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

4208

2015-2016 Regular Sessions

I N S E N A T E

March 9, 2015

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT 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; and 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 the effectiveness thereof (Part A); intentionally omitted (Part B); to amend the transportation law, in relation to fees for motor carriers; and to repeal certain provisions of such law relating thereto (Part C); to amend chapter 413 of the laws of 1999, relating to providing for mass transportation payments, in relation to including Ontario county to the Rochester-Genesee Regional Transportation District (Part D); to amend the state finance law, in relation to establishing the transit assistance for capital investments fund (Part E); authorizing the department of transportation to defer reductions in service payments for two years (Part F); to amend the public authorities law, in relation to the sharing of employees, services and resources by the department of transportation and municipal corporations with the New York state thruway authority; to amend the public authorities law and the highway law, in relation to indemnification and defense under shared services agreements; and to amend the public officers law, in relation to state indemnification of officers and employees of the New York state thruway authority (Part G); to amend the vehicle and traffic law, in relation to overweight permits (Part H); to amend the vehicle and traffic law, the criminal procedure law and the transportation law, in relation to the issuance of commercial learner's permits and the disqualification of commercial driver's licenses and commercial learner's permits (Part I); to amend public authorities law, in relation to decreasing state responsibility for certain costs incurred by the New York state thruway authority (Part J); intentionally omitted (Part K); to amend the public authorities law, in relation to procurements by the New York city transit authority and the metropolitan transportation authority (Part L); to amend

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

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the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part M); 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 N); 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 O); intentionally omitted (Part P); intentionally omitted (Part Q); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part R); 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 S); 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 T); to amend the real property law, in relation to eliminating certain fees charged for an apartment information vendor license (Part U); to amend the agriculture and markets law, in relation to eliminating certain license fees (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to amend the environmental conservation law, in relation to eliminating the registration fee for water well driller certification (Part Z); to amend the state finance law and the environmental conservation law, in relation to establishing a habitat conservation and access account; and to repeal certain provisions of the state finance law relating thereto (Part AA); to amend the local finance law, in relation to establishing a ten year period of probable usefulness for municipally owned omnibus or surface transit motor vehicles (Part BB); to amend the vehicle and traffic law, in relation to directing the city of Buffalo to adjudicate traffic infractions; and in relation to certain penalties and forfeited security collected by the city of Buffalo and granting a traffic violations agency certain powers; to amend the general municipal law, in relation to establishing the Buffalo traffic violations agency; to amend the state finance law, in relation to the justice court fund; to amend the criminal procedure law, in relation to a trial by judicial hearing officer; and requires the executive director of the Buffalo traffic violations agency to annually issue a report on the progress, development and operations of such agency (Part CC); to amend the vehicle and traffic law, in relation to the definition of an all terrain vehicle or "ATV" (Part DD); to amend the executive law, in relation to allowing soil and water conservation districts, acting in cooperation with a local government, to be eligible applicants for the local waterfront revitalization grant program (Part EE); to amend the labor law, in relation to the project notification fee imposed for asbestos removal (Part FF); to amend the labor law, in relation to exempting contractors employed by municipalities from payment of asbestos project notification fees for demolitions (Part GG); to amend the tax law, in relation to providing an asbestos remediation tax credit (Part HH); to amend the soil and water conservation districts law, in relation to establishing a drain tile revolving loan program (Part II); to amend

the soil and water conservation districts law, in relation to designating rent, building expenses and utilities as expenses which are reimbursable by the state (Part JJ); to amend the environmental conservation law, in relation to the use of ultra low sulfur diesel fuel and best available technology by the state (Part KK); to amend the public authorities law, in relation to providing toll exemptions for farmers transporting their goods to the city of New York (Part LL); to amend the agriculture and markets law, in relation to the beginning farmer revolving loan fund program (Part MM); to amend the agriculture and markets law and the public lands law, in relation to access to viable agricultural land for new and beginning farmers (Part NN); to amend the education law, in relation to establishing a young farmer apprentice program (Part OO); to amend the state finance law, in relation to establishing the bridge and road investment and dedicated fund guaranteed enforcement "BRIDGE" reform act (Part PP); to amend part D of chapter 58 of the laws of 2013, amending the vehicle and traffic law, relating to the hours of operation of the department of motor vehicles, in relation to the effectiveness thereof (Part QQ); to amend the public authorities law, in relation to payments of grants to farm operations by NYSERDA (Part RR); to amend the state finance law, in relation to a three phase power revolving loan program (Part SS); to amend the public service law and the public authorities law, in relation to establishing a fuel cell incentive program (Part TT); to amend the public service law, in relation to limiting increases in the amount of surcharges established by the public service commission (Part UU); to amend the public service law, the public buildings law, the real property tax law and the public authorities law, in relation to expansion of natural gas service (Part VV); to require the public service commission and the New York state energy research and development authority to ensure Green Bank funds are available to fund programs assisting building owners with installing energy efficient improvements (Part WW); to amend the public service law, in relation to jurisdiction, powers and duties of the public service commission; in relation to the renewal or amendment of franchises; to amend section 2 of part R of chapter 57 of the laws of 2014 amending the public service law relating to transfers of cable franchises, in relation to making certain provisions permanent; and repealing certain provisions of such law relating thereto (Part XX); to amend the public service law, in relation to establishing a natural gas safety and infrastructure replacement program; and to amend the state finance law, in relation to establishing a natural gas safety and infrastructure replacement fund (Part YY); to amend the environmental conservation law, in relation to pesticide applicator certifications (Part ZZ); to amend the vehicle and traffic law, in relation to providing for a discount on driver's license renewal fees for senior citizens (Part AAA); to amend the agriculture and markets law, in relation to the creation of a "Grown in New York" program campaign to increase awareness and consumption of locally grown and produced foods and related products and to increase the production and improve the distribution of foods and related products for local consumption (Part BBB); to amend the waterfront commission act, in relation to cargo facility charges by the Port Authority of New York and New Jersey (Part CCC); to amend the vehicle and traffic law, in relation to owner liability and maximum speed limits; and to repeal sections 1, 1-a, 1-b, 1-c, 1-d, 2, 3, 3-a, 3-b, 3-c, 3-d, 4, 4-a, 4-b, 4-c, 5, 7, 8, 9 and 10 of chapter 43 of the laws of 2014 amending the vehicle and

traffic law and other laws relating to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices relating thereto (Part DDD); to amend the public authorities law, in relation to toll discount programs (Part EEE); to amend the transportation law, in relation to the interagency coordinating committee on rural public transportation (Part FFF); to amend the state finance law, in relation to the mass transportation operating assistance fund (Part GGG); to amend the public authorities law, in relation to a clean energy rural development program (Part HHH); and to amend the economic development law, in relation to establishing the empire public works program; and to amend the state finance law, in relation to establishing the empire public works revolving loan fund (Part III)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2015-2016 state fiscal year. Each component is wholly contained within a Part identified as Parts A through III. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003 amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, as amended by section 1 of part C of chapter 57 of the laws of 2014, is amended to read as follows:

S 13. This act shall take effect immediately; provided however that sections one through seven of this act, the amendments to subdivision 2 of section 205 of the tax law made by section eight of this act, and section nine of this act shall expire and be deemed repealed on April 1, [2015] 2021; provided [further,] however, that the amendments to subdivision 3 of section 205 of the tax law made by section eight of this act shall expire and be deemed repealed on March 31, 2018; provided further, however, that the provisions of section eleven of this act shall take effect April 1, 2004 and shall expire and be deemed repealed on April 1, [2015] 2021.

S 2. Section 2 of part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, as amended by section 2 of part C of chapter 57 of the laws of 2014, is amended to read as follows:

S 2. This act shall take effect April 1, 2002; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2002; provided further, however, that this act shall expire and be deemed repealed on April 1, [2015] 2021.

S 3. This act shall take effect immediately.

PART B

Intentionally Omitted

PART C

Section 1. Intentionally omitted.

S 2. Subdivision 1 of section 153 of the transportation law is REPEALED and subdivisions 2, 3, 4, 5, 6, 7, 8 and 9 are renumbered subdivisions 1, 2, 3, 4, 5, 6, 7 and 8.

S 2-a. Subdivisions 1, 6 and 7 of section 153 of the transportation law, as added by chapter 635 of the laws of 1983 and as renumbered by section two of this act, are amended to read as follows:

1. A temporary certificate of public convenience and necessity to operate as a common carrier of passengers may be issued by the commissioner after public notice and with or without hearing, except as provided in [paragraphs six and eight] SUBDIVISIONS FIVE AND SEVEN of this section, to an applicant upon a finding that the applicant is fit, willing and able to perform a service for which there is an immediate or urgent need. Such a temporary certificate of public convenience and necessity may also be issued on the commissioner's own motion for the purpose of experiment or demonstration when the commissioner is of the opinion that such action is required by the public interest.

6. Notwithstanding any other provision of law, on any application for temporary authority to operate a bus line originating or terminating in any city, the commissioner shall, in addition to the requirements specified in subdivision [two] ONE of this section, also consider and evaluate the application and any objections to the application in accordance with the following criteria:

(a) The adequacy of the existing mass transit and mass transportation facilities to meet the transportation needs of any particular segment of the general public for the proposed service; and

(b) The impact that the proposed operation may have on any existing mass transit or mass transportation facilities.

7. If any application to operate a van service originating or terminating within a city is protested by the governing body of such city, a bus line operating in said city or a public transportation authority created pursuant to titles nine, eleven, eleven-A, eleven-B, eleven-C and eleven-D of article five of the public authorities law whose territory or district includes said city, and a hearing is requested, such hearing shall be held. Based on the evidence submitted at such hearing the commissioner shall, in addition to the requirements specified in subdivision [two] ONE hereof, consider and evaluate the application and the objections to the application in accordance with the following criteria:

(a) The adequacy of the existing mass transit and mass transportation facilities to meet the transportation needs of any particular segment of the general public for the proposed service; and

(b) The impact that the proposed operation may have on any existing mass transit or mass transportation facilities.

S 3. Subdivisions 1 and 6 of section 154 of the transportation law, as added by chapter 635 of the laws of 1983, are amended to read as follows:

1. The commissioner may issue a permanent certificate of public convenience and necessity to operate as a common carrier of passengers to an applicant with or without hearing, except as provided in subdivisions two and seven of this section, but upon notice to all interested parties. If any application for authority to operate a bus line through a county, city, village or town or in or through a territory or district served by a bus line or a public transportation authority created pursuant to titles nine, eleven, eleven-A, eleven-B, eleven-C and eleven-D of article five of the public authorities law is protested by any such municipality, bus line, or public transportation authority, and hearing on such application is requested then no permanent authority shall be granted prior to a hearing held on such application. The commissioner shall consider any reasonable conditions required of the applicant by such municipality regarding routing and franchise requirements and, in cities having a population of over one million persons the commissioner shall adopt the intracity routing requirements to the proposed destination point or points that are established by any such city, provided that such city furnishes the routing requirements to the commissioner within sixty days of the filing of the application with the department. In addition the commissioner shall adopt insurance requirements provided for by any such city. Except for the routing and insurance requirements in cities having a population of over one million persons, the commissioner shall impose requirements on the applicant deemed to be reasonable and in the public interest as a condition to any authority granted. [Applications for a permanent certificate shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter.] The application for a permanent certificate shall be granted if the commissioner finds that:

(a) the applicant is fit, willing and able to provide the transportation to be authorized by the certificate and to comply with this chapter and the regulations of the commissioner; and

(b) the service proposed will be required by the present or future public convenience and necessity.

6. Any person holding a permanent certificate to provide bus line service shall not discontinue service on any route unless an application is made to the commissioner and the commissioner approves such application upon a finding that the public convenience and necessity no longer requires such bus line service. [Applications for discontinuance shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter.]

S 4. Subdivision 1 of section 155 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

1. A permanent permit to operate as a contract carrier of passengers may be issued by the commissioner to an applicant with or without a hearing, but upon notice to all interested parties, authorizing such applicant to provide transportation as a contract carrier of passengers. [Applications for a permanent permit shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter.] The application for a permanent permit shall be granted if the commissioner finds that:

(a) the applicant is fit, willing and able to provide the transportation to be authorized by the permit and to comply with this chapter and the regulations of the commissioner; and

(b) the proposed service is or will be consistent with the public interest and the policy declared in section one hundred thirty-seven of this chapter.

S 5. Subdivision 3 of section 156 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

3. Certificates or permits shall not be assigned or transferred, in any manner, nor shall the right to operate under any certificate or permit be leased without prior approval of the commissioner upon such notice as the commissioner shall deem appropriate. The assignment, transfer or lease of certificates or permits or the right to operate under any certificate or permit, shall not be approved unless the commissioner shall find that it is in the public interest to do so. All applications for transfer or lease must be in such form as prescribed by the commissioner [and be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter].

S 6. Subdivision 1 of section 173 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

1. A temporary certificate or permit to operate as a common or contract carrier of property may be issued by the commissioner to a qualified applicant with or without a hearing for the purpose of providing a service for which there is an immediate or urgent need from or to a point or points or within a territory. Applications for temporary authority shall contain such information as the commissioner by regulation may prescribe [and shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter].

S 7. Subdivision 1 of section 174 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

1. A permanent certificate to operate as a common carrier of property may be issued by the commissioner to a qualified applicant with or without hearing, but upon notice to all interested parties, authorizing such applicant to provide transportation as a common carrier of property. Applications for a permanent certificate shall contain such information as the commissioner by regulation may prescribe [and shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter]. The application for a permanent certificate shall be granted if the commissioner finds that:

(a) the applicant is fit, willing and able to provide the transportation to be authorized by the certificate and to comply with this chapter and the regulations of the commissioner; and

(b) that the service proposed will be required by the present or future public convenience and necessity.

S 8. Subdivision 1 of section 175 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

1. A permanent permit to operate as a contract carrier of property may be issued by the commissioner to an applicant with or without hearing, but upon notice to all interested parties authorizing such applicant to provide transportation as a contract carrier of property. [Applications for a permanent permit shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter.] The application for a permanent permit shall be granted if the commissioner finds that:

(a) the applicant is fit, willing and able to provide the transportation to be authorized and to comply with this chapter and the regulations of the commissioner; and

(b) the proposed service to the extent authorized will be consistent with the public interest and the policy declared in section one hundred thirty-seven of this chapter.

S 9. Subdivision 3 of section 177 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

3. Certificates or permits shall not be assigned, transferred or leased in any manner nor shall the right to operate under any certificate or permit be leased without prior approval of the commissioner, upon such notice as the commissioner shall deem appropriate. The assignment, transfer or lease of a certificate, or the right to operate under any certificate, shall not be approved unless the commissioner shall find that it is in the public interest to do so. All applications for assignment, transfer or lease must be in such form as prescribed by the commissioner [and shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter].

S 10. Subdivision 1 of section 192 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

1. A probationary certificate to operate as a common carrier of household goods by motor vehicle may be issued by the commissioner to a qualified applicant after public notice and with or without hearing. The application shall contain such information as the commissioner by regulation shall prescribe [and the application shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter]. A probationary certificate shall:

(a) create no presumption that a corresponding permanent certificate will be granted;

(b) confer no proprietary or property rights in the use of the highways;

(c) be granted for a period not to exceed one year, which may be renewed for an additional one year period by the commissioner; and

(d) be subject to any conditions deemed appropriate by the commissioner to be in the public interest.

S 11. Subdivision 6 of section 193 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

6. Permanent certificates issued pursuant to subdivision one of this section shall have no application fee. [Applications for permanent certificates issued pursuant to subdivision four of this section shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter.]

S 12. Subdivision 3 of section 195 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

3. Permanent certificates shall not be assigned, transferred or leased in any manner nor shall the right to operate under any such certificate be leased without prior approval of the commissioner upon such notice as the commissioner shall deem appropriate. The assignment, transfer or lease of a permanent certificate, shall not be approved unless the commissioner shall find that it is in the public interest to do so. All applications for transfer or lease must be in such form as prescribed by the commissioner [and shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter].

S 13. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

PART D

Section 1. Section 1 of part I of chapter 413 of the laws of 1999, relating to providing for mass transportation payments, as amended by section 1 of part L of chapter 59 of the laws of 2006, is amended to read as follows:

Section 1. Notwithstanding any other law, rule or regulation to the contrary, payment of mass transportation operating assistance pursuant

to section 18-b of the transportation law shall be subject to the provisions contained herein and the amounts made available therefor by appropriation.

In establishing service and usage formulas for distribution of mass transportation operating assistance, the commissioner of transportation may combine and/or take into consideration those formulas used to distribute mass transportation operating assistance payments authorized by separate appropriations in order to facilitate program administration and to ensure an orderly distribution of such funds.

To improve the predictability in the level of funding for those systems receiving operating assistance payments under service and usage formulas, the commissioner of transportation is authorized with the approval of the director of the budget, to provide service payments based on service and usage statistics of the preceding year.

In the case of a service payment made, pursuant to section 18-b of the transportation law, to a regional transportation authority on account of mass transportation services provided to more than one county (considering the city of New York to be one county), the respective shares of the matching payments required to be made by a county to any such authority shall be as follows:

Percentage of matching payment required to be provided:

Local Jurisdiction	Percentage of Matching Payment
In the Metropolitan Commuter Transportation District:	
New York City	6.40
Dutchess	1.30
Nassau	39.60
Orange	0.50
Putnam	1.30
Rockland	0.10
Suffolk	25.70
Westchester	25.10
In the Capital District Transportation District:	
Albany	56.10
Rensselaer	23.30
Saratoga	4.10
Schenectady	16.50
In the Central New York Regional Transportation District:	
Cayuga	5.11
Onondaga	75.83
Oswego	2.85
Oneida	16.21
In the Rochester-Genesee Regional Transportation District:	
Genesee	[1.43] 1.36
Livingston	[0.94] .90
Monroe	[94.58] 90.14
Wayne	[1.03] .98

Wyoming	[0.54] .51		
Seneca	[0.67] .64		
Orleans	[0.81] .77		
ONTARIO	4.69		
In the Niagara Frontier Transportation District: Erie			89.20
Niagara	10.80		

Notwithstanding any other inconsistent provisions of section 18-b of the transportation law or any other law, any moneys provided to a public benefit corporation constituting a transportation authority or to other public transportation systems in payment of state operating assistance or such lesser amount as the authority or public transportation system shall make application for, shall be paid by the commissioner of transportation to such authority or public transportation system in lieu, and in full satisfaction, of any amounts which the authority would otherwise be entitled to receive under section 18-b of the transportation law.

Notwithstanding the reporting date provision of section 17-a of the transportation law, the reports of each regional transportation authority and other major public transportation systems receiving mass transportation operating assistance shall be submitted on or before July 15 of each year in the format prescribed by the commissioner of transportation. Copies of such reports shall also be filed with the chairpersons of the senate finance committee and the assembly ways and means committee and the director of the budget. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such reports.

Payments may be made in quarterly installments as provided in subdivision 2 of section 18-b of the transportation law or in such other manner and at such other times as the commissioner of transportation, with the approval of the director of the budget, may provide; and where payment is not made in the manner provided by such subdivision 2, the matching payments required of any city, county, Indian tribe or intercity bus company shall be made within 30 days of the payment of state operating assistance pursuant to this section or on such other basis as may be agreed upon by the commissioner of transportation, the director of the budget, and the chief executive officer of such city, county, Indian tribe or intercity bus company.

The commissioner of transportation shall be required to annually evaluate the operating and financial performance of each major public transportation system. Where the commissioner's evaluation process has identified a problem related to system performance, the commissioner may request the system to develop plans to address the performance deficiencies. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such operating, financial, or other information as may be required by the commissioner to conduct the evaluation process.

Payments shall be made contingent upon compliance with regulations deemed necessary and appropriate, as prescribed by the commissioner of transportation and approved by the director of the budget, which shall promote the economy, efficiency, utility, effectiveness, and coordinated service delivery of public transportation systems. The chief executive officer of each public transportation system receiving a payment shall certify to the commissioner of transportation, in addition to information required by section 18-b of the transportation law, such other

information as the commissioner of transportation shall determine is necessary to determine compliance and carry out the purposes herein.

Counties, municipalities or Indian tribes that propose to allocate service payments to operators on a basis other than the amount earned by the service payment formula shall be required to describe the proposed method of distributing governmental operating aid and submit it one month prior to the start of the operator's fiscal year to the commissioner of transportation in writing for review and approval prior to the distribution of state aid. The commissioner of transportation shall only approve alternate distribution methods which are consistent with the transportation needs of the people to be served and ensure that the system of private operators does not exceed established maximum service payment limits. Copies of such approvals shall be submitted to the chairpersons of the senate finance and assembly ways and means committees.

Notwithstanding the provisions of subdivision 4 of section 18-b of the transportation law, the commissioner of transportation is authorized to continue to use prior quarter statistics to determine current quarter payment amounts, as initiated in the April to June quarter of 1981. In the event that actual revenue passengers and actual total number of vehicle, nautical or car miles are not available for the preceding quarter, estimated statistics may be used as the basis of payment upon approval by the commissioner of transportation. In such event, the succeeding payment shall be adjusted to reflect the difference between the actual and estimated total number of revenue passengers and vehicle, nautical or car miles used as the basis of the estimated payment. The chief executive officer may apply for less aid than the system is eligible to receive. Each quarterly payment shall be attributable to operating expenses incurred during the quarter in which it is received, unless otherwise specified by such commissioner. In the event that a public transportation system ceases to participate in the program, operating assistance due for the final quarter that service is provided shall be based upon the actual total number of revenue passengers and the actual total number of vehicle, nautical or car miles carried during that quarter.

Payments shall be contingent on compliance with audit requirements determined by the commissioner of transportation.

In the event that an audit of a public transportation system or private operator receiving funds discloses the existence of an overpayment of state operating assistance, regardless of whether such an overpayment results from an audit of revenue passengers and the actual number of revenue vehicle miles statistics, or an audit of private operators in cases where more than a reasonable return based on equity or operating revenues and expenses has resulted, the commissioner of transportation, in addition to recovering the amount of state operating assistance overpaid, shall also recover interest, as defined by the department of taxation and finance, on the amount of the overpayment.

Notwithstanding any other law, rule or regulation to the contrary, whenever the commissioner of transportation is notified by the comptroller that the amount of revenues available for payment from an account is less than the total amount of money for which the public mass transportation systems are eligible pursuant to the provisions of section 88-a of the state finance law and any appropriations enacted for these purposes, the commissioner of transportation shall establish a maximum payment limit which is proportionally lower than the amounts set forth in appropriations.

Notwithstanding paragraphs (b) of subdivisions 5 and 7 of section 88-a of the state finance law and any other general or special law, payments may be made in quarterly installments or in such other manner and at such other times as the commissioner of transportation, with the approval of the director of the budget may prescribe.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

PART E

Section 1. The state finance law is amended by adding a new section 99-w to read as follows:

S 99-W. TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL CAPITAL FUND TO BE KNOWN AS THE "TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND".

2. THE COMPTROLLER SHALL ESTABLISH THE FOLLOWING SEPARATE AND DISTINCT ACCOUNT WITHIN THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND:

METROPOLITAN TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS ACCOUNT

3. THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND SHALL CONSIST OF $115,826,600 TRANSFERRED IN STATE FISCAL YEAR TWO THOUSAND FIFTEEN -- TWO THOUSAND SIXTEEN FROM THE MASS TRANSPORTATION OPERATING ASSISTANCE FUND. ANY INTEREST RECEIVED BY THE COMPTROLLER ON MONEYS ON DEPOSIT IN THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND SHALL BE RETAINED IN AND BECOME A PART OF SUCH FUND.

4. MONEYS IN THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND SHALL, FOLLOWING APPROPRIATION BY THE LEGISLATURE, BE UTILIZED FOR CAPITAL PURPOSES, INCLUDING, BUT NOT LIMITED TO THE PLANNING AND DESIGN, ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, IMPROVEMENT, RECONDITIONING, REHABILITATION AND PRESERVATION OF MASS TRANSIT FACILITIES, VEHICLES, RELATED EQUIPMENT AND ROLLING STOCK WITH AN AVERAGE SERVICE LIFE OF NO LESS THAN FIVE YEARS.

5. MONEYS DEPOSITED INTO THE METROPOLITAN TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS ACCOUNT SHALL BE AVAILABLE TO THE METROPOLITAN TRANSPORTATION AUTHORITY (MTA) AND TO ALL OTHER PUBLIC TRANSPORTATION SYSTEMS SERVING PRIMARILY WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT, AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, ELIGIBLE TO RECEIVE OPERATING ASSISTANCE UNDER THE PROVISIONS OF SECTION EIGHTEEN-B OF THE TRANSPORTATION LAW CONSISTENT WITH THE USES OUTLINED IN SUBDIVISION FOUR OF THIS SECTION.

6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO CAPITAL ASSISTANCE PAYMENT AUTHORIZED UNDER THIS SECTION MAY BE APPLIED TO OPERATING EXPENSES.

7. ALL PAYMENTS OF MONEYS FROM THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND SHALL BE MADE ON THE AUDIT AND WARRANT OF THE COMPTROLLER.

S 2. This act shall take effect immediately.

PART F

Section 1. Notwithstanding any other law, rule or regulation to the contrary, the commissioner of transportation may approve the deferral of any required reductions in service payments to unspecified public transportation systems, pursuant to the hold-harmless provision of the Statewide Mass Transportation Operating Assistance (STOA) program provided in

17 N.Y.C.R.R. 975.18, on an annual basis for a period of no more than two years.

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

PART G

Section 1. Section 351 of the public authorities law is amended by adding a new subdivision 14 to read as follows:

14. THE TERM "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF TRANSPORTATION.

S 2. The public authorities law is amended by adding three new sections 357-b, 357-c and 357-d to read as follows:

S 357-B. SHARING EMPLOYEES, SERVICES AND RESOURCES. A SHARED SERVICES AGREEMENT MAY BE EXECUTED BETWEEN THE AUTHORITY AND THE DEPARTMENT TO SHARE EMPLOYEES, SERVICES OR RESOURCES AS DEEMED APPROPRIATE INCLUDING, BUT NOT LIMITED TO, FOR THE PERFORMANCE OF WORK AND ACTIVITIES BY THE DEPARTMENT ON THE FACILITIES AND PROPERTY UNDER THE JURISDICTION OF THE AUTHORITY, AND FOR THE PERFORMANCE OF WORK AND ACTIVITIES BY THE AUTHORITY ON THE FACILITIES AND PROPERTY UNDER THE JURISDICTION OF THE DEPARTMENT. SUCH AGREEMENT OR ANY PROJECT UNDERTAKEN PURSUANT TO SUCH AGREEMENT SHALL NOT BE DEEMED TO IMPAIR THE RIGHTS OF BONDHOLDERS AND MAY PROVIDE FOR, BUT NOT BE LIMITED TO, THE MANAGEMENT, SUPERVISION AND DIRECTION OF SUCH EMPLOYEES' PERFORMANCE OF SUCH SERVICES.

S 357-C. SHARING EMPLOYEES, SERVICES AND RESOURCES WITH MUNICIPAL CORPORATIONS. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, THE DEPARTMENT OR THE AUTHORITY MAY ENTER INTO A SHARED SERVICES AGREEMENT WITH THE BOARD OF ANY MUNICIPAL CORPORATION AS DEFINED IN SECTION TWO OF THE GENERAL MUNICIPAL LAW TO SHARE EMPLOYEES, SERVICES OR RESOURCES AS DEEMED APPROPRIATE FOR THE PURPOSE OF PROVIDING ASSISTANCE TO MOTORISTS DURING A DISASTER OR EMERGENCY.

S 357-D. INDEMNIFICATION AND DEFENSE UNDER SHARED SERVICES AGREEMENT. 1. THE AUTHORITY SHALL DEFEND ANY UNIT, ENTITY, OFFICER OR EMPLOYEE OF THE DEPARTMENT OR THE MUNICIPAL CORPORATION, USING THE FORCES OF THE DEPARTMENT OF LAW PURSUANT TO SECTION THREE HUNDRED SIXTY-TWO OF THIS TITLE IN ANY ACTION, PROCEEDING, CLAIM, DEMAND OR THE PROSECUTION OF ANY APPEAL ARISING FROM OR OCCASIONED BY THE ACTS OR OMISSIONS TO ACT IN THE PERFORMANCE OF THE FUNCTIONS OF THE AUTHORITY PURSUANT TO A SHARED SERVICES AGREEMENT.

2. DEFENSE PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE CONDITIONED UPON THE FULL COOPERATION OF THE DEPARTMENT OR THE MUNICIPAL CORPORATION BEING DEFENDED BY THE AUTHORITY.

3. THE AUTHORITY SHALL INDEMNIFY AND HOLD HARMLESS ANY UNIT, ENTITY, OFFICER OR EMPLOYEE OF THE DEPARTMENT OR MUNICIPAL CORPORATION IN THE AMOUNT OF ANY JUDGMENT OBTAINED AGAINST THE DEPARTMENT OR THE MUNICIPAL CORPORATION IN THE AMOUNT OF ANY SETTLEMENT THE DEPARTMENT OR THE MUNICIPAL CORPORATION ENTERS INTO WITH THE CONSENT OF THE AUTHORITY FOR ANY AND ALL CLAIMS, DAMAGES OR LIABILITIES ARISING FROM OR OCCASIONED BY THE ACTS OR OMISSIONS TO ACT OF THE AUTHORITY OR ITS SUBSIDIARIES PURSUANT TO A SHARED SERVICES AGREEMENT; PROVIDED, HOWEVER, THAT THE ACT OR OMISSION FROM WHICH SUCH JUDGMENT OR SETTLEMENT AROSE OCCURRED WHILE THE AUTHORITY OR ITS SUBSIDIARIES WAS ACTING WITHIN THE SCOPE OF ITS FUNCTIONS PURSUANT TO A SHARED SERVICES AGREEMENT. NO SUCH SETTLEMENT OF ANY SUCH ACTION, PROCEEDING, CLAIM OR DEMAND SHALL BE MADE WITHOUT THE APPROVAL OF THE BOARD OR ITS DESIGNEE.

