

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

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

January 21, 2015

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

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

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 extending 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 creating a 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, the highway law, and the public officers law, in relation to authorizing shared services agreements between the department of transportation and the New York state thruway authority (Part G); intentionally omitted (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 the public authorities law, in relation to decreasing state responsibility for certain costs incurred

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

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by the New York state thruway authority (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part 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); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration and policy and planning programs, and to finance the department of environmental conservation's climate change program, from an assessment on gas and electric corporations (Part P); to amend the executive law, in relation to extending certain provisions relating to the minority- and women-owned business enterprise disparity study; and to amend chapter 261 of the laws of 1988 amending the state finance law and other laws relating to the New York infrastructure trust fund, in relation to the effectiveness of article 15-A of the executive law (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); to amend part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, in relation to the issuance of securitized restructuring bonds to refinance outstanding debt of the Long Island power authority; and to amend part A of chapter 173 of the laws of 2013, amending the public service law, the public authorities law, the executive law and the education law relating to the powers and duties of the department of public service and the Long Island power authority, in relation to repowering (Part W); to amend the navigation law and the state finance law, in relation to license fees and surcharges for the transfer of petroleum between vessels, between facilities and vessels, and between facilities, whether onshore or offshore (Part X); to amend the environmental conservation law, in relation to operating permit program fees, state air quality control fees and state pollutant discharge elimination system program fees (Part Y); intentionally omitted (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 part F of chapter 58 of the laws of 2013 amending the environmental conservation law and the state finance law relating to the "Cleaner, Greener NY Act of 2013", in relation to extending the effectiveness thereof (Part DD); to amend the soil and water conservation districts law, in relation to a farm drain tile revolving loan fund program (Part EE); to amend the New York state urban development corporation act, in relation to eligible use of the beginning farmers NY fund (Part FF); to amend chapter 495 of the laws of 2004 amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part GG); relating to term appointments for eligible, high-demand ITS positions without examination (Part HH); to amend the environmental conservation law, in relation to retrofit technology for diesel-fueled vehicles (Part II); to amend part D of chapter 111 of the laws of 2010 relating to the recovery of exempt income by the office of mental health for community residences and family-based treatment programs, in relation to the effectiveness thereof (Part JJ); to amend the education law, in relation to authorizing contracts for the provision of special education and related services for certain patients hospitalized in hospitals operated by the office of mental health; and to amend part M of chapter 56 of the laws of 2012 amending the education law, relating to authorizing contracts for the provision of special education and related services for certain patients hospitalized in hospitals operated by the office of mental health, in relation to the effectiveness thereof (Part KK); to amend part A of chapter 111 of the laws of 2010 amending the mental hygiene law relating to the receipt of federal and state benefits received by individuals receiving care in facilities operated by an office of the department of mental hygiene, in relation to the effectiveness thereof (Part LL); to amend the social services law, the executive law and the mental hygiene law, in relation to providing professional services to individuals with developmental disabilities in non-certified settings; in relation to the exemption of the nurse practice act for direct care staff in non-certified settings funded, authorized or approved by the office for people with developmental disabilities; in relation to services and needs assessments; and to repeal certain provisions of the mental hygiene law relating thereto (Part MM); to amend the mental hygiene law, in relation to clarifying the authority of the commissioners in the department of mental hygiene to design and implement time-limited demonstration programs; and providing for the repeal of such provisions upon expiration thereof (Part NN); to amend the mental hygiene law, in relation to eliminating the duplication of regulatory efforts between the department of health and the office for people with developmental disabilities associated with rates and fees

received by OPWDD providers; and to repeal certain provisions of such law relating thereto (Part OO); in relation to establishing a transportation assessment for people with developmental disabilities and other populations (Part PP); relating to the office for people with developmental disabilities omnibus reporting and providing for the repeal of such provision upon expiration thereof (Part QQ); to amend the public authorities law, in relation to semi-annual reports (Part RR); and requiring the New York state energy research and development authority to develop standards and/or criteria that will encourage and increase issuance of loans to low-to-moderate income households for qualified energy efficiency services (Part SS)

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

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

12 PART A

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

17 S 13. This act shall take effect immediately; provided however that
18 sections one through seven of this act, the amendments to subdivision 2
19 of section 205 of the tax law made by section eight of this act, and
20 section nine of this act shall expire and be deemed repealed on April 1,
21 [2015] 2020; provided further, however, that the amendments to subdivi-
22 sion 3 of section 205 of the tax law made by section eight of this act
23 shall expire and be deemed repealed on March 31, 2018; provided further,
24 however, that the provisions of section eleven of this act shall take
25 effect April 1, 2004 and shall expire and be deemed repealed on April 1,
26 [2015] 2020.

27 S 2. Section 2 of part B of chapter 84 of the laws of 2002, amending
28 the state finance law relating to the costs of the department of motor
29 vehicles, as amended by section 2 of part C of chapter 57 of the laws of
30 2014, is amended to read as follows:

31 S 2. This act shall take effect April 1, 2002; provided, however, if
32 this act shall become a law after such date it shall take effect imme-
33 diately and shall be deemed to have been in full force and effect on and
34 after April 1, 2002; provided further, however, that this act shall
35 expire and be deemed repealed on April 1, [2015] 2020.

36 S 3. This act shall take effect immediately.

37 PART B

1 Intentionally Omitted

2 PART C

3 Section 1. Section 144 of the transportation law is REPEALED.

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

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

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

20 6. Notwithstanding any other provision of law, on any application for
21 temporary authority to operate a bus line originating or terminating in
22 any city, the commissioner shall, in addition to the requirements speci-
23 fied in subdivision [two] ONE of this section, also consider and evalu-
24 ate the application and any objections to the application in accordance
25 with the following criteria:

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

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

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

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

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

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

50 1. The commissioner may issue a permanent certificate of public
51 convenience and necessity to operate as a common carrier of passengers
52 to an applicant with or without hearing, except as provided in subdivi-
53 sions two and seven of this section, but upon notice to all interested

1 parties. If any application for authority to operate a bus line through
2 a county, city, village or town or in or through a territory or district
3 served by a bus line or a public transportation authority created pursu-
4 ant to titles nine, eleven, eleven-A, eleven-B, eleven-C and eleven-D of
5 article five of the public authorities law is protested by any such
6 municipality, bus line, or public transportation authority, and hearing
7 on such application is requested then no permanent authority shall be
8 granted prior to a hearing held on such application. The commissioner
9 shall consider any reasonable conditions required of the applicant by
10 such municipality regarding routing and franchise requirements and, in
11 cities having a population of over one million persons the commissioner
12 shall adopt the intracity routing requirements to the proposed destina-
13 tion point or points that are established by any such city, provided
14 that such city furnishes the routing requirements to the commissioner
15 within sixty days of the filing of the application with the department.
16 In addition the commissioner shall adopt insurance requirements provided
17 for by any such city. Except for the routing and insurance requirements
18 in cities having a population of over one million persons, the commis-
19 sioner shall impose requirements on the applicant deemed to be reason-
20 able and in the public interest as a condition to any authority granted.
21 [Applications for a permanent certificate shall be accompanied by a
22 filing fee as prescribed in section one hundred forty-four of this chap-
23 ter.] The application for a permanent certificate shall be granted if
24 the commissioner finds that:

25 (a) the applicant is fit, willing and able to provide the transporta-
26 tion to be authorized by the certificate and to comply with this chapter
27 and the regulations of the commissioner; and

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

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

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

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

47 (a) the applicant is fit, willing and able to provide the transporta-
48 tion to be authorized by the permit and to comply with this chapter and
49 the regulations of the commissioner; and

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

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

55 3. Certificates or permits shall not be assigned or transferred, in
56 any manner, nor shall the right to operate under any certificate or

1 permit be leased without prior approval of the commissioner upon such
2 notice as the commissioner shall deem appropriate. The assignment,
3 transfer or lease of certificates or permits or the right to operate
4 under any certificate or permit, shall not be approved unless the
5 commissioner shall find that it is in the public interest to do so. All
6 applications for transfer or lease must be in such form as prescribed by
7 the commissioner [and be accompanied by a filing fee as prescribed in
8 section one hundred forty-four of this chapter].

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

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

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

21 1. A permanent certificate to operate as a common carrier of property
22 may be issued by the commissioner to a qualified applicant with or with-
23 out hearing, but upon notice to all interested parties, authorizing such
24 applicant to provide transportation as a common carrier of property.
25 Applications for a permanent certificate shall contain such information
26 as the commissioner by regulation may prescribe [and shall be accompa-
27 nied by a filing fee as prescribed in section one hundred forty-four of
28 this chapter]. The application for a permanent certificate shall be
29 granted if the commissioner finds that:

30 (a) the applicant is fit, willing and able to provide the transporta-
31 tion to be authorized by the certificate and to comply with this chapter
32 and the regulations of the commissioner; and

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

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

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

45 (a) the applicant is fit, willing and able to provide the transporta-
46 tion to be authorized and to comply with this chapter and the regu-
47 lations of the commissioner; and

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

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

53 3. Certificates or permits shall not be assigned, transferred or
54 leased in any manner nor shall the right to operate under any certif-
55 icate or permit be leased without prior approval of the commissioner,
56 upon such notice as the commissioner shall deem appropriate. The assign-

1 ment, transfer or lease of a certificate, or the right to operate under
2 any certificate, shall not be approved unless the commissioner shall
3 find that it is in the public interest to do so. All applications for
4 assignment, transfer or lease must be in such form as prescribed by the
5 commissioner [and shall be accompanied by a filing fee as prescribed in
6 section one hundred forty-four of this chapter].

