are hereby authorized and empowered to promulgate rules and regulations necessary for the proper conduct of the business authorized under this article, and not inconsistent herewith.

S 15. Subdivision 14 of section 601 of the executive law is REPEALED.

S 16. Subdivision 12 of section 604 of the executive law, as added by chapter 729 of the laws of 2005, is amended and a new subdivision 13 is added to read as follows:

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

13. THE SECRETARY SHALL, IN IMPLEMENTING THIS ARTICLE AND REVISING REGULATIONS, CONSULT WITH INSTALLERS, PARK RESIDENCE ADVOCACY ASSOCIATIONS, RETAILERS, AND MANUFACTURED HOME INDUSTRY TRADE ASSOCIATIONS, MANUFACTURERS, THE ENGINEERING INDUSTRY INVOLVED IN MANUFACTURED HOUSING ISSUES, CONSUMER ADVOCACY ASSOCIATIONS INVOLVED IN MANUFACTURED HOUSING ISSUES, AND MANUFACTURED HOUSING RESIDENT OWNERS.

S 17. Sections 611 and 612 of the executive law are REPEALED.

S 18. Section 154 of the labor law is REPEALED.

S 19. This act shall take effect immediately.