4. ANY CLAIM OR PROCEEDING COMMENCED AGAINST ANY UNIT, ENTITY, OFFICER OR EMPLOYEE OF THE AUTHORITY THAT ARISES PURSUANT TO ANY SHARED SERVICES

AGREEMENT SHALL NOT BE CONSTRUED IN ANY WAY TO IMPAIR, ALTER, LIMIT, MODIFY, ABROGATE OR RESTRICT ANY IMMUNITY AVAILABLE TO OR CONFERRED UPON ANY UNIT, ENTITY, OFFICER OR EMPLOYEE OF THE AUTHORITY, OR TO IMPAIR, ALTER, LIMIT, MODIFY, ABROGATE OR RESTRICT ANY RIGHT TO DEFENSE AND INDEMNIFICATION PROVIDED FOR ANY GOVERNMENTAL OFFICER OR EMPLOYEE BY, IN ACCORDANCE WITH, OR BY REASON OF, ANY OTHER PROVISION OF STATE OR FEDERAL STATUTORY OR COMMON LAW.

5. THIS SECTION SHALL NOT IN ANY WAY AFFECT THE OBLIGATION OF ANY CLAIMANT TO GIVE NOTICE TO THE STATE AND THE AUTHORITY UNDER SECTION TEN AND SECTION ELEVEN OF THE COURT OF CLAIMS ACT OR ANY OTHER PROVISION OF LAW.

6. THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO IMPAIR, ALTER, LIMIT OR MODIFY THE RIGHTS AND OBLIGATIONS OF ANY INSURER UNDER ANY INSURANCE AGREEMENT.

7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN EMPLOYED PURSUANT TO A SHARED SERVICES AGREEMENT, EMPLOYEES OF THE AUTHORITY, AND ITS SUBSIDIARIES, THE DEPARTMENT AND THE MUNICIPAL CORPORATION SHALL BE DEEMED EMPLOYEES OF ALL SUCH ENTITIES AND THE STATE FOR PURPOSES OF THE WORKERS' COMPENSATION LAW.

S 3. Section 10-a of the highway law is amended by adding a new subdivision 13 to read as follows:

13. (A) THE STATE SHALL DEFEND ANY UNIT, ENTITY, OFFICER OR EMPLOYEE OF THE NEW YORK STATE THRUWAY AUTHORITY USING THE FORCES OF THE DEPARTMENT OF LAW IN ANY ACTION, PROCEEDING, CLAIM, DEMAND OR THE PROSECUTION OF ANY APPEAL ARISING FROM OR OCCASIONED BY THE ACTS OR OMISSIONS TO ACT IN THE PERFORMANCE OF THE FUNCTIONS OF THE DEPARTMENT OR THE MUNICIPAL CORPORATION PURSUANT TO A SHARED SERVICES AGREEMENT.

(B) DEFENSE PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE CONDITIONED UPON THE FULL COOPERATION OF THE NEW YORK STATE THRUWAY AUTHORITY.

(C) THE STATE SHALL INDEMNIFY AND HOLD HARMLESS ANY UNIT, ENTITY, OFFICER OR EMPLOYEE OF THE NEW YORK STATE THRUWAY AUTHORITY IN THE AMOUNT OF ANY JUDGMENT OBTAINED AGAINST THE NEW YORK STATE THRUWAY AUTHORITY OR IN THE AMOUNT OF ANY SETTLEMENT THE NEW YORK STATE THRUWAY AUTHORITY ENTERS INTO WITH THE CONSENT OF THE STATE FOR ANY AND ALL CLAIMS, DAMAGES OR LIABILITIES ARISING FROM OR OCCASIONED BY THE ACTS OR OMISSIONS TO ACT OF THE DEPARTMENT OR THE MUNICIPAL CORPORATION PURSUANT TO A SHARED SERVICES AGREEMENT, PROVIDED, HOWEVER, THAT THE ACT OR OMISSION FROM WHICH SUCH JUDGMENT OR SETTLEMENT AROSE OCCURRED WHILE THE DEPARTMENT OR THE MUNICIPAL CORPORATION WAS ACTING WITHIN THE SCOPE OF ITS FUNCTIONS PURSUANT TO A SHARED SERVICES AGREEMENT. ANY SUCH SETTLEMENT SHALL BE EXECUTED PURSUANT TO SECTION TWENTY-A OF THE COURT OF CLAIMS ACT.

(D) ANY CLAIM OR PROCEEDING COMMENCED AGAINST ANY UNIT, ENTITY, OFFICER OR EMPLOYEE OF THE DEPARTMENT OR THE MUNICIPAL CORPORATION PURSUANT TO ANY SHARED SERVICES AGREEMENT SHALL NOT BE CONSTRUED IN ANY WAY TO IMPAIR, ALTER, LIMIT, MODIFY, ABROGATE OR RESTRICT ANY IMMUNITY AVAILABLE TO OR CONFERRED UPON ANY UNIT, ENTITY, OFFICER OR EMPLOYEE OF THE DEPARTMENT OR THE MUNICIPAL CORPORATION, OR TO IMPAIR, ALTER, LIMIT, MODIFY, ABROGATE OR RESTRICT ANY RIGHT TO DEFENSE AND INDEMNIFICATION PROVIDED FOR ANY GOVERNMENTAL OFFICER OR EMPLOYEE BY, IN ACCORDANCE WITH, OR BY REASON OF, ANY OTHER PROVISION OF STATE OR FEDERAL STATUTORY OR COMMON LAW.

(E) THIS SUBDIVISION SHALL NOT IN ANY WAY AFFECT THE OBLIGATION OF ANY CLAIMANT TO GIVE NOTICE TO THE STATE UNDER SECTIONS TEN AND ELEVEN OF THE COURT OF CLAIMS ACT OR ANY OTHER PROVISION OF LAW.

(F) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE CONSTRUED TO IMPAIR, ALTER, LIMIT OR MODIFY THE RIGHTS AND OBLIGATIONS OF ANY INSURER UNDER ANY INSURANCE AGREEMENT.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EMPLOYEES OF THE THRUWAY AUTHORITY, ITS SUBSIDIARIES, THE DEPARTMENT AND THE MUNICIPAL CORPORATION SHALL BE DEEMED EMPLOYEES OF ALL SUCH ENTITIES AND THE STATE FOR PURPOSES OF THE WORKERS' COMPENSATION LAW.

(H) ANY PAYMENT MADE PURSUANT TO THIS SUBDIVISION OR ANY MONIES PAID FOR A CLAIM AGAINST OR SETTLEMENT WITH THE DEPARTMENT, THE NEW YORK STATE THRUWAY AUTHORITY OR THE MUNICIPAL CORPORATION PURSUANT TO THIS SECTION AND PURSUANT TO A SHARED SERVICES AGREEMENT SHALL BE PAID FROM APPROPRIATIONS FOR PAYMENT BY THE STATE PURSUANT TO THE COURT OF CLAIMS ACT.

S 4. Subdivision 1 of section 17 of the public officers law is amended by adding a new paragraph (y) to read as follows:

(Y) FOR PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE MEMBERS OF THE BOARD, OFFICERS AND EMPLOYEES OF THE NEW YORK STATE THRUWAY AUTHORITY OR ITS SUBSIDIARIES.

S 5. This act, being necessary for the prosperity of the state and its inhabitants, shall be liberally construed to effect the purposes and secure the beneficial intents hereof.

S 6. If any provision of any section of this act or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section of this act or the application thereof to any other person or circumstance and to this end the provisions of each section of this act are hereby declared to be severable.

S 7. This act shall take effect immediately.

PART H

Section 1. Subdivision 15 of section 385 of the vehicle and traffic law is amended by adding a new paragraph (l) to read as follows:

(L) WHEN AN ANNUAL PERMIT IS ISSUED, PURSUANT TO THIS SUBDIVISION, FOR THE OPERATION OF A VEHICLE WITH A MAXIMUM GROSS WEIGHT IN EXCESS OF EIGHTY THOUSAND POUNDS, SUCH PERMIT SHALL SERVE AS PROOF OF THE MAXIMUM GROSS WEIGHT ALLOWED FOR SUCH VEHICLE NOTWITHSTANDING THE MAXIMUM GROSS WEIGHT FOR SUCH VEHICLE AS STATED ON THE APPLICATION FOR REGISTRATION PROVIDED THAT THE OPERATION OF SUCH VEHICLE IS IN COMPLIANCE WITH THE TERMS OF THE ANNUAL PERMIT ISSUED AND ANY REQUIREMENTS OR CONDITIONS APPLICABLE THERETO.

S 2. Paragraph (b) of schedule F of subdivision 7 of section 401 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

(b) As used in this schedule, the term "snow plow" shall not include farm type tractors used exclusively for agricultural purposes, or for snow plowing other than for hire, as defined in section one hundred twenty-five of this chapter, when used for plowing or removing snow, provided such plowing or snow removal is not done for hire.

No person shall operate or move, or cause or knowingly permit to be operated or moved on any public highway in this state any auto truck, agricultural truck or light delivery car, registered in this state, having a combined weight of vehicle and load in excess of the maximum gross weight for such vehicle as stated on the application for registra-

tion. Such maximum gross weight [cannot] SHALL NOT be more than the weight permitted under section three hundred eighty-five of this chapter or the weight permitted by the rules or regulations of the department of transportation of any city not wholly included within one county or under permits that may be issued pursuant to such section, rules or regulations whichever is the least restrictive.

S 3. Paragraph b of subdivision 9 of section 401 of the vehicle and traffic law, as amended by chapter 847 of the laws of 1968, is amended to read as follows:

b. Where a vehicle registered under the provisions of subdivisions seven or eight of this section on the basis of maximum gross weight requires a corrected registration because of a load in excess of the maximum load as certified in the application for registration, or the registrant desires to register the vehicle at a lower gross maximum weight, an application shall be made for correct registration; PROVIDED, HOWEVER, THAT WHEN AN ANNUAL PERMIT IS ISSUED PURSUANT TO SUBDIVISION FIFTEEN OF SECTION THREE HUNDRED EIGHTY-FIVE OF THIS CHAPTER FOR THE OPERATION OF A VEHICLE WITH A MAXIMUM GROSS WEIGHT IN EXCESS OF EIGHTY THOUSAND POUNDS, A CORRECTED REGISTRATION SHALL NOT BE REQUIRED PURSUANT TO THIS PARAGRAPH. Upon the surrendering of the certificate of registration and the payment of a fee of two dollars together with the balance of the annual fee for the correct registration over the fee as previously registered, such corrected registration may be issued. No return of any part of the fee paid for the previous registration shall be made in case of a reduction of maximum gross weight certified in the application for a corrected registration.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.

PART I

Section 1. Item 1 of clause (A) of subparagraph (ii) of paragraph (i) of subdivision 1 of section 201 of the vehicle and traffic law, as amended by section 1 of part CC of chapter 58 of the laws of 2011, is amended to read as follows:

(1) fifty-five years where the conviction and suspension or revocation order relates to a conviction, suspension or revocation by the holder of any driver's license when operating a commercial motor vehicle, as defined in subdivision four of section five hundred one-a of this chapter, or by the holder of a commercial driver's license OR COMMERCIAL LEARNER'S PERMIT when operating any motor vehicle, who: has refused to submit to a chemical test pursuant to section eleven hundred ninety-four of this chapter or has been convicted of any of the following offenses: any violation of subdivision ONE, two, TWO-A, three [or], four OR FOUR-A of section eleven hundred ninety-two of this chapter, any violation of subdivision one or two of section six hundred of this chapter, any felony involving the use of a motor vehicle, other than the use of a motor vehicle in the commission of a felony involving manufacturing, distributing, dispensing a controlled substance; or the conviction, suspension or revocation involves any of the following offenses while operating a commercial motor vehicle: any violation of subdivision five or six of section eleven hundred ninety-two of this chapter, driving a commercial motor vehicle when as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license OR COMMERCIAL LEARNER'S PERMIT is suspended or revoked, or has been convicted of causing a fatality through the negligent operation of

a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter and criminally negligent homicide as set forth in article one hundred twenty-five of the penal law;

S 2. Subdivision 6 of section 501-a of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, is amended to read as follows:

6. Tank vehicle. Any commercial motor vehicle designed to transport any liquid or gaseous material within [a]: (I) A tank that is either permanently or temporarily attached to the vehicle or the chassis AND HAS A RATED CAPACITY OF ONE THOUSAND GALLONS OR MORE; OR (II) MULTIPLE TANKS EITHER PERMANENTLY OR TEMPORARILY ATTACHED OR SECURED, WHEN THE AGGREGATE RATED CAPACITY OF THOSE TANKS IS ONE THOUSAND GALLONS OR MORE, AS DETERMINED BY ADDING THE CAPACITY OF EACH INDIVIDUAL TANK WITH A CAPACITY OF MORE THAN ONE HUNDRED NINETEEN GALLONS. [Such vehicles include, but are not limited to, cargo and portable tanks, as defined in 49 CFR part 171. However, this definition does not include portable tanks having a rated capacity under one thousand gallons.] PROVIDED, HOWEVER, IF A COMMERCIAL MOTOR VEHICLE TRANSPORTS ONE OR MORE TANKS THAT ARE MANIFESTED EITHER AS EMPTY OR AS RESIDUE AND THAT ARE ACTUALLY EMPTY OR CONTAIN ONLY RESIDUE, THOSE TANKS SHALL NOT BE CONSIDERED IN DETERMINING WHETHER THE VEHICLE IS A TANK VEHICLE.

S 3. Paragraph (b) of subdivision 1 of section 503 of the vehicle and traffic law, as amended by section 2 of part D of chapter 58 of the laws of 2012, is amended to read as follows:

(b) An application for a license shall be valid for a period of time specified by regulation of the commissioner not to exceed five years. A learner's permit shall be valid from its issuance until the expiration of the application for a driver's license for which it was issued. PROVIDED, HOWEVER, A COMMERCIAL LEARNER'S PERMIT SHALL BE VALID FOR NO MORE THAN ONE HUNDRED EIGHTY DAYS, EXCEPT THAT SUCH PERMIT MAY BE RENEWED, IN THE COMMISSIONER'S DISCRETION, FOR AN ADDITIONAL ONE HUNDRED EIGHTY DAYS. Provided, however, that a COMMERCIAL learner's permit issued by the commissioner in connection with an application for a commercial driver's license shall be cancelled within sixty days of the holder's medical certification status becoming "not-certified" based upon: (i) the expiration of the holder's medical certification or medical variance documentation required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations; (ii) the holder's failure to submit such medical certification or medical variance documentation at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations and in a manner prescribed by the commissioner; or (iii) the receipt by the commissioner of information from the issuing medical examiner or the federal motor carrier safety administration that a medical certification or medical variance was issued in error or rescinded. The commissioner shall, upon a holder's status becoming "not-certified", notify the holder of such COMMERCIAL learner's permit issued in connection with a commercial driver's license application by first class mail to the address of such person on file with the department or at the current address provided by the United States postal service of his or her "not-certified" medical certification status and that the commercial motor vehicle privileges of such COMMERCIAL learner's permit will be cancelled unless he or she submits a current medical certificate and/or medical variance in accordance with Part 383.71(h) of title 49 of the code of federal regulations or changes his or her self-certification to driving only in excepted [or intrastate] commerce in accordance with

Part 383.71(b)[(ii)(B), (C) or (D)](1) of title 49 of the code of federal regulations.

S 4. Subdivision 6 of section 510 of the vehicle and traffic law is amended by adding a new paragraph o to read as follows:

O. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION, WHERE REVOCATION IS MANDATORY PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION INVOLVING A VIOLATION OF SECTION THREE HUNDRED NINETY-TWO OF THIS CHAPTER IN RELATION TO AN APPLICATION FOR A COMMERCIAL DRIVER'S LICENSE OR A COMMERCIAL LEARNER'S PERMIT, NO NEW COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL LEARNER'S PERMIT SHALL BE ISSUED FOR AT LEAST ONE YEAR, NOR THEREAFTER EXCEPT IN THE DISCRETION OF THE COMMISSIONER.

S 5. Paragraph (b) of subdivision 3 of section 510-a of the vehicle and traffic law, as amended by section 7 of part K of chapter 59 of the laws of 2009, is amended, and two new subdivisions 9 and 10 are added to read as follows:

(b) A commercial driver's license shall be suspended by the commissioner for a period of one hundred twenty days where the holder is convicted of three serious traffic violations as defined in subdivision four of this section committed within a three year period, in separate incidents whether such convictions occurred within or outside of this state. [Such suspension shall take effect upon the termination of any other suspension already in effect pursuant to paragraph (a) of this subdivision or this paragraph.]

9. APPLICATION OF DISQUALIFICATIONS TO HOLDERS OF A COMMERCIAL LEARNER'S PERMIT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY PROVISION OF THIS CHAPTER RELATING TO THE REVOCATION, SUSPENSION, DOWNGRADING, DISQUALIFICATION OR CANCELLATION OF A COMMERCIAL DRIVER'S LICENSE SHALL APPLY IN THE SAME MANNER TO A COMMERCIAL LEARNER'S PERMIT.

10. CONSECUTIVE DISQUALIFICATION PERIODS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY SUSPENSION, REVOCATION OR DISQUALIFICATION APPLICABLE TO THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL LEARNER'S PERMIT THAT IS REQUIRED BY PART 383.51 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS AND BY THE PROVISIONS OF THIS CHAPTER SHALL TAKE EFFECT UPON THE EXPIRATION OF THE MINIMUM PERIOD OF ANY OTHER SUSPENSION, REVOCATION OR DISQUALIFICATION OF SUCH LICENSE OR PERMIT THAT IS REQUIRED BY PART 383.51 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS AND BY THE PROVISIONS OF THIS CHAPTER.

S 6. Paragraph (d) of subdivision 1 of section 514 of the vehicle and traffic law, as added by section 7 of part CC of chapter 58 of the laws of 2011, is amended to read as follows:

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this subdivision, upon a judgment of conviction for a violation of any provisions of this chapter or of any local law, rule, ordinance or regulation relating to traffic (except one related to parking, stopping or standing), the court or the clerk thereof shall, within ninety-six hours of the imposition of the sentence, file the certificate required by paragraph (a) of this subdivision, if the person convicted: (i) is the holder of a COMMERCIAL LEARNER'S PERMIT OR A commercial driver's license issued by another state; or (ii) does not hold a COMMERCIAL LEARNER'S PERMIT OR A commercial driver's license, but has been issued a license by another state and is convicted of a violation that was committed in a commercial motor vehicle, as defined in subdivision four of section five hundred one-a of this title.

S 7. Subdivisions 1 and 2 of section 514-a of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, are amended to read as follows:

1. Each person who operates a commercial motor vehicle for a New York state employer who is convicted of violating within or outside of this state, in any type of motor vehicle, a state or local law relating to motor vehicle traffic control (other than a parking violation), shall notify his/her current employer of such conviction. [Any person who holds a commercial driver's license issued by the commissioner who does not operate a commercial motor vehicle for a New York state employer or who operates a commercial motor vehicle while self-employed who is convicted in any other state, the District of Columbia or a Canadian province of violating any law relating to motor vehicle traffic control (other than a parking violation) while operating a commercial motor vehicle shall notify the commissioner of such conviction.] Such notification must be made within thirty days after the date that the person has been convicted except that if a person is a bus driver as defined in section five hundred nine-a of this chapter, such notification must be made within five days after the date the person has been convicted as required by section five hundred nine-i of this chapter. The above notification must be made in writing and contain the following information: (a) driver's full name; (b) driver's license number; (c) date of conviction; (d) the specific criminal or other offense(s), serious traffic violation(s) of state or local law relating to motor vehicle traffic control, for which the person was convicted and any suspension, revocation, cancellation of any driving privileges or disqualification from operating a commercial motor vehicle which resulted from such conviction(s); (e) indication whether the violation was in a commercial motor vehicle; (f) location of offense; (g) court or tribunal in which the conviction occurred; and (h) driver's signature.

2. Each person who operates a commercial motor vehicle for a New York state employer who has a COMMERCIAL LEARNER'S PERMIT OR A driver's license suspended, revoked, or canceled by the commissioner or by the appropriate authorities of any other state, District of Columbia or Canadian province, or who loses the right to operate a commercial motor vehicle in any state or jurisdiction for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify his/her current employer of such suspension, revocation, cancellation, lost privilege, or disqualification.

S 8. Section 514-c of the vehicle and traffic law, as added by chapter 251 of the laws of 2007, is amended to read as follows:

S 514-c. Notification of non-resident commercial operator convictions. Within ten days of the conviction of: (a) any holder of a COMMERCIAL LEARNER'S PERMIT OR A commercial driver's license issued by another state for any violation of state or local law regulating traffic, other than a parking, stopping or standing violation, committed while operating a motor vehicle in this state; or

(b) any holder of a driver's license issued by another state for any violation of state or local law regulating traffic, other than a parking, stopping or standing violation, committed while operating a commercial motor vehicle in this state, the commissioner shall provide notice of such conviction to the state which issued such holder's COMMERCIAL LEARNER'S PERMIT, commercial driver's license or driver's license.

S 9. Subdivision 9 of section 170.55 of the criminal procedure law, as added by section 8 of part CC of chapter 58 of the laws of 2011, is amended to read as follows:

9. Notwithstanding any other provision of this section, a court may not issue an order adjourning an action in contemplation of dismissal if the offense is for a violation of the vehicle and traffic law related to the operation of a motor vehicle (except one related to parking, stopping or standing), or a violation of a local law, rule or ordinance related to the operation of a motor vehicle (except one related to parking, stopping or standing), if such offense was committed by the holder of a COMMERCIAL LEARNER'S PERMIT OR A commercial driver's license or was committed in a commercial motor vehicle, as defined in subdivision four of section five hundred one-a of the vehicle and traffic law.

S 10. Paragraph c of subdivision 2 of section 140 of the transportation law is amended by adding a new subparagraph (vii) to read as follows:

(VII) NO PERSON, CORPORATION, LIMITED LIABILITY COMPANY OR BUSINESS ENTITY, JOINT STOCK ASSOCIATION, PARTNERSHIP, OR ANY OFFICER OR AGENT THEREOF, SHALL KNOWINGLY ALLOW, REQUIRE, PERMIT OR AUTHORIZE ANY PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SECTION FIVE HUNDRED ONE-A OF THE VEHICLE AND TRAFFIC LAW, DURING ANY PERIOD IN WHICH THE OPERATOR:

(A) DOES NOT HAVE A VALID COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER'S LICENSE; OR

(B) DOES NOT HAVE A COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER'S LICENSE WITH THE PROPER CLASS OR ENDORSEMENTS; OR

(C) VIOLATES ANY RESTRICTION ON SUCH OPERATOR'S COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER'S LICENSE; OR

(D) HAS A COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER'S LICENSE THAT IS SUSPENDED, REVOKED OR CANCELLED, OR SUCH OPERATOR HAS BEEN OTHERWISE DISQUALIFIED BY THE COMMISSIONER OF MOTOR VEHICLES; OR

(E) HAS MORE THAN ONE COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER'S LICENSE.

A VIOLATION OF THIS SUBPARAGRAPH SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS.

S 11. This act shall take effect July 8, 2015 and shall apply to violations committed on or after such date, and shall apply to permits issued on or after such date.

PART J

Section 1. Subdivision 2 of section 357-a of the public authorities law, as added by section 1 of part E of chapter 58 of the laws of 2013, is amended to read as follows:

2. The state shall be responsible for additional goods and services provided by the authority equal to [twenty-four million] TWENTY-ONE MILLION FIVE HUNDRED THOUSAND dollars in each calendar year. Such goods and services shall be deemed to be costs to the state and not operating costs of the authority. The authority and the director of the division of the budget shall enter into an agreement identifying any such state costs and determine reporting and other requirements related thereto.

Such agreement and any amendments thereto shall be transmitted by the authority, within ten business days of the execution of such agreement and amendments thereto, to the chair of the senate finance committee, the chair of the assembly ways and means committee, the chair of the senate transportation committee and the chair of the assembly transportation committee. By February first of each year, a report identifying all state costs paid pursuant to such agreement in the preceding calendar year will be transmitted by the authority to the director of the

budget, the chair of the senate finance committee, the chair of the assembly ways and means committee, the chair of the senate transportation committee and the chair of the assembly transportation committee.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2015.

PART K

Intentionally Omitted

PART L

Section 1. Subdivision 6 of section 1209 of the public authorities law, as amended by chapter 98 of the laws of 2011, is amended to read as follows:

6. The provisions of subdivisions one, two, three and four of this section shall not be applicable to any procurement by the authority commenced during the period from the effective date of this subdivision until December thirty-first, nineteen hundred ninety-one or during the period from December sixteenth, nineteen hundred ninety-three until June thirtieth, two thousand [fifteen] NINETEEN; and the provisions of subdivisions seven, eight, nine, ten, eleven, twelve and thirteen of this section shall only apply to procurements by the authority commenced during such periods. The provisions of such subdivisions one, two, three and four shall apply to procurements by the authority commenced during the period from December thirty-first, nineteen hundred ninety-one until December sixteenth, nineteen hundred ninety-three, and to procurements by the authority commenced on and after July first, two thousand [fifteen] NINETEEN. Notwithstanding the foregoing, the provisions of such subdivisions one, two, three and four shall apply to (i) the award of any contract of the authority if the bid documents for such contract so provide and such bid documents are issued within sixty days of the effective date of this subdivision or within sixty days of December sixteenth, nineteen hundred ninety-three, or (ii) for a period of one hundred eighty days after the effective date of this subdivision, or for a period of one hundred eighty days after December sixteenth, nineteen hundred ninety-three, the award of any contract for which an invitation to bid, solicitation, request for proposal, or any similar document has been issued by the authority prior to the effective date of this subdivision or during the period from January first, nineteen hundred ninety-two until December fifteenth, nineteen hundred ninety-three.

S 2. Subdivision 1 of section 1265-a of the public authorities law, as amended by chapter 98 of the laws of 2011, is amended to read as follows:

1. The provisions of this section shall only apply to procurements by the authority commenced during the period from April first, nineteen hundred eighty-seven until December thirty-first, nineteen hundred ninety-one, and during the period from December sixteenth, nineteen hundred ninety-three until June thirtieth, two thousand [fifteen] NINETEEN; provided, however, that the provisions of this section shall not apply to (i) the award of any contract of the authority if the bid documents for such contract so provide and such bid documents are issued within sixty days of the effective date of this section or within sixty days of December sixteenth, nineteen hundred ninety-three, or (ii) for a period of one hundred eighty days after the effective date of this section or

for a period of one hundred eighty days after December sixteenth, nineteen hundred ninety-three, the award of any contract for which an invitation to bid, solicitation, request for proposal, or any similar document has been issued by the authority prior to the effective date of this section or during the period from January first, nineteen hundred ninety-two until December sixteenth, nineteen hundred ninety-three.

S 3. This act shall take effect immediately.

PART M

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part Z of chapter 57 of the laws of 2014, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, [2015] 2016.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2015.

PART N

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part AA of chapter 57 of the laws of 2014, is amended to read as follows:

S 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, [2015] 2016, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2015.

PART O

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

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

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

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

PART S

Section 1. Section 2 of part BB of chapter 58 of the laws of 2012, amending the public authorities law relating to authorizing the dormitory authority to enter into certain design and construction management agreements, as amended by section 1 of part W of chapter 57 of the laws of 2014, is amended to read as follows:

S 2. This act shall take effect immediately and shall expire and be deemed repealed April 1, [2015] 2017.

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

S 3. This act shall take effect immediately and shall be deemed to have been in effect on and after April 1, 2015.

PART T

Section 1. Section 2 of chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, as amended by section 1 of part N of chapter 57 of the laws of 2014, is amended to read as follows:

S 2. This act shall take effect immediately, provided however, that section one of this act shall be deemed to have been in full force and effect on and after April 1, 2003 and shall expire March 31, [2015] 2016.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2015.

PART U

Section 1. Subdivision 2 of section 446-b of the real property law, as amended by chapter 61 of the laws of 1989, is amended to read as follows:

2. The application for such license shall be filed in the office of the secretary of state on such forms as the secretary may prescribe [and shall be accompanied by a fee of four hundred dollars].

S 2. Subdivision 3 of section 446-b of the real property law, as added by chapter 805 of the laws of 1980, is amended to read as follows:

3. When the apartment information vendor maintains more than one place of business, he shall apply for [and the secretary shall issue] a supplemental license for each branch office so maintained [upon payment of a fee of two hundred fifty dollars for each supplemental license so issued]. Supplemental licenses shall be conspicuously displayed in each branch office. The display of an expired license by any person, firm, partnership or corporation is a violation of the provisions of this article.

S 3. Subdivision 5 of section 446-b of the real property law, as amended by chapter 805 of the laws of 1980, is amended to read as follows:

5. Any license granted under the provisions hereof may be renewed for one year by the secretary upon application therefor by the holder, in such form as the secretary may prescribe[, and payment of a two hundred fifty dollar fee for such license]. The secretary may dispense with the requirement for the filing of such statements as was contained in the original application for license.

S 4. Subdivision 2 of section 446-d of the real property law, as amended by chapter 805 of the laws of 1980, is amended to read as follows:

2. The secretary shall be notified in writing at his OR HER office in Albany of any change of a licensee's business address or name, and the secretary shall issue a license for the unexpired term, upon return of the original license [and the payment of a fee of twenty dollars]. A licensee who fails to notify the secretary of any change in business address or name within ten days shall forfeit his OR HER license.

S 5. This act shall take effect immediately.