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

9 1. A probationary certificate to operate as a common carrier of house-
10 hold goods by motor vehicle may be issued by the commissioner to a qual-
11 ified applicant after public notice and with or without hearing. The
12 application shall contain such information as the commissioner by regu-
13 lation shall prescribe [and the application shall be accompanied by a
14 filing fee as prescribed in section one hundred forty-four of this chap-
15 ter]. A probationary certificate shall:

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

18 (b) confer no proprietary or property rights in the use of the high-
19 ways;

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

22 (d) be subject to any conditions deemed appropriate by the commission-
23 er to be in the public interest.

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

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

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

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

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

44 PART D

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

49 Section 1. Notwithstanding any other law, rule or regulation to the
50 contrary, payment of mass transportation operating assistance pursuant
51 to section 18-b of the transportation law shall be subject to the
52 provisions contained herein and the amounts made available therefor by
53 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 Trans- portation District:	
Albany	56.10
Rensselaer	23.30
Saratoga	4.10
Schenectady	16.50
In the Central New York Re- gional Transportation Dis- trict:	
Cayuga	5.11
Onondaga	75.83
Oswego	2.85
Oneida	16.21
In the Rochester-Genesee Re- gional Transportation Dis- trict:	
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

1	Orleans	[0.81]	.77
2	ONTARIO	4.69	
3	In the Niagara Frontier Trans-		
4	portation District: Erie		89.20
5	Niagara	10.80	

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

15 Notwithstanding the reporting date provision of section 17-a of the
16 transportation law, the reports of each regional transportation authori-
17 ty and other major public transportation systems receiving mass trans-
18 portation operating assistance shall be submitted on or before July 15
19 of each year in the format prescribed by the commissioner of transporta-
20 tion. Copies of such reports shall also be filed with the chairpersons
21 of the senate finance committee and the assembly ways and means commit-
22 tee and the director of the budget. The commissioner of transportation
23 may withhold future state operating assistance payments to public trans-
24 portation systems or private operators that do not provide such reports.

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

36 The commissioner of transportation shall be required to annually eval-
37 uate the operating and financial performance of each major public trans-
38 portation system. Where the commissioner's evaluation process has iden-
39 tified a problem related to system performance, the commissioner may
40 request the system to develop plans to address the performance deficien-
41 cies. The commissioner of transportation may withhold future state oper-
42 ating assistance payments to public transportation systems or private
43 operators that do not provide such operating, financial, or other infor-
44 mation as may be required by the commissioner to conduct the evaluation
45 process.

46 Payments shall be made contingent upon compliance with regulations
47 deemed necessary and appropriate, as prescribed by the commissioner of
48 transportation and approved by the director of the budget, which shall
49 promote the economy, efficiency, utility, effectiveness, and coordinated
50 service delivery of public transportation systems. The chief executive
51 officer of each public transportation system receiving a payment shall
52 certify to the commissioner of transportation, in addition to informa-
53 tion required by section 18-b of the transportation law, such other
54 information as the commissioner of transportation shall determine is
55 necessary to determine compliance and carry out the purposes herein.

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

14 Notwithstanding the provisions of subdivision 4 of section 18-b of the
15 transportation law, the commissioner of transportation is authorized to
16 continue to use prior quarter statistics to determine current quarter
17 payment amounts, as initiated in the April to June quarter of 1981. In
18 the event that actual revenue passengers and actual total number of
19 vehicle, nautical or car miles are not available for the preceding quar-
20 ter, estimated statistics may be used as the basis of payment upon
21 approval by the commissioner of transportation. In such event, the
22 succeeding payment shall be adjusted to reflect the difference between
23 the actual and estimated total number of revenue passengers and vehicle,
24 nautical or car miles used as the basis of the estimated payment. The
25 chief executive officer may apply for less aid than the system is eligi-
26 ble to receive. Each quarterly payment shall be attributable to operat-
27 ing expenses incurred during the quarter in which it is received, unless
28 otherwise specified by such commissioner. In the event that a public
29 transportation system ceases to participate in the program, operating
30 assistance due for the final quarter that service is provided shall be
31 based upon the actual total number of revenue passengers and the actual
32 total number of vehicle, nautical or car miles carried during that quar-
33 ter.

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

36 In the event that an audit of a public transportation system or
37 private operator receiving funds discloses the existence of an overpay-
38 ment of state operating assistance, regardless of whether such an over-
39 payment results from an audit of revenue passengers and the actual
40 number of revenue vehicle miles statistics, or an audit of private oper-
41 ators in cases where more than a reasonable return based on equity or
42 operating revenues and expenses has resulted, the commissioner of trans-
43 portation, in addition to recovering the amount of state operating
44 assistance overpaid, shall also recover interest, as defined by the
45 department of taxation and finance, on the amount of the overpayment.

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

55 Notwithstanding paragraphs (b) of subdivisions 5 and 7 of section 88-a
56 of the state finance law and any other general or special law, payments

1 may be made in quarterly installments or in such other manner and at
2 such other times as the commissioner of transportation, with the
3 approval of the director of the budget may prescribe.

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

6 PART E

7 Section 1. The state finance law is amended by adding a new section
8 99-w to read as follows:

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

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

15 METROPOLITAN TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS ACCOUNT

16 3. THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND SHALL CONSIST
17 OF ALL MONEYS COLLECTED THEREFOR OR CREDITED OR TRANSFERRED THERETO FROM
18 ANY OTHER FUND, ACCOUNT OR SOURCE. ANY INTEREST RECEIVED BY THE COMP-
19 TROLLER ON MONEYS ON DEPOSIT IN THE TRANSIT ASSISTANCE FOR CAPITAL
20 INVESTMENTS FUND SHALL BE RETAINED IN AND BECOME A PART OF SUCH FUND.

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

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

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

39 7. ALL PAYMENTS OF MONEY FROM THE TRANSIT ASSISTANCE FOR CAPITAL
40 INVESTMENTS FUND SHALL BE MADE IN ACCORDANCE WITH A FORMULA TO BE ESTAB-
41 LISHED BY THE COMMISSIONER OF TRANSPORTATION WITH THE APPROVAL OF THE
42 DIRECTOR OF THE BUDGET.

43 8. ALL PAYMENTS OF MONEYS FROM THE TRANSIT ASSISTANCE FOR CAPITAL
44 INVESTMENTS FUND SHALL BE MADE ON THE AUDIT AND WARRANT OF THE COMP-
45 TROLLER.

46 S 2. This act shall take effect immediately.

47 PART F

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

1 17 N.Y.C.R.R. 975.18, on an annual basis for a period of no more than
2 two years.
3 S 2. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2014.

5 PART G

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

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

9 S 2. The public authorities law is amended by adding two new sections
10 357-b and 357-c to read as follows:

11 S 357-B. SHARING EMPLOYEES, SERVICES AND RESOURCES. A SHARED SERVICES
12 AGREEMENT MAY BE EXECUTED BETWEEN THE AUTHORITY AND THE DEPARTMENT ONLY
13 FOR AN EMERGENCY SITUATION OR EXTREME WEATHER CONDITIONS, TO SHARE
14 EMPLOYEES, SERVICES OR RESOURCES AS DEEMED APPROPRIATE INCLUDING, BUT
15 NOT LIMITED TO, FOR THE PERFORMANCE OF WORK AND ACTIVITIES BY THE
16 DEPARTMENT ON THE FACILITIES AND PROPERTY UNDER THE JURISDICTION OF THE
17 AUTHORITY, AND FOR THE PERFORMANCE OF WORK AND ACTIVITIES BY THE AUTHOR-
18 ITY ON THE FACILITIES AND PROPERTY UNDER THE JURISDICTION OF THE DEPART-
19 MENT. SUCH AGREEMENT OR ANY PROJECT UNDERTAKEN PURSUANT TO SUCH AGREE-
20 MENT SHALL NOT BE DEEMED TO IMPAIR THE RIGHTS OF BONDHOLDERS AND MAY
21 PROVIDE FOR, BUT NOT BE LIMITED TO, THE MANAGEMENT, SUPERVISION AND
22 DIRECTION OF SUCH EMPLOYEES' PERFORMANCE OF SUCH SERVICES. SUCH AGREE-
23 MENT SHALL PROVIDE THAT THE TERM SHALL NOT BE LONGER THAN TEN DAYS. ALL
24 SHARED EMPLOYEES SHALL REMAIN EMPLOYEES OF THEIR RESPECTIVE EMPLOYERS
25 AND ALL APPLICABLE COLLECTIVELY BARGAINED AGREEMENTS SHALL REMAIN IN
26 EFFECT FOR THE ENTIRE LENGTH OF THE SHARED SERVICE AGREEMENT. FURTHER,
27 SUCH SHARED SERVICES AGREEMENT SHALL NOT AMEND, REPEAL OR REPLACE THE
28 TERMS OF ANY AGREEMENT THAT IS COLLECTIVELY NEGOTIATED BETWEEN AN
29 EMPLOYER AND AN EMPLOYEE ORGANIZATION, INCLUDING AN AGREEMENT OR INTER-
30 EST ARBITRATION AWARD MADE PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL
31 SERVICE LAW.

32 S 357-C. INDEMNIFICATION AND DEFENSE UNDER SHARED SERVICES AGREEMENT.
33 1. THE AUTHORITY SHALL DEFEND ANY UNIT, ENTITY, OFFICER OR EMPLOYEE OF
34 THE DEPARTMENT, USING THE FORCES OF THE DEPARTMENT OF LAW PURSUANT TO
35 SECTION THREE HUNDRED SIXTY-TWO OF THIS TITLE IN ANY ACTION, PROCEEDING,
36 CLAIM, DEMAND OR THE PROSECUTION OF ANY APPEAL ARISING FROM OR OCCA-
37 SIONED BY THE ACTS OR OMISSIONS TO ACT IN THE PERFORMANCE OF THE FUNC-
38 TIONS OF THE AUTHORITY PURSUANT TO A SHARED SERVICES AGREEMENT.

39 2. DEFENSE PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE CONDI-
40 TIONED UPON THE FULL COOPERATION OF THE DEPARTMENT.