PART V

Section 1. Section 219 of the agriculture and markets law, as amended by chapter 122 of the laws of 1988, is amended to read as follows:

S 219. Application [and fee]. Application for license as a food salvager[,] SHALL BE MADE upon a form prescribed by the commissioner[, shall be made on or before June first in every other year for the license period beginning July first following]. The applicant shall satisfy the commissioner of his OR HER character and that he OR SHE has adequate physical facilities for salvaging food and food products. If so satisfied, the commissioner shall [upon receipt of the license fee] issue to the applicant a [license which shall be] non-transferable LICENSE, WHICH WILL EXPIRE ON THE THIRTIETH OF JUNE OF THE NEXT EVEN NUMBERED YEAR FOLLOWING ITS ISSUANCE. [The biennial license fee shall be one hundred dollars.] APPLICATION FOR RENEWAL OF SUCH LICENSE FOR A PERIOD OF TWO YEARS SHALL BE MADE BIENNIALLY, UPON A FORM PRESCRIBED BY THE COMMISSIONER AND SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE. Where a person operates more than one salvage warehouse a separate license is required for each location.

S 2. Section 231 of the agriculture and markets law, as amended by section 7 of part I1 of chapter 62 of the laws of 2003, is amended to read as follows:

S 231. Licenses, issuance of. No person or corporation shall maintain or operate any refrigerated warehouse and/or locker plant unless licensed by the commissioner. Application[,] SHALL BE MADE upon a form prescribed by the commissioner[, shall be made on or before September first of every other year for the license period beginning October first following]. The applicant shall satisfy the commissioner of his or [its] HER character, financial responsibility, and competency to operate a refrigerated warehouse or locker plant. The commissioner, if so satisfied, shall[, upon receipt of the license fee or fees,] issue to the applicant a license or licenses [to operate the refrigerated warehouse or warehouses or locker plant or locker plants described in the application until the first day of October] WHICH WILL EXPIRE ON THE THIRTIETH OF SEPTEMBER of the NEXT ODD NUMBERED year following [the year in which such license was issued] ITS ISSUANCE. [The biennial license fee shall be two hundred dollars for each refrigerated warehouse. If a locker plant is operated as part of a refrigerated warehouse and upon the same premises, no additional license fee shall be required.] APPLICATION FOR RENEWAL OF SUCH LICENSE OR LICENSES FOR A PERIOD OF TWO YEARS SHALL BE MADE BIENNIALLY, UPON A FORM PRESCRIBED BY THE COMMISSIONER AND SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE OR LICENSES.

S 3. Section 96-z-2 of the agriculture and markets law, as added by chapter 391 of the laws of 1968, is amended to read as follows:

S 96-z-2. Application [and fees]. Application for a license to operate a disposal plant or transportation service[,] SHALL BE MADE upon a form prescribed by the commissioner[, shall be made on or before September first in each year for the license year beginning October first following]. The applicant shall satisfy the commissioner of his OR HER character and that he OR SHE has adequate physical facilities for the operation of a disposal plant or transportation service. If so satisfied, the commissioner shall [upon payment of the license fee] issue to the applicant a NON-TRANSFERABLE license which [shall be non-transferable] WILL EXPIRE ON THE THIRTIETH DAY OF SEPTEMBER OF THE NEXT EVEN NUMBERED YEAR FOLLOWING ITS ISSUANCE. APPLICATION FOR RENEWAL OF SUCH LICENSE FOR A PERIOD OF TWO YEARS SHALL BE MADE BIENNIALLY UPON A FORM PRESCRIBED BY THE COMMISSIONER AND SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE. [The annual license fee for a disposal plant shall be one hundred dollars, plus an inspection fee of ten dollars for each vehicle. The annual license fee for a transportation service shall be twenty-five dollars, plus an inspection fee of ten dollars for each vehicle.]

S 4. Section 128-a of the agriculture and markets law, as amended by chapter 451 of the laws of 2008, subdivisions 4, 5, 6, 7, 8 and 9 as renumbered by section 2 of part N of chapter 58 of the laws of 2012, is amended to read as follows:

S 128-a. Licenses. 1. No person shall manufacture any commercial feed in this state unless such person holds a license issued therefor by the commissioner. [Notwithstanding the foregoing, a person, in operation on or before the effective date of this section, who has filed an application for an initial license under this section shall be authorized to operate without such license until the commissioner grants or, after notice and opportunity to be heard, declines to grant such license.] Each application for a license shall be made on a form supplied by the

department and shall contain such information as may be required by the department. A LICENSE ISSUED ON OR BEFORE THE THIRTIETH OF JUNE WILL EXPIRE ON THE THIRTY-FIRST OF DECEMBER OF THE YEAR OF ITS ISSUANCE, AND IF ISSUED BETWEEN JULY FIRST AND DECEMBER THIRTY-FIRST, WILL EXPIRE ON THE THIRTY-FIRST DAY OF DECEMBER IN THE YEAR FOLLOWING ITS ISSUANCE. Renewal applications shall be [submitted to] MADE ANNUALLY ON A FORM PRESCRIBED BY the commissioner [at least] AND SUBMITTED NO LATER THAN thirty days prior to the [commencement of the next license year] EXPIRATION OF THE EXISTING LICENSE.

2. The commissioner may deny any application for a license or revoke any license when granted, after written notice to the applicant and an opportunity to be heard, when:

(a) any statement in the application or upon which it was issued is or was false or misleading;

(b) facilities of the applicant are not maintained in a manner as required by rules and regulations duly promulgated by the commissioner;

(c) the maintenance and operation of the establishment of the applicant is such that the commercial feed produced therein is or may be adulterated, misbranded, or not maintained in any manner as required by this article;

(d) the applicant or licensee, or an officer, director, partner or holder of ten per centum or more of the voting stock of the applicant or licensee, has failed to comply with any of the provisions of this article or rules and regulations promulgated pursuant thereto; or

(e) the applicant or licensee is a partnership or corporation and any individual holding any position or interest or power of control therein has previously been responsible in whole or in part for any act on account of which an application for licensure may be denied or a license revoked pursuant to the provisions of this article.

3. [Each application for an initial license shall be accompanied by a non-refundable fee of one hundred dollars. The commissioner shall prorate the license fee for any person applying for an initial license after the commencement of the licensing period. Licenses shall be renewable annually thereafter, together with the payment of a non-refundable fee of fifty dollars.

4.] Inspection in accordance with section one hundred thirty-five-a of this article, the results of which establish compliance with the provisions of this article, shall precede issuance of a license or renewal thereof under this section.

[5.] 4. Upon validation by the commissioner, the application shall become the license of the person.

[6.] 5. The commissioner shall provide a copy of the license to the [person] LICENSEE. The commissioner shall also retain a copy of the license.

[7.] 6. No licensee shall publish or advertise the sale of any commercial feed unless the publication or advertisement is accompanied by such licensee's license number. [Notwithstanding the foregoing, a person, in operation on or before the effective date of this section, who has filed an application for an initial license under this section may publish or advertise the sale or availability of any commercial feed without the publication or advertisement being accompanied by the person's license number until the commissioner grants or, after notice and opportunity to be heard, declines to grant such license.

8.] 7. Commercial feed licenses shall be conspicuously displayed on the premises so that they may be readily seen by officers and employees of the department.

[9.] 8. Notwithstanding the definition of commercial feed under subdivision seven of section one hundred twenty-eight of this article, the provisions of this section shall not apply to a person who conducts a business of selling pet food and specialty pet food.

S 5. Section 142-ee of the agriculture and markets law, as amended by chapter 251 of the laws of 1999, is amended to read as follows:

S 142-ee. License [and fee]. Each certificate filed pursuant to section one hundred forty-two-dd OF THIS ARTICLE shall be accompanied by an application, upon forms supplied by the commissioner, for a license to supply such material under the brand name specified therein, and there shall be transmitted therewith a copy of the label and of the statement proposed to accompany such material in compliance with section one hundred forty-two-cc[, together with a license fee of forty dollars for each such brand] OF THIS ARTICLE. Such application shall incorporate by reference the data contained in the accompanying certificate for the brand for which the license is sought. Upon compliance with the provisions of this article, the applicant shall be issued a license for the supplying of such qualifying brand of agricultural liming material, which license shall expire on the thirty-first day of December of the NEXT EVEN NUMBERED year following the year in which it is issued, but no such license shall be issued for the supplying of any such material which does not meet the minimum standards herein provided for, nor for the supplying thereof under a brand descriptive designation or with a label or accompanying statement which is or tends to be misleading or deceptive as to quality, analysis or composition. APPLICATION FOR A RENEWAL OF THE LICENSE FOR A PERIOD OF TWO YEARS SHALL BE MADE BIENNIALLY, UPON A FORM PRESCRIBED BY THE COMMISSIONER AND SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE. Any such license so issued may be revoked by the commissioner, after notice to the licensee by mail or otherwise and opportunity to be heard, when it appears that any statement or representation upon which it is issued is false or misleading. The action of the commissioner in refusing to grant a license, or in revoking a license, shall be subject to review by a proceeding under article seventy-eight of the civil practice law and rules, but the decision of the commissioner shall be final unless within thirty days from the date of the order embodying such action such proceeding to review has been instituted.

Whenever a manufacturer, producer or distributor shall have been licensed to supply a particular brand of material hereunder, no agent, seller or retailer of such brand shall be required to file a certificate or obtain a license for such brand during a period for which such license is in effect, nor upon such goods which were acquired during a period for which a license was in effect and remaining undistributed in subsequent years.

S 6. Subdivision (a) of section 146 of the agriculture and markets law, as amended by chapter 251 of the laws of 1999, is amended to read as follows:

(a) No person shall distribute in this state any type of fertilizer until a [biennial] license to distribute the same has been obtained from the commissioner by the person whose labelling is applied to such fertilizer upon payment of a one hundred fifty dollar fee. [All licenses shall expire on a date to be set by the commissioner in regulations.] THE INITIAL LICENSE ISSUED HEREUNDER SHALL EXPIRE ON DECEMBER THIRTY-FIRST OF THE NEXT EVEN NUMBERED YEAR FOLLOWING THE YEAR IN WHICH IT WAS ISSUED AND EACH RENEWAL OF THAT LICENSE SHALL BE FOR A TWO YEAR PERIOD, ENDING ON DECEMBER THIRTY-FIRST. APPLICATION FOR A RENEWAL OF

SUCH LICENSE SHALL BE MADE BIENNIALLY, UPON A FORM PRESCRIBED BY THE COMMISSIONER AND BE SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE.

S 7. Section 147-b of the agriculture and markets law, as amended by chapter 122 of the laws of 1988, is amended to read as follows:

S 147-b. License. No person shall sell, offer or expose for sale in this state any soil or plant inoculant unless licensed as provided in this section. Application for a license SHALL BE MADE upon a form prescribed by the commissioner [shall be made biennially. The application] AND shall include a statement as to whether the inoculant is represented as effective for inoculating legumes or for some other purpose, and, if represented as effective for the inoculation of legumes, for which legume or legumes it is so represented. With the application, the applicant shall present a representative sample of the soil or plant inoculant described in the application. The commissioner, if satisfied that the inoculant may be depended upon to produce an effective inoculation for the purpose represented, shall issue to such applicant a license for the sale of such inoculant, expiring on December thirty-first of the NEXT EVEN NUMBERED year following [the year in which it is issued] ITS ISSUANCE. [The applicant shall pay biennially, at the time of presenting the application, to the commissioner for remittance to the state treasury, a license fee of twenty dollars for each brand of inoculants as defined in the rules and regulations adopted by the commissioner as provided in this article.] APPLICATION FOR RENEWAL OF SUCH LICENSE FOR A PERIOD OF TWO YEARS SHALL BE MADE BIENNIALLY UPON A FORM PRESCRIBED BY THE COMMISSIONER AND SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE.

S 8. Paragraph (a) of subdivision 1 of section 248 of the agriculture and markets law, as amended by chapter 490 of the laws of 2005, is amended to read as follows:

(a) No person shall act as a dealer unless licensed as provided in this article. Application shall be made upon such forms and at such times as prescribed by the commissioner. Renewal applications shall be submitted to the commissioner at least thirty days prior to the [commencement of the next] EXPIRATION OF THE EXISTING license [year]. No action will be taken on applications deemed incomplete by the commissioner. The applicant shall furnish evidence of his or her good character, financial statements, prepared and certified by a certified public accountant when required by the commissioner, and evidence that he or she has adequate physical facilities for receiving and handling farm products or processing farm products if he or she is to act as a dealer. The commissioner, if so satisfied, shall issue to such applicant, [upon payment of twenty dollars, and] upon the filing of a bond or letter of credit and upon payment of a fee to be deposited into the agricultural producers security fund as hereinafter provided, a license entitling the applicant to conduct the business of a dealer in farm products for a period of one year. Notwithstanding any other provision of this section, an applicant who intends to pay and a licensee who pays upon delivery for purchases of farm products from producers, in cash, or cash equivalent, including only certified or bank check, money order, electronic funds transfer, or by debit card, shall be exempt from filing a bond or letter of credit. In the event that a licensee who has been so exempted from filing a bond or letter of credit fails to pay cash or a cash equivalent upon delivery for any purchase of farm products from a producer, such licensee shall file a bond or letter of credit as otherwise required by this section with the commissioner no later than ten

business days from the date the commissioner notifies the licensee that such bond or letter of credit is required.

S 9. Subdivision 5 of section 500 of the agriculture and markets law, as amended by section 3 of part II of chapter 59 of the laws of 2009, is amended to read as follows:

5. Licensure. No person shall maintain or operate a retail food store, food service establishment or food warehouse unless such establishment is licensed pursuant to the provisions of this article, provided, however, that establishments registered, permitted or licensed by the department pursuant to other provisions of this chapter, under permit and inspection by the state department of health or by a local health agency which maintains a program certified and approved by the state commissioner of health, or subject to inspection by the United States department of agriculture pursuant to the federal meat, poultry or egg inspection programs, shall be exempt from licensure under this article. Application for licensure of a retail food store, food service establishment or food warehouse shall be made, upon a form prescribed by the commissioner, on or before December first of every other year for the registration period beginning January first following. Upon submission of a completed application, together with the applicable licensing fee, the commissioner shall ISSUE A license TO the retail food store, food service establishment or food warehouse described in the application for two years from the [applicable registration commencement period set forth in this section] DATE OF ISSUANCE. The [licensing] LICENSE fee shall be two hundred fifty dollars provided, however, that food warehouses shall pay a [licensing] LICENSE fee of four hundred dollars. NOTWITHSTANDING THE PRECEDING SENTENCE, THE COMMISSIONER SHALL, UPON SUBMISSION OF A COMPLETED APPLICATION FOR A NEW LICENSE BY AN APPLICANT THAT IS A CHAIN STORE, AS DEFINED BY SUBDIVISION FIVE OF SECTION TWO HUNDRED FIFTY-ONE-Z-TWO OF THIS CHAPTER, ISSUE SUCH LICENSE FOR A PERIOD ENDING ON THE SAME DATE AS THE LICENSES OF THE OTHER CHAIN STORES THAT ARE A PART OF THE SAME NETWORK.

S 10. Subdivision 1 of section 133-a of the agriculture and markets law is amended by adding a new paragraph (c) to read as follows:

(C) NO FEE SHALL BE PAID BY ANY PERSON FOR ANY YEAR IN WHICH SUCH PERSON DISTRIBUTED LESS THAN ONE HUNDRED TONS OF FEED INGREDIENTS AND COMMERCIAL FEEDS IN THIS STATE.

S 11. This act shall take effect immediately.

PART W

Intentionally omitted.

PART X

Intentionally Omitted

PART Y

Intentionally Omitted

PART Z

Section 1. Subdivision 3 of section 15-1525 of the environmental conservation law, as amended by section 2 of part F of chapter 59 of the laws of 2006, is amended to read as follows:

3. The certificate of registration shall require that, before the commencement of drilling of any well or wells, the water well driller shall file a preliminary notice with the department; it shall also provide that upon the completion of the drilling of any water well or water wells, a completion report be filed with the department, giving the log of the well, the size and depth thereof, the capacity of the pump or pumps attached or to be attached thereto, and such other information pertaining to the withdrawal of water and operation of such water well or water wells as the department by its rules and regulations may require. The water well driller shall provide a copy of such completion report to the water well owner. The number of the certificate of registration must be displayed on the well drilling machinery of the registrant. The certificate of registration shall also contain a notice to the certificate holder that the business activities authorized by such certificate are subject to the provisions of article thirty-six-A of the general business law. [The fee for such certificate of registration shall be ten dollars annually.] The commissioner shall promulgate a water well completion report form which shall be utilized by all water well drillers in satisfying the requirements of this section and any other provision of state or local law which requires the submission of a water well completion report or water well log.

S 2. This act shall take effect immediately.

PART AA

Section 1. Paragraph 4 of subdivision (a) of section 83 of the state finance law, as amended by chapter 512 of the laws of 1994, is amended to read as follows:

4. (i) There is hereby created a special account within the conservation fund to be known as the state fish and game trust account to consist of all moneys received by the state from the sale of lifetime hunting, fishing, trapping, archery and muzzle-loading licenses pursuant to section 11-0702 of the environmental conservation law. The state comptroller shall invest the moneys in such account in securities as defined by section ninety-eight-a of this article, EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH. Any income earned by the investment of such moneys, except income transferred to the conservation fund pursuant to subparagraph (iii) of this paragraph, shall be added to and become a part of, and shall be used for the purposes of such account.

(ii) The state comptroller shall provide an annual report of the trust account which lists the amount of the principal, THE PRINCIPAL TRANSFERRED TO THE HABITAT CONSERVATION AND ACCESS ACCOUNT PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, the earned income, the earned income accrued to the principal, and the earned income transferred to the conservation fund pursuant to subparagraph (iii) of this paragraph not later than April tenth of each year for the state fiscal year ending the immediately preceding March thirty-first. A copy of such report shall be transmitted, forthwith, to the director of the division of the budget, the chairman of the senate finance committee, the chairman of the assembly ways and means committee, the commissioner of the department of environmental conservation and each of the eleven members of the conservation fund advisory [council] BOARD, created pursuant to section

[seven hundred] 11-0327 of the [executive] ENVIRONMENTAL CONSERVATION law.

(iii) Earned income from the sale of all lifetime licenses, except income earned on the proceeds of the sale of a lifetime license during the period from sale of such license until April first of the year following one full year of deposit of the proceeds of the sale of such lifetime license, shall be available for deposit within the conservation fund pursuant to paragraph one of this subdivision in an amount equal to the cost of the appropriate annual license. The earned income which exceeds the current cost of each annual license comparable to the lifetime license, shall be added to the trust account as principal. The earned income from lifetime licenses issued to persons who are under the legal age to implement such licenses shall be added to the trust account as principal until such person becomes of legal age to hunt, fish or trap. BEGINNING APRIL FIRST, TWO THOUSAND FIFTEEN, UP TO ONE MILLION FIVE HUNDRED THOUSAND DOLLARS ANNUALLY FROM THE STATE FISH AND GAME TRUST ACCOUNT SHALL BE AVAILABLE FOR DEPOSIT WITHIN THE HABITAT CONSERVATION AND ACCESS ACCOUNT ESTABLISHED PURSUANT TO SECTION EIGHTY-THREE-A OF THIS ARTICLE.

S 2. Subdivision (h) of section 83 of the state finance law is REPEALED.

S 3. The state finance law is amended by adding a new section 83-a to read as follows:

S 83-A. HABITAT CONSERVATION AND ACCESS ACCOUNT. (A) THERE IS HEREBY CREATED AN ACCOUNT WITHIN THE MISCELLANEOUS CAPITAL PROJECTS FUND, THE HABITAT CONSERVATION AND ACCESS ACCOUNT. THE HABITAT CONSERVATION AND ACCESS ACCOUNT SHALL CONSIST OF ALL MONEYS FROM FUNDS OF THE STATE FISH AND GAME TRUST ACCOUNT AUTHORIZED TO BE DEPOSITED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION EIGHTY-THREE OF THIS ARTICLE RECEIVED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FROM THE SALE OF LIFETIME LICENSES FOR HUNTING, TRAPPING, AND FISHING, AND ALL MONEYS, REVENUES AND INTEREST THEREON RECEIVED AS A RESULT OF THE APPLICATION OF SUBDIVISION SEVENTEEN OF SECTION 11-0305 OF THE ENVIRONMENTAL CONSERVATION LAW AUTHORIZING THE ISSUANCE AND SALE OF VOLUNTARY HABITAT STAMPS, OTHER THAN THE AMOUNT RETAINED BY THE ISSUING AGENT OR OFFICER. THE HABITAT CONSERVATION AND ACCESS ACCOUNT SHALL BE SUBJECT TO THE SAME RESTRICTIONS AND PROTECTIONS AS THE CONSERVATION FUND.

(B) THESE MONEYS, AFTER APPROPRIATION BY THE LEGISLATURE, AND WITHIN THE AMOUNTS SET FORTH AND FOR THE SEVERAL PURPOSES SPECIFIED, SHALL BE AVAILABLE TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE CAPITAL EXPENSES ASSOCIATED WITH MANAGEMENT, PROTECTION, AND RESTORATION OF FISH AND WILDLIFE HABITATS, AND IMPROVEMENT AND DEVELOPMENT OF PUBLIC ACCESS FOR FISH AND WILDLIFE RELATED RECREATION.

(C) ALL PAYMENTS MADE FROM THE HABITAT CONSERVATION AND ACCESS ACCOUNT SHALL BE MADE BY THE DEPARTMENT OF TAXATION AND FINANCE AFTER AUDIT AND UPON WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION. AFTER APPROPRIATIONS MADE AVAILABLE FROM THE HABITAT CONSERVATION AND ACCESS ACCOUNT SHALL CEASE TO HAVE FORCE AND EFFECT, ANY BALANCES REMAINING UNEXPENDED AND NOT REQUIRED TO MEET THE PROPER AND NECESSARY EXPENSES OF THE DIVISION OF FISH AND WILDLIFE SHALL REVERT TO THE STATE FISH AND GAME TRUST ACCOUNT ESTABLISHED PURSUANT TO PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION EIGHTY-THREE OF THIS ARTICLE.

(D) NO FUNDS MAY BE TRANSFERRED OR USED IN ANY WAY WHICH WOULD RESULT IN THE LOSS OF ELIGIBILITY FOR FEDERAL BENEFITS OR FEDERAL FUNDS PURSU-

ANT TO FEDERAL LAW, RULE, OR REGULATION AS ASSENTED TO IN CHAPTER SIX HUNDRED EIGHTY-THREE OF THE LAWS OF NINETEEN HUNDRED THIRTY-EIGHT AND CHAPTER SEVEN HUNDRED OF THE LAWS OF NINETEEN HUNDRED FIFTY-ONE.

S 4. Subdivision 17 of section 11-0305 of the environmental conservation law, as added by section 3 of part F of chapter 82 of the laws of 2002, is amended to read as follows:

17. To prepare or cause to be prepared voluntary habitat stamps and furnish such stamps annually to license issuing agents and officers for sale and issuance in the same manner as licenses and other types of stamps. The department shall, by rule, establish the fee for the habitat stamp which shall [not exceed] BE NO LESS THAN five dollars plus an additional amount for the issuing agent or officer. The purchase of a stamp is voluntary and a stamp need not be possessed in order to take fish or wildlife.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015; provided, however, that all funds in the habitat account of the conservation fund, established pursuant to subdivision (h) of section 83 of the state finance law, on the effective date of this act shall be transferred to the habitat conservation and access account established pursuant to section 83-a of the state finance law as added by section three of this act.

PART BB

Section 1. Paragraph a of section 11.00 of the local finance law is amended by adding a new subdivision 29-a to read as follows:

29-A. TRANSIT MOTOR VEHICLES. THE PURCHASE OF MUNICIPALLY OWNED OMNIBUS OR SIMILAR SURFACE TRANSIT MOTOR VEHICLES, TEN YEARS.

S 2. This act shall take effect immediately.

PART CC

Section 1. Section 155 of the vehicle and traffic law, as amended by chapter 628 of the laws of 2002, is amended to read as follows:

S 155. Traffic infraction. The violation of any provision of this chapter, except articles forty-seven and forty-eight, or of any law, ordinance, order, rule or regulation regulating traffic which is not declared by this chapter or other law of this state to be a misdemeanor or a felony. A traffic infraction is not a crime and the punishment imposed therefor shall not be deemed for any purpose a penal or criminal punishment and shall not affect or impair the credibility as a witness or otherwise of any person convicted thereof. This definition shall be retroactive and shall apply to all acts and violations heretofore committed where such acts and violations would, if committed subsequent to the taking effect of this section, be included within the meaning of the term "traffic infraction" as herein defined. Except in those portions of Suffolk county for which a district court has been established, outside of cities having a population in excess of two hundred thousand BUT LESS THAN TWO HUNDRED TWENTY THOUSAND in which administrative tribunals have heretofore been established AND OUTSIDE OF CITIES HAVING A POPULATION IN EXCESS OF ONE MILLION IN WHICH ADMINISTRATIVE TRIBUNALS HAVE HERETOFORE BEEN ESTABLISHED, courts and judicial officers heretofore having jurisdiction over such violations shall continue to do so and for such purpose such violations shall be deemed misdemeanors and all provisions of law relating to misdemeanors except as provided in

section eighteen hundred five of this chapter and except as herein otherwise expressly provided shall apply except that no jury trial shall be allowed for traffic infractions. In those portions of Suffolk county for which a district court has been established, and in cities having a population in excess of two hundred thousand BUT LESS THAN TWO HUNDRED TWENTY THOUSAND in which administrative tribunals have heretofore been established AND IN CITIES HAVING A POPULATION IN EXCESS OF ONE MILLION IN WHICH ADMINISTRATIVE TRIBUNALS HAVE HERETOFORE BEEN ESTABLISHED, the criminal courts of such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any complaint alleging a violation constituting a traffic infraction, except that administrative tribunals heretofore established in such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any charge of an offense which is a traffic infraction, except parking, standing or stopping. In cities having a population in excess of two hundred thousand in which administrative tribunals have heretofore been established, and any such administrative tribunal established by the city of Yonkers, the city of Peekskill, or the city of Syracuse, such tribunals shall have jurisdiction to hear and determine any charge of an offense which is a parking, standing or stopping violation. Any fine imposed by an administrative tribunal shall be a civil penalty. For purposes of arrest without a warrant, pursuant to article one hundred forty of the criminal procedure law, a traffic infraction shall be deemed an offense.

S 2. Subdivision 1 of section 225 of the vehicle and traffic law, as amended by chapter 388 of the laws of 2012, is amended to read as follows:

1. Notwithstanding any inconsistent provision of law, all violations of this chapter or of a law, ordinance, order, rule or regulation relating to traffic, except parking, standing, stopping or pedestrian offenses, which occur within a city having a population of two hundred thousand or more BUT LESS THAN TWO HUNDRED TWENTY THOUSAND in which administrative tribunals have heretofore been established, OR WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE IN WHICH ADMINISTRATIVE TRIBUNALS HAVE HERETOFORE, BEEN ESTABLISHED, and which are classified as traffic infractions, may be heard and determined pursuant to the regulations of the commissioner as provided in this article. Whenever a crime and a traffic infraction arise out of the same transaction or occurrence, a charge alleging both offenses may be made returnable before the court having jurisdiction over the crime. Nothing herein provided shall be construed to prevent a court, having jurisdiction over a criminal charge relating to traffic or a traffic infraction, from lawfully entering a judgment of conviction, whether or not based on a plea of guilty, for any offense classified as a traffic infraction.

S 3. Subdivision 5 of section 227 of the vehicle and traffic law, as amended by chapter 690 of the laws of 1996, is amended to read as follows:

5. All penalties and forfeited security collected pursuant to the provisions of this article shall be paid to the department of audit and control to the credit of the justice court fund and shall be subject to the applicable provisions of section eighteen hundred three of this chapter. After such audit as shall reasonably be required by the comptroller, such penalties and forfeited security shall be paid quarterly or, in the discretion of the comptroller, monthly, to the appropriate jurisdiction in which the violation occurred in accordance with the

provisions of section ninety-nine-a of the state finance law, except that the sum of four dollars for each violation occurring in such jurisdiction for which a complaint has been filed with the administrative tribunal established pursuant to this article shall be retained by the state. The amount distributed during the first three quarters to the [cities] CITY of Rochester [and Buffalo] in any given fiscal year shall not exceed seventy percent of the amount which will be otherwise payable. Provided, however, that if the full costs of administering this article shall exceed the amounts received and retained by the state for any period specified by the commissioner, then such additional sums as shall be required to offset such costs shall be retained by the state out of the penalties and forfeited security collected pursuant to this article.

S 4. Section 370 of the general municipal law is amended by adding a new subdivision 4 to read as follows:

4. THERE SHALL BE AN EXECUTIVE DEPARTMENT OF THE BUFFALO CITY GOVERNMENT KNOWN AS THE BUFFALO TRAFFIC VIOLATIONS AGENCY, WHICH SHALL OPERATE UNDER THE DIRECTION AND CONTROL OF THE MAYOR.

S 5. Subdivision 2 of section 370-a of the general municipal law, as amended by chapter 388 of the laws of 2012, is amended and a new subdivision 1-a is added to read as follows:

1-A. "TRAFFIC VIOLATIONS AGENCY" SHALL MEAN AN EXECUTIVE DEPARTMENT OF THE CITY OF BUFFALO ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF SECTION THREE HUNDRED SEVENTY OF THIS ARTICLE TO ADMINISTER AND DISPOSE OF TRAFFIC INFRACTIONS AS AUTHORIZED PURSUANT TO THIS ARTICLE.

2. "Traffic prosecutor" shall mean an attorney duly admitted to practice law in the state of New York who, having been appointed and either hired or retained pursuant to section three hundred seventy-four of this article, has the responsibility of prosecuting any traffic and parking infractions returnable before the Nassau county district court or the Suffolk county district court OR ANY TRAFFIC INFRACTIONS RETURNABLE BEFORE THE BUFFALO CITY COURT pursuant to the jurisdictional limitations of section three hundred seventy-one of this article.