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

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

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

8 5. THIS SECTION SHALL NOT IN ANY WAY AFFECT THE OBLIGATION OF ANY
9 CLAIMANT TO GIVE NOTICE TO THE STATE AND THE AUTHORITY UNDER SECTION TEN
10 AND SECTION ELEVEN OF THE COURT OF CLAIMS ACT OR ANY OTHER PROVISION OF
11 LAW PROVIDED, HOWEVER, THAT NOTICE SERVED UPON THE STATE OR THE AUTHORI-
12 TY SHALL BE VALID NOTICE ON BOTH PARTIES TO THE AGREEMENT, WHEN SUCH
13 CLAIM ARISES OUT OF SUCH AGREEMENT. THE STATE AND AUTHORITY SHALL NOTIFY
14 EACH OTHER WHEN THEY RECEIVE A NOTICE OF CLAIM, NOTICE OF INTENTION TO
15 MAKE A CLAIM OR A CLAIM ARISING OUT OF SUCH AGREEMENT.

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

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

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

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

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

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

46 (D) ANY CLAIM OR PROCEEDING COMMENCED AGAINST ANY UNIT, ENTITY, OFFI-
47 CER OR EMPLOYEE OF THE DEPARTMENT PURSUANT TO ANY SHARED SERVICES AGREE-
48 MENT SHALL NOT BE CONSTRUED IN ANY WAY TO IMPAIR, ALTER, LIMIT, MODIFY,
49 ABROGATE OR RESTRICT ANY IMMUNITY AVAILABLE TO OR CONFERRED UPON ANY
50 UNIT, ENTITY, OFFICER OR EMPLOYEE OF THE DEPARTMENT, OR TO IMPAIR,
51 ALTER, LIMIT, MODIFY, ABROGATE OR RESTRICT ANY RIGHT TO DEFENSE AND
52 INDEMNIFICATION PROVIDED FOR ANY GOVERNMENTAL OFFICER OR EMPLOYEE BY, IN
53 ACCORDANCE WITH, OR BY REASON OF, ANY OTHER PROVISION OF STATE OR FEDER-
54 AL STATUTORY OR COMMON LAW.

55 (E) THIS SUBDIVISION SHALL NOT IN ANY WAY AFFECT THE OBLIGATION OF ANY
56 CLAIMANT TO GIVE NOTICE TO THE STATE UNDER SECTIONS TEN AND ELEVEN OF

THE COURT OF CLAIMS ACT OR ANY OTHER PROVISION OF LAW PROVIDED, HOWEVER, THAT NOTICE SERVED UPON THE STATE OR THE AUTHORITY SHALL BE VALID NOTICE ON BOTH PARTIES TO THE AGREEMENT, WHEN SUCH CLAIM ARISES OUT OF SUCH AGREEMENT. THE STATE AND AUTHORITY SHALL NOTIFY EACH OTHER WHEN THEY RECEIVE A NOTICE OF CLAIM, NOTICE OF INTENTION TO MAKE A CLAIM OR A CLAIM ARISING OUT OF SUCH AGREEMENT.

(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 AND THE DEPARTMENT 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 OR THE NEW YORK STATE THRUWAY AUTHORITY 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

Intentionally Omitted

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 two, TWO-A, three [or], four OR FOUR-A of

1 section eleven hundred ninety-two of this chapter, any violation of
2 subdivision one or two of section six hundred of this chapter, any felo-
3 ny involving the use of a motor vehicle, other than the use of a motor
4 vehicle in the commission of a felony involving manufacturing, distrib-
5 uting, dispensing a controlled substance; or the conviction, suspension
6 or revocation involves any of the following offenses while operating a
7 commercial motor vehicle: any violation of subdivision five or six of
8 section eleven hundred ninety-two of this chapter, driving a commercial
9 motor vehicle when as a result of prior violations committed while oper-
10 ating a commercial motor vehicle, the driver's commercial driver's
11 license OR COMMERCIAL LEARNER'S PERMIT is suspended or revoked, or has
12 been convicted of causing a fatality through the negligent operation of
13 a commercial motor vehicle, including but not limited to the crimes of
14 vehicular manslaughter and criminally negligent homicide as set forth in
15 article one hundred twenty-five of the penal law;

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

19 6. Tank vehicle. Any commercial motor vehicle designed to transport
20 any liquid or gaseous material within a tank OR TANKS HAVING AN INDIVID-
21 UAL RATED CAPACITY OF MORE THAN ONE HUNDRED NINETEEN GALLONS AND AN
22 AGGREGATE RATED CAPACITY OF ONE THOUSAND GALLONS OR MORE that is either
23 permanently or temporarily attached to the vehicle or the chassis. [Such
24 vehicles include, but are not limited to, cargo and portable tanks, as
25 defined in 49 CFR part 171. However, this definition does not include
26 portable tanks having a rated capacity under one thousand gallons.] SUCH
27 TERM SHALL NOT INCLUDE A COMMERCIAL MOTOR VEHICLE TRANSPORTING AN EMPTY
28 STORAGE CONTAINER TANK, NOT DESIGNED FOR TRANSPORTATION, WITH A RATED
29 CAPACITY OF ONE THOUSAND GALLONS OR MORE THAT IS TEMPORARILY ATTACHED TO
30 A FLATBED TRAILER.

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

34 (b) An application for a license shall be valid for a period of time
35 specified by regulation of the commissioner not to exceed five years. A
36 learner's permit shall be valid from its issuance until the expiration
37 of the application for a driver's license for which it was issued.
38 PROVIDED, HOWEVER, A COMMERCIAL LEARNER'S PERMIT SHALL BE VALID FOR NO
39 MORE THAN ONE HUNDRED EIGHTY DAYS, EXCEPT THAT SUCH PERMIT MAY BE
40 RENEWED, IN THE COMMISSIONER'S DISCRETION, FOR AN ADDITIONAL ONE HUNDRED
41 EIGHTY DAYS. Provided, however, that a COMMERCIAL learner's permit
42 issued by the commissioner in connection with an application for a
43 commercial driver's license shall be cancelled within sixty days of the
44 holder's medical certification status becoming "not-certified" based
45 upon: (i) the expiration of the holder's medical certification or
46 medical variance documentation required by the federal motor carrier
47 safety improvement act of 1999 and Part 383.71(h) of title 49 of the
48 code of federal regulations; (ii) the holder's failure to submit such
49 medical certification or medical variance documentation at such inter-
50 vals as required by the federal motor carrier safety improvement act of
51 1999 and Part 383.71(h) of title 49 of the code of federal regulations
52 and in a manner prescribed by the commissioner; or (iii) the receipt by
53 the commissioner of information from the issuing medical examiner or the
54 federal motor carrier safety administration that a medical certification
55 or medical variance was issued in error or rescinded. The commissioner
56 shall, upon a holder's status becoming "not-certified", notify the hold-

1 er of such COMMERCIAL learner's permit issued in connection with a
2 commercial driver's license application by first class mail to the
3 address of such person on file with the department or at the current
4 address provided by the United States postal service of his or her
5 "not-certified" medical certification status and that the commercial
6 motor vehicle privileges of such COMMERCIAL learner's permit will be
7 cancelled unless he or she submits a current medical certificate and/or
8 medical variance in accordance with Part 383.71(h) of title 49 of the
9 code of federal regulations or changes his or her self-certification to
10 driving only in excepted or intrastate commerce in accordance with Part
11 383.71(b)[(ii)(B), (C) or (D)](1) (II), (III) OR (IV) of title 49 of the
12 code of federal regulations.

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

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

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

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

35 9. APPLICATION OF DISQUALIFICATIONS TO HOLDERS OF A COMMERCIAL
36 LEARNER'S PERMIT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY
37 PROVISION OF THIS CHAPTER RELATING TO THE REVOCATION, SUSPENSION, DOWN-
38 GRADING, DISQUALIFICATION OR CANCELLATION OF A COMMERCIAL DRIVER'S
39 LICENSE SHALL APPLY IN THE SAME MANNER TO A COMMERCIAL LEARNER'S PERMIT.

40 10. CONSECUTIVE DISQUALIFICATION PERIODS. NOTWITHSTANDING ANY OTHER
41 PROVISION OF LAW, WHENEVER A SUSPENSION, REVOCATION OR DISQUALIFICATION
42 APPLICABLE TO A COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL LEARNER'S
43 PERMIT IS REQUIRED BY PART 383.51 OF TITLE 49 OF THE CODE OF FEDERAL
44 REGULATIONS AND THEREBY IMPOSED PURSUANT TO THIS SECTION OR PARAGRAPH B
45 OR C OF SUBDIVISION SIX OF SECTION FIVE HUNDRED TEN OR SECTION ELEVEN
46 HUNDRED NINETY-THREE OR ELEVEN HUNDRED NINETY-FOUR OF THIS CHAPTER, SUCH
47 SUSPENSION, REVOCATION OR DISQUALIFICATION SHALL TAKE EFFECT UPON THE
48 EXPIRATION OF THE MINIMUM PERIOD OF A SUSPENSION, REVOCATION OR DISQUAL-
49 IFICATION REQUIRED BY PART 383.51 OF TITLE 49 OF THE CODE OF FEDERAL
50 REGULATIONS AND THEREBY IMPOSED PURSUANT TO THIS SECTION OR PARAGRAPH B
51 OR C OF SUBDIVISION SIX OF SECTION FIVE HUNDRED TEN OR SECTION ELEVEN
52 HUNDRED NINETY-THREE OR ELEVEN HUNDRED NINETY-FOUR OF THIS CHAPTER WHICH
53 IS CURRENTLY IN EFFECT FOR SUCH LICENSE OR PERMIT AND AROSE FROM A SEPA-
54 RATE INCIDENT. PROVIDED, HOWEVER, THAT THE TERM OR TERMS OF ANY OTHER
55 SUSPENSION, REVOCATION OR DISQUALIFICATION APPLICABLE TO A COMMERCIAL
56 DRIVER'S LICENSE OR COMMERCIAL LEARNER'S PERMIT SHALL RUN CONCURRENTLY

1 IF: (A) SUCH SUSPENSION, REVOCATION OR DISQUALIFICATION IS NOT REQUIRED
2 BY PART 383.51 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS; OR (B)
3 SUCH SUSPENSION, REVOCATION OR DISQUALIFICATION AROSE FROM THE SAME
4 INCIDENT.