S 6. Section 371 of the general municipal law is amended by adding a new subdivision 2-a to read as follows:

2-A. THE BUFFALO TRAFFIC VIOLATIONS AGENCY, AS ESTABLISHED IN SUBDIVISION FOUR OF SECTION THREE HUNDRED SEVENTY OF THIS ARTICLE, MAY BE AUTHORIZED TO ASSIST THE BUFFALO CITY COURT IN THE DISPOSITION AND ADMINISTRATION OF INFRACTIONS OF TRAFFIC LAWS, ORDINANCES, RULES AND REGULATIONS EXCEPT THAT SUCH AGENCY SHALL NOT HAVE JURISDICTION OVER (A) THE TRAFFIC INFRACTION DEFINED UNDER SUBDIVISION ONE OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW; (B) THE TRAFFIC INFRACTION DEFINED UNDER SUBDIVISION FIVE OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW; (C) THE VIOLATION DEFINED UNDER PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOURTEEN-F OF THE TRANSPORTATION LAW AND THE VIOLATION DEFINED UNDER CLAUSE (B) OF SUBPARAGRAPH (III) OF PARAGRAPH C OF SUBDIVISION TWO OF SECTION ONE HUNDRED FORTY OF THE TRANSPORTATION LAW; (D) THE TRAFFIC INFRACTION DEFINED UNDER SECTION THREE HUNDRED NINETY-SEVEN-A OF THE VEHICLE AND TRAFFIC LAW AND THE TRAFFIC INFRACTION DEFINED UNDER SUBDIVISION (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW; (E) TRAFFIC INFRACTIONS CONSTITUTING PARKING, STANDING, STOPPING OR PEDESTRIAN OFFENSES; (F) ANY MISDEMEANOR OR FELONY; OR (G) ANY OFFENSE THAT IS PART OF THE SAME CRIMINAL TRANSACTION, AS THAT TERM IS DEFINED IN SUBDIVISION TWO OF SECTION 40.10 OF THE CRIMINAL PROCEDURE LAW, AS A VIOLATION OF SUBDIVISION ONE OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND

TRAFFIC LAW, A VIOLATION OF SUBDIVISION FIVE OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW, A VIOLATION OF PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOURTEEN-F OF THE TRANSPORTATION LAW, A VIOLATION OF CLAUSE (B) OF SUBPARAGRAPH (III) OF PARAGRAPH C OF SUBDIVISION TWO OF SECTION ONE HUNDRED FORTY OF THE TRANSPORTATION LAW, A VIOLATION OF SECTION THREE HUNDRED NINETY-SEVEN-A OF THE VEHICLE AND TRAFFIC LAW, A VIOLATION CONSTITUTING A PARKING, STOPPING, STANDING OR PEDESTRIAN OFFENSE, A VIOLATION OF SUBDIVISION (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW OR ANY MISDEMEANOR OR FELONY.

S 7. Section 371 of the general municipal law is amended by adding a new subdivision 3-a to read as follows:

3-A. A PERSON CHARGED WITH AN INFRACTION WHICH SHALL BE DISPOSED OF BY THE BUFFALO TRAFFIC VIOLATIONS AGENCY MAY BE PERMITTED TO ANSWER, WITHIN A SPECIFIED TIME, AT THE TRAFFIC VIOLATIONS AGENCY EITHER IN PERSON OR BY WRITTEN POWER OF ATTORNEY IN SUCH FORM AS MAY BE PRESCRIBED IN THE ORDINANCE OR LOCAL LAW CREATING THE AGENCY, BY PAYING A PRESCRIBED FINE AND, IN WRITING, WAIVING A HEARING IN COURT, PLEADING GUILTY TO THE CHARGE OR A LESSER CHARGE AGREEABLE TO THE TRAFFIC PROSECUTOR AND THE PERSON CHARGED WITH AN INFRACTION, AND AUTHORIZING THE PERSON IN CHARGE OF THE AGENCY TO ENTER SUCH A PLEA AND ACCEPT PAYMENT OF SAID FINE. ACCEPTANCE OF THE PRESCRIBED FINE AND POWER OF ATTORNEY BY THE AGENCY SHALL BE DEEMED COMPLETE SATISFACTION FOR THE VIOLATION, AND THE VIOLATOR SHALL BE GIVEN A RECEIPT WHICH SO STATES. IF A PERSON CHARGED WITH A TRAFFIC VIOLATION DOES NOT ANSWER AS HEREINBEFORE PRESCRIBED, WITHIN A DESIGNATED TIME, THE AGENCY MAY CAUSE A COMPLAINT TO BE ENTERED AGAINST HIM FORTHWITH AND A WARRANT TO BE ISSUED FOR HIS ARREST AND APPEARANCE BEFORE THE COURT, SUCH SUMMONS TO BE PREDICATED UPON THE PERSONAL SERVICE OF SAID SUMMONS UPON THE PERSON CHARGED WITH THE INFRACTION. ANY PERSON WHO SHALL HAVE BEEN, WITHIN THE PRECEDING TWELVE MONTHS, GUILTY OF THREE OR MORE VIOLATIONS, SHALL NOT BE PERMITTED TO APPEAR AND ANSWER TO A SUBSEQUENT VIOLATION AT THE AGENCY, BUT MUST APPEAR IN COURT AT A TIME SPECIFIED BY THE AGENCY. SUCH AGENCY SHALL NOT BE AUTHORIZED TO DEPRIVE A PERSON OF HIS RIGHT TO COUNSEL OR TO PREVENT HIM FROM EXERCISING HIS RIGHT TO APPEAR IN COURT TO ANSWER TO, EXPLAIN, OR DEFEND ANY CHARGE OF A VIOLATION OF ANY TRAFFIC LAW, ORDINANCE, RULE OR REGULATION.

S 8. Section 371 of the general municipal law is amended by adding a new subdivision 4-a to read as follows:

4-A. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, FINES, PENALTIES AND FORFEITURES COLLECTED BY THE BUFFALO TRAFFIC VIOLATIONS AGENCY SHALL BE DISTRIBUTED AS PROVIDED IN SECTION EIGHTEEN HUNDRED THREE OF THE VEHICLE AND TRAFFIC LAW. ALL FINES, PENALTIES AND FORFEITURES FOR VIOLATIONS ADJUDICATED BY THE BUFFALO TRAFFIC VIOLATIONS AGENCY PURSUANT TO SUBDIVISION TWO-A OF THIS SECTION EXCEPT AS PROVIDED IN SUBDIVISION THREE OF SECTION NINETY-NINE-A OF THE STATE FINANCE LAW, SHALL BE PAID BY SUCH AGENCY TO THE STATE COMPTROLLER WITHIN THE FIRST TEN DAYS OF THE MONTH FOLLOWING COLLECTION. EACH SUCH PAYMENT SHALL BE ACCOMPANIED BY A TRUE AND COMPLETE REPORT IN SUCH FORM AND DETAIL AS THE COMPTROLLER SHALL PRESCRIBE.

S 9. The general municipal law is amended by adding a new section 374-a to read as follows:

S 374-A. TRAFFIC PROSECUTOR SELECTION AND OVERSIGHT. (A) THE EXECUTIVE DIRECTOR OF THE BUFFALO TRAFFIC VIOLATIONS AGENCY, APPOINTED PURSUANT TO SUBDIVISION (B) OF THIS SECTION, SHALL SELECT AND MAY CONTRACT WITH OR HIRE ONE OR MORE PERSONS WHO ARE ATTORNEYS, DULY ADMITTED TO THE PRACTICE OF LAW IN NEW YORK STATE FOR THE PROSECUTION OF ANY TRAFFIC INFRAC-

TION, EXCEPT THOSE DESCRIBED IN PARAGRAPHS (A), (B), (C), (D), (E), (F) AND (G) OF SUBDIVISION TWO-A OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS ARTICLE, TO BE HEARD, TRIED OR OTHERWISE DISPOSED OF BY THE BUFFALO CITY COURT. SUCH PERSONS SHALL BE KNOWN AS "TRAFFIC PROSECUTORS", AS THAT TERM IS DEFINED IN SECTION THREE HUNDRED SEVENTY-A OF THIS ARTICLE. TRAFFIC PROSECUTORS SHALL HAVE THE SAME POWER AS A DISTRICT ATTORNEY WOULD OTHERWISE HAVE IN THE PROSECUTION OF ANY TRAFFIC INFRACTION WHICH MAY, PURSUANT TO THE JURISDICTIONAL PROVISIONS OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS ARTICLE, BE PROSECUTED BEFORE THE BUFFALO CITY COURT IF THE TRAFFIC VIOLATION OCCURRED IN THE CITY OF BUFFALO. THE EXECUTIVE DIRECTOR SHALL GIVE ACTIVE CONSIDERATION TO REQUIRING THAT SUCH TRAFFIC PROSECUTORS SERVE ON A FULL-TIME BASIS. TRAFFIC PROSECUTORS ARE PROHIBITED FROM APPEARING IN ANY CAPACITY OTHER THAN AS A TRAFFIC PROSECUTOR IN ANY PART OF THE BUFFALO CITY COURT ON ANY MATTER RELATING TO TRAFFIC VIOLATIONS AND ARE FURTHER PROHIBITED FROM APPEARING IN ANY CAPACITY OTHER THAN AS A TRAFFIC PROSECUTOR IN ANY OTHER COURT OR ADMINISTRATIVE TRIBUNAL ON ANY MATTER RELATING TO TRAFFIC VIOLATIONS.

(B) THE MAYOR OF THE CITY OF BUFFALO SHALL APPOINT A PERSON TO SERVE AS THE EXECUTIVE DIRECTOR OF THE BUFFALO TRAFFIC VIOLATIONS AGENCY SUBJECT TO THE CONFIRMATION OF THE COMMON COUNCIL OF THE CITY OF BUFFALO. THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE FOR THE OVERSIGHT AND ADMINISTRATION OF THE AGENCY. THE EXECUTIVE DIRECTOR IS PROHIBITED FROM APPEARING IN ANY CAPACITY IN ANY PART OF THE BUFFALO CITY COURT ON ANY MATTER RELATING TO TRAFFIC VIOLATIONS AND IS FURTHER PROHIBITED FROM APPEARING IN ANY CAPACITY IN ANY OTHER COURT OR ADMINISTRATIVE TRIBUNAL ON ANY MATTER RELATING TO TRAFFIC VIOLATIONS.

(C) IT SHALL BE A MISDEMEANOR FOR THE EXECUTIVE DIRECTOR, ANY TRAFFIC PROSECUTOR OR ANY JUDICIAL HEARING OFFICER ASSIGNED TO HEAR TRAFFIC VIOLATIONS CASES PURSUANT TO SECTION SIXTEEN HUNDRED NINETY OF THE VEHICLE AND TRAFFIC LAW TO ESTABLISH ANY QUOTA OF TRAFFIC VIOLATION CONVICTIONS WHICH MUST BE OBTAINED BY ANY TRAFFIC PROSECUTOR OR JUDICIAL HEARING OFFICER. NOTHING CONTAINED HEREIN SHALL PROHIBIT THE TAKING OF ANY JOB ACTION AGAINST A TRAFFIC PROSECUTOR OR JUDICIAL HEARING OFFICER FOR FAILURE TO SATISFACTORILY PERFORM SUCH PROSECUTOR'S OR OFFICER'S JOB ASSIGNMENT EXCEPT THAT THE EMPLOYMENT PRODUCTIVITY OF SUCH PROSECUTOR OR OFFICER SHALL NOT BE MEASURED BY THE ATTAINMENT OR NONATTAINMENT OF ANY CONVICTION QUOTA. FOR THE PURPOSES OF THIS SECTION A CONVICTION QUOTA SHALL MEAN A SPECIFIC NUMBER OF CONVICTIONS WHICH MUST BE OBTAINED WITHIN A SPECIFIC TIME PERIOD.

(D) PURSUANT TO ARTICLE 20 OF THE BUFFALO CITY CHARTER, THE CITY OF BUFFALO MAY APPROPRIATE THOSE MONIES WHICH, IN ITS SOLE DISCRETION, ARE NECESSARY FOR THE COMPENSATION OF THOSE PERSONS SELECTED TO SERVE AS EXECUTIVE DIRECTOR AND TRAFFIC PROSECUTORS AND TO COVER ALL OTHER EXPENSES ASSOCIATED WITH THE ADMINISTRATION OF THE BUFFALO TRAFFIC VIOLATIONS AGENCY.

S 10. Subdivision 3 of section 99-a of the state finance law, as amended by chapter 388 of the laws of 2012, is amended to read as follows:

3. The comptroller is hereby authorized to implement alternative procedures, including guidelines in conjunction therewith, relating to the remittance of fines, penalties, forfeitures and other moneys by town and village justice courts, and by the Nassau and Suffolk counties traffic and parking violations agencies, AND BY THE CITY OF BUFFALO TRAFFIC VIOLATIONS AGENCY, to the justice court fund and for the distribution of such moneys by the justice court fund. Notwithstanding any law to the contrary, the alternative procedures utilized may include:

a. electronic funds transfer;

b. remittance of funds by the justice court to the chief fiscal office of the town or village, or, in the case of the Nassau and Suffolk counties traffic and parking violations agencies, to the county treasurer, OR, IN THE CASE OF THE BUFFALO TRAFFIC VIOLATIONS AGENCY, TO THE CITY OF BUFFALO COMPTROLLER, for distribution in accordance with instructions by the comptroller; and/or

c. monthly, rather than quarterly, distribution of funds.

The comptroller may require such reporting and record keeping as he or she deems necessary to ensure the proper distribution of moneys in accordance with applicable laws. A justice court or the Nassau and Suffolk counties traffic and parking violations agencies OR THE CITY OF BUFFALO TRAFFIC VIOLATIONS AGENCY may utilize these procedures only when permitted by the comptroller, and such permission, once given, may subsequently be withdrawn by the comptroller on due notice.

S 11. Paragraph (c) of subdivision 4-a of section 510 of the vehicle and traffic law, as added by section 10 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

(c) Upon receipt of notification from a traffic and parking violations agency OR A TRAFFIC VIOLATIONS AGENCY of the failure of a person to appear within sixty days of the return date or new subsequent adjourned date, pursuant to an appearance ticket charging said person with a violation of:

(i) any of the provisions of this chapter except one for parking, stopping or standing and except those violations described in paragraphs (a), (b), (d), (e) and (f) of subdivision two AND IN PARAGRAPHS (A), (B), (D), (E), (F) AND (G) OF SUBDIVISION TWO-A of section three hundred seventy-one of the general municipal law;

(ii) section five hundred two or subdivision (a) of section eighteen hundred fifteen of the tax law;

(iii) section fourteen-f (except paragraph (b) of subdivision four of section fourteen-f), two hundred eleven or two hundred twelve of the transportation law; or

(iv) any lawful ordinance or regulation made by a local or public authority relating to traffic (except one for parking, stopping or standing) or the failure to pay a fine imposed for such a violation by a traffic and parking violations agency OR A TRAFFIC VIOLATIONS AGENCY, the commissioner or his or her agent may suspend the driver's license or privileges of such person pending receipt of notice from the agency that such person has appeared in response to such appearance ticket or has paid such fine. Such suspension shall take effect no less than thirty days from the day upon which notice thereof is sent by the commissioner to the person whose driver's license or privileges are to be suspended. Any suspension issued pursuant to this paragraph shall be subject to the provisions of paragraph (j-1) of subdivision two of section five hundred three of this chapter.

S 12. Paragraph (b) of subdivision 3 of section 514 of the vehicle and traffic law, as amended by section 11 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

(b) Upon the failure of a person to appear or answer, within sixty days of the return date or any subsequent adjourned date, or the failure to pay a fine imposed by a traffic and parking violations agency OR A TRAFFIC VIOLATIONS AGENCY pursuant to a summons charging him or her with a violation of:

(1) any of the provisions of this chapter except one for parking, stopping or standing and except those violations described in paragraphs

(a), (b), (d), (e) and (f) of subdivision two AND IN PARAGRAPHS (A), (B), (D), (E), (F) AND (G) OF SUBDIVISION TWO-A of section three hundred seventy-one of the general municipal law;

(2) section five hundred two or subdivision (a) of section eighteen hundred fifteen of the tax law;

(3) section fourteen-f (except paragraph (b) of subdivision four of section fourteen-f), two hundred eleven or two hundred twelve of the transportation law; or

(4) any lawful ordinance or regulation made by a local or public authority relating to traffic (except one for parking, stopping or standing);

the clerk thereof shall within ten days certify that fact to the commissioner, in the manner and form prescribed by the commissioner, who shall record the same in his or her office. Thereafter and upon the appearance of any such person in response to such summons or the receipt of the fine by the agency, the traffic and parking violations agency, THE TRAFFIC VIOLATIONS AGENCY or the clerk thereof shall forthwith certify that fact to the commissioner, in the manner and form prescribed by the commissioner; provided, however, no such certification shall be made unless the traffic and parking violations agency OR THE TRAFFIC VIOLATIONS AGENCY has collected the termination of suspension fee required to be paid pursuant to paragraph (j-1) of subdivision two of section five hundred three of this chapter.

S 13. The article heading of article 44-A of the vehicle and traffic law, as amended by chapter 388 of the laws of 2012, is amended to read as follows:

AUTHORITY OF THE NASSAU AND SUFFOLK
COUNTY DISTRICT COURT AND BUFFALO CITY COURT
JUDICIAL HEARING OFFICERS

S 14. The section heading of section 1690 of the vehicle and traffic law, as amended by chapter 388 of the laws of 2012, is amended to read as follows:

Authority of the Nassau county and Suffolk county district court judicial hearing officers AND THE CITY OF BUFFALO JUDICIAL HEARING OFFICERS.

S 15. Section 1690 of the vehicle and traffic law is amended by adding two new subdivisions 1-a and 4-a to read as follows:

1-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHERE THE TRIAL OF A TRAFFIC INFRACTION IS AUTHORIZED OR REQUIRED TO BE TRIED BEFORE THE BUFFALO CITY COURT, AND SUCH TRAFFIC INFRACTION DOES NOT CONSTITUTE A MISDEMEANOR, FELONY, VIOLATION OF SUBDIVISION ONE OF SECTION ELEVEN HUNDRED NINETY-TWO, SUBDIVISION FIVE OF SECTION ELEVEN HUNDRED NINETY-TWO, SECTION THREE HUNDRED NINETY-SEVEN-A, OR SUBDIVISION (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, OR A VIOLATION OF PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOURTEEN-F OR CLAUSE (B) OF SUBPARAGRAPH (III) OF PARAGRAPH C OF SUBDIVISION TWO OF SECTION ONE HUNDRED FORTY OF THE TRANSPORTATION LAW, OR ANY PARKING, STOPPING, STANDING OR PEDESTRIAN OFFENSE, OR ANY OFFENSE THAT IS PART OF THE SAME CRIMINAL TRANSACTION, AS THAT TERM IS DEFINED IN SUBDIVISION TWO OF SECTION 40.10 OF THE CRIMINAL PROCEDURE LAW, AS SUCH A MISDEMEANOR, FELONY, VIOLATION OF SUBDIVISION ONE OF SECTION ELEVEN HUNDRED NINETY-TWO, SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-TWO, SECTION THREE HUNDRED NINETY-SEVEN-A OR SUBDIVISION (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, OR A VIOLATION OF PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOURTEEN-F OR CLAUSE (B) OF SUBPARAGRAPH (III) OF PARAGRAPH D OF SUBDIVISION TWO OF SECTION ONE HUNDRED FORTY OF THE TRANSPORTATION LAW, OR ANY PARKING, STOPPING, STANDING OR PEDESTRIAN

OFFENSE, THE ADMINISTRATIVE JUDGE OF THE EIGHTH JUDICIAL DISTRICT MAY ASSIGN JUDICIAL HEARING OFFICERS TO CONDUCT SUCH A TRIAL. SUCH JUDICIAL HEARING OFFICERS SHALL: (I) BE RESIDENTS OF THE CITY OF BUFFALO; AND (II) BE VILLAGE OR TOWN COURT JUSTICES, CITY COURT JUDGES OR RETIRED JUDGES OR JUSTICES ALL OF WHICH SHALL HAVE AT LEAST TWO YEARS OF EXPERIENCE CONDUCTING TRIALS OF TRAFFIC VIOLATIONS CASES; AND (III) BE ADMITTED TO PRACTICE LAW IN THIS STATE; AND (IV) BE SELECTED FROM A LIST OF RECOMMENDATIONS OF THE MAYOR OF THE CITY OF BUFFALO PROVIDED THAT THE MAYOR SHALL GIVE AT LEAST THREE RECOMMENDATIONS FOR EACH JUDICIAL HEARING OFFICER ASSIGNMENT. WHERE SUCH ASSIGNMENT IS MADE, THE JUDICIAL HEARING OFFICER SHALL ENTERTAIN THE CASE IN THE SAME MANNER AS A COURT AND SHALL:

(A) DETERMINE ALL QUESTIONS OF LAW;

(B) ACT AS THE EXCLUSIVE TRIER OF ALL ISSUES OF FACT;

(C) RENDER A VERDICT;

(D) IMPOSE SENTENCE; OR

(E) DISPOSE OF THE CASE IN ANY MANNER PROVIDED BY LAW.

4-A. JUDICIAL HEARING OFFICERS ARE PROHIBITED FROM APPEARING IN ANY CAPACITY OTHER THAN AS A JUDICIAL HEARING OFFICER IN ANY PART OF BUFFALO CITY COURT ON ANY MATTER RELATING TO TRAFFIC VIOLATIONS AND ARE FURTHER PROHIBITED FROM APPEARING IN ANY CAPACITY OTHER THAN AS A JUDICIAL HEARING OFFICER IN ANY OTHER COURT OR ADMINISTRATIVE TRIBUNAL ON ANY MATTER RELATING TO TRAFFIC VIOLATIONS.

S 16. Subdivision 5 of section 350.20 of the criminal procedure law, as amended by chapter 388 of the laws of 2012, is amended to read as follows:

5. Notwithstanding the provisions of subdivision one of this section, for all proceedings before the district court of Nassau county the administrative judge of Nassau county may, and for all proceedings before the district court of Suffolk county, the administrative judge of Suffolk county may, without the consent of the parties, assign matters involving traffic and parking infractions except those described in paragraphs (a), (b), (c), (d), (e) and (f) of subdivision two of section three hundred seventy-one of the general municipal law to a judicial hearing officer in accordance with the provisions of section sixteen hundred ninety of the vehicle and traffic law AND FOR ALL PROCEEDINGS BEFORE THE BUFFALO CITY COURT THE ADMINISTRATIVE JUDGE OF THE EIGHTH JUDICIAL DISTRICT MAY, WITHOUT THE CONSENT OF THE PARTIES, ASSIGN MATTERS INVOLVING TRAFFIC INFRACTIONS EXCEPT THOSE DESCRIBED IN PARAGRAPHS (A), (B), (C), (D), (E), (F) AND (G) OF SUBDIVISION TWO-A OF SECTION THREE HUNDRED SEVENTY-ONE OF THE GENERAL MUNICIPAL LAW TO A JUDICIAL HEARING OFFICER IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIXTEEN HUNDRED NINETY OF THE VEHICLE AND TRAFFIC LAW.

S 17. Pending actions and proceedings. (a) No proceeding involving a charge of a traffic infraction pending at such time when an existing administrative tribunal shall cease to exist shall be affected or abated by the passage of this act or by anything herein contained or by the cessation of the existence of any administrative tribunal. All such proceedings are hereby transferred to the court of appropriate jurisdiction in the city where such traffic infractions allegedly occurred.

(b)(i) The agency, department, office, or person charged with the custody of the records of an existing administrative tribunal which is about to cease existing under, or in connection with, this act shall arrange for the transfer of the records of pending proceedings to the court of appropriate jurisdiction to which the proceedings shall be transferred. The presiding judge of such court shall enter an order

providing for adequate notice consistent with due process of law to respondents in such pending proceedings regarding the transfer of such proceedings.

(ii) In no event shall any difficulty or delay resulting from the transfer process, not caused by the respondent, increase the penalty required of the respondent appearing before the court due to a transfer of the traffic infraction proceeding or otherwise prejudice such respondent. Respondents before the court due to a transfer of the traffic infraction proceeding from an administrative tribunal to the court that fail to appear shall be permitted at least one adjournment before the penalties and procedures pursuant to subdivision 3 of section 226 of the vehicle and traffic law shall be available. The presiding judge of such court shall enter an order providing for adequate notice consistent with due process of law to respondents, including notice of the penalties and procedures available pursuant to subdivision 3 of section 226 of the vehicle and traffic law.

S 18. The executive director of the Buffalo traffic violations agency shall issue on an annual basis, beginning eighteen months following the creation of the Buffalo traffic violations agency pursuant to city of Buffalo local law, a report detailing the progress, development and operations of the traffic violations agency. The report shall be provided to the governor, the temporary president of the senate, the speaker of the assembly, the mayor of Buffalo, the common council of Buffalo, the presiding judge of the Buffalo city court and the Erie county district attorney.

S 19. This act shall take effect on May 1, 2015; provided, however, that effective immediately the city of Buffalo is authorized to enact a local law establishing a traffic violations agency in the city of Buffalo; provided, however, that the provisions of sections four and five of this act shall take effect on the same date as the enactment of such local law, herein authorized, establishing a traffic violations agency; provided, further, that if established, such agency and the city of Buffalo shall comply with all the provisions of law set forth in this act; provided, however, that the amendments made to section 371 of the general municipal law, made by sections six, seven and eight of this act, shall not affect the expiration of such section and be deemed to expire therewith; and provided, further, that the city of Buffalo shall notify the legislative bill drafting commission upon the occurrence of the enactment of the local law provided for in this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART DD

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

(a) "All terrain vehicle" or "ATV" means any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways providing that such vehicle does not exceed seventy inches in width, or one thousand FIVE HUNDRED pounds dry weight. Provided, however, this definition shall not include a "snowmobile" or other self-propelled vehicles manufactured for off-highway use exclu-

sively designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats which utilize an endless belt tread.

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

PART EE

Section 1. Subdivisions 1, 2, 3, the opening paragraph and paragraph g of subdivision 4, the opening paragraph and paragraph h of subdivision 5 and subdivisions 7, 9 and 10 of section 915 of the executive law, subdivision 1 as amended by chapter 454 of the laws of 2001 and subdivision 2 and the opening paragraph of subdivision 5 as amended by chapter 842 of the laws of 1981, subdivision 3, the opening paragraph and paragraph g of subdivision 4, paragraph h of subdivision 5 and subdivisions 7, 9 and 10, as added by chapter 840 of the laws of 1981, are amended to read as follows:

1. It is the intention of this article to offer the fullest possible support by the state and its agencies to those local governments that desire to revitalize their waterfronts. Accordingly, any local government or two or more local governments acting jointly OR ANY SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS which has any portion of its jurisdiction contiguous to the state's coastal waters or inland waterways and which desires to participate may submit a waterfront revitalization program to the secretary as herein provided.

2. The secretary may provide technical and financial assistance as provided in sections nine hundred seventeen and nine hundred eighteen OF THIS ARTICLE to any local government OR ANY SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS for the preparation of a waterfront revitalization program for the purposes of this article.

3. A local government or two or more local governments acting jointly OR ANY SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS which intends to submit a waterfront revitalization program for the purposes of this article is strongly encouraged to consult, during its preparation, with other entities that may be affected by its program, including local governments, SOIL AND WATER CONSERVATION DISTRICTS, county and regional agencies, appropriate port authorities, community based groups and state and federal agencies. On request by the local government OR THE SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, the secretary shall take appropriate action to facilitate such consultation.

The secretary shall prepare and distribute guidelines and regulations for local governments OR SOIL AND WATER CONSERVATION DISTRICTS desiring to prepare, or cause to be prepared, a waterfront revitalization program (hereinafter referred to as the "program"). Such guidelines shall provide that the program will be consistent with the policies and purposes of this article generally and shall include, but not be limited to:

g. Specification of the adequate authority and capability of the local government OR SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, to implement the program.

The secretary shall approve any local government OR SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, waterfront revitalization program as eligible for the benefits set forth in section nine hundred sixteen of this article if he finds that such program will be consistent with coastal policies and will achieve the waterfront revitalization purposes of this article. In making such determination, the secretary shall find that the program incorporates each of the following to an extent commensurate with the particular circumstances of that local government OR SOIL AND WATER CONSERVATION DISTRICT:

h. A statement identifying those elements of the program which can be implemented by the local government OR SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification or approval programs, grant, loan, subsidy or other funding assistance programs, facilities construction and planning programs which may affect the achievement of the waterfront revitalization program.

7. Where there is a conflict between a submitted waterfront revitalization program and any state or federal policy, at the request of the local government, THE SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, or the state or federal agency affected, the secretary shall attempt to reconcile and resolve the differences between the submitted program and such policies and shall meet with the local government, SOIL AND WATER CONSERVATION DISTRICT and involved state and federal agencies to this end.

9. Before undertaking any action pursuant to any programs identified pursuant to paragraph [(h)] H of subdivision five of [section nine hundred fifteen of] this [article] SECTION the affected state agency shall submit, through appropriate existing clearing house procedures including but not limited to the state environmental quality review law, information on the proposed action to THE local government OR SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS. The local government OR SOIL AND WATER CONSERVATION DISTRICT shall identify potential conflicts and so notify the secretary. Upon notification of the conflict, the secretary will confer with the affected state agency and the local government OR SOIL AND WATER CONSERVATION DISTRICT to modify the proposed action to be consistent with the local plan.

10. Any local government OR SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, which has had a waterfront revitalization program approved pursuant to this section may withdraw its program at any time by filing with the secretary a copy of a resolution of its legislative body providing for such withdrawal. Upon receipt of such resolution, the secretary shall immediately notify all affected state agencies.

S 2. The opening paragraph of section 916 of the executive law, as amended by chapter 366 of the laws of 1986, is amended to read as follows:

In recognition of the state policy set forth in this article to encourage the revitalization of waterfront areas in a manner consistent with local objectives, the following benefits shall apply where a local government OR SOIL AND WATER CONSERVATION DISTRICT waterfront revitalization program has been approved pursuant to section nine hundred fifteen [or section nine hundred fifteen-a] of this article.

S 3. Section 917 of the executive law, as added by chapter 840 of the laws of 1981, is amended to read as follows:

S 917. Technical assistance. The secretary shall encourage and assist local governments AND SOIL AND WATER CONSERVATION DISTRICTS, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, in the preparation of waterfront revitalization programs and in the administration and implementation of approved programs. Such assistance shall be provided on request by the local government OR SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, and shall include, as may be deemed appropriate by the secretary, the provision of maps, data, criteria, model implementation provisions, and technical counsel and advice. In addition, the secretary shall facilitate consultation and coordination among local, county, regional, state and federal agencies and community based groups in connection with the preparation and administration of approved waterfront revitalization programs, and to facilitate the development of projects called for by approved programs.

S 4. Paragraphs a and b of subdivision 1 and subdivision 2 of section 918 of the executive law, as added by chapter 840 of the laws of 1981, are amended to read as follows:

a. To any local governments, or to two or more local governments, OR SOIL AND WATER CONSERVATION DISTRICTS, IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, for projects approved by the secretary which lead to preparation of a waterfront revitalization program; provided, however, that such grants shall not exceed fifty percent of the approved cost of such projects;

b. To any local government, OR SOIL AND WATER CONSERVATION DISTRICTS, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, or local government agency for research, design, and other activities which serve to facilitate construction projects provided for in an approved waterfront revitalization program; provided, however, that such grants shall not exceed ten percent of the estimated cost of such construction project.

2. Funds available for the purposes of this section shall be allocated in a fair and equitable manner; such allocation shall reflect the initiative shown by local governments OR SOIL AND WATER CONSERVATION DISTRICTS, IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, in preparing waterfront revitalization programs and in carrying them out.

S 5. Subdivision 3 of section 920 of the executive law, as added by chapter 840 of the laws of 1981, is amended to read as follows:

3. The secretary shall make this inventory available to state agencies, local governments, SOIL AND WATER CONSERVATION DISTRICTS and the public for planning purposes.

S 6. This act shall take effect immediately.

PART FF

Section 1. Section 904 of the labor law is amended by adding two new subdivisions 2-a and 2-b to read as follows:

2-A. THE PROJECT NOTIFICATION FEE IMPOSED BY SUBDIVISION TWO OF THIS SECTION SHALL BE WAIVED IF THE PROJECT IS BEING UNDERTAKEN BY OR ON BEHALF OF A CITY, TOWN, VILLAGE, OR COUNTY THAT IS ABATING OR DEMOLISHING A BUILDING THAT IS A PUBLIC NUISANCE OR UNSAFE. SUCH WAIVER SHALL APPLY ONLY IF THE CITY, TOWN, VILLAGE OR COUNTY CERTIFIES IN WRITING THAT THE PROJECT COST WILL EXCEED THE RESULTING VALUE OF THE PROPERTY.

2-B. THE PROJECT NOTIFICATION FEE IMPOSED BY SUBDIVISION TWO OF THIS SECTION SHALL BE WAIVED IF THE PROJECT IS BEING UNDERTAKEN: (A) PURSUANT TO A PLAN ADOPTED PURSUANT TO ARTICLE FIFTEEN OF THE GENERAL MUNICIPAL LAW; (B) PURSUANT TO A PLAN ADOPTED PURSUANT TO ARTICLE EIGHTEEN-C OF THE GENERAL MUNICIPAL LAW; OR (C) BY OR ON BEHALF OF A LAND BANK OPERATING PURSUANT TO ARTICLE SIXTEEN OF THE NOT-FOR-PROFIT CORPORATION LAW.

S 2. This act shall take effect immediately.

PART GG

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

2. Any contractor engaged in an asbestos project involving more than two hundred sixty linear feet or more than one hundred sixty square feet of asbestos or asbestos materials shall notify both the United States Environmental Protection Agency, Region II, Air and Hazardous Material Division and the commissioner in writing ten days prior to the commencement of work on the project or, if emergency conditions make it impossible to provide ten days prior notice, as soon as practicable after identification of the project. The notice to the commissioner shall include the following information: the name, address and asbestos handling license number of the contractor working on the project; the address and description of the building or area, including size, age and prior use of the building or area; the amount of friable asbestos material present in square feet and/or linear feet, if applicable; room designation numbers or other local information where such asbestos material is found unless such material is found throughout the entire structure; the scheduled starting and completion dates for removal; the procedures and equipment, including ventilating systems that will be employed; any additional information which the commissioner may require; and, EXCEPT FOR CONTRACTORS EMPLOYED BY A MUNICIPALITY TO ENGAGE IN SUCH ASBESTOS PROJECTS, shall be accompanied by a project notification fee as follows:

Project Size/Linear Feet	Fee
260-429	$200
430-824	400
825-1649	1,000
1650 or more	2,000

Project Size/Square Feet	Fee
160-259	$200
260-499	400
500-999	1,000
1000 or more	2,000

S 2. This act shall take effect immediately.

PART HH

Section 1. The tax law is amended by adding a new section 23-a to read as follows:

S 23-A. ASBESTOS REMEDIATION CREDIT. (A) DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) QUALIFIED STRUCTURE. "QUALIFIED STRUCTURE" SHALL MEAN (I) A BUILDING, PRINCIPALLY USED BY THE TAXPAYER FOR RESIDENTIAL, INDUSTRIAL, COMMERCIAL, RECREATIONAL OR ENVIRONMENTAL CONSERVATION PURPOSES, AND (II) WHICH WAS ORIGINALLY PLACED IN SERVICE AT LEAST TWENTY-FIVE YEARS PRIOR TO THE TAXABLE YEAR IN WHICH THE CREDIT IS CLAIMED.

(2) ELIGIBLE COSTS. "ELIGIBLE COSTS" SHALL MEAN ALL AMOUNTS PROPERLY CHARGEABLE TO A CAPITAL ACCOUNT, WHICH ARE INCURRED IN DIRECT CONNECTION TO ASBESTOS REMEDIATION OF A QUALIFIED ASBESTOS PROJECT.

(3) QUALIFIED ASBESTOS PROJECT. "QUALIFIED ASBESTOS PROJECT" SHALL BE AN ASBESTOS PROJECT AS DEFINED IN SECTION NINE HUNDRED ONE OF THE LABOR LAW AND UNDERTAKEN BY THE TAXPAYER, ON A QUALIFIED STRUCTURE, AND COMPLETED PURSUANT TO THE APPLICABLE REGULATIONS AT PART FIFTY-SIX OF TITLE TWELVE OF THE OFFICIAL COMPILATION OF RULES AND REGULATIONS OF THE STATE.

(B) ASBESTOS REMEDIATION CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER WHO HAS UNDERTAKEN A QUALIFIED ASBESTOS PROJECT ON A QUALIFIED STRUCTURE, AND WHO IS SUBJECT TO TAX UNDER ARTICLE NINE, NINE-A OR TWENTY-TWO OF THIS CHAPTER, SHALL BE ALLOWED A CREDIT AGAINST SUCH TAX, PURSUANT TO THE PROVISIONS REFERENCED IN SUBDIVISION (C) OF THIS SECTION.

(2) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL BE TWENTY PERCENT OF ALL ELIGIBLE COSTS WHICH ARE INCURRED IN THE TAXABLE YEAR, AS A RESULT OF ASBESTOS REMEDIATION WITH A COMPLETED QUALIFIED ASBESTOS PROJECT. THE CREDIT SHALL BE ALLOWED FOR THE TAXABLE YEAR IN WHICH THE QUALIFIED ASBESTOS PROJECT IS FIRST COMMENCED AND FOR THE NEXT TWO SUCCEEDING TAXABLE YEARS. THE CREDIT AUTHORIZED PURSUANT TO THIS SECTION SHALL NOT EXCEED THE TOTAL SUM OF ONE MILLION DOLLARS FOR THE THREE TAXABLE YEARS ALLOWED AND CLAIMED. THE COSTS, EXPENSES AND OTHER AMOUNTS FOR WHICH A CREDIT IS ALLOWED AND CLAIMED UNDER THIS SUBDIVISION SHALL NOT BE USED IN THE CALCULATION OF ANY OTHER CREDIT ALLOWED UNDER THIS CHAPTER.

(C) CROSS-REFERENCES. FOR APPLICATION OF THE CREDIT PROVIDED FOR IN THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:

ARTICLE 9: SECTION 187-T.

ARTICLE 9-A: SECTION 210-B, SUBDIVISION 49.

ARTICLE 22: SECTION 606, SUBSECTIONS (I) AND (CCC).

S 2. The tax law is amended by adding a new section 187-t to read as follows:

S 187-T. ASBESTOS REMEDIATION CREDIT. 1. ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION TWENTY-THREE-A OF THIS CHAPTER, AGAINST THE TAXES IMPOSED BY THIS ARTICLE. PROVIDED, HOWEVER, THAT THE AMOUNT OF SUCH CREDIT ALLOWABLE AGAINST THE TAX IMPOSED BY SECTION ONE HUNDRED EIGHTY-FOUR OF THIS ARTICLE SHALL BE THE EXCESS OF THE AMOUNT OF SUCH CREDIT OVER THE AMOUNT OF ANY CREDIT ALLOWED BY THIS SECTION AGAINST THE TAX IMPOSED BY SECTION ONE HUNDRED EIGHTY-THREE OF THIS ARTICLE.

2. APPLICATION OF CREDIT. THE CREDIT UNDER THIS SECTION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE APPLICABLE MINIMUM TAX PRESCRIBED BY THIS ARTICLE. IF, HOWEVER, THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SECTION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

S 3. Section 210-B of the tax law is amended by adding a new subdivision 49 to read as follows:

49. ASBESTOS REMEDIATION CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER WHO HAS UNDERTAKEN A QUALIFIED ASBESTOS PROJECT ON AN EXISTING STRUCTURE SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION TWENTY-THREE-A OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE HIGHER AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF THE AMOUNT OF CREDITS ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

S 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xli) to read as follows:

(XLI) ASBESTOS REMEDIATION CREDIT UNDER SUBSECTION (CCC)	AMOUNT OF CREDIT UNDER SUBDIVISION FORTY-NINE OF SECTION TWO HUNDRED TEN-B

S 5. Section 606 of the tax law is amended by adding a new subsection (ccc) to read as follows:

(CCC) ASBESTOS REMEDIATION CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER WHO HAS UNDERTAKEN A QUALIFIED ASBESTOS PROJECT ON AN EXISTING STRUCTURE SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION TWENTY-THREE-A OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

S 6. This act shall take effect immediately and shall apply to taxable years commencing on or after such date.

PART II

Section 1. The soil and water conservation districts law is amended by adding a new section 4-a to read as follows:

S 4-A. DRAIN TILE REVOLVING LOAN PROGRAM. 1. THE SOIL AND WATER CONSERVATION COMMITTEE SHALL ESTABLISH AND MAINTAIN A DRAIN TILE REVOLVING LOAN PROGRAM TO PROVIDE LOW INTEREST LOANS TO FARMERS FOR THE PURPOSE OF ENHANCING THEIR FARM FIELDS WITH DRAIN TILE. SUCH PROGRAM SHALL PROVIDE LOW INTEREST LOANS TO FARMERS FOR SUCH DRAIN TILE PROJECTS AS THE COMMITTEE SHALL DEEM TO BE ELIGIBLE PURSUANT TO RULE OR REGULATION.

2. THE COMMITTEE SHALL PROMULGATE RULES AND REGULATIONS FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS SECTION, INCLUDING ESTABLISHING:

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

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

C. CRITERIA AND STANDARDS FOR DETERMINING THE PRIORITY TO BE GRANTED AMONG DRAIN TILE PROJECTS;

D. CRITERIA AND STANDARDS FOR DETERMINING THE AMOUNT OF FINANCIAL ASSISTANCE TO BE PROVIDED TO A FARMER FOR A DRAIN TILE PROJECT; AND

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

3. THE AMOUNT OF FUNDS IN THE DRAIN TILE REVOLVING LOAN PROGRAM SHALL BE SUBJECT TO A BUDGETARY APPROPRIATION.

4. THE COMMITTEE MAY PROVIDE LOW INTEREST LOANS TO FARMERS WITHIN THE AMOUNTS AVAILABLE IN THE DRAIN TILE REVOLVING LOAN FUND ESTABLISHED PURSUANT TO THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized to be made on or before such date.

PART JJ

Section 1. Paragraph (a) of subdivision 1 of section 11-a of the soil and water conservation districts law, as amended by chapter 316 of the laws of 2012, is amended to read as follows:

(a) Reimburse each soil and water conservation district to the extent of fifty percent of the amount expended by the district for the items specified in this paragraph, up to sixty thousand dollars per district in any fiscal year. Reimbursement pursuant to this paragraph shall be limited to: expenditures for the employment of conservation field technicians or district managers[,]; RENT, BUILDING EXPENSES AND THE COST OF UTILITIES; and the purchase of supplies and equipment related to [these] SUCH positions, for the purpose of supervising or providing technical assistance for the establishment and implementation of soil and water conservation practices in accordance with programs undertaken by the district. At the end of each calendar year, verified and detailed claims for such reimbursement shall be submitted to the state soil and water conservation committee in such form and manner and containing such information as the state soil and water conservation committee, the commissioner of agriculture and markets and the state comptroller may require. Notwithstanding any other provision of this chapter, the soil and water conservation district of New York city shall be considered the equivalent of five districts when reimbursed in accordance with the provisions of this paragraph.

S 2. This act shall take effect immediately.

PART KK

Section 1. Section 19-0323 of the environmental conservation law, as added by chapter 629 of the laws of 2006, subdivisions 3 and 5 as amended by section 1 and subdivision 7 as amended by section 2 of part DD of chapter 57 of the laws of 2014, and subdivisions 6 and 8 as renumbered by section 1 of part C of chapter 59 of the laws of 2010, is amended to read as follows:

S 19-0323. Use of ultra low sulfur diesel fuel and best available technology by the state.

1. As used in this section, the terms:

a. "Ultra low sulfur diesel fuel" means diesel fuel having sulfur content of 0.0015 [per cent] PERCENT of sulfur or less.

b. "Heavy duty vehicle" or "vehicle" means any on and off-road vehicle powered by diesel fuel and having a gross vehicle weight of greater than 8,500 pounds, except that those vehicles defined in section 101 of the vehicle and traffic law, paragraph 2 of schedule E and paragraph (a) of schedule F of subdivision 7 of section 401 of such law, and vehicles specified in subdivision 13 of section 401 of such law, and farm type tractors and all terrain type vehicles used exclusively for agricultural or mowing purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site, and timber harvesting equipment such as harvesters, wood chippers, forwarders, log skidders, and other processing equipment used exclusively off highway for timber harvesting and logging purposes, shall not be deemed heavy duty vehicles for purposes of this section. This term shall not include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department or fire department.

c. "Best available retrofit technology" means technology, verified by the United States environmental protection agency for reducing the emission of pollutants that achieves reductions in particulate matter emissions at the highest classification level for diesel emission control strategies that is applicable to the particular engine and application. Such technology shall also, at a reasonable cost, achieve the greatest reduction in emissions of nitrogen oxides at such particulate matter reduction level and shall in no event result in a net increase in the emissions of either particulate matter or nitrogen oxides.

d. "Reasonable cost" means that such technology does not cost greater than 30 percent more than other technology applicable to the particular engine and application that falls within the same classification level for diesel emission control strategies, as set forth in paragraph c of this subdivision, when considering the cost of the strategies, themselves, and the cost of installation.

2. Any diesel powered heavy duty vehicle that is owned by, operated by or on behalf of, or leased by a state agency and state and regional public authority shall be powered by ultra low sulfur diesel fuel.

3. Any diesel powered heavy duty vehicle that is owned by, operated by [or on behalf of,] or leased by a state agency and state and regional public authority with more than half of its governing body appointed by the governor shall utilize the best available retrofit technology for reducing the emission of pollutants. The commissioner shall promulgate regulations for the implementation of this subdivision specifying that all vehicles covered by this subdivision shall have best available retrofit technology on or before December 31, [2015] 2017.

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

4. In addition to other provisions for regulations in this section, the commissioner shall promulgate regulations as necessary and appropriate to carry out the provisions of this act including but not limited to provision for waivers upon written finding by the commissioner that (a) best available retrofit technology for reducing the emissions of pollutants as required by subdivision 3 of this section is not available for a particular vehicle or class of vehicles and (b) that ultra low sulfur diesel fuel is not available.

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

6. This section shall not apply where federal law or funding precludes the state from imposing the requirements of this section.

7. On or before January 1, 2008 and every year thereafter, the commissioner shall report to the governor and legislature on the use of ultra low sulfur diesel fuel. On or before January 1, [2016] 2018 and every year thereafter, the commissioner shall include in the report to the governor and legislature the use of the best available retrofit technology as required under this section. The information contained in this report shall include, but not be limited to, for each state agency and public authority covered by this section: (a) the total number of diesel fuel-powered motor vehicles owned or operated by such agency and authority; (b) the number of such motor vehicles that were powered by ultra low sulfur diesel fuel; (c) the total number of diesel fuel-powered motor vehicles owned or operated by such agency and authority having a gross vehicle weight rating of more than 8,500 pounds; (d) the number of such motor vehicles that utilized the best available retrofit technology, including a breakdown by motor vehicle model, engine year and the type of technology used for each vehicle; (e) the number of such motor vehicles that are equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for particulate matter that is at least as stringent; and (f) all waivers, findings, and renewals of such findings, which, for each waiver, shall include, but not be limited to, the quantity of diesel fuel needed to power diesel fuel-powered motor vehicles owned or operated by such agency and authority; specific information concerning the availability of ultra low sulfur diesel fuel.

8. The department shall, to the extent practicable, coordinate with regions which have proposed or adopted heavy duty emission inspection programs to promote regional consistency in such programs.

S 2. This act shall take effect immediately.

PART LL

Section 1. The public authorities law is amended by adding a new section 2858 to read as follows:

S 2858. EXEMPTIONS FROM TOLLS. 1. ANY PUBLIC AUTHORITY UNDER TITLE NINE OF ARTICLE TWO, TITLE TWO OF ARTICLE THREE OR TITLE THREE OF ARTICLE THREE OF THIS CHAPTER, SHALL PROVIDE AN EXEMPTION FROM ANY TOLL IMPOSED BY SUCH AUTHORITY FOR TRANSPORTATION ACROSS, ON OR THROUGH ANY BRIDGE, ROAD OR TUNNEL, FOR ANY FARMER OR FOOD PRODUCER WHO:

A. FARMS OR PRODUCES FOOD, INCLUDING FISH AND FISH PRODUCTS, ON A PROPERTY LOCATED IN THE STATE; AND

B. IS TRANSPORTING SUCH FOOD TO THE CITY OF NEW YORK FOR THE PURPOSES OF CONSUMPTION WITHIN SUCH CITY.

2. ANY PERSON EXEMPT FROM A TOLL PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL ALSO BE EXEMPT FROM ANY CONGESTION PRICING PLAN IMPLEMENTED IN THE CITY OF NEW YORK.

3. THE NEW YORK STATE THRUWAY AUTHORITY SHALL ESTABLISH ACCEPTABLE FORMS OF PROOF TO SHOW THAT AN INDIVIDUAL DOES, IN FACT, COMPLY WITH PARAGRAPHS A AND B OF SUBDIVISION ONE OF THIS SECTION.

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

PART MM

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

5. "BEGINNING FARMER" SHALL MEAN A FARMER WHO HAS NOT PRODUCED AN "AGRICULTURAL PRODUCT" AS DEFINED IN THIS SECTION, FOR MORE THAN TEN CONSECUTIVE YEARS, AND WHO WILL MATERIALLY AND SUBSTANTIALLY PARTICIPATE IN THE PRODUCTION OF AN AGRICULTURAL PRODUCT WITHIN A REGION OF THE STATE.

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

S 330-A. BEGINNING FARMER REVOLVING LOAN PROGRAM. 1. THE COMMISSIONER SHALL ESTABLISH AND MAINTAIN A BEGINNING FARMER REVOLVING LOAN PROGRAM TO PROVIDE LOW INTEREST LOANS TO BEGINNING FARMERS FOR THE PURPOSES OF SUPPORTING BEGINNING FARMERS, ENCOURAGING THE GROWTH OF SMALL AGRIBUSINESS, PRESERVING FARMLAND AS A WORKING AGRICULTURAL LANDSCAPE, AND PROVIDING OPEN SPACE BENEFITS FOR ALL RESIDENTS OF THE STATE. PROPERLY MANAGED FARMLAND HAS BEEN DEMONSTRATED TO BE THE BEST ENVIRONMENTAL USAGE OF LAND FOR WATERSHED PROTECTION, SO IT IS IN THE BEST INTEREST OF THE STATE TO MAINTAIN AGRICULTURAL LAND. SUCH PROGRAM SHALL, FROM ANY APPROPRIATION MADE AVAILABLE FOR THIS PURPOSE, PROVIDE LOW INTEREST LOANS TO BEGINNING FARMERS AS THE COMMISSIONER SHALL DEEM TO BE ELIGIBLE PURSUANT TO RULE OR REGULATION.

2. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS SECTION, INCLUDING ESTABLISHING:

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

B. CRITERIA AND STANDARDS FOR DETERMINING A BEGINNING FARMER'S ELIGIBILITY FOR A LOAN;

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

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

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

S 3. This act shall take effect on the first of April next succeeding the date on which it shall have become a law; provided, however, that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized to be made on or before such date.

PART NN

Section 1. Section 16 of the agriculture and markets law is amended by adding a new subdivision 2-e to read as follows:

2-E. AID IN EFFORTS SUPPORTING THE SUCCESSFUL TRANSFER OF VIABLE AGRICULTURAL LAND FROM EXISTING OWNERS TO NEW OWNERS AND OPERATORS, ESPECIALLY BEGINNING FARMERS.

S 2. Subdivision 5 of section 309 of the agriculture and markets law, as added by chapter 79 of the laws of 1980, is amended to read as follows:

5. The advisory council on agriculture shall advise the commissioner and other state agency heads on state government plans, policies and programs affecting farming and the agricultural industry of this state INCLUDING, BUT NOT LIMITED TO, ADVICE REGARDING TAX, FINANCIAL ASSISTANCE AND OTHER POLICIES AND PROGRAMS THAT COULD ADDRESS THE NEEDS OF BEGINNING FARMERS AND ISSUES RELATED TO TRANSFER OF OWNERSHIP OF FARMS. Concerned state agencies shall be encouraged to establish a working relationship with the council and shall fully cooperate with the council in any requests it shall make.

S 3. Subdivision 6 of section 323 of the agriculture and markets law, as amended by chapter 150 of the laws of 2013, is amended to read as follows:

6. reporting biennially to the governor and the legislature regarding the activities of the commissioner, INCLUDING EFFORTS TO ENHANCE ACCESS TO VIABLE AGRICULTURAL LAND FOR NEW AND BEGINNING FARMERS, the types of technical assistance rendered to county agricultural and farmland protection boards, municipalities, soil and water conservation districts and not-for-profit conservation organizations, and the need to protect the state's agricultural economy and land resources.

S 4. The agriculture and markets law is amended by adding a new section 329-a to read as follows:

S 329-A. FARMLAND AVAILABILITY INFORMATION. 1. THE DEPARTMENT SHALL COLLECT AND COMPILE INFORMATION ABOUT PUBLIC LAND THAT IS VIABLE FOR FARMING AND IS AVAILABLE FOR PURCHASE OR LEASE FOR FARMING AND MAKE AVAILABLE SUCH INFORMATION, INCLUDING CONTACT INFORMATION FOR THE OFFICE OF GENERAL SERVICES, OTHER STATE AGENCIES, MUNICIPALITIES, AND OTHER GOVERNMENTAL ENTITIES OFFERING SUCH LAND, ON ITS INTERNET WEBSITE. THE DEPARTMENT SHALL PROVIDE GUIDANCE AND ASSISTANCE TO THE OFFICE OF GENERAL SERVICES, OTHER STATE AGENCIES, MUNICIPALITIES AND OTHER GOVERNMENTAL ORGANIZATIONS THAT REQUEST SUCH ASSISTANCE, IN IDENTIFYING LAND THAT IS VIABLE FOR FARMING.

2. THE DEPARTMENT MAY ALSO MAKE AVAILABLE SIMILAR INFORMATION ABOUT PRIVATE LAND AVAILABLE FOR PURCHASE OR LEASE FOR FARMING, INCLUDING CONTACT INFORMATION FOR THE OWNERS OF SUCH LAND.

S 5. Section 2 of the public lands law is amended by adding two new subdivisions 2-a and 2-b to read as follows:

2-A. STATE-OWNED REAL PROPERTY INVENTORY; FARMING. A. THE COMMISSIONER OF GENERAL SERVICES IS AUTHORIZED AND DIRECTED TO DEVELOP AN INVENTORY, IN COOPERATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS, OF STATE-OWNED REAL PROPERTY THAT MAY BE VIABLE FOR FARMING.

B. IF THE COMMISSIONER DETERMINES THAT ANY OF SUCH PROPERTY SHOULD BE MADE AVAILABLE FOR PURCHASE OR LEASE FOR FARMING THEN SUCH INFORMATION SHALL BE PROVIDED TO THE DEPARTMENT OF AGRICULTURE AND MARKETS FOR THE FARMLAND AVAILABILITY INFORMATION PROGRAM, PROVIDED, HOWEVER, THAT IF THE COMMISSIONER, IN COOPERATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS, DETERMINES THAT ANY OF SUCH PROPERTY SHOULD BE PROTECTED AND PRESERVED USING ARTICLE TWENTY-FIVE-AAA OF THE AGRICULTURE AND MARKETS LAW THEN INFORMATION ABOUT SUCH PROPERTY SHALL NOT BE PROVIDED

FOR THE FARMLAND AVAILABILITY INFORMATION PROGRAM UNTIL A REVIEW OF THE MERITS AND FEASIBILITY OF PRESERVING SUCH PROPERTY USING SUCH ARTICLE HAS BEEN CONSIDERED.

2-B. REPORT. THE COMMISSIONER SHALL REPORT TO THE GOVERNOR AND THE LEGISLATURE WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SUBDIVISION ON:

A. THE INVENTORY OF STATE-OWNED REAL PROPERTY THAT MAY BE VIABLE FOR FARMING CONDUCTED PURSUANT TO SUBDIVISION TWO-A OF THIS SECTION;

B. THE FEASIBILITY OF, AND BARRIERS TO, SELLING, LEASING OR USING SUCH PROPERTY FOR FARMING;

C. THE FEASIBILITY OF USING ARTICLE TWENTY-FIVE-AAA OF AGRICULTURE AND MARKETS LAW TO PROTECT AND PRESERVE SUCH LAND FOR FARMING WHEN SUCH LAND IS SOLD; AND

D. ANY CONCERNS RELATED TO SELLING OR LEASING SUCH PROPERTY FOR FARMING, INCLUDING, BUT NOT LIMITED TO, THE TYPES OF FARMING ACTIVITIES THAT MAY BE APPROPRIATE AND THE ENVIRONMENTAL AND COMMUNITY IMPACTS OF FARMING SUCH PROPERTIES.

S 6. Section 2 of the public lands law is amended by adding a new subdivision 3-a to read as follows:

3-A. LAND VIABLE FOR FARMING; IDENTIFICATION. THE COMMISSIONER OF GENERAL SERVICES IS AUTHORIZED AND DIRECTED, AS PART OF THE STATE-OWNED REAL PROPERTY MANAGEMENT PROGRAM, TO WORK WITH STATE AGENCIES TO IDENTIFY LAND THAT MAY BE VIABLE FOR FARMING AND MAY BE MADE AVAILABLE FOR PURCHASE OR LEASE FOR FARMING.

S 7. This act shall take effect immediately.

PART OO

Section 1. Paragraph gg of subdivision 4 of section 1950 of the education law, as amended by chapter 301 of the laws of 1996, is amended to read as follows:

gg. (1) Notwithstanding any other provision of law, a board of cooperative educational services may provide training for employment to adults on a space available basis, with consideration given to occupations and industries in demand, and establish reduced adult tuition rates for such training. For the purposes of this section, training for employment for adults shall be offered through state approved sequences or parts thereof of secondary career education instruction. Adults may participate in such instruction and be awarded certificates of completion, but they may not earn credit based on their participation towards a high school diploma. Pursuant to section forty-six hundred two of this chapter, a board of cooperative educational services may establish such reduced rates for participation of adults provided that participation is limited to assigned instructional staff and currently used facilities in scheduled secondary career education programs, and provided further that such rates may not be less than fifty percent of the tuition rates charged to school districts for the participation of secondary students in the same programs, unless waived by the commissioner based on application of the board of cooperative educational services. This participation of adults at reduced tuition rates shall be in accordance with terms agreed upon by the board of cooperative educational services and the component school districts receiving such services but in no case shall such rates result in extraordinary costs assigned to such component school districts. Boards of cooperative educational services which provide such training to adults shall submit to the commissioner annually a report which shall include but not be limited to the number of adults served,

referral source, training sequences or parts thereof taken by adult participants, the tuition rates charged to them, and the gross revenues realized therefrom. For the purpose of this paragraph, "adult" shall mean any person under the age of twenty-one who has received a high school diploma or any person twenty-one years of age or older, whether or not they have received a high school diploma.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TO SUPERVISE, ENCOURAGE AND PROMOTE A YOUNG FARMER APPRENTICE PROGRAM WITHIN NEW YORK STATE AND TO ESTABLISH SUGGESTED STANDARDS FOR APPRENTICESHIP AGREEMENTS BETWEEN PROSPECTIVE YOUNG FARMERS AND NEW YORK STATE AGRICULTURAL ENTERPRISES.

S 2. This act shall take effect immediately.