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

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

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

24 1. Each person who operates a commercial motor vehicle for a New York
25 state employer who is convicted of violating within or outside of this
26 state, in any type of motor vehicle, a state or local law relating to
27 motor vehicle traffic control (other than a parking violation), shall
28 notify his/her current employer of such conviction. Any person who holds
29 a commercial driver's license issued by the commissioner who does not
30 operate a commercial motor vehicle for a New York state employer or who
31 operates a commercial motor vehicle while self-employed who is convicted
32 in any other state WHICH HAS BEEN DECERTIFIED IN ACCORDANCE WITH PART
33 384.405 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS AND NOTICE OF
34 SUCH DECERTIFICATION HAS BEEN PUBLISHED IN THE FEDERAL REGISTER PURSUANT
35 TO PART 384.409 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, the
36 District of Columbia or a Canadian province of violating any law relat-
37 ing to motor vehicle traffic control (other than a parking violation)
38 while operating a commercial motor vehicle shall notify the commissioner
39 of such conviction. Such notification must be made within thirty days
40 after the date that the person has been convicted except that if a
41 person is a bus driver as defined in section five hundred nine-a of this
42 chapter, such notification must be made within five days after the date
43 the person has been convicted as required by section five hundred nine-i
44 of this chapter. The above notification must be made in writing and
45 contain the following information: (a) driver's full name; (b) driver's
46 license number; (c) date of conviction; (d) the specific criminal or
47 other offense(s), serious traffic violation(s) of state or local law
48 relating to motor vehicle traffic control, for which the person was
49 convicted and any suspension, revocation, cancellation of any driving
50 privileges or disqualification from operating a commercial motor vehicle
51 which resulted from such conviction(s); (e) indication whether the
52 violation was in a commercial motor vehicle; (f) location of offense;
53 (g) court or tribunal in which the conviction occurred; and (h) driver's
54 signature.

55 2. Each person who operates a commercial motor vehicle for a New York
56 state employer who has a COMMERCIAL LEARNER'S PERMIT OR A COMMERCIAL

1 driver's license suspended, revoked, or canceled by the commissioner or
2 by the appropriate authorities of any other state, District of Columbia
3 or Canadian province, or who loses the right to operate a commercial
4 motor vehicle in any state or jurisdiction for any period, or who is
5 disqualified from operating a commercial motor vehicle for any period,
6 shall notify his/her current employer of such suspension, revocation,
7 cancellation, lost privilege, or disqualification.

8 S 8. Section 514-c of the vehicle and traffic law, as added by chapter
9 251 of the laws of 2007, is amended to read as follows:

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

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

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

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

35 S 10. Paragraph c of subdivision 2 of section 140 of the transporta-
36 tion law is amended by adding a new subparagraph (vii) to read as
37 follows:

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

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

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

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

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

53 (E) HAS MORE THAN ONE COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIV-
54 ER'S LICENSE.

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

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

4 PART J

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

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

15 Such agreement and any amendments thereto shall be transmitted by the
16 authority, within ten business days of the execution of such agreement
17 and amendments thereto, to the chair of the senate finance committee,
18 the chair of the assembly ways and means committee, the chair of the
19 senate transportation committee and the chair of the assembly transpor-
20 tation committee. By February first of each year, a report identifying
21 all state costs paid pursuant to such agreement in the preceding calen-
22 dar year will be transmitted by the authority to the director of the
23 budget, the chair of the senate finance committee, the chair of the
24 assembly ways and means committee, the chair of the senate transpora-
25 tion committee and the chair of the assembly transportation committee.

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

28 PART K

29 Intentionally Omitted

30 PART L

31 Intentionally Omitted

32 PART M

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

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

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

42 PART N

43 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
44 New York state urban development corporation act, relating to the powers

1 of the New York state urban development corporation to make loans, as
2 amended by section 1 of part AA of chapter 57 of the laws of 2014, is
3 amended to read as follows:

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

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

14 PART O

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

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

21 PART P

22 Section 1. Expenditures of moneys by the New York state energy
23 research and development authority for services and expenses of the
24 energy research, development and demonstration program, including
25 grants, the energy policy and planning program, and the Fuel NY program
26 shall be subject to the provisions of this section. Notwithstanding the
27 provisions of subdivision 4-a of section 18-a of the public service law,
28 all moneys committed or expended in an amount not to exceed \$19,700,000
29 shall be reimbursed by assessment against gas corporations, as defined
30 in subdivision 11 of section 2 of the public service law and electric
31 corporations as defined in subdivision 13 of section 2 of the public
32 service law, where such gas corporations and electric corporations have
33 gross revenues from intrastate utility operations in excess of \$500,000
34 in the preceding calendar year, and the total amount which may be
35 charged to any gas corporation and any electric corporation shall not
36 exceed one cent per one thousand cubic feet of gas sold and .010 cent
37 per kilowatt-hour of electricity sold by such corporations in their
38 intrastate utility operations in calendar year 2013. Such amounts shall
39 be excluded from the general assessment provisions of subdivision 2 of
40 section 18-a of the public service law. The chair of the public service
41 commission shall bill such gas and/or electric corporations for such
42 amounts on or before August 10, 2015 and such amounts shall be paid to
43 the New York state energy research and development authority on or
44 before September 10, 2015. Upon receipt, the New York state energy
45 research and development authority shall deposit such funds in the ener-
46 gy research and development operating fund established pursuant to
47 section 1859 of the public authorities law. The New York state energy
48 research and development authority is authorized and directed to: (1)
49 transfer \$1 million to the state general fund for services and expenses
50 of the department of environmental conservation and to transfer \$750,000
51 to the University of Rochester laboratory for laser energetics from the
52 funds received; (2) the authority shall not commit for any expenditure,

1 any moneys derived from the assessment provided for in this section,
2 until the chair of such authority shall have submitted, and the director
3 of the budget shall have approved, a comprehensive financial plan encom-
4 passing all moneys available to and all anticipated commitments and
5 expenditures by such authority from any source for the operations of
6 such authority. Copies of the approved comprehensive financial plan
7 shall be immediately submitted by the chair to the chairs and secre-
8 taries of the legislative fiscal committees; and (3) commencing in 2016,
9 provide to the chair of the public service commission and the director
10 of the budget and the chairs and secretaries of the legislative fiscal
11 committees, on or before August first of each year, an itemized record,
12 certified by the president and chief executive officer of the authority,
13 or his or her designee, detailing any and all expenditures and commit-
14 ments ascribable to moneys received as a result of this assessment by
15 the chair of the department of public service pursuant to section 18-a
16 of the public service law. This itemized record shall include an item-
17 ized breakdown of the programs being funded by this section and the
18 amount committed to each program. Any such amount not committed by such
19 authority to contracts or otherwise expended by the authority during the
20 fiscal year shall be refunded by such authority on a pro-rata basis to
21 such gas and/or electric corporations, in a manner to be determined by
22 the department of public service.
23 S 2. This act shall take effect immediately and shall be deemed to
24 have been in full force and effect on and after April 1, 2015.

25

PART Q

26 Section 1. Section 312-a of the executive law, as amended by chapter
27 175 of the laws of 2010, is amended to read as follows:

28 S 312-a. Study of minority and women-owned business enterprise
29 programs. 1. The director of the division of minority and women-owned
30 business development in the department of economic development is
31 authorized and directed to recommission a statewide disparity study
32 regarding the participation of minority and women-owned business enter-
33 prises in state contracts since the amendment of this article to be
34 delivered to the governor and legislature no later than [February]
35 AUGUST fifteenth, two thousand sixteen. The study shall be prepared by
36 an entity independent of the department and selected through a request
37 for proposal process. The purpose of such study is:

38 (a) to determine whether there is a disparity between the number of
39 qualified minority and women-owned businesses ready, willing and able to
40 perform state contracts for commodities, services and construction, and
41 the number of such contractors actually engaged to perform such
42 contracts, and to determine what changes, if any, should be made to
43 state policies affecting minority and women-owned business enterprises;
44 and (b) to determine whether there is a disparity between the number of
45 qualified minorities and women ready, willing and able, with respect to
46 labor markets, qualifications and other relevant factors, to participate
47 in contractor employment, management level bodies, including boards of
48 directors, and as senior executive officers within contracting entities
49 and the number of such group members actually employed or affiliated
50 with state contractors in the aforementioned capacities, and to deter-
51 mine what changes, if any, should be made to state policies affecting
52 minority and women group populations with regard to state contractors'
53 employment and appointment practices relative to diverse group members.
54 Such study shall include, but not be limited to, an analysis of the

1 history of minority and women-owned business enterprise programs and
2 their effectiveness as a means of securing and ensuring participation by
3 minorities and women, and a disparity analysis by market area and region
4 of the state. Such study shall distinguish between minority males,
5 minority females and non-minority females in the statistical analysis.

6 2. The director of the division of minority and women-owned business
7 development is directed to transmit the disparity study to the governor
8 and the legislature not later than [February] AUGUST fifteenth, two
9 thousand sixteen, and to post the study on the website of the department
10 of economic development.

11 S 2. The opening paragraph of subdivision (h) of section 121 of chap-
12 ter 261 of the laws of 1988, amending the state finance law and other
13 laws relating to the New York state infrastructure trust fund, as
14 amended by chapter 175 of the laws of 2010, is amended to read as
15 follows:

16 The provisions of section sixty-two through sixty-six of this act
17 shall expire on December thirty-first, two thousand [sixteen] SEVENTEEN,
18 except that:

19 S 3. This act shall take effect immediately; provided, however, that
20 the amendments to section 312-a of the executive law made by section one
21 of this act shall not affect the expiration of such section and shall be
22 deemed to expire therewith.

23 PART R

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

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

31 PART S

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

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

39 S 2. Within 90 days of the effective date of this act, the dormitory
40 authority of the state of New York shall provide a report providing
41 information regarding any project undertaken pursuant to a design and
42 construction management agreement, as authorized by part BB of chapter
43 58 of the laws of 2012, between the dormitory authority of the state of
44 New York and the department of environmental conservation and/or the
45 office of parks, recreation and historic preservation to the governor,
46 the temporary president of the senate and speaker of the assembly. Such
47 report shall include but not be limited to a description of each such
48 project, the project identification number of each such project, if
49 applicable, the projected date of completion, the status of the project,
50 the total cost or projected cost of each such project, and the location,
51 including the names of any county, town, village or city, where each
52 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 amended 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 II 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

1 commissioner shall [upon payment of the license fee] issue to the appli-
2 cant a NON-TRANSFERABLE license which [shall be non-transferable] WILL
3 EXPIRE ON THE THIRTIETH DAY OF SEPTEMBER OF THE NEXT EVEN NUMBERED YEAR
4 FOLLOWING ITS ISSUANCE. APPLICATION FOR RENEWAL OF SUCH LICENSE FOR A
5 PERIOD OF TWO YEARS SHALL BE MADE BIENNIALLY UPON A FORM PRESCRIBED BY
6 THE COMMISSIONER AND SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE
7 EXPIRATION OF THE EXISTING LICENSE. [The annual license fee for a
8 disposal plant shall be one hundred dollars, plus an inspection fee of
9 ten dollars for each vehicle. The annual license fee for a transporta-
10 tion service shall be twenty-five dollars, plus an inspection fee of ten
11 dollars for each vehicle.]

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

16 S 128-a. Licenses. 1. No person shall manufacture any commercial feed
17 in this state unless such person holds a license issued therefor by the
18 commissioner. [Notwithstanding the foregoing, a person, in operation on
19 or before the effective date of this section, who has filed an applica-
20 tion for an initial license under this section shall be authorized to
21 operate without such license until the commissioner grants or, after
22 notice and opportunity to be heard, declines to grant such license.]
23 Each application for a license shall be made on a form supplied by the
24 department and shall contain such information as may be required by the
25 department. A LICENSE ISSUED ON OR BEFORE THE THIRTIETH OF JUNE WILL
26 EXPIRE ON THE THIRTY-FIRST OF DECEMBER OF THE YEAR OF ITS ISSUANCE, AND
27 IF ISSUED BETWEEN JULY FIRST AND DECEMBER THIRTY-FIRST, WILL EXPIRE ON
28 THE THIRTY-FIRST DAY OF DECEMBER IN THE YEAR FOLLOWING ITS ISSUANCE.
29 Renewal applications shall be [submitted to] MADE ANNUALLY ON A FORM
30 PRESCRIBED BY the commissioner [at least] AND SUBMITTED NO LATER THAN
31 thirty days prior to the [commencement of the next license year] EXPIRA-
32 TION OF THE EXISTING LICENSE.

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

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

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

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

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

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

53 3. [Each application for an initial license shall be accompanied by a
54 non-refundable fee of one hundred dollars. The commissioner shall
55 prorate the license fee for any person applying for an initial license
56 after the commencement of the licensing period. Licenses shall be renew-

1 able annually thereafter, together with the payment of a non-refundable
2 fee of fifty dollars.

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

7 [5.] 4. Upon validation by the commissioner, the application shall
8 become the license of the person.

9 [6.] 5. The commissioner shall provide a copy of the license to the
10 [person] LICENSEE. The commissioner shall also retain a copy of the
11 license.

12 [7.] 6. No licensee shall publish or advertise the sale of any commer-
13 cial feed unless the publication or advertisement is accompanied by such
14 licensee's license number. [Notwithstanding the foregoing, a person, in
15 operation on or before the effective date of this section, who has filed
16 an application for an initial license under this section may publish or
17 advertise the sale or availability of any commercial feed without the
18 publication or advertisement being accompanied by the person's license
19 number until the commissioner grants or, after notice and opportunity to
20 be heard, declines to grant such license.

21 8.] 7. Commercial feed licenses shall be conspicuously displayed on
22 the premises so that they may be readily seen by officers and employees
23 of the department.

24 [9.] 8. Notwithstanding the definition of commercial feed under subdi-
25 vision seven of section one hundred twenty-eight of this article, the
26 provisions of this section shall not apply to a person who conducts a
27 business of selling pet food and specialty pet food.

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

30 S 142-ee. License [and fee]. Each certificate filed pursuant to
31 section one hundred forty-two-dd OF THIS ARTICLE shall be accompanied by
32 an application, upon forms supplied by the commissioner, for a license
33 to supply such material under the brand name specified therein, and
34 there shall be transmitted therewith a copy of the label and of the
35 statement proposed to accompany such material in compliance with section
36 one hundred forty-two-cc[, together with a license fee of forty dollars
37 for each such brand] OF THIS ARTICLE. Such application shall incorpo-
38 rate by reference the data contained in the accompanying certificate for
39 the brand for which the license is sought. Upon compliance with the
40 provisions of this article, the applicant shall be issued a license for
41 the supplying of such qualifying brand of agricultural liming material,
42 which license shall expire on the thirty-first day of December of the
43 NEXT EVEN NUMBERED year following the year in which it is issued, but no
44 such license shall be issued for the supplying of any such material
45 which does not meet the minimum standards herein provided for, nor for
46 the supplying thereof under a brand descriptive designation or with a
47 label or accompanying statement which is or tends to be misleading or
48 deceptive as to quality, analysis or composition. APPLICATION FOR A
49 RENEWAL OF THE LICENSE FOR A PERIOD OF TWO YEARS SHALL BE MADE BIENNIAL-
50 LY, UPON A FORM PRESCRIBED BY THE COMMISSIONER AND SUBMITTED NO LATER
51 THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE. Any
52 such license so issued may be revoked by the commissioner, after notice
53 to the licensee by mail or otherwise and opportunity to be heard, when
54 it appears that any statement or representation upon which it is issued
55 is false or misleading. The action of the commissioner in refusing to
56 grant a license, or in revoking a license, shall be subject to review by

1 a proceeding under article seventy-eight of the civil practice law and
2 rules, but the decision of the commissioner shall be final unless within
3 thirty days from the date of the order embodying such action such
4 proceeding to review has been instituted.

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

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

15 (a) No person shall distribute in this state any type of fertilizer
16 until a [biennial] license to distribute the same has been obtained from
17 the commissioner by the person whose labelling is applied to such ferti-
18 lizer upon payment of a one hundred fifty dollar fee. [All licenses
19 shall expire on a date to be set by the commissioner in regulations.]
20 THE INITIAL LICENSE ISSUED HEREUNDER SHALL EXPIRE ON DECEMBER THIRTY-
21 FIRST OF THE NEXT EVEN NUMBERED YEAR FOLLOWING THE YEAR IN WHICH IT WAS
22 ISSUED AND EACH RENEWAL OF THAT LICENSE SHALL BE FOR A TWO YEAR PERIOD,
23 ENDING ON DECEMBER THIRTY-FIRST. APPLICATION FOR A RENEWAL OF SUCH
24 LICENSE SHALL BE MADE BIENNIALLY, UPON A FORM PRESCRIBED BY THE COMMIS-
25 SIONER AND BE SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE EXPIRA-
26 TION OF THE EXISTING LICENSE.

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

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

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

54 (a) No person shall act as a dealer unless licensed as provided in
55 this article. Application shall be made upon such forms and at such
56 times as prescribed by the commissioner. Renewal applications shall be

1 submitted to the commissioner at least thirty days prior to the
2 [commencement of the next] EXPIRATION OF THE EXISTING license [year]. No
3 action will be taken on applications deemed incomplete by the commis-
4 sioner. The applicant shall furnish evidence of his or her good charac-
5 ter, financial statements, prepared and certified by a certified public
6 accountant when required by the commissioner, and evidence that he or
7 she has adequate physical facilities for receiving and handling farm
8 products or processing farm products if he or she is to act as a dealer.
9 The commissioner, if so satisfied, shall issue to such applicant, [upon
10 payment of twenty dollars, and] upon the filing of a bond or letter of
11 credit and upon payment of a fee to be deposited into the agricultural
12 producers security fund as hereinafter provided, a license entitling the
13 applicant to conduct the business of a dealer in farm products for a
14 period of one year. Notwithstanding any other provision of this section,
15 an applicant who intends to pay and a licensee who pays upon delivery
16 for purchases of farm products from producers, in cash, or cash equiv-
17 alent, including only certified or bank check, money order, electronic
18 funds transfer, or by debit card, shall be exempt from filing a bond or
19 letter of credit. In the event that a licensee who has been so exempted
20 from filing a bond or letter of credit fails to pay cash or a cash
21 equivalent upon delivery for any purchase of farm products from a
22 producer, such licensee shall file a bond or letter of credit as other-
23 wise required by this section with the commissioner no later than ten
24 business days from the date the commissioner notifies the licensee that
25 such bond or letter of credit is required.

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

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

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

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

6 S 11. This act shall take effect immediately.

7 PART W

8 Section 1. Legislative findings. The legislature hereby finds and
9 determines that the establishment of the utility debt securitization
10 authority under part B of chapter 173 of the laws of 2013 permitted the
11 issuance of securitized restructuring bonds on favorable terms which
12 resulted in lower aggregate distribution, transmission and transition
13 charges to Long Island ratepayers, compared to other available alterna-
14 tives, and the purposes of such act will be further advanced by amending
15 such act to permit the issuance of additional such bonds subject to a
16 limit on the outstanding principal amount thereof, including the poten-
17 tial issuance of such bonds by a newly created restructuring bond
18 issuer.