PART PP

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

S 2. Paragraph a of subdivision 5 of section 89-b of the state finance law, as amended by section 10 of part C of chapter 57 of the laws of 2014, is amended to read as follows:

a. Moneys in the dedicated highway and bridge trust fund shall, following appropriation by the legislature, be utilized for: reconstruction, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways, and bridges thereon, to restore such facilities to their intended functions; construction, reconstruction, enhancement and improvement of state, county, town, city, and village roads, highways, parkways, and bridges thereon, to address current and projected capacity problems including costs for traffic mitigation activities; aviation projects authorized pursuant to section fourteen-j of the transportation law and for payments to the general debt service fund of amounts equal to amounts required for service contract payments related to aviation projects as provided and authorized by section three hundred eighty-six of the public authorities law; programs to assist small and minority and women-owned firms engaged in transportation construction and reconstruction projects, including a revolving fund for working capital loans, and a bonding guarantee assistance program in accordance with provisions of this chapter; matching federal grants or apportionments to the state for highway, parkway and bridge capital projects; the acquisition of real property and interests therein required or expected to be required in connection with such projects; preventive maintenance activities necessary to ensure that highways, parkways and bridges meet or exceed their optimum useful life; [expenses of control of snow and ice on state highways by the department of transportation including but not limited to personal services, nonpersonal services and fringe benefits, payment of emergency aid for control of snow and ice in municipalities pursuant to section fifty-five of the highway law, expenses of control of snow and ice on state highways by municipalities pursuant to section twelve of the highway law, and for expenses of arterial maintenance agreements with cities pursuant to section three hundred forty-nine of the highway law;] personal services, nonpersonal services, and fringe benefit costs of the department of transportation for bus safety inspection activities, rail safety inspection activities, and truck safety inspection activities; [costs of the department of motor vehicles, including but not limited to personal and nonpersonal services;]

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

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

S 3. Paragraph a of subdivision 5 of section 89-b of the state finance law, as amended by section 11 of part C of chapter 57 of the laws of 2014, is amended to read as follows:

a. Moneys in the dedicated highway and bridge trust fund shall, following appropriation by the legislature, be utilized for: reconstruction, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways, and bridges thereon, to restore such facilities to their intended functions; construction, reconstruction, enhancement and improvement of state, county, town, city, and village roads, highways, parkways, and bridges thereon, to address current and projected capacity problems including costs for traffic mitigation activities; aviation projects authorized pursuant to section fourteen-j of the transportation law and for payments to the general debt service fund of amounts equal to amounts required for service contract payments related to aviation projects as provided and authorized by section three hundred eighty-six of the public authorities law; programs to assist small and minority and women-owned firms engaged in transportation construction and reconstruction projects, including a revolving fund for working capital loans, and a bonding guarantee assistance program in accordance with provisions of this chapter; matching federal grants or apportionments to the state for highway, parkway and bridge capital projects; the acquisition of real property and interests therein required or expected to be required in connection with such projects; preventive maintenance activities necessary to ensure that highways, parkways and bridges meet or exceed their optimum useful life; [expenses of control of snow and ice on state highways by the department of transportation including but not limited to personal services, nonpersonal services and fringe benefits, payment of emergency aid for control of snow and ice in municipalities pursuant to section fifty-five of the highway law, expenses of control of snow and ice on state highways by municipalities pursuant to section twelve of the highway law, and for expenses of arterial maintenance agreements with cities pursuant to section three hundred forty-nine of the highway law;] personal services, nonpersonal services, and fringe benefit costs of the department of transportation for bus safety inspection activities, rail safety inspection activities, and truck safety inspection activities; costs of engineering and administrative services of the department of transportation, including but not limited to fringe benefits; the contract services provided by private firms in accordance with section fourteen of the transportation law; personal services and nonpersonal services, for activities including but not limited to the preparation of designs, plans, specifications and estimates; construction management and supervision activities; costs of appraisals, surveys, testing and environmental impact statements for transportation projects; expenses in connection with buildings, equipment, materials and facilities used or useful in connection with the maintenance, operation, and repair of highways, parkways and bridges thereon; and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports oper-

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

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

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

(I) $252 MILLION FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN;

(II) $189 MILLION FOR FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN;

(III) $126 MILLION FOR FISCAL YEAR TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN; AND

(IV) $63 MILLION FOR FISCAL YEAR TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY.

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

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

(I) $156 MILLION FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN;

(II) $117 MILLION FOR FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN;

(III) $78 MILLION FOR FISCAL YEAR TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN; AND

(IV) $39 MILLION FOR FISCAL YEAR TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY.

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

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

PART QQ

Section 1. Section 2 of part D of chapter 58 of the laws of 2013, amending the vehicle and traffic law, relating to the hours of operation of the department of motor vehicles, is amended to read as follows:

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

S 2. This act shall take effect immediately.

PART RR

Section 1. Subdivision 14 of section 1854 of the public authorities law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

14. (A) To apply for and to administer federal research and development grants and other monies for the benefit of consumers.

(B) TO MAKE PAYMENTS TO FARM OPERATIONS, AS DEFINED BY SUBDIVISION ELEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, FOR GRANTS ADMINISTERED BY THE AUTHORITY. PAYMENT OF SUCH GRANTS SHALL BE MADE NO LATER THAN NINETY DAYS AFTER NOTIFICATION OF SUCH FUNDING AWARD.

S 2. This act shall take effect immediately.

PART SS

Section 1. The state finance law is amended by adding a new section 97-u to read as follows:

S 97-U. THREE PHASE POWER REVOLVING LOAN PROGRAM. 1. THERE SHALL BE ESTABLISHED IN EACH OF THE FOLLOWING COUNTIES: JEFFERSON, OSWEGO AND ST. LAWRENCE; A REVOLVING LOAN FUND FOR THE PURPOSE OF PROVIDING FARMERS WITH LOW INTEREST LOANS TO UPGRADE THEIR ELECTRICITY TO THREE PHASE POWER. THE DURATION OF SUCH LOW INTEREST LOANS SHALL NOT EXCEED THIRTY YEARS. THE AMOUNT OF FUNDS AVAILABLE FOR THE THREE PHASE POWER REVOLVING LOAN PROGRAM IN EACH COUNTY SHALL BE SUBJECT TO A BUDGETARY APPROPRIATION.

2. THE INDUSTRIAL DEVELOPMENT AGENCY IN EACH OF THE THREE COUNTIES THAT ARE PART OF THE THREE PHASE POWER REVOLVING LOAN PROGRAM SHALL PROMULGATE RULES AND REGULATIONS FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS SECTION, INCLUDING ESTABLISHING:

(A) AN APPLICATION PROCESS WHEREBY FARMERS MAY APPLY FOR LOANS;

(B) CRITERIA AND STANDARDS FOR DETERMINING A FARMER'S ELIGIBILITY FOR A LOAN;

(C) CRITERIA AND STANDARDS FOR DETERMINING THE PRIORITY TO BE GRANTED AMONG THE THREE PHASE POWER PROJECTS;

(D) CRITERIA AND STANDARDS FOR DETERMINING THE AMOUNT OF FINANCIAL ASSISTANCE TO BE PROVIDED TO A FARMER FOR A THREE PHASE POWER PROJECT; AND

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

3. THE COUNTY INDUSTRIAL DEVELOPMENT AGENCY SHALL PROVIDE LOW INTEREST LOANS TO FARMERS WITHIN THE AMOUNTS AVAILABLE IN THE COUNTY'S THREE PHASE POWER REVOLVING LOAN FUND ESTABLISHED PURSUANT TO THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized to be promulgated on or before such date.

PART TT

Section 1. The public service law is amended by adding a new section 66-o to read as follows:

S 66-O. FUEL CELL INCENTIVE PROGRAM. 1. AS USED IN THIS SECTION:

(A) "ELECTRIC DISTRIBUTION COMPANY" MEANS AN INVESTOR-OWNED ELECTRIC CORPORATION THAT DISTRIBUTES AND DELIVERS ELECTRICITY WITHIN THIS STATE AND HAS ANNUAL REVENUES IN EXCESS OF TWO HUNDRED MILLION DOLLARS; AND

(B) "QUALIFIED FUEL CELL ELECTRIC GENERATING SYSTEM" MEANS: A SYSTEM BASED ON A SOLID OXIDE, MOLTEN CARBONATE, PROTON EXCHANGE MEMBRANE OR PHOSPHORIC ACID FUEL CELL THAT IS MANUFACTURED, INSTALLED AND OPERATED IN ACCORDANCE WITH APPLICABLE GOVERNMENT AND INDUSTRY STANDARDS, AND THAT IS OPERATED IN COMPLIANCE WITH ANY STANDARDS AND REQUIREMENTS ESTABLISHED IN THIS CHAPTER OR BY ORDER OF THE PUBLIC SERVICE COMMISSION.

2. WITHIN FORTY-FIVE DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSION SHALL COMMENCE THE CONSIDERATION OF MODIFICATIONS TO ITS EXISTING PROGRAMS THAT ENCOURAGE THE DEVELOPMENT OF QUALIFIED FUEL CELL ELECTRIC GENERATING SYSTEMS AND, NO LATER THAN JANUARY FIRST, TWO THOUSAND SIXTEEN, THE COMMISSION SHALL MAKE A DETERMINATION ESTABLISHING MODIFICATIONS TO ITS EXISTING PROGRAMS THAT ENCOURAGE THE DEVELOPMENT OF QUALIFIED FUEL CELL GENERATING SYSTEMS IN CONFORMANCE WITH THIS SECTION. THE DEPARTMENT SHALL CONSULT WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY IN THE PREPARATION OF ITS RECOMMENDATIONS TO THE COMMISSION FOR SUCH DETERMINATION. THE PROGRAM MODIFICATIONS SHALL REQUIRE:

(A) ADMINISTRATION BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY;

(B) PLANNED ANNUAL EXPENDITURES INCLUDING ALL COSTS OF A MINIMUM OF FIFTY MILLION DOLLARS COMMENCING IN CALENDAR YEAR TWO THOUSAND SIXTEEN AND SUSTAINED EACH YEAR THROUGH CALENDAR YEAR TWO THOUSAND TWENTY-SIX;

(C) A DIVERSITY OF PROJECT SIZES, GEOGRAPHIC DISTRIBUTION, AND PARTICIPATION AMONG CUSTOMER CLASSES, SUBJECT TO COST-EFFECTIVENESS CONSIDERATIONS;

(D) INCENTIVE STRUCTURES THAT MAXIMIZE COST-EFFECTIVENESS AND PRACTICALITY THROUGH COMPETITIVE PROCUREMENTS, STANDING-OFFERS, PRODUCTION INCENTIVES OR CAPACITY INCENTIVES AT THE WHOLESALE OR RETAIL LEVEL AS IN THE JUDGMENT OF THE COMMISSION, IN CONSULTATION WITH THE NEW YORK INDEPENDENT SYSTEM OPERATOR, PROVIDE FOR THE MOST EFFECTIVE PROGRAM;

(E) INCENTIVE STRUCTURES THAT TAKE INTO CONSIDERATION THE ECONOMIC BENEFITS TO THE STATE OF NEW YORK;

(F) PROGRAM DESIGNS THAT TAKE INTO CONSIDERATION THE AVOIDANCE OF LONG-TERM COSTS TO THE TRANSMISSION AND DISTRIBUTION SYSTEM AND MINIMIZATION OF PEAK LOAD IN CONSTRAINED AREAS;

(G) ANNUAL REPORTS ON THE ACHIEVEMENTS AND EFFECTIVENESS OF THE PROGRAM; AND

(H) SUCH OTHER ISSUES DEEMED APPROPRIATE BY THE COMMISSION.

S 2. Sections 1020-ii, 1020-jj and 1020-kk of the public authorities law, as renumbered by chapter 388 of the laws of 2011, are renumbered sections 1020-jj, 1020-kk and 1020-ll and a new section 1020-ii is added to read as follows:

S 1020-II. ESTABLISHMENT OF FUEL CELL INCENTIVE PROGRAM. 1. AS USED IN THIS SECTION THE TERM "QUALIFIED FUEL CELL ELECTRIC GENERATING SYSTEM" MEANS: A SYSTEM BASED ON A SOLID OXIDE, MOLTEN CARBONATE, PROTON EXCHANGE MEMBRANE OR PHOSPHORIC ACID FUEL CELL THAT IS MANUFACTURED, INSTALLED AND OPERATED IN ACCORDANCE WITH APPLICABLE GOVERNMENT AND INDUSTRY STANDARDS, AND THAT IS INSTALLED IN THE AUTHORITY'S SERVICE TERRITORY AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN.

2. THE AUTHORITY SHALL CONTINUE TO ENCOURAGE THE DEVELOPMENT OF QUALIFIED FUEL CELL ELECTRIC GENERATING SYSTEMS IN ITS SERVICE TERRITORY THROUGH IMPLEMENTATION OF THE FUEL CELL INCENTIVE PROGRAM. THE PROGRAM SHALL REQUIRE:

(A) PLANNED ANNUAL EXPENDITURES INCLUDING ALL COSTS OF AT MINIMUM FIFTEEN MILLION DOLLARS COMMENCING IN CALENDAR YEAR TWO THOUSAND SIXTEEN AND SUSTAINED EACH YEAR THROUGH CALENDAR YEAR TWO THOUSAND TWENTY-SIX;

(B) A DIVERSITY OF PROJECT TYPES;

(C) PROGRAM ADMINISTRATION AND DELIVERY;

(D) INCENTIVE STRUCTURES THAT TAKE INTO CONSIDERATION THE ECONOMIC BENEFITS TO THE STATE OF NEW YORK;

(E) PROGRAM DESIGNS THAT TAKE INTO CONSIDERATION THE AVOIDANCE OF LONG-TERM COSTS TO THE TRANSMISSION AND DISTRIBUTION SYSTEM AND MINIMI-

ZATION OF PEAK LOAD IN CONSTRAINED AREAS AND THAT MAXIMIZES COST-EFFECTIVENESS THROUGH COMPETITIVE PROCUREMENTS;

(F) ANNUAL REPORTS ON THE ACHIEVEMENTS AND EFFECTIVENESS OF THE PROGRAM; AND

(G) ANY OTHER OBJECTIVES THE AUTHORITY MAY ESTABLISH.

S 3. This act shall take effect immediately.

PART UU

Section 1. This act shall be known and may be cited as the "Energy assessment cap and consumer cost relief act of 2015".

S 2. The public service law is amended by adding a new section 18 to read as follows:

S 18. LIMIT ON SURCHARGE INCREASES. NOTWITHSTANDING ANY LAW, RULE, REGULATION OR ORDER TO THE CONTRARY, THE COMMISSION SHALL NOT INCREASE THE AMOUNT OF THE SURCHARGE OF THE SYSTEM BENEFIT CHARGE OR THE SURCHARGE FOR THE RENEWABLE PORTFOLIO STANDARD OR THE SURCHARGE FOR THE ENERGY EFFICIENCY PORTFOLIO STANDARD OR ANY SIMILAR FUND THAT MAY BE CREATED BY ORDER OF THE COMMISSION BEFORE THE EFFECTIVE DATE OF THIS SECTION, WHETHER SUCH FUND IS NEW OR IS A RESULT OF COMBINING ALL OR SOME OF THE SURCHARGES REFERENCED HEREIN. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS TO PREVENT THE COMMISSION FROM LOWERING THE AMOUNT OF ANY SURCHARGE EITHER INDIVIDUALLY OR COLLECTIVELY FROM THE AMOUNT COLLECTED IN TWO THOUSAND FOURTEEN, EXCEPT THAT UNDER NO CIRCUMSTANCES SHALL THE TOTAL COST OF THOSE CHARGES EXCEED THE TOTAL AGGREGATE AMOUNTS IN TWO THOUSAND FOURTEEN.

S 3. Moratorium on new energy taxes and fees. Notwithstanding any law, rule, regulation or order to the contrary, the public service commission shall not establish any new surcharge assessment, tax or fee on energy consumers, excepting those fees which may arise from an electric generating facility that provides notice of closure to such commission and a reliability need is identified by the bulk system operator.

S 4. This act shall take effect immediately.

PART VV

Section 1. Legislative intent. The legislature hereby finds and declares that the extension of natural gas distribution lines within the state has multiple benefits to New Yorkers, including a reduction in emissions with the resultant health benefits, increased economic activity with the creation of jobs through improved energy infrastructure, energy cost savings to consumers, and improved energy efficiency.

Natural gas is the cleanest burning fossil fuel. It has a positive impact on the environment by cutting emissions of particulate matter. These emissions have been linked to heart and lung conditions and contribute to asthma rates, particularly in urban areas.

Natural gas prices are at a low point and will result in increased disposable income for consumers and improved operational efficiency for business. Extending the state's natural gas distribution line infrastructure will create a positive business environment for manufacturers and other businesses that are looking to stabilize their energy costs. Natural gas distribution line extensions will spur economic development in the business sector and create jobs.

This legislation will have the effect of protecting the state's natural resources, including protecting its atmosphere, while at the same time stimulating the development of new jobs and the economy.

S 2. The public service law is amended by adding a new section 27 to read as follows:

S 27. EXPANSION PERMIT APPLICATIONS. ANY GAS CORPORATION OR COMBINATION GAS AND ELECTRIC CORPORATION APPLYING FOR PERMITS IN CONNECTION WITH THE EXPANSION OF NATURAL GAS DISTRIBUTION SERVICE THROUGH THE EXTENSION OF EXISTING NATURAL GAS DISTRIBUTION LINES MAY CONFER WITH THE COMMISSION TO OBTAIN ASSISTANCE IN FACILITATING CONTACTS WITH STATE AGENCIES AND LOCAL GOVERNMENTS FOR PROCESSING AND REVIEWING PERMIT APPLICATIONS TO ACHIEVE THE PROMPT AND EFFICIENT PROCESSING AND REVIEW OF APPLICATIONS. THE COMMISSION MAY ACT AS LEAD AGENCY PURSUANT TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW, IN CONNECTION WITH SUCH PERMIT APPLICATION BY A GAS CORPORATION OR COMBINATION GAS AND ELECTRIC CORPORATION FRANCHISED UNDER THIS CHAPTER. THE DEPARTMENTS OF TRANSPORTATION AND ENVIRONMENTAL CONSERVATION SHALL, TO THE MAXIMUM EXTENT FEASIBLE, ESTABLISH PROCEDURES TO EXPEDITE PERMIT APPLICATIONS IN CONNECTION WITH THE EXPANSION OF NATURAL GAS DISTRIBUTION SERVICE THROUGH THE EXTENSION OF EXISTING NATURAL GAS DISTRIBUTION LINES.

S 3. The public service law is amended by adding a new section 18-d to read as follows:

S 18-D. SURCHARGES. NOTWITHSTANDING ANY LAW, RULE, REGULATION OR ORDER TO THE CONTRARY, THE COMMISSION SHALL, COMMENCING OCTOBER FIRST, TWO THOUSAND FIFTEEN, DEDICATE NO LESS THAN FIFTY MILLION DOLLARS PER YEAR FROM ASSESSMENTS INTENDED TO PROVIDE FUNDING TO ADVANCE CLEANER, MORE RESILIENT, MORE EFFICIENT, LOCALIZED AND MORE AFFORDABLE ENERGY INFRASTRUCTURE, AND TO ENHANCE THE GOALS OF THE STATE ENERGY PLAN, COLLECTED BY GAS CORPORATIONS AND COMBINATION GAS AND ELECTRIC CORPORATIONS FROM THEIR GAS CUSTOMERS. THESE FUNDS MUST BE USED FOR THE SUPPORT OF CONSTRUCTION OF INFRASTRUCTURE DESIGNED TO EXTEND THE SUPPLY OF NATURAL GAS FROM EXISTING LARGE CAPACITY INFRASTRUCTURE TO AREAS PRESENTLY NOT SERVED BY NATURAL GAS INFRASTRUCTURE SUPPLY, INCLUDING BUT NOT LIMITED TO NEW INDUSTRIAL (ESPECIALLY MANUFACTURING), COMMERCIAL, RESIDENTIAL OR PUBLIC END-USE CUSTOMERS OF A GAS CORPORATION OR COMBINATION GAS AND ELECTRIC CORPORATION PROVIDING SERVICE IN NEW YORK STATE WITH SUCH NEW CUSTOMER'S CONSENT. THE COMMISSION SHALL ALLOCATE SUCH FUNDS TO GAS CORPORATIONS AND COMBINATION GAS AND ELECTRIC CORPORATIONS THROUGH A STAKEHOLDER PROCESS ESTABLISHED BY THE COMMISSION. SUCH STAKEHOLDER PROCESS SHALL ESTABLISH RULES AND PROCEDURES FOR ALLOCATIONS PURSUANT TO THIS SECTION CONSISTENT WITH THE PUBLIC POLICY GOALS OF THE STATE.

S 4. The public buildings law is amended by adding a new section 144 to read as follows:

S 144. CLEAN NATURAL GAS HEAT IN PUBLIC BUILDINGS. EACH CAPITAL PROJECT FOR A PUBLIC BUILDING THAT INCLUDES THE INSTALLATION OR REPLACEMENT OF A BOILER FOR HEATING SHALL REQUIRE THE COMMISSIONER OF GENERAL SERVICES TO UNDERTAKE A STUDY OF ENERGY EFFICIENCY, ENVIRONMENTAL EFFICACY AND COST OF USING NATURAL GAS HEATING. SUCH STUDY SHALL CONSIDER THE BENEFITS TO SURROUNDING COMMUNITIES IN THE EVENT THAT IT IS NECESSARY TO EXTEND A MAIN NATURAL GAS DISTRIBUTION PIPELINE IN EXCESS OF ONE HUNDRED FEET TO OBTAIN SUCH SERVICES.

S 5. The real property tax law is amended by adding a new section 485-r to read as follows:

S 485-R. EXTENSION AND EXPANSION OF NATURAL GAS SUPPLY THROUGH THE CONSTRUCTION OF NATURAL GAS DISTRIBUTION FACILITIES. 1. DEFINITIONS. (A) FOR PURPOSES OF THIS SECTION, "NATURAL GAS DISTRIBUTION FACILITIES" SHALL MEAN ANY MAIN LINE, SERVICE LINE AND APPURTENANT FACILITIES CONSTRUCTED TO EXTEND EXISTING NATURAL GAS DISTRIBUTION LINE INFRASTRUC-

TURE TO NEW CUSTOMERS OF A GAS CORPORATION OR A COMBINATION GAS AND ELECTRIC CORPORATION WITH THEIR CONSENT.

2. AFTER A PUBLIC HEARING, THE GOVERNING BODY OF A COUNTY, CITY, TOWN OR VILLAGE MAY ADOPT A LOCAL LAW AND A SCHOOL DISTRICT, OTHER THAN A SCHOOL DISTRICT SUBJECT TO ARTICLE FIFTY-TWO OF THE EDUCATION LAW, MAY ADOPT A LOCAL LAW OR RESOLUTION TO GRANT AN EXEMPTION AUTHORIZED PURSUANT TO THIS SECTION. A COPY OF SUCH LOCAL LAW OR RESOLUTION SHALL BE FILED WITH THE COMMISSIONER AND THE TAX ASSESSOR OF SUCH COUNTY, CITY, TOWN OR VILLAGE WHO PREPARES THE ASSESSMENT ROLL ON WHICH THE TAXES OF SUCH COUNTY, CITY, TOWN, VILLAGE OR SCHOOL DISTRICT ARE LEVIED.

3. SUCH NATURAL GAS DISTRIBUTION FACILITIES SHALL BE EXEMPT TO THE EXTENT OF THE INCREASE IN THE ASSESSED VALUE THEREOF ATTRIBUTABLE TO THE CONSTRUCTION OF SUCH NATURAL GAS DISTRIBUTION FACILITIES. THE LENGTH OF SUCH EXEMPTION AND THE PERCENTAGE OF ASSESSED VALUATION EXEMPT FROM TAXATION SHALL BE SET FORTH IN SUCH LOCAL LAW OR RESOLUTION, BUT IN NO EVENT SHALL IT EXCEED TEN YEARS.

4. SUCH EXEMPTION SHALL BE GRANTED ONLY UPON APPLICATION BY A GAS CORPORATION OR COMBINATION GAS AND ELECTRIC CORPORATION WITH APPROVAL FROM THE PUBLIC SERVICE CORPORATION FOR CONSTRUCTION OF SUCH NATURAL GAS DISTRIBUTION FACILITIES.

S 6. The real property tax law is amended by adding a new section 485-s to read as follows:

S 485-S. EXTENSION AND EXPANSION OF NATURAL GAS DISTRIBUTION FACILITIES. 1. DEFINITIONS. (A) FOR PURPOSES OF THIS SECTION, "NATURAL GAS DISTRIBUTION FACILITIES" SHALL MEAN ANY MAIN LINE, SERVICE LINE AND APPURTENANT FACILITIES CONSTRUCTED TO EXTEND EXISTING NATURAL GAS DISTRIBUTION LINE INFRASTRUCTURE TO NEW CUSTOMERS OF A GAS CORPORATION OR A COMBINATION GAS AND ELECTRIC CORPORATION WITH THEIR CONSENT.

2. (A) WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AFTER A PUBLIC HEARING, THE GOVERNING BODY OF SUCH A CITY MAY ADOPT A LOCAL LAW OR RESOLUTION TO GRANT AN EXEMPTION AUTHORIZED PURSUANT TO THIS SECTION. A COPY OF SUCH LOCAL LAW OR RESOLUTION SHALL BE FILED WITH THE COMMISSIONER AND THE TAX ASSESSOR OF SUCH CITY WHO PREPARES THE ASSESSMENT ROLL ON WHICH THE TAXES OF SUCH CITY ARE LEVIED.

(B) SUCH NATURAL GAS DISTRIBUTION FACILITIES SHALL BE EXEMPT TO THE EXTENT OF THE INCREASE IN THE ASSESSED VALUE THEREOF ATTRIBUTABLE TO THE CONSTRUCTION OF SUCH NATURAL GAS DISTRIBUTION FACILITIES. THE LENGTH OF SUCH EXEMPTION AND THE PERCENTAGE OF ASSESSED VALUATION EXEMPT FROM TAXATION SHALL BE SET FORTH IN SUCH LOCAL LAW OR RESOLUTION, BUT IN NO EVENT SHALL IT EXCEED TEN YEARS.

3. CONSTRUCTION OF NATURAL GAS DISTRIBUTION FACILITIES SHALL BE DEEMED TO HAVE COMMENCED WHEN THE AGENCY OR DEPARTMENT OF THE CITY HAVING JURISDICTION HAS ISSUED A PERMIT FOR CONSTRUCTION WORK AND SUCH WORK HAS BEGUN IN GOOD FAITH IN ACCORDANCE WITH SUCH PERMIT.

4. APPLICATION FOR EXEMPTION UNDER THIS SECTION SHALL BE FILED WITH THE ASSESSORS BETWEEN FEBRUARY FIRST AND MARCH FIFTEENTH OF THE CALENDAR YEAR AND BASED ON APPROVAL BY THE PUBLIC SERVICE COMMISSION OF CONSTRUCTION OF SUCH NATURAL GAS DISTRIBUTION FACILITIES, THE ASSESSORS SHALL CERTIFY TO THE COLLECTING OFFICER THE AMOUNT OF THE EXEMPTION FROM LOCAL AND MUNICIPAL TAXES. NO SUCH APPLICATION SHALL BE ACCEPTED BY THE ASSESSORS UNLESS ACCOMPANIED BY AN APPROVAL FROM THE PUBLIC SERVICE COMMISSION.

5. SUCH EXEMPTION SHALL BE GRANTED ONLY UPON APPLICATION BY A GAS CORPORATION OR COMBINATION GAS AND ELECTRIC CORPORATION WITH APPROVAL FROM THE PUBLIC SERVICE CORPORATION FOR CONSTRUCTION OF SUCH NATURAL GAS DISTRIBUTION FACILITIES.

S 7. Section 1001 of the public authorities law is amended by adding a new undesignated paragraph to read as follows:

IT IS FURTHER DECLARED THAT THERE ARE SIGNIFICANT ECONOMIC BENEFITS FROM THE EXTENSION OF NATURAL GAS DISTRIBUTION LINE INFRASTRUCTURE. A CRITICAL ELEMENT OF NATURAL GAS DISTRIBUTION LINE EXTENSIONS IS THE FINANCING OF THE CONSTRUCTION AND INVESTMENT NECESSARY FOR SUCH NATURAL GAS DISTRIBUTION LINE EXTENSIONS. THE AUTHORITY IS AUTHORIZED TO MAKE LOANS TO GAS CORPORATIONS AND COMBINED GAS AND ELECTRIC CORPORATIONS TO EFFECTUATE THE EXTENSION OF EXISTING NATURAL GAS DISTRIBUTION LINE INFRASTRUCTURE WHICH IS APPROVED BY THE PUBLIC SERVICE COMMISSION.