19 S 2. Subdivision 10 of section 2 of part B of chapter 173 of the laws
20 of 2013 relating to the issuance of securitized restructuring bonds to
21 refinance the outstanding debt of the Long Island power authority is
22 amended to read as follows:

23 10. "Restructuring bond issuer" means the corporate municipal instru-
24 mentality of the state created under PARAGRAPH (A) OR (B) OF SUBDIVISION
25 ONE OF section four of this act.

26 S 2-a. Subdivision 11 of section 2 of part B of chapter 173 of the
27 laws of 2013 relating to the issuance of securitized restructuring bonds
28 to refinance the outstanding debt of the Long Island power authority is
29 amended to read as follows:

30 11. "Restructuring bonds" means bonds or other evidences of indebt-
31 edness that are issued pursuant to an indenture or other agreement of
32 the restructuring bond issuer under a restructuring cost financing order
33 (a) the proceeds of which are used, directly or indirectly, to recover,
34 finance, or refinance approved restructuring costs, (b) that are direct-
35 ly or indirectly secured by, or payable from, restructuring property,
36 [and] (c) that have a term no longer than thirty years AND (D) THAT HAVE
37 A FINAL SCHEDULED MATURITY DATE NO LATER THAN THE FINAL SCHEDULED MATU-
38 RITY DATE OF THE AUTHORITY BONDS PURCHASED, REDEEMED OR DEFEASED WITH
39 THE PROCEEDS OF SUCH RESTRUCTURING BONDS.

40 S 3. The section heading and subdivision 1 of section 4 of part B of
41 chapter 173 of the laws of 2013 relating to the issuance of securitized
42 restructuring bonds to refinance the outstanding debt of the Long Island
43 power authority is amended to read as follows:

44 Creation of restructuring bond [issuer] ISSUERS. 1. Creation of
45 restructuring bond [issuer] ISSUERS. (A) For the purpose of effectuat-
46 ing the purposes declared in section one of this act, there is hereby
47 created a special purpose corporate municipal instrumentality of the
48 state to be known as "utility debt securitization authority", which
49 shall be a body corporate and politic, a political subdivision of the
50 state, and a public benefit corporation, exercising essential govern-
51 mental and public powers for the good of the public. [The] SUCH restruc-
52 turing bond issuer shall not be created or organized, and its operations
53 shall not be conducted, for the purpose of making a profit. No part of
54 the revenues or assets of [the] SUCH restructuring bond issuer shall

1 inure to the benefit of or be distributable to its trustees or officers
2 or any other private persons, except as herein provided for actual
3 services rendered. THE AGGREGATE PRINCIPAL AMOUNT OF RESTRUCTURING
4 BONDS AUTHORIZED TO BE ISSUED BY RESTRUCTURING BOND ISSUERS CREATED
5 PURSUANT TO THIS ACT SHALL NOT EXCEED FOUR BILLION FIVE HUNDRED MILLION
6 DOLLARS.

7 (B) FOR THE PURPOSE OF EFFECTUATING THE PURPOSES DECLARED IN SECTION
8 ONE OF THIS ACT, AND IN CONTEMPLATION OF SATISFACTION OF THE CONDITIONS
9 SET FORTH IN THE LAST SENTENCE OF THIS PARAGRAPH, THERE IS HEREBY
10 CREATED A SPECIAL PURPOSE CORPORATE MUNICIPAL INSTRUMENTALITY OF THE
11 STATE TO BE KNOWN AS "UTILITY DEBT SECURITIZATION AUTHORITY NO. 2",
12 WHICH SHALL BE A BODY CORPORATE AND POLITIC, A POLITICAL SUBDIVISION OF
13 THE STATE, AND A PUBLIC BENEFIT CORPORATION, EXERCISING ESSENTIAL
14 GOVERNMENTAL AND PUBLIC POWERS FOR THE GOOD OF THE PUBLIC. SUCH RESTRUC-
15 TURING BOND ISSUER SHALL NOT BE CREATED OR ORGANIZED, AND ITS OPERATIONS
16 SHALL NOT BE CONDUCTED, FOR THE PURPOSE OF MAKING A PROFIT. NO PART OF
17 THE REVENUES OR ASSETS OF SUCH RESTRUCTURING BOND ISSUER SHALL INURE TO
18 THE BENEFIT OF OR BE DISTRIBUTABLE TO ITS TRUSTEES OR OFFICERS OR ANY
19 OTHER PRIVATE PERSONS, EXCEPT AS HEREIN PROVIDED FOR ACTUAL SERVICES
20 RENDERED. SUCH RESTRUCTURING BOND ISSUER SHALL ISSUE NO RESTRUCTURING
21 BONDS UNLESS AND UNTIL THE AUTHORITY BY RESOLUTION SHALL HAVE FOUND AND
22 DETERMINED THAT ON THE BASIS OF THE DOCUMENTS AND OPINIONS PRESENTED TO
23 IT, THE TERMS OF SALE OF SUCH BONDS ARE, AT SUCH TIME, REASONABLY
24 EXPECTED TO BE MORE FAVORABLE THAN SUCH TERMS WOULD BE IF SUCH RESTRUC-
25 TURING BONDS WERE TO BE ISSUED BY THE RESTRUCTURING BOND ISSUER CREATED
26 BY PARAGRAPH (A) OF THIS SUBDIVISION.

27 (C) NOTWITHSTANDING SUBDIVISION FOUR OF THIS SECTION, IF THE AUTHORITY
28 BY SUCH RESOLUTION PASSED IN THE LAST SENTENCE OF PARAGRAPH (B) OF THIS
29 SUBDIVISION, CREATES THE RESTRUCTURING BOND ISSUER CREATED BY PARAGRAPH
30 (B) OF THIS SUBDIVISION, THE LEGISLATURE SHALL HAVE TWO ADDITIONAL
31 APPOINTEES ON SUCH RESTRUCTURING BOND ISSUER'S BOARD, ONE OF WHOM SHALL
32 BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, AND ONE OF WHOM
33 SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, THESE TWO APPOINTEES
34 ARE IN ADDITION TO THE THREE TRUSTEES APPOINTED BY THE GOVERNOR IN
35 SUBDIVISION FOUR OF THIS SECTION. THE APPOINTEE OF THE TEMPORARY PRESI-
36 DENT OF THE SENATE SHALL SERVE AN INITIAL TERM OF THREE YEARS; THE
37 APPOINTEE OF THE SPEAKER OF THE ASSEMBLY SHALL SERVE AN INITIAL TERM OF
38 SIX YEARS. THEIR SUCCESSOR SHALL SERVE FOR TERMS OF SIX YEARS EACH. THE
39 APPOINTING OFFICER MAY REMOVE ANY TRUSTEE FOR INEFFICIENCY, NEGLECT OF
40 DUTY OR MISCONDUCT IN OFFICE AFTER GIVING HIM OR HER A COPY OF THE
41 CHARGES AGAINST HIM OR HER AND AN OPPORTUNITY TO BE HEARD, IN PERSON OR
42 BY COUNSEL, IN HIS OR HER DEFENSE, UPON NOT LESS THAN TEN DAYS NOTICE.
43 IF ANY TRUSTEE SHALL BE SO REMOVED, THE APPOINTING OFFICER SHALL FILE IN
44 THE OFFICE OF THE DEPARTMENT OF STATE A COMPLETE STATEMENT OF THE CHARG-
45 ES MADE AGAINST SUCH TRUSTEE AND HIS OR HER FINDINGS THEREON, TOGETHER
46 WITH A COMPLETE RECORD OF THE PROCEEDINGS. TRUSTEES APPOINTED PURSUANT
47 TO THIS PARAGRAPH SHALL BE SUBJECT TO PARAGRAPHS (B), (C), (D), (E), (G)
48 AND (H) OF SUBDIVISION FOUR OF THIS SECTION.

49 S 4. Subparagraphs (i), (ii) and (iii) of paragraph (a) of subdivision
50 2 of section 4 of part B of chapter 173 of the laws of 2013 relating to
51 the issuance of securitized restructuring bonds to refinance the
52 outstanding debt of the Long Island power authority are amended and a
53 new subparagraph (iv) is added to read as follows:

54 (i) issue the restructuring bonds contemplated by a restructuring cost
55 financing order, and use the proceeds thereof to purchase or acquire,
56 and to own, hold and use restructuring property or to pay or fund

1 upfront financing costs provided, however, that the restructuring bond
2 issuer shall [only] NOT issue [and sell] restructuring bonds [once] FOR
3 THE PURPOSE OF REFUNDING OTHER RESTRUCTURING BOND;

4 (ii) contract for servicing of restructuring property and restructur-
5 ing bonds and for administrative services; [and]

6 (iii) pledge the restructuring property to secure the restructuring
7 bonds and the payment of ongoing financing costs, all pursuant to
8 section seven of this act[.]; AND

9 (IV) ONLY ISSUE RESTRUCTURING BONDS OF WHICH THE FINAL SCHEDULED MATU-
10 RITY DATE OF ANY SERIES OF RESTRUCTURING BONDS SHALL BE NO LATER THAN
11 THE FINAL SCHEDULED MATURITY DATE OF THE AUTHORITY BONDS TO BE
12 PURCHASED, REDEEMED OR DEFEASED WITH THE PROCEEDS OF SUCH RESTRUCTURING
13 BONDS.