S 8. The public authorities law is amended by adding a new section 1005-b to read as follows:

S 1005-B. ADDITIONAL SPECIAL POWERS OF THE AUTHORITY WITH RESPECT TO THE EXTENSION OF NATURAL GAS DISTRIBUTION LINE INFRASTRUCTURE. IN ORDER TO EFFECTUATE THE PURPOSES OF THIS TITLE, THE AUTHORITY SHALL HAVE THE FOLLOWING ADDITIONAL SPECIAL POWERS: TO EXTEND CREDIT AND MAKE LOANS TO A GAS CORPORATION OR A COMBINED GAS AND ELECTRIC CORPORATION FRANCHISED BY THE PUBLIC SERVICE COMMISSION IN CONNECTION WITH A NATURAL GAS DISTRIBUTION LINE EXTENSION PROJECT APPROVED BY THE PUBLIC SERVICE COMMISSION FOR COSTS INCURRED WITH SUCH PROJECTS COMPLETED OR NOT, COMPLETED AT THE TIME OF SUCH CREDIT OR LOAN, WHICH CREDITS OR LOANS MAY, BUT NEED NOT BE SECURED BY MORTGAGES, CONTRACTS OR OTHER INSTRUMENTS, UPON SUCH TERMS AND CONDITIONS AS THE CORPORATION MAY DEEM REASONABLE IN CONNECTION WITH SUCH CREDITS OR LOANS. IN THE EXERCISE OF POWERS GRANTED IN THIS SECTION IN CONNECTION WITH A NATURAL GAS DISTRIBUTION LINE EXTENSION PROJECT APPROVED BY THE PUBLIC SERVICE COMMISSION FOR A GAS CORPORATION OR A COMBINED GAS AND ELECTRIC CORPORATION, TO REQUIRE THE INCLUSION IN ANY CONTRACT, LOAN AGREEMENT OR OTHER INSTRUMENT, OF SUCH PROVISIONS FOR THE FINANCING OF SUCH PROJECT AND SUCH OTHER FINANCIAL AND OTHER COVENANTS APPLYING TO SUCH GAS CORPORATIONS OR A COMBINED GAS AND ELECTRIC CORPORATION, AS THE CORPORATION MAY DEEM NECESSARY OR DESIRABLE AND TO DO ALL THINGS AND TO EXECUTE ALL INSTRUMENTS NECESSARY AND DESIRABLE IN CONNECTION THEREWITH. IN CONNECTION WITH THE EXTENSION OF ANY SUCH CREDIT OR LOAN, THE AUTHORITY MAY FIX AND COLLECT SUCH FEES AND CHARGES, INCLUDING BUT NOT LIMITED TO REIMBURSEMENT OF ALL COSTS OF FINANCING BY THE CORPORATION AS SHALL BE REASONABLE. IN CONNECTION WITH SUCH EXTENSION OF CREDIT OR LOAN AS PROVIDED FOR HEREIN SUCH GAS CORPORATION OR A COMBINED GAS AND ELECTRIC CORPORATION SHALL SUBMIT TO THE AUTHORITY AN APPLICATION FOR THE EXTENSION OF CREDIT OR LOAN AS SET FORTH IN THE APPLICATION. THE AUTHORITY MAY DENY ANY SUCH APPLICATION FOR ANY REASON IT DEEMS IN THE PUBLIC INTEREST. THE EXTENSION OF ANY SUCH CREDIT OR LOAN IS SUBJECT TO APPROVAL BY THE PUBLIC SERVICE COMMISSION OF THE PROJECT OR PROJECTS FOR SUCH NATURAL GAS DISTRIBUTION LINE EXTENSION.

S 9. Subdivision 1 of section 1010 of the public authorities law, as amended by chapter 972 of the laws of 1969, is amended to read as follows:

1. The authority shall have power and is hereby authorized from time to time to issue its negotiable bonds in conformity with applicable provisions of the uniform commercial code for the purpose of financing any project authorized by this title, including the acquisition of any real or personal property or facilities deemed necessary by the authority, AND FOR THE MAKING OF LOANS TO A GAS CORPORATION OR A COMBINATION GAS AND ELECTRIC CORPORATION FRANCHISED BY THE PUBLIC SERVICE COMMISSION FOR THE PURPOSES OF SECTION ONE THOUSAND FIVE-B OF THIS TITLE.

S 10. This act shall take effect immediately.

PART WW

Section 1. Notwithstanding any law, rule, regulation or order to the contrary, the public service commission and the New York state energy research and development authority shall ensure that the Green Bank program is made available for the purposes of funding programs to assist residential, multi-family building owners, and commercial owners with installing improvements to heating and cooling systems including conversions through the installation of a high efficiency boiler or furnace or replacement of a burner in a boiler that results in incremental emissions reductions and increased energy efficiency. Heating and cooling improvement programs established pursuant to this section shall be designed to increase efficiency by at least ten percent or reduce fuel usage by at least ten percent and lead to a significant reduction in carbon emissions as defined by the authority guidelines, developed after consultation with the department of environmental conservation, provided that such projects shall have a return on investment of five years or less. The Green Bank shall seek to develop program guidelines that provide a level of support that is pro rata to the increase in efficiency, reduction of fuel use or reduction in emissions, such that enhancements that result in the greatest environmental benefits are provided a higher level of support.

S 2. The funding streams for the Green Bank shall be made available for programs as described in section one of this act may consist of monies derived from assessments on transmission and distribution companies under direct oversight of the public service commission collected on or after July 1, 2006 and monies collected by auctions administered under the regional greenhouse gas initiative or any other monies administered by the New York state energy research and development authority that may be available for such purpose.

S 3. This act shall take effect immediately.

PART XX

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

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

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

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

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

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

S 2. Subdivisions 1, 2, 4, 5 and 6 of section 222 of the public service law are REPEALED and two new subdivisions 1 and 2 are added to read as follows:

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

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

S 3. Section 2 of part R of chapter 57 of the laws of 2014, amending the public service law relating to transfers of cable franchises, is amended to read as follows:

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

S 4. This act shall take effect immediately; provided, however, that section two of this act shall apply to franchises filed on or after the date this act shall have become a law.

PART YY

Section 1. The public service law is amended by adding a new section 74 to read as follows:

S 74. NATURAL GAS SAFETY AND INFRASTRUCTURE REPLACEMENT PROGRAM. 1. WITHIN AMOUNTS APPROPRIATED THEREFOR, THE DIRECTOR OF THE BUDGET IS HEREBY AUTHORIZED TO APPROVE FUNDING TO PROMOTE THE REPLACEMENT OF BARE STEEL PIPE AND CAST IRON PIPE USED FOR NATURAL GAS DISTRIBUTION AND TRANSMISSION SYSTEMS AS PROVIDED FOR IN THIS SECTION.

2. THE DIRECTOR OF THE BUDGET IS HEREBY AUTHORIZED TO APPROVE FUNDING FOR THE RELOCATION, RESTORATION, AND PROTECTION OF MUNICIPAL UNDERGROUND INFRASTRUCTURE IN CONNECTION WITH THE REPLACEMENT OF BARE STEEL PIPE OR CAST IRON PIPE USED FOR NATURAL GAS DISTRIBUTION AND TRANSMISSION SYSTEMS APPROVED BY THE COMMISSION. SUCH FUNDING SHALL INCLUDE BUT NOT BE LIMITED TO FINANCIAL ASSISTANCE TO MUNICIPALITIES TO DIRECTLY OFFSET ANY COSTS RELATED TO MOVING, RECONFIGURING, MODIFYING, RESTORATION, PAVING AND SUPPORTING MUNICIPAL UNDERGROUND INFRASTRUCTURE IN CONNECTION WITH THE REPLACEMENT OF BARE STEEL PIPE OR CAST IRON PIPE.

3. THE DIRECTOR OF THE BUDGET IS AUTHORIZED TO ESTABLISH A PROGRAM OF FINANCIAL ASSISTANCE IN THE FORM OF GRANTS TO MUNICIPALITIES FOR SUCH RELOCATION AND PROTECTION OF MUNICIPAL UNDERGROUND INFRASTRUCTURE WORK IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC SERVICE.

S 2. The state finance law is amended by adding a new section 89-i to read as follows:

S 89-I. NATURAL GAS SAFETY AND INFRASTRUCTURE REPLACEMENT FUND. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "NATURAL GAS SAFETY AND INFRASTRUCTURE REPLACEMENT FUND". SUCH FUND SHALL CONSIST OF MONEYS APPROPRIATED THEREFOR, AND ANY OTHER MONEYS WHICH MAY BECOME AVAILABLE FOR SUCH PURPOSES FROM ANY OTHER SOURCE. ANY INCOME OR INTEREST EARNED BY, OR INCREMENTAL TO, THE NATURAL GAS SAFETY

AND INFRASTRUCTURE REPLACEMENT FUND SHALL BE CREDITED TO SUCH FUND AND AVAILABLE FOR SUCH PURPOSES.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that the public service commission is authorized and directed to promulgate, on or before its effective date, any and all rules and regulations, and take any other measures necessary to implement this act.

PART ZZ

Section 1. Paragraphs d, f and g of subdivision 3 of section 33-0905 of the environmental conservation law, paragraph d as amended and paragraph f as added by section 1 of part U of chapter 59 of the laws of 2004 and paragraph g as added by chapter 732 of the laws of 2005, are amended to read as follows:

d. Except as provided in [paragraphs] PARAGRAPH e [and f] of this subdivision, pesticide applicator certifications shall be valid for three years after which every applicator shall recertify according to the requirements then in effect. Certification identification cards shall be valid for three years.

f. [Pesticide applicator certification for a commercial pesticide applicator with only subcategory 3A-ornamentals, shade trees and turf or only subcategory 3B-turf shall be valid for one year after which every applicator shall recertify according to the requirements then in effect. Certification identification cards for a commercial pesticide applicator with only subcategory 3A-ornamentals, shade trees and turf or only subcategory 3B-turf shall be valid for one year.

g.] The commissioner is authorized to provide all examinations, training materials, applications, and any other forms or written materials necessary for a private and/or commercial applicator certification in Spanish for applicants whose primary language is Spanish and for other languages if the commissioner deems it necessary. The commissioner may require applicants for registration of pesticides to make available pesticide label information and instructions in Spanish and other languages, when necessary, for applicators certified in Spanish or other languages.

S 2. Subdivision 2 of section 33-0911 of the environmental conservation law, as amended by section 3 of part YY of chapter 59 of the laws of 2009, is amended to read as follows:

2. [a. Except as provided in paragraph b of this subdivision, fees] FEES for pesticide applicator certification shall be four hundred fifty dollars for commercial pesticide applicator certification in one individual category, one hundred fifty dollars for each additional category and one hundred fifty dollars for each additional sub-category chosen. For private applicators a fee of twenty-five dollars for the initial certified private applicator and five dollars for subsequent applicators on the same farm or business shall be charged at the time of initial certification, renewal of certification or recertification.

[b. Fees for pesticide applicator certification for a commercial pesticide applicator with only subcategory 3A-ornamentals, shade trees and turf or only subcategory 3B-turf shall be two hundred dollars.]

S 3. This act shall take effect immediately.

PART AAA

Section 1. Paragraph (c) of subdivision 2 of section 503 of the vehicle and traffic law is amended by adding a new subparagraph (v) to read as follows:

(V) PROVIDED THAT FOR A SENIOR CITIZEN, THE RENEWAL FEE SHALL BE TEN PERCENT LESS THAN THE FEES OTHERWISE REQUIRED BY THIS PARAGRAPH. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM "SENIOR CITIZEN" MEANS A PERSON AT LEAST SIXTY-FIVE YEARS OF AGE.

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

PART BBB

Section 1. The agriculture and markets law is amended by adding a new article 25-BB to read as follows:

ARTICLE 25-BB
GROWN IN NEW YORK

SECTION 340. LEGISLATIVE INTENT.
341. GROWN IN NEW YORK PROGRAM, CREATED.
342. PURPOSES AND DUTIES OF THE DEPARTMENT.
343. CERTIFICATION MARK USE AND IMAGING.
344. LICENSING AGREEMENT.
345. REGISTRATION.
346. RULES AND REGULATIONS.

S 340. LEGISLATIVE INTENT. DESPITE AN INCREASING TREND AMONG AMERICANS TO BUY LOCALLY GROWN FOODS, THERE ARE CURRENTLY INSUFFICIENT RESOURCES AND INFORMATION AVAILABLE TO SUPPORT, ENCOURAGE AND FOSTER CONSUMER PRODUCT AWARENESS AND PURCHASES OF LOCALLY MANUFACTURED PRODUCTS IN NEW YORK STATE. BY DEFINING, BRANDING AND PROTECTING WHAT "GROWN IN NEW YORK" MEANS, NEW YORK CAN CAPITALIZE AND PROTECT ITS AGRICULTURAL BUSINESSES IN AN INCREASINGLY COMPETITIVE GLOBAL MARKET BY DISTINGUISHING AND BUILDING PRIDE IN SUCH BUSINESSES. THE FURTHER PROMOTION AND EDUCATION OF CONSUMERS ABOUT THE VALUES OF BUYING LOCAL IS A MUTUALLY BENEFICIAL AND RECIPROCAL ENTERPRISE. NOT ONLY WILL NEW YORKERS BENEFIT FROM HEALTHFUL CONSUMPTION BUT LOCAL BUSINESSES WILL BE STRENGTHENED AND NEW BUSINESSES WILL CHOOSE TO GROW AND MAKE PRODUCTS IN NEW YORK, THUS CREATING AND SECURING JOBS AND FOSTERING LOCAL ECONOMIES.

S 341. GROWN IN NEW YORK PROGRAM, CREATED. THE DEPARTMENT SHALL CONDUCT A "GROWN IN NEW YORK" PROMOTIONAL CAMPAIGN TO INCREASE AWARENESS AND CONSUMPTION OF LOCALLY GROWN AND PRODUCED FOODS AND RELATED PRODUCTS AND TO INCREASE THE PRODUCTION AND IMPROVE THE DISTRIBUTION OF FOODS AND RELATED PRODUCTS FOR LOCAL CONSUMPTION. IN THE PROGRAM, THE DEPARTMENT SHALL EMPHASIZE THE DEVELOPMENT OF REGIONAL FOOD AND CULTURAL TOURISM TRAILS AND THE DEVELOPMENT OF REGIONAL FOOD SYSTEMS THROUGH ACTIVITIES SUCH AS CREATING A PROGRAM LOGO AND MAINTAINING RELATED MARKETING MATERIALS; CREATING OR SUPPORTING NETWORKS OF PRODUCERS; AND STRENGTHENING CONNECTIONS BETWEEN PRODUCERS, RETAILERS, INSTITUTIONS, AND CONSUMERS AND NEARBY PRODUCERS. FUNDING FOR SUCH PROGRAM SHALL DERIVE FROM A BUDGET APPROPRIATION THEREFOR BEGINNING IN THE FISCAL YEAR DURING WHICH SUCH PROGRAM COMMENCES.

S 342. PURPOSES AND DUTIES OF THE DEPARTMENT. THE DEPARTMENT'S "GROWN IN NEW YORK" CAMPAIGN SHALL INCLUDE, BUT NOT BE LIMITED TO: 1. DEVELOPMENT OF A "GROWN IN NEW YORK" LOGO AS THE OFFICIAL STATE EMBLEM TO IDENTIFY PRODUCTS THAT ARE LOCALLY MANUFACTURED AND IN-KIND ADVERTISING PROGRAMS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, A PROGRAM WEBSITE, DISTRIBUTION OF PERIODICAL NEWSLETTERS, AND SOCIAL MEDIA NETWORKING AND EDUCATIONAL AND TRAINING PROGRAMS APPRISING CONSUMERS ABOUT THE "GROWN

IN NEW YORK" CAMPAIGN AND THE VALUES AND BENEFITS OF BUYING LOCALLY GROWN GOODS OR PRODUCTS;

2. CREATION OF ELIGIBILITY REQUIREMENTS THAT WILL PERMIT PARTICIPANTS THE USE OF THE "GROWN IN NEW YORK" LOGO ON THEIR PRODUCTS AND REPRESENT THAT SUCH PRODUCT WAS GROWN IN THIS STATE PROVIDED THAT SUCH PRODUCT HAS AN AGRICULTURAL ORIGIN AND/OR COMPONENTS OF WHICH ARE NOT FEWER THAN SEVENTY-FIVE PERCENT GROWN OR HARVESTED IN NEW YORK OR ITS SURFACE OR COASTAL WATERS;

3. REGISTRATION OF PARTICIPANTS;

4. IDENTIFICATION AND FACILITATION OF OPPORTUNITIES TO INCREASE CONSUMER DEMAND FOR LOCALLY GROWN GOODS OR PRODUCTS;

5. IDENTIFICATION AND FACILITATION OF OPPORTUNITIES TO ESTABLISH AGREEMENTS WITH LOCAL GROWERS AND MANUFACTURERS FOR POTENTIAL MARKET-PLACE EXPANSION OF PRODUCTS;

6. PROVIDING EDUCATIONAL OPPORTUNITIES FOR CONSUMERS REGARDING LOCAL GROWTH AND MANUFACTURING OF PRODUCTS AND INITIATIVES TO FURTHER PROMOTE THE BRAND; AND

7. DETERMINING FUNDING SOURCES AVAILABLE TO THE MANUFACTURING COMMUNITY TO SUPPORT MARKETING, BRANDING AND PROMOTION OF LOCALLY GROWN BRANDING EFFORTS.

S 343. CERTIFICATION MARK USE AND IMAGING. 1. THE CERTIFICATION MARK SHALL ONLY BE APPLIED TO PRODUCTS THAT MEET THE ELIGIBILITY REQUIREMENTS PROMULGATED BY THE DEPARTMENT. THE CERTIFICATION MARK MAY BE USED IN ADVERTISEMENT IN CONJUNCTION WITH THE PHRASE, "LOOK FOR THIS MARK" OR LIKE EXPRESSIONS. ADVERTISING, PROPOSITIONAL OR MERCHANDISING MATERIALS WHICH BEAR THE CERTIFICATION MARK SHALL NOT MAKE OR CONTAIN ANY CLAIMS WHICH ARE FALSE, MISLEADING OR DECEPTIVE, INCLUDING, BUT NOT LIMITED TO, CLAIMS WHICH DISCREDIT OR DISPARAGE THE QUALITY, VALUE, SALE, OR USE OF ANY COMPETING PRODUCT AND OTHERWISE COMPLY WITH ADVERTISING STANDARDS OF ALL APPLICABLE LOCAL, STATE, AND FEDERAL LAWS.

2. PROGRAM PARTICIPANTS SHALL MAINTAIN RECORDS SUFFICIENT TO AUDIT THROUGHOUT CERTIFICATION MARK USAGE FOR THE PURPOSES OF VERIFYING ONGOING COMPLIANCE WITH ALL ELIGIBILITY REQUIREMENTS. PARTICIPANTS MAY BE REQUIRED, UPON WRITTEN NOTICE BY THE DEPARTMENT, TO OBTAIN THE DEPARTMENT'S APPROVAL PRIOR TO USE OF THE CERTIFICATION MARK FOR PARTICULAR PRODUCTS AND MAY, AT ITS DISCRETION, REFUSE SUCH APPROVAL OR REVOKE USE OF THE CERTIFICATION MARK IN PARTICULAR CASES IF SUCH USAGE IS DEEMED INCONSISTENT WITH THE "GROWN IN NEW YORK" PROMOTIONAL CAMPAIGN.

3. THE CERTIFICATION MARK SHALL BE ISSUED BY THE DEPARTMENT AND SHALL SERVE AS THE OFFICIAL STATE EMBLEM IDENTIFYING PRODUCTS THAT ARE "GROWN IN NEW YORK." UPON ISSUANCE BY THE DEPARTMENT, THE CERTIFICATION MARKS REPRODUCED BY PROGRAM PARTICIPANTS SHALL NOT BE ALTERED IN ANY WAY PROVIDED, HOWEVER, THAT THE OVERALL SIZE OF THE CERTIFICATION MARK MAY VARY. IN NO CASE SHALL A PROGRAM PARTICIPANT'S NAME AND/OR TRADEMARK BE INSERTED WITHIN OR OVERLAP THE BOUNDARIES OF THE CERTIFICATION MARK. PROGRAM PARTICIPANTS SHALL NOT USE THE CERTIFICATION MARK AS ITS OWN MARK, OR AS THE EXCLUSIVE REPRESENTATION OF SUCH PARTICIPANTS.

S 344. LICENSING AGREEMENT. PROGRAM PARTICIPANTS SHALL FULLY EXECUTE A LICENSING AGREEMENT, THE PROVISIONS OF WHICH SHALL INCLUDE:

1. THE PURPOSE OF THE "GROWN IN NEW YORK" CAMPAIGN AS PROVIDED IN SECTION THREE HUNDRED FORTY OF THIS ARTICLE;

2. THE OWNERSHIP AND PROTECTION OF THE "GROWN IN NEW YORK" CERTIFICATION MARK;

3. STATEMENTS BY THE PARTICIPANTS ACKNOWLEDGING THAT THE CERTIFICATION MARK AND GOOD WILL ARE THE PROPERTY OF THE DEPARTMENT;

4. AGREEMENT BY THE PARTICIPANT TO REFRAIN FROM ACTING SO AS TO DIMINISH THE VALUE OF THE CERTIFICATION MARK AND TO COOPERATE WITH THE DEPARTMENT IN ITS EFFORTS TO PROTECT THE CERTIFICATION MARK;

5. AGREEMENT BY THE PARTICIPANT TO MAINTAIN RECORDS EVIDENCING COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE LICENSING AGREEMENT;

6. A STATEMENT OF INDEMNIFICATION EXCUSING THE DEPARTMENT, THE STATE OF NEW YORK, AND EACH OF THEIR RESPECTIVE EMPLOYEES, OFFICERS, DIRECTORS, AND AGENTS FROM ANY CLAIMS, ACTIONS, SUITS, INJURIES, DAMAGES, COSTS, EXPENSES, INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES, AND/OR OTHER LIABILITIES ARISING OUT OF OR IN CONNECTION WITH USE OF THE CERTIFICATION MARK, BREACH OF THE AGREEMENT, AND/OR PROMOTION, SALE, USE OR CONSUMPTION OF PARTICIPANTS' PRODUCTS; AND

7. AN AGREEMENT AWARDING ATTORNEY'S FEES TO THE PREVAILING PARTY IN ANY ACTION ARISING OUT OF A DISPUTE OVER THE LICENSING AGREEMENT.

S 345. REGISTRATION. ANY PERSON OR CORPORATION THAT PARTICIPATES IN THE "GROWN IN NEW YORK" PROGRAM SHALL REGISTER ANNUALLY WITH THE DEPARTMENT IN A FORM AND MANNER AS REQUIRED BY THE DEPARTMENT. EACH PERSON OR CORPORATION SHALL RENEW THEIR REGISTRATION ON THE ANNIVERSARY DATE OF ORIGINAL MEMBERSHIP.

S 346. RULES AND REGULATIONS. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS FOR THE PURPOSES OF FULFILLING THE OBJECTIVES OF THIS ARTICLE ON ITS EFFECTIVE DATE, INCLUDING RULES FOR ENTERING INTO CONTRACTS WITH ADVERTISING AGENCIES FOR SERVICES WHICH ARE DIRECTLY RELATED TO THE "GROWN IN NEW YORK" CAMPAIGN. THE DEPARTMENT SHALL FURTHER DETERMINE, BY RULE, THE LOGOS OR PRODUCT IDENTIFIERS TO BE DEPICTED FOR USE IN ADVERTISING, PUBLICIZING, AND PROMOTION OF NEW YORK AGRICULTURAL PRODUCTS OR AGRICULTURAL-BASED PRODUCTS IN THE "GROWN IN NEW YORK" CAMPAIGN. THE DEPARTMENT MAY ALSO ADOPT RULES NOT INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE AS IN ITS JUDGMENT MAY BE NECESSARY FOR PARTICIPANT REGISTRATION, RENEWAL OF REGISTRATION, APPLICATION FORMS, AS WELL AS OTHER FORMS AND ENFORCEMENT MEASURES ENSURING COMPLIANCE WITH THIS ARTICLE.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such date.

PART CCC

Section 1. Section 1 of chapter 882 of the laws of 1953, constituting the waterfront commission act is amended by adding a new article VII-A to read as follows:

ARTICLE VII-A
CARGO FACILITY CHARGES

1. AS USED IN THIS ARTICLE:

(A) "BILL OF LADING" MEANS A DOCUMENT EVIDENCING THE RECEIPT OF GOODS FOR SHIPMENT ISSUED BY A PERSON ENGAGED IN THE BUSINESS OF TRANSPORTING OR FORWARDING GOODS.

(B) "CARGO FACILITY CHARGE" MEANS ANY FEE APPLICABLE TO CARGO AND CARGO CONTAINERS DISCHARGED FROM, OR LOADED ONTO, VESSELS AT ANY MARINE FACILITY OWNED OR OPERATED BY THE PORT AUTHORITY.

(C) "CARRIER" MEANS A CARRIER AS THAT TERM IS DEFINED IN 49 U.S.C. S. 13102.

(D) "CONTAINER" MEANS ANY RECEPTACLE, BOX, CARTON, OR CRATE WHICH IS SPECIFICALLY DESIGNED AND CONSTRUCTED SO THAT IT MAY BE REPEATEDLY USED FOR THE CARRIAGE OF FREIGHT BY AN OCEAN COMMON CARRIER.

(E) "MARINE TERMINAL OPERATOR" MEANS ANY PERSON, CORPORATION, PARTNERSHIP, OR ANY BUSINESS ORGANIZATION WHICH SHALL OPERATE AND MAINTAIN ANY OF THE MARINE TERMINALS ESTABLISHED, ACQUIRED, CONSTRUCTED, REHABILITATED, OR IMPROVED BY THE PORT AUTHORITY BY MEANS OF AND THROUGH LEASING AGREEMENTS ENTERED INTO BY ANY SUCH PERSON, CORPORATION, PARTNERSHIP, OR ANY BUSINESS ORGANIZATION WITH THE PORT AUTHORITY.

(F) "OCEAN COMMON CARRIER" MEANS AN OCEAN COMMON CARRIER AS THAT TERM IS DEFINED IN 46 U.S.C. S.40102.

(G) "RAIL CARRIER" MEANS A RAIL CARRIER AS THAT TERM IS DEFINED IN 49 U.S.C. S. 10102.

(H) "TARIFF" MEANS A MARINE TERMINAL OPERATOR SCHEDULE AS THAT TERM IS DEFINED IN 46 C.F.R. 525.2.

(I) "USER" MEANS:

(1) ANY PERSON, COMPANY, OR OTHER ENTITY THAT IS NAMED AS THE SHIPPER OR CONSIGNEE ON THE OCEAN COMMON CARRIER BILL OF LADING ISSUED FOR EXPORT OR IMPORT CARGO, OR ANY PERSON OWNING OR ENTITLED TO THE POSSESSION, OR HAVING A PAST OR FUTURE INTEREST IN, THE EXPORT OR IMPORT CARGO;

(2) IN THE CASE OF NEGOTIABLE BILLS OF LADING, ANY OTHER PERSON, COMPANY, OR OTHER ENTITY THAT IS A BONA FIDE HOLDER OF THE BILL OF LADING OR WHO IS ENTITLED TO RECEIVE DELIVERY OF EXPORT CARGO OR IMPORT CARGO; OR

(3) ANY OTHER BAILOR OF EXPORT OR IMPORT CARGO.

2. NOTWITHSTANDING ANY LAW, RULE, REGULATION, OR EXISTING TARIFF TO THE CONTRARY, THE PORT AUTHORITY SHALL NOT ASSESS A USER, OCEAN COMMON CARRIER, MARINE TERMINAL OPERATOR, CARRIER, OR RAIL CARRIER A CARGO FACILITY CHARGE ON IMPORT AND EXPORT CARGO LEAVING ANY MARINE FACILITY OWNED OR OPERATED BY THE PORT AUTHORITY, EXCEPT THAT THE PORT AUTHORITY MAY ASSESS A USER, OCEAN COMMON CARRIER, MARINE TERMINAL OPERATOR, CARRIER, OR RAIL CARRIER A CARGO FACILITY CHARGE UPON WRITTEN MUTUAL AGREEMENT BETWEEN THE USER, OCEAN COMMON CARRIER, MARINE TERMINAL OPERATOR, CARRIER, OR RAIL CARRIER AND THE PORT AUTHORITY.

S 2. This act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act, but if the state of New Jersey shall have already enacted such legislation, then it shall take effect immediately; and provided that the waterfront commission shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section one of this act in order that the commission may maintain an accurate and timely effective data base of the official text of laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART DDD

Section 1. Sections 1, 1-a, 1-b, 1-c, 1-d, 2, 3, 3-a, 3-b, 3-c, 3-d, 4, 4-a, 4-b, 4-c, 5, 7, 8, 9 and 10 of chapter 43 of the laws of 2014 amending the vehicle and traffic law and other laws relating to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices are REPEALED.

S 2. Paragraph 2 of subdivision (a) of section 1180-b of the vehicle and traffic law, as added by chapter 189 of the laws of 2013, is amended to read as follows:

2. No photo speed violation monitoring system shall be used in a school speed zone unless (i) on the day it is to be used it has successfully passed a self-test of its functions; and (ii) it has undergone an annual calibration check performed pursuant to paragraph four of this subdivision. The city [may] SHALL install signs, giving notice OF SCHOOL SPEED ZONES AND that a photo speed violation monitoring system is in use to be mounted on advance warning signs notifying motor vehicle operators of such upcoming school speed zone and/or on speed limit signs applicable within such school speed zone, in conformance with standards established in the MUTCD.

S 3. Subdivision (b) of section 1180-b of the vehicle and traffic law, as added by chapter 189 of the laws of 2013, is amended to read as follows:

(b) If the city of New York establishes a demonstration program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, within a school speed zone in violation of subdivision (c) or during the times authorized pursuant to subdivision (a) of this section in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article, such vehicle was traveling at a speed of more than ten miles per hour above the posted speed limit in effect within such school speed zone, and such violation is evidenced by information obtained from a photo speed violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article. NOTWITHSTANDING ANY LAW TO THE CONTRARY, IF THE CITY OF NEW YORK ADOPTS A DEMONSTRATION PROGRAM PURSUANT TO THIS SECTION, THE NET PROCEEDS OF ANY PENALTY, AFTER EXPENSES OF ADMINISTRATION, RESULTING FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM USED IN THE COURSE OF THIS PROGRAM IN THE CITY OF NEW YORK SHALL BE UTILIZED FOR PROGRAMS RELATED TO IMPROVING PUBLIC SAFETY AND/OR SCHOOL SAFETY IN THAT CITY.

S 4. The opening paragraph of subdivision (n) of section 1180-b of the vehicle and traffic law, as added by chapter 189 of the laws of 2013, is amended to read as follows:

If the city adopts a demonstration program pursuant to [subdivision] PARAGRAPH one OF SUBDIVISION (A) of this section it shall conduct a study and submit a report ANNUALLY on the results of the use of photo devices to the governor, the temporary president of the senate and the speaker of the assembly NO LATER THAN THE FIRST DAY OF DECEMBER. Such report shall include:

S 5. This act shall take effect immediately, provided, however, that:

a. sections two, three and four of this act shall take effect on the one hundred eightieth day after it shall have become a law; and

b. the amendments to section 1180-b of the vehicle and traffic law made by sections two, three and four of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART EEE

Section 1. The public authorities law is amended by adding a new section 553-j to read as follows:

S 553-J. VERRAZANO-NARROWS BRIDGE; TOLL DISCOUNTS. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, THE SAME ELECTRONIC TOLL COLLECTION DISCOUNT PROGRAMS THAT EXIST FOR REGISTERED VEHICLES TO RESIDENTS OF THE COUNTY OF RICHMOND AT THE VERRAZANO-NARROWS BRIDGE, WHERE TOLLS ARE COLLECTED IN THE STATEN ISLAND-BOUND DIRECTION, SHALL BE PROVIDED TO RESIDENTS OF THE COUNTY OF KINGS WHO RESIDE WITHIN ANY ZIP CODE WITHIN TWELVE MILES OF THE ANCHORAGE ON THE BROOKLYN SIDE OF THE VERRAZANO-NARROWS BRIDGE. TOLL DISCOUNTS WILL BE PROVIDED IN ACCORDANCE WITH PROCEDURES AND UNDER SUCH TERMS AND CONDITIONS AS FROM TIME TO TIME MAY BE PRESCRIBED BY THE AUTHORITY. SUCH PROCEDURES AND TERMS MAY PRESCRIBE AND REQUIRE MINIMUM TRIP USAGE, MINIMUM PURCHASE, MINIMUM DEPOSITS AND/OR ADMINISTRATIVE SERVICE FEES ON ACCOUNTS OR EQUIPMENT. APPLICATION AND REGISTRATION FOR ANY PROGRAM AND PAYMENT DEVICES SHALL BE MADE IN SUCH MANNER AS PRESCRIBED BY THE AUTHORITY AND SHALL CONTAIN SUCH INFORMATION AS THE AUTHORITY MAY REASONABLY REQUIRE. THE METROPOLITAN TRANSPORTATION AUTHORITY SHALL PAY ONE HUNDRED PERCENT OF THE COSTS RELATED TO THE IMPLEMENTATION AND OPERATION OF THIS SECTION.

S 2. This act shall take effect immediately.

PART FFF

Section 1. Section 73-d of the transportation law, as amended by chapter 562 of the laws of 1987, is amended to read as follows:

S 73-d. Interagency coordinating committee on rural public transportation. 1. There is hereby created a committee to be known as the "interagency coordinating committee on rural public transportation", to be comprised of nineteen members. The commissioner or his or her designee shall serve as chairperson. Twelve of such members shall be the following or his or her duly designated representative: the director of the office for the aging; the commissioner of education; the commissioner of labor; the commissioner of health; the commissioner of the office of mental health; the commissioner of the office [of mental retardation and] FOR PEOPLE WITH developmental disabilities; the commissioner of social services; state advocate for the disabled; secretary of state; commissioner of agriculture and markets; the director of the office of rural affairs and the director of the division for youth. Six additional members, all of whom shall be transportation providers or consumers representing rural counties shall be appointed to serve a term of three years as follows: two by the president pro-tempore of the senate, two by the speaker of the assembly, one by the minority leader of the senate, and one by the minority leader of the assembly. Efforts shall be made to provide a broad representation of consumers and providers of transportation services in rural counties when making such appointments. Members of the committee shall receive no salary.

The commissioner shall cause the department to provide staff assistance necessary for the efficient and effective operation of the committee.

2. The committee shall[:] MEET QUARTERLY AND SHALL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY ANNUALLY, BEGINNING OCTOBER FIRST, TWO THOUSAND FIFTEEN. THE ANNUAL REPORT SHALL:

A. IDENTIFY EXISTING RURAL TRANSPORTATION SYSTEMS AND DESCRIBE RIDERSHIP, REVENUE, AND FINANCIAL CHALLENGES FOR EACH SYSTEM;

B. IDENTIFY RURAL POPULATIONS CURRENTLY UTILIZING PUBLIC TRANSPORTATION, AS WELL AS POPULATIONS IN NEED OF PUBLIC TRANSPORTATION WITHOUT ACCESS, AND DISCUSS RECOMMENDATIONS FOR MAINTAINING AND EXPANDING SERVICES;

C. INCLUDE A BREAKDOWN BY COUNTY OF COST SAVINGS, MODES OF TRANSPORTATION PROVIDED TO MEDICAID PATIENTS, AND RATES OF UTILIZATION OF PUBLIC TRANSPORTATION BY MEDICAID PATIENTS;

D. identify programs and the annual amounts and sources of funds from such programs that are eligible to be used to support a coordinated public transportation service, and the annual amounts and sources of such funds that are actually used for client transportation or for transportation of persons in connection with agency-affiliated programs or services; such data shall be provided on a county basis;

[b.] E. identify restrictions on existing programs that inhibit funds from such programs being used to pay for a coordinated public transportation service in rural counties;

[c.] F. recommend changes in state or local laws or regulations that would improve the coordination of funds, facilities, vehicles or equipment and other resources used for transportation at the local level;

[d.] G. upon request, compile and forward to the commissioner any data or other information required by this section.

S 2. This act shall take effect immediately.

PART GGG

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

(D) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO TRANSFER FROM THE GENERAL FUND FOR DEPOSIT INTO THE PUBLIC TRANSPORTATION SYSTEM OPERATING ASSISTANCE ACCOUNT, ON OR BEFORE MARCH THIRTY-FIRST OF EACH YEAR, AN AMOUNT EQUAL TO THE FOLLOWING:

(I) FOR THE STATE FISCAL YEAR ENDING MARCH THIRTY-FIRST, TWO THOUSAND SIXTEEN, THREE MILLION FIVE HUNDRED SEVENTY-FOUR THOUSAND DOLLARS;

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

S 2. Subdivision 7 of section 88-a of the state finance law is amended by adding a new paragraph (c) to read as follows:

(C) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, BEGINNING IN THE FISCAL YEAR ENDING MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN, IF:

(I) THE RATE OF GROWTH IN THE MOST RECENT YEAR OF THE AGGREGATE AMOUNT OF REVENUE DEPOSITED IN THE METROPOLITAN MASS TRANSPORTATION OPERATING ASSISTANCE ACCOUNT FOR THE TWELVE MONTH PERIOD ENDING ON DECEMBER THIRTY-FIRST OF THE IMMEDIATELY PRECEDING CALENDAR YEAR EXCEEDS THE AGGREGATE AMOUNT OF REVENUE DEPOSITED IN THE ACCOUNT FOR THE TWELVE MONTH

PERIOD ENDING ON DECEMBER THIRTY-FIRST, OF THE YEAR PRIOR TO THE IMMEDIATELY PRECEDING CALENDAR YEAR, IS LESS THAN

(II) THE RATE OF GROWTH IN THE MOST RECENT YEAR OF THE AGGREGATE AMOUNT OF SALES AND COMPENSATING USE TAXES IMPOSED PURSUANT TO THE AUTHORITY OF SUBPART B OF PART I OF ARTICLE TWENTY-NINE OF THE TAX LAW, FOR THE TWELVE MONTH PERIOD ENDING ON DECEMBER THIRTY-FIRST OF THE IMMEDIATELY PRECEDING CALENDAR YEAR EXCEEDS THE AGGREGATE AMOUNT OF SUCH SALES AND COMPENSATING USE TAXES FOR THE TWELVE MONTH PERIOD ENDING ON DECEMBER THIRTY-FIRST, OF THE YEAR PRIOR TO THE IMMEDIATELY PRECEDING CALENDAR YEAR, THE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO TRANSFER FROM THE GENERAL FUND FOR DEPOSIT INTO THE METROPOLITAN MASS TRANSPORTATION OPERATING ASSISTANCE ACCOUNT, ON OR BEFORE MARCH THIRTY-FIRST OF EACH YEAR, AN AMOUNT EQUAL TO THE DIFFERENCE, IF ANY, BETWEEN THE AGGREGATE AMOUNT OF REVENUE DEPOSITED IN THE METROPOLITAN MASS TRANSPORTATION OPERATING ASSISTANCE ACCOUNT IN THE MOST RECENT YEAR AND THE PRODUCT OF THE AGGREGATE AMOUNT OF REVENUE DEPOSITED IN THE METROPOLITAN MASS TRANSPORTATION OPERATING ASSISTANCE ACCOUNT IN THE MOST RECENT YEAR AND THE GROWTH RATE IN SUBPARAGRAPH (II) OF THIS PARAGRAPH. IN NO YEAR WILL THE AMOUNT OF THE DEPOSIT AUTHORIZED UNDER THIS SECTION BE LESS THAN THE AMOUNT MADE IN THE PRIOR YEAR.

S 3. This act shall take effect immediately.

PART HHH

Section 1. The public authorities law is amended by adding a new section 1884 to read as follows:

S 1884. CLEAN ENERGY RURAL DEVELOPMENT PROGRAM. 1. THE AUTHORITY SHALL DEDICATE AT LEAST TEN MILLION DOLLARS IN GRANT FUNDING ANNUALLY TO RENEWABLE ENERGY OR ENERGY EFFICIENT PROJECTS ON FARM OPERATIONS, INCLUDING, BUT NOT LIMITED TO SOLAR INSTALLATIONS, THE CONSTRUCTION OF NEW ANAEROBIC DIGESTER SYSTEMS, THREE PHASE POWER, AND SMALL SCALE WIND NOT DESIGNED FOR THE PRODUCTION OF POWER PRIMARILY FOR SALE TO THE ELECTRICAL GRID.

2. THE AUTHORITY SHALL SUBMIT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY ENERGY COMMITTEE, THE RANKING MINORITY MEMBER OF THE ASSEMBLY ENERGY COMMITTEE, THE CHAIR OF THE SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE, THE RANKING MINORITY MEMBER OF THE SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE, THE CHAIR OF THE ASSEMBLY CORPORATIONS, AUTHORITIES AND COMMISSIONS COMMITTEE, THE RANKING MINORITY MEMBER OF THE ASSEMBLY CORPORATIONS, AUTHORITIES AND COMMISSIONS COMMITTEE, THE CHAIR OF THE SENATE CORPORATIONS, AUTHORITIES AND COMMISSIONS COMMITTEE, THE RANKING MINORITY MEMBER OF THE SENATE CORPORATIONS, AUTHORITIES AND COMMISSIONS COMMITTEE AND THE CHAIR OF THE RENEWABLE ENERGY SUBCOMMITTEE IN THE ASSEMBLY AN ANNUAL ACCOUNTING OF THE GRANT DISBURSEMENTS, INCLUDING A BRIEF DESCRIPTION OF EACH PROJECT THAT RECEIVED FUNDING.

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

PART III

Section 1. The economic development law is amended by adding a new article 22 to read as follows:

ARTICLE 22
EMPIRE PUBLIC WORKS PROGRAM

SECTION 500. SHORT TITLE.

501. DEFINITIONS.
502. APPLICATION REVIEW COMMITTEE.
503. EMPIRE PUBLIC WORKS PROGRAM.
504. LOANS.

S 500. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "EMPIRE PUBLIC WORKS PROGRAM".

S 501. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

1. "COMMITTEE" MEANS THE APPLICATION REVIEW COMMITTEE ESTABLISHED PURSUANT TO SECTION FIVE HUNDRED TWO OF THIS ARTICLE.

2. "ELIGIBLE APPLICANT" MEANS ANY STATE AGENCY, PUBLIC AUTHORITY, MUNICIPAL CORPORATION AS DEFINED IN SECTION TWO OF THE GENERAL MUNICIPAL LAW, PUBLIC UTILITY COMPANY AS DEFINED IN SECTION TWO OF THE PUBLIC SERVICE LAW, OR WATER AND SEWER DISTRICT.

3. "EXECUTIVE" MEANS THE EXECUTIVE HEAD OF A PUBLIC AGENCY THAT IS SUBJECT TO THIS ARTICLE.

4. "MANUFACTURED IN THE UNITED STATES" MEANS: (A) IN THE CASE OF AN IRON OR STEEL PRODUCT ALL MANUFACTURING MUST TAKE PLACE IN THE UNITED STATES, FROM THE INITIAL MELTING STAGE THROUGH THE APPLICATION OF COATINGS, EXCEPT METALLURGICAL PROCESSES INVOLVING THE REFINEMENT OF STEEL ADDITIVES; AND (B) IN THE CASE OF A MANUFACTURED PRODUCT, A PRODUCT WILL BE CONSIDERED MANUFACTURED IN THE UNITED STATES IF:

(I) ALL OF ITS MANUFACTURING PROCESSES TAKE PLACE IN THE UNITED STATES, AND

(II) MORE THAN SIXTY PERCENT OF THE COMPONENTS OF THE MANUFACTURED GOOD, BY COST, ARE OF DOMESTIC ORIGIN. IF, UNDER THE TERMS OF THIS SUBPARAGRAPH, A COMPONENT IS DETERMINED TO BE OF DOMESTIC ORIGIN, ITS ENTIRE COST MAY BE USED IN CALCULATING THE COST OF DOMESTIC CONTENT OF AN END PRODUCT.

5. "PROGRAM" MEANS THE EMPIRE WORKS PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE.

6. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA, AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

7. "MEANINGFUL JOB CREATION AND RETENTION" MEANS COMMITTING TO CREATE A MINIMUM OF SEVENTY-FIVE NEW JOBS WITHIN TWO YEARS, AND A RETENTION OF AT LEAST FIFTY PERCENT OF THE JOBS CREATED FOR AT LEAST FOUR YEARS, AS A RESULT OF THE LOAN APPROVAL PURSUANT TO THE PROGRAM. "JOB CREATION" MEANS THOSE NEW POSITIONS CREATED AND FILLED, INCLUDING APPRENTICESHIPS, THAT ARE FILLED AS A RESULT OF THE LOAN PROVIDED PURSUANT TO THE PROGRAM. "JOBS RETAINED" MEANS THOSE FILLED POSITIONS THAT ARE RETAINED, INCLUDING APPRENTICESHIPS, AS A RESULT OF THE LOAN PURSUANT TO THE PROGRAM.

S 502. APPLICATION REVIEW COMMITTEE. 1. THERE SHALL BE ESTABLISHED, WITHIN THE EMPIRE STATE DEVELOPMENT AUTHORITY, AN APPLICATION REVIEW COMMITTEE FOR THE PURPOSE OF RECEIVING, REVIEWING, AND GRANTING OR DENYING LOAN APPLICATIONS SUBMITTED PURSUANT TO THIS ARTICLE.

2. THE COMMITTEE SHALL BE COMPOSED OF THE FOLLOWING MEMBERS:

(A) THE COMMISSIONER, OR HIS OR HER DESIGNEE;

(B) THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION, OR HIS OR HER DESIGNEE;

(C) THE COMMISSIONER OF TRANSPORTATION, OR HIS OR HER DESIGNEE;

(D) THE COMMISSIONER OF LABOR, OR HIS OR HER DESIGNEE; AND

(E) THREE MEMBERS, HAVING EXPERTISE IN CRITICAL INFRASTRUCTURE PROJECTS, ECONOMIC DEVELOPMENT OR JOB CREATION, WITH ONE MEMBER APPOINTED BY EACH OF THE FOLLOWING:

(I) THE GOVERNOR;

(II) THE TEMPORARY PRESIDENT OF THE SENATE; AND
(III) THE SPEAKER OF THE ASSEMBLY.
3. VACANCIES IN THE MEMBERSHIP OF THE COMMITTEE SHALL BE FILLED IN THE MANNER PROVIDED FOR ORIGINAL APPOINTMENTS. FURTHERMORE, THE MEMBERS OF THE COMMITTEE SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS ARTICLE.
4. THE COMMITTEE, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, SHALL ESTABLISH STANDARDS FOR THE SUBMISSION AND REVIEW OF APPLICATIONS UNDER THE PROGRAM. THE COMMITTEE SHALL ACCEPT APPLICATIONS ON A YEAR-ROUND BASIS, PROVIDED, HOWEVER, ONLY APPLICATIONS SUBMITTED ON OR BEFORE THE THIRTY-FIRST OF MARCH SHALL BE CONSIDERED FOR THE GRANTING OF LOANS DURING THE SUCCEEDING STATE FISCAL YEAR. ALL APPLICATIONS SHALL BE EVALUATED, DETERMINED AND PRIORITIZED BASED ON THE FOLLOWING ATTRIBUTES OF THE PROJECT TO WHICH SUCH APPLICATION RELATES:
(A) THE CRITICAL INFRASTRUCTURE NEED ADDRESSED BY THE PROJECT;
(B) THE JOB TRAINING COMPONENT OF THE PROJECT, INCLUDING, FOR CONSTRUCTION WORK, DEPARTMENT OF LABOR REGISTERED APPRENTICE PROGRAMS AND PRE-APPRENTICE PROGRAMS WITH DEPARTMENT OF LABOR APPROVED DIRECT ENTRY AGREEMENTS WITH REGISTERED APPRENTICE PROGRAMS;
(C) THE REGIONAL OR STATEWIDE NEEDS ADDRESSED BY THE PROJECT; AND
(D) THE STATEWIDE AND COMMUNITY ECONOMIC AND/OR ENVIRONMENTAL BENEFITS OF THE PROJECT.
S 503. EMPIRE PUBLIC WORKS PROGRAM. 1. THE EMPIRE PUBLIC WORKS PROGRAM IS ESTABLISHED WITHIN THE EMPIRE STATE DEVELOPMENT CORPORATION. THE PROGRAM SHALL PROVIDE LOANS TO ELIGIBLE APPLICATIONS FOR ELIGIBLE PROJECTS.
2. PROJECTS WHICH ARE ELIGIBLE FOR LOANS UNDER THE PROGRAM SHALL INCLUDE:
(A) BRIDGE REPAIR PROJECTS;
(B) CITY, COUNTY AND STATE ROAD AND HIGHWAY PROJECTS;
(C) PROJECTS TO MITIGATE THE IMPACTS OF CLIMATE CHANGE INCLUDING: EROSION MITIGATION, FLOOD CONTROL, WETLAND AND SOIL PRESERVATION AND RESTORATION, AND THE HARDENING OF INFRASTRUCTURE;
(D) WATER AND SEWER PROJECTS INCLUDING DRAINAGE;
(E) PUBLIC UTILITY PROJECTS INCLUDING THE HARDENING OF SUCH UTILITIES;
(F) TUNNEL PROJECTS;
(G) PUBLIC MASS TRANSIT PROJECTS, INCLUDING BUSES, RAIL AND SUBWAYS; AND
(H) PARK AND RECREATIONAL FACILITY PROJECTS.
3. ALL ELIGIBLE PROJECTS SHALL BE LOCATED WITHIN THE STATE AND SHALL PROVIDE FOR MEANINGFUL JOB CREATION AND RETENTION AS THE RESULT THEREOF. EACH APPLICANT SHALL INCLUDE A DESCRIPTION OF THE JOBS TO BE CREATED BY APPROVAL OF ITS LOAN APPLICATION AND AN ESTIMATE OF THE NUMBER OF JOBS TO BE CREATED OR RETAINED AND EXPRESSED AS THE "FULL-TIME EQUIVALENT". NO ENVIRONMENTAL REMEDIATION PROJECT SHALL BE ELIGIBLE FOR ASSISTANCE PURSUANT TO THIS ARTICLE.
4. EACH ELIGIBLE APPLICANT MAY SUBMIT AN APPLICATION TO THE COMMITTEE FOR A LOAN FOR AN ELIGIBLE PROJECT. THE COMMITTEE SHALL ACCEPT, REVIEW AND MAKE A DETERMINATION ON EACH APPLICATION WITHIN SIXTY DAYS OF ITS RECEIPT.
5. THE PROCEEDS OF A LOAN RECEIVED PURSUANT TO THIS ARTICLE SHALL BE USED FOR THE COMPLETION OF THE ELIGIBLE PROJECT, INCLUDING PRE-DESIGN STUDIES, LAND ACQUISITION AND REMEDIATION, BUILDING CONSTRUCTION, MACHINERY, EQUIPMENT, FIXTURES, INVENTORY, RENOVATION AND MODERNIZATION,

AND JOB TRAINING, PROVIDED THAT AT LEAST FIFTY PERCENT OF THE LOAN VALUE IS USED FOR CONSTRUCTION AND TRAINING.

6. ALL PROJECTS FUNDED BY A LOAN PURSUANT TO THIS ARTICLE WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC WORKS PROJECTS, AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE STATE, AND COMPLIANCE WITH ALL THE PROVISIONS OF SUCH ARTICLE SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR OR SUBCONTRACTOR ON THE PROJECT INCLUDING THE ENFORCEMENT OF PREVAILING WAGE REQUIREMENTS BY THE FISCAL OFFICER AS DEFINED IN PARAGRAPH E OF SUBDIVISION FIVE OF SECTION TWO HUNDRED TWENTY OF THE LABOR LAW TO THE SAME EXTENT AS A CONTRACT OF THE STATE.

7. FOR ELIGIBLE APPLICANTS WHICH ARE AWARDED A LOAN FOR AN ELIGIBLE PROJECT, SUCH LOAN, INCLUDING LOAN GUARANTEES, LINES OF CREDIT, CREDIT ENHANCEMENTS, EQUIPMENT FINANCING LEASES, BOND INSURANCE AND OTHER FORMS OF FINANCIAL ASSISTANCE, SHALL NOT BE LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS NOR MORE THAN SEVEN HUNDRED FIFTY MILLION DOLLARS.

8. THE COMMITTEE MAY CONSIDER THE APPLICANT'S WILLINGNESS TO REQUIRE ITS CONSTRUCTION CONTRACTORS TO ENTER INTO A PROJECT LABOR AGREEMENT FOR THE CONSTRUCTION WORK INVOLVED WITH THE PROJECT FUNDED BY THE LOAN PURSUANT TO THE PROGRAM, IF IT CAN BE DETERMINED THAT THE APPLICANT'S PROPRIETARY INTEREST IN A COST EFFECTIVE, SAFE AND EFFICIENT PROJECT IS BEST MET BY REQUIRING A PROJECT LABOR AGREEMENT.

S 504. LOANS. 1. ALL LOANS GRANTED PURSUANT TO THIS ARTICLE SHALL BE SUBJECT TO SUCH TERMS AND CONDITIONS AS SHALL BE DETERMINED BY THE EMPIRE STATE DEVELOPMENT CORPORATION.

2. LOANS AWARDED IN ACCORDANCE WITH THIS ARTICLE SHALL BE SUBJECT TO RATES OF INTEREST ESTABLISHED BY THE EMPIRE STATE DEVELOPMENT CORPORATION, WHICH SHALL BE LOWER THAN THOSE OF THE MUNICIPAL BOND MARKET. ALL FEES SET BY SUCH CORPORATION SHALL REFLECT THE AMOUNT OF THE LOAN AND THE SIZE OF THE PROJECT TO WHICH THE LOAN RELATES.

3. THE TERM OF LOAN GRANTED PURSUANT TO THIS ARTICLE SHALL NOT EXCEED THIRTY YEARS OR THE PERIOD OF PROBABLE USEFULNESS OF THE PROJECT PRESCRIBED BY SECTION 11.00 OF THE LOCAL FINANCE LAW, WHICHEVER SHALL BE LESS.

4. THE TERMS OF EACH LOAN SHALL INCLUDE PROVISIONS REQUIRING COMPETITIVE BIDDING ON THE GOODS AND SERVICES NECESSARY FOR THE COMPLETION OF THE PROJECT.

5. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH CONTRACT FOR THE CONSTRUCTION, RECONSTRUCTION, ALTERATION OR IMPROVEMENT OF A PUBLIC BUILDING OF PUBLIC WORKS MADE BY A PUBLIC AGENCY FINANCED THROUGH A LOAN AWARD SHALL CONTAIN A PROVISION THAT THE IRON, STEEL AND MANUFACTURED PRODUCTS USED OR SUPPLIED IN THE PERFORMANCE OF THE CONTRACT OR ANY SUBCONTRACT THERETO AND PERMANENTLY INCORPORATED INTO THE PUBLIC BUILDING OR PUBLIC WORKS SHALL BE MANUFACTURED IN THE UNITED STATES.

(B) NO BIDDER SHALL BE DEEMED TO BE THE LOWEST RESPONSIBLE AND RELIABLE BIDDER AND NO BID SHALL BE DEEMED THE BEST VALUE UNLESS THE BID OFFERED BY SUCH BIDDER WILL COMPLY WITH THE CONTRACT TERM REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION.

(C) THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY IN ANY CASE OR CATEGORY OF CASES IN WHICH THE EXECUTIVE HEAD OF A PUBLIC AGENCY FINDS:

(I) THAT THE APPLICATION OF THIS SECTION WOULD BE INCONSISTENT WITH THE PUBLIC INTEREST;

(II) THAT SUCH MATERIALS AND PRODUCTS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT AND REASONABLY AVAILABLE QUANTITIES AND OF A SATISFACTORY QUALITY; OR

(III) THAT INCLUSION OF DOMESTIC MATERIAL WILL INCREASE THE COST OF THE OVERALL PROJECT CONTRACT BY MORE THAN TWENTY-FIVE PERCENT.

(D) IF THE EXECUTIVE HEAD OF A PUBLIC AGENCY RECEIVES A REQUEST FOR A WAIVER UNDER PARAGRAPH (C) OF THIS SUBDIVISION, THE COMMITTEE SHALL PROVIDE NOTICE OF AND AN OPPORTUNITY FOR PUBLIC COMMENT ON THE REQUEST AT LEAST THIRTY DAYS BEFORE MAKING A FINDING BASED ON THE REQUEST.

(E) A NOTICE PROVIDED UNDER PARAGRAPH (D) OF THIS SUBDIVISION SHALL:

(I) SUMMARIZE THE INFORMATION AVAILABLE TO THE EXECUTIVE CONCERNING THE REQUEST, INCLUDING WHETHER THE REQUEST IS BEING MADE UNDER SUBPARAGRAPH (I), (II) OR (III) OF PARAGRAPH (C) OF THIS SUBDIVISION;

(II) BE POSTED PROMINENTLY ON THE OFFICIAL PUBLIC INTERNET WEB SITE OF THE AGENCY; AND

(III) BE PROVIDED BY ELECTRONIC MEANS TO ANY PERSON, FIRM OR CORPORATION THAT HAS MADE A WRITTEN OR ELECTRONIC REQUEST TO THE PUBLIC AGENCY FOR NOTICE OF WAIVER ACTIONS BY THE EXECUTIVE WITHIN FIVE YEARS PRIOR TO THE DATE OF NOTICE.

(F) IF THE COMMITTEE ISSUES A WAIVER UNDER PARAGRAPH (C) OF THIS SUBDIVISION, THE EXECUTIVE HEAD OF A PUBLIC AGENCY SHALL PUBLISH IN THE SAME MANNER AS THE ORIGINAL NOTICE A DETAILED JUSTIFICATION FOR THE WAIVER THAT:

(I) ADDRESSES THE PUBLIC COMMENTS RECEIVED UNDER PARAGRAPH (D) OF THIS SUBDIVISION; AND

(II) IS PUBLISHED BEFORE THE WAIVER TAKES EFFECT.

(G) IF IT HAS BEEN DETERMINED BY A COURT OR FEDERAL OR STATE AGENCY THAT ANY PERSON INTENTIONALLY:

(I) AFFIXED A LABEL BEARING A "MADE IN AMERICA" INSCRIPTION, OR ANY INSCRIPTION WITH THE SAME MEANING, TO ANY IRON, STEEL OR MANUFACTURED PRODUCT USED IN PROJECTS TO WHICH THIS SECTION APPLIES, SOLD IN OR SHIPPED TO THE UNITED STATES THAT WAS NOT MADE IN THE UNITED STATES; OR

(II) REPRESENTED THAT ANY IRON, STEEL OR MANUFACTURED PRODUCT USED IN PROJECTS TO WHICH THIS SECTION APPLIES THAT WAS NOT PRODUCED IN THE UNITED STATES, WAS PRODUCED IN THE UNITED STATES; THEN THAT PERSON SHALL BE INELIGIBLE TO RECEIVE ANY CONTRACT OR SUBCONTRACT WITH THIS STATE PURSUANT TO THE DEBARMENT OR SUSPENSION PROVISIONS PROVIDED UNDER SECTION ONE HUNDRED THIRTY-NINE-A OF THE STATE FINANCE LAW.

(H) THIS SUBDIVISION SHALL BE APPLIED IN A MANNER CONSISTENT WITH THE STATE'S OBLIGATIONS UNDER ANY APPLICABLE INTERNATIONAL AGREEMENTS PERTAINING TO GOVERNMENT PROCUREMENT.

S 2. The state finance law is amended by adding a new section 81 to read as follows:

S 81. EMPIRE PUBLIC WORKS REVOLVING LOAN FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE "EMPIRE PUBLIC WORKS REVOLVING LOAN FUND".

2. THE FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED FOR ITS PURPOSE, ALL MONEYS TRANSFERRED TO SUCH FUND PURSUANT TO LAW, AND ALL MONEYS REQUIRED BY THIS SECTION OR ANY OTHER LAW TO BE PAID INTO OR CREDITED TO THIS FUND, INCLUDING ALL MONEYS RECEIVED BY THE FUND OR DONATED TO IT, PAYMENTS OF PRINCIPAL AND INTEREST ON LOANS MADE FROM THE FUND PURSUANT TO ARTICLE TWENTY-TWO OF THE ECONOMIC DEVELOPMENT LAW, AND ANY INTEREST EARNINGS WHICH MAY ACCRUE FROM THE INVESTMENT OR REINVESTMENT OF MONEYS IN THE FUND.

3. MONEYS IN THE FUND, WHEN ALLOCATED, SHALL BE MADE AVAILABLE TO THE EMPIRE STATE DEVELOPMENT CORPORATION TO MAKE LOANS AS PROVIDED IN ARTICLE TWENTY-TWO OF THE ECONOMIC DEVELOPMENT LAW.

S 3. This act shall take effect immediately.

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

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