14 S 5. Section 16 of part A of chapter 173 of the laws of 2013, amending
15 the public service law, the public authorities law, the executive law
16 and the education law relating to the powers and duties of the depart-
17 ment of public service and the Long Island power authority, is amended
18 to read as follows:

19 S 16. Repowering. THE LONG ISLAND POWER AUTHORITY, IN COOPERATION WITH
20 ITS SERVICE PROVIDER, AS DEFINED UNDER SECTION 3-B OF THE PUBLIC SERVICE
21 LAW, AND THE OWNER OF THE LEGACY LILCO POWER GENERATING FACILITIES WILL
22 PERFORM AN ENGINEERING, ENVIRONMENTAL PERMITTING AND COST FEASIBILITY
23 ANALYSIS AND STUDY OF REPOWERING THE PORT JEFFERSON POWER STATION
24 LOCATED IN THE TOWN OF BROOKHAVEN IN THE COUNTY OF SUFFOLK, THE E.F.
25 BARRETT POWER STATION LOCATED IN THE TOWN OF HEMPSTEAD IN THE COUNTY OF
26 NASSAU, AND THE NORTHPORT POWER STATION LOCATED IN THE VILLAGE OF NORTH-
27 PORT IN THE COUNTY OF SUFFOLK. SUCH STUDY WILL FOCUS ON REPOWERING
28 UTILIZING GREATER EFFICIENCY AND ENVIRONMENTALLY FRIENDLY TECHNOLOGIES,
29 AND SHALL HAVE BEEN COMMENCED NO LATER THAN OCTOBER 1, 2015 FOR THE
30 POWER STATIONS IN THE TOWN OF BROOKHAVEN AND THE TOWN OF HEMPSTEAD, AND
31 NO LATER THAN OCTOBER 1, 2018 FOR THE POWER STATION IN THE VILLAGE OF
32 NORTHPORT. THESE ANALYSES SHALL BE COMPLETED AND PRESENTED TO THE BOARD
33 OF THE LONG ISLAND POWER AUTHORITY AND THE LONG ISLAND BRANCH OF THE
34 DEPARTMENT OF PUBLIC SERVICE NO LATER THAN EIGHTEEN MONTHS AFTER THE
35 ANALYSIS COMMENCEMENT DATE. If after the Long Island power authority, or
36 its successor, determines, in accordance with the FEASIBILITY DETERMI-
37 NATIONS RESULTING FROM THE STUDIES AND ANALYSES AUTHORIZED UNDER THIS
38 SECTION, AND IN ACCORDANCE WITH THE terms and conditions contained in
39 the amended and restated power supply agreement ("A&R PSA"), dated Octo-
40 ber 10, 2012, between the authority and the owner of the legacy LILCO
41 power generating facilities, that repowering any such generating facili-
42 ty is in the best interests of its ratepayers and will enhance the
43 authority's ability to provide a more efficient, reliable and economical
44 supply of electric energy in its service territory, consistent with the
45 goal of improving environmental quality, the authority will exercise its
46 rights under the A&R PSA related to repowering ANY such facility OR
47 FACILITIES, and shall enter into an agreement related to payments in
48 lieu-of-taxes for a term commensurate with any power purchase agreement
49 entered into related to such repowered facility, consistent with other
50 such agreements related to generating facilities under contract to the
51 authority in the service territory.

52 S 6. This act shall take effect immediately.

1 Section 1. Paragraphs (a), (b) and (d) of subdivision 4 of section
2 174 of the navigation law, paragraph (a) as amended by section 1 of part
3 E of chapter 413 of the laws of 1999, paragraph (b) as amended by chap-
4 ter 512 of the laws of 1986 and paragraph (d) as added by section 21 of
5 part A of chapter 58 of the laws of 1998, are amended to read as
6 follows:

7 (a) The license fee shall be [one cent] NINE AND ONE-HALF CENTS per
8 barrel transferred [until the balance in such account established by
9 paragraph (a) of subdivision two of section one hundred seventy-nine of
10 this article equals or exceeds twenty-five million dollars], provided,
11 however, that the fee on any barrel, including any products derived
12 therefrom, subject to multiple transfer, shall be imposed only once at
13 the point of first transfer. PROVIDED FURTHER, THE LICENSE FEE FOR
14 MAJOR FACILITIES THAT (I) TRANSFER BARRELS FOR THEIR OWN USE, AND (II)
15 DO NOT SELL OR TRANSFER THE PRODUCT SUBJECT TO SUCH LICENSE FEE, SHALL
16 BE EIGHT CENTS. In each fiscal year following any year in which the
17 balance of [such] THE account ESTABLISHED BY PARAGRAPH (A) OF SUBDIVI-
18 SION TWO OF SECTION ONE HUNDRED SEVENTY-NINE OF THIS ARTICLE equals or
19 exceeds [twenty-five] FORTY million dollars, no license fee shall be
20 imposed unless (a) the current balance in such account is less than
21 [twenty] THIRTY-FIVE million dollars or (b) pending claims against such
22 account exceed fifty percent of the existing balance of such account.
23 [The provisions of the foregoing notwithstanding, should claims paid
24 from such account not exceed five million dollars within three years
25 after the license fee is first imposed, the license fee shall be one
26 cent per barrel transferred until the balance in such account equals or
27 exceeds eighteen million dollars, and thereafter shall not be imposed
28 unless: (1) the current balance in such account is less than fifteen
29 million dollars or (2) pending claims against such account exceed fifty
30 percent of the existing balance of such account.] In the event of either
31 such occurrence and upon certification thereof by the state comptroller,
32 the administrator shall within ten days of the date of such certif-
33 ication reimpose the license fee, which shall take effect on the first
34 day of the month following such relevy. [In the event of a major
35 discharge or series of discharges resulting in claims against such
36 account exceeding the existing balance of such account, the license fee
37 shall be imposed at the rate of eight cents per barrel transferred until
38 the balance in such account equals pending claims against such account;
39 provided, however, that the] THE rate may be set at less than [eight]
40 NINE AND ONE-HALF cents per barrel transferred if the administrator
41 determines that the revenue produced by such lower rate shall be suffi-
42 cient to pay outstanding claims against such account within one year of
43 such imposition of the license fee. Should such account exceed [eighteen
44 million dollars or twenty-five] FORTY million dollars, [as herein
45 provided,] as a result of interest, the administrator and the commis-
46 sioner of environmental conservation shall report to the legislature and
47 the governor concerning the options for the use of such interest. The
48 fee established by this paragraph shall not be imposed upon any barrel
49 which is transferred to a land based facility but thereafter exported
50 from this state for use outside the state and is shipped to facilities
51 outside the state regardless of whether the delivery or sale of such
52 petroleum occurs in this state.

53 (b) The surcharge on the license fee shall be [two and one-half cents
54 per barrel for each barrel transferred on or after June first, nineteen
55 hundred eighty-five but before February first, nineteen hundred eighty-
56 eight. Such surcharge shall be three and one-half cents per barrel for

each barrel transferred on or after February first, nineteen hundred eighty-eight, but before February first, nineteen hundred ninety. Such surcharge shall be four and one-quarter cents per barrel for each barrel transferred on or after February first, nineteen hundred ninety.

(d) The surcharge established by paragraph (b) of this subdivision shall be [one and one-half] THIRTEEN AND THREE QUARTERS cents per barrel for any barrel that is transferred but thereafter exported from this state for use outside the state as described by paragraph (a) of this subdivision. TWELVE AND ONE-QUARTER CENTS OF SUCH SURCHARGE SHALL BE CREDITED TO THE ACCOUNT ESTABLISHED BY PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION ONE HUNDRED SEVENTY-NINE OF THIS ARTICLE.

S 2. Paragraph (a) of subdivision 2 of section 179 of the navigation law, as amended by section 2 of part I of chapter 577 of the laws of 2004, is amended to read as follows:

(a) An account which shall be credited with all license fees and penalties collected pursuant to paragraph (b) of subdivision one and paragraph (a) of subdivision four of section one hundred seventy-four of this article, THE PORTION OF THE SURCHARGE COLLECTED PURSUANT TO PARAGRAPH (D) OF SUBDIVISION FOUR OF SECTION ONE HUNDRED SEVENTY-FOUR OF THIS ARTICLE, penalties collected pursuant to paragraph (b) of subdivision four of section one hundred seventy-four-a of this article, money collected pursuant to section one hundred eighty-seven of this article, all penalties collected pursuant to section one hundred ninety-two of this article, and registration fees collected pursuant to subdivision two of section 17-1009 of the environmental conservation law.

S 3. Subdivision 7 of section 185 of the navigation law, as added by chapter 672 of the laws of 1991, is amended to read as follows:

7. Within sixty calendar days from the close of such hearing and after due consideration of the written and oral statements and testimony and arguments filed pursuant to this section, or on default in appearance on said return day, the administrator shall make [his] A final determination on the validity or amount of the damage claims or claims for cleanup and removal costs filed by the injured persons. The administrator shall notify the claimant and, if known, the alleged discharger thereof in writing by registered mail.

S 4. Paragraph a of subdivision 1 and subdivisions 3 and 4 of section 186 of the navigation law, paragraph a of subdivision 1 as separately amended by chapters 35 and 38 of the laws of 1985 and subdivisions 3 and 4 as amended by chapter 38 of the laws of 1985, are amended to read as follows:

(a) Moneys in the account established by paragraph (a) of subdivision two of section one hundred seventy-nine of this part shall be disbursed by the administrator, upon certification by the commissioner, for the purpose of costs incurred under section one hundred seventy-six of this article. (I) BEGINNING IN STATE FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, UP TO TWO MILLION ONE HUNDRED THOUSAND DOLLARS PER YEAR SHALL BE APPROPRIATED TO THE DEPARTMENT FOR USE ONLY FOR THE OIL SPILL PREVENTION AND TRAINING PURPOSES AUTHORIZED IN SUBDIVISION THREE OF THIS SECTION.

3. MONEYS APPROPRIATED TO THE DEPARTMENT PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION, UP TO TWO MILLION ONE HUNDRED THOUSAND DOLLARS, SHALL BE DISBURSED ONLY FOR THE FOLLOWING PURPOSES:

(A) SUCH SUMS AS MAY BE NECESSARY FOR THE ACQUISITION AND MAINTENANCE OF PETROLEUM SPILL PREVENTION, RESPONSE OR PERSONAL SAFETY EQUIPMENT AND

1 SUPPLIES AND TRAINING FOR STATE AND LOCAL GOVERNMENT ENTITIES, INCLUDING
2 EMERGENCY SERVICES AGENCIES AND PERSONNEL.

3 (B) SUCH SUMS AS MAY BE NECESSARY FOR PETROLEUM SPILL RESPONSE DRILLS
4 AND EXERCISES.

5 (C) SUCH SUMS AS MAY BE NECESSARY FOR IDENTIFICATION, MAPPING, AND
6 ANALYSIS OF POPULATIONS, ENVIRONMENTALLY SENSITIVE AREAS, AND RESOURCES
7 AT RISK FROM SPILLS OF PETROLEUM AND RELATED IMPACTS; AND THE DEVELOP-
8 MENT, IMPLEMENTATION, AND UPDATING OF CONTINGENCY PLANS, INCLUDING
9 GEOGRAPHIC RESPONSE PLANS, TO PROTECT THOSE POPULATIONS, SENSITIVE ENVI-
10 RONMENTS, AND RESOURCES IN THE EVENT OF A SPILL OF PETROLEUM OR RELATED
11 IMPACTS.

12 (D) SPENDING PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED IN THE
13 ANNUAL REPORT REQUIRED BY SECTION ONE HUNDRED NINETY-SIX OF THIS ARTI-
14 CLE.

15 4. Moneys shall be disbursed from the fund only for the purposes set
16 forth in subdivisions one [and], two AND THREE of this section.

17 [4.] 5. The state comptroller may invest and reinvest any moneys in
18 said fund in obligations in which the comptroller is authorized to
19 invest pursuant to the provisions of section ninety-eight-a of the state
20 finance law. Any income or interest derived from such investment shall
21 be included in the fund.

22 S 5. Subdivision 2 of section 97-b of the state finance law, as
23 amended by section 4 of part I of chapter 1 of the laws of 2003, is
24 amended to read as follows:

25 2. Such fund shall consist of all of the following:

26 (a) moneys appropriated for transfer to the fund's site investigation
27 and construction account; (b) all fines and other sums accumulated in
28 the fund prior to April first, nineteen hundred eighty-eight pursuant to
29 section 71-2725 of the environmental conservation law for deposit in the
30 fund's site investigation and construction account; (c) all moneys
31 collected or received by the department of taxation and finance pursuant
32 to section 27-0923 of the environmental conservation law for deposit in
33 the fund's industry fee transfer account; (d) all moneys paid into the
34 fund pursuant to section 72-0201 of the environmental conservation law
35 which shall be deposited in the fund's industry fee transfer account;
36 (e) all moneys paid into the fund pursuant to PARAGRAPH (B) OF SUBDIVI-
37 SION ONE OF section one hundred eighty-six of the navigation law which
38 shall be deposited in the fund's industry fee transfer account; [(f) all
39 moneys paid into the fund by municipalities for repayment of landfill
40 closure loans made pursuant to title five of article fifty-two of the
41 environmental conservation law for deposit in the fund's site investi-
42 gation and construction account; (g)] (F) all monies recovered under
43 sections 56-0503, 56-0505 and 56-0507 of the environmental conservation
44 law into the fund's environmental restoration project account; [(h)] (G)
45 all fees paid into the fund pursuant to section [72-0403] 72-0402 of the
46 environmental conservation law which shall be deposited in the fund's
47 industry fee transfer account; [(i)] (H) payments received for all state
48 costs incurred in negotiating and overseeing the implementation of
49 brownfield site cleanup agreements pursuant to title fourteen OF ARTICLE
50 TWENTY-SEVEN of the environmental conservation law shall be deposited in
51 the hazardous waste remediation oversight and assistance account; and
52 [(j)] (I) other moneys credited or transferred thereto from any other
53 fund or source for deposit in the fund's site investigation and
54 construction account.

55 S 6. Section 196 of the navigation law, as amended by chapter 35 of
56 the laws of 1985, is amended to read as follows:

1 S 196. Reports. The commissioner and the administrator shall make an
2 annual report to the legislature and the governor which shall describe
3 the quality and quantity of spills of petroleum, the costs and damages
4 paid by and recovered for the fund, AND MONEYS SPENT PURSUANT TO SUBDI-
5 VISION THREE OF SECTION ONE HUNDRED EIGHTY-SIX OF THIS ARTICLE INCLUDING
6 AMOUNTS SPENT FOR OIL SPILL PREVENTION AND TRAINING ACTIVITIES
7 CONDUCTED, AND EQUIPMENT PURCHASED, and the economic and environmental
8 impact on the state as a result of the administration of this article.

9 S 7. This act shall take effect immediately, provided however, the
10 increased fees authorized in section one of this act shall take effect
11 September 1, 2015 and shall apply to any barrel that is transferred on
12 and after such date.

13 PART Y

14 Section 1. The opening paragraph of subdivision 1 of section 72-0303
15 of the environmental conservation law, as amended by section 1 of part
16 BBB of chapter 59 of the laws of 2009, is amended to read as follows:

17 COMMENCING JANUARY FIRST, TWO THOUSAND FIFTEEN AND EVERY YEAR THERE-
18 AFTER, ALL SOURCES OF REGULATED AIR CONTAMINANTS IDENTIFIED PURSUANT TO
19 SUBDIVISION ONE OF SECTION 19-0311 OF THIS CHAPTER SHALL SUBMIT TO THE
20 DEPARTMENT AN ANNUAL BASE FEE OF TWO THOUSAND FIVE HUNDRED DOLLARS. THIS
21 BASE FEE SHALL BE IN ADDITION TO THE FEES LISTED BELOW. Commencing Janu-
22 ary first, nineteen hundred ninety-four and every year thereafter all
23 sources of regulated air contaminants identified pursuant to subdivision
24 one of section 19-0311 of this chapter shall submit to the department an
25 annual fee [of forty-five dollars per ton] NOT TO EXCEED THE PER TON
26 FEES DESCRIBED BELOW. THE PER TON FEE IS ASSESSED ON EACH TON OF EMIS-
27 SIONS up to seven thousand tons annually of each regulated air contam-
28 inant as follows: [forty-five] SIXTY dollars per ton for facilities
29 with total emissions less than one thousand tons annually; [fifty]
30 SEVENTY dollars per ton for facilities with total emissions of one thou-
31 sand or more but less than two thousand tons annually; [fifty-five]
32 EIGHTY dollars per ton for facilities with total emissions of two thou-
33 sand or more but less than five thousand tons annually; and [sixty-five]
34 NINETY dollars per ton for facilities with total emissions of five thou-
35 sand or more tons annually. Such fee shall be sufficient to support an
36 appropriation approved by the legislature for the direct and indirect
37 costs associated with the operating permit program established in
38 section 19-0311 of this chapter. Such fee shall be established by the
39 department and shall be calculated by dividing the amount of the current
40 year appropriation from the operating permit program account of the
41 clean air fund by the total tons of emissions of regulated air contam-
42 inants that are subject to the operating permit program fees from sourc-
43 es subject to the operating permit program pursuant to section 19-0311
44 of this chapter up to seven thousand tons annually of each regulated air
45 contaminant from each source; provided that, in making such calculation,
46 the department shall adjust their calculation to account for any deficit
47 or surplus in the operating permit program account of the clean air fund
48 established pursuant to section ninety-seven-00 of the state finance
49 law; any loan repayment from the mobile source account of the clean air
50 fund established pursuant to section ninety-seven-00 of the state
51 finance law; and the rate of collection by the department of the bills
52 issued for the fee for the prior year.

53 S 2. Intentionally omitted.

1 S 3. Subdivisions a, b, c, d, e, f, g, h, i, j, k, l, m, n, q and t of
2 section 72-0602 of the environmental conservation law, paragraphs a, b,
3 c, d, e, f, g, h, q and t as amended by section 1 of part JJ of chapter
4 59 of the laws of 2009, subdivision i as amended by section 1 of part T1
5 of chapter 62 of the laws of 2003, and subdivisions j, k, l, m and n as
6 amended by chapter 62 of the laws of 1989, are amended to read as
7 follows:

8 a. [\$300.00] \$330.00 for any P/C/I facilities having a permit to
9 discharge or discharging at an average daily rate of less than 100,000
10 gallons;

11 b. [\$600.00] \$675.00 for P/C/I facilities having a permit to discharge
12 or discharging at an average daily rate of 100,000 gallons or more;

13 c. [\$600.00] \$675.00 for industrial facilities having a permit to
14 discharge or discharging at an average daily rate of less than 10,000
15 gallons;

16 d. [\$2,000.00] \$2,300.00 for industrial facilities having a permit to
17 discharge or discharging at an average daily rate of between 10,000
18 gallons and 99,999 gallons;

19 e. [\$6,000.00] \$6,700.00 for industrial facilities having a permit to
20 discharge or discharging at an average daily rate of between 100,000
21 gallons and 499,999 gallons;

22 f. [\$20,000.00] \$22,500.00 for industrial facilities having a permit
23 to discharge or discharging at an average daily rate of between 500,000
24 and 999,999 gallons;

25 g. [\$30,000.00] \$33,500.00 for industrial facilities having a permit
26 to discharge or discharging at an average daily rate of between
27 1,000,000 and 9,999,999 gallons;

28 h. [\$50,000.00] \$56,000.00 for industrial facilities having a permit
29 to discharge or discharging at an average daily rate of 10,000,000
30 gallons or more;

31 i. [\$50,000.00] \$56,000.00 for any power plant;

32 j. [\$375.00] \$425.00 for municipal facilities having a permit to
33 discharge or discharging at an average daily rate of less than 200,000
34 gallons;

35 k. [\$1,875.00] \$2,000.00 for municipal facilities having a permit to
36 discharge or discharging at an average daily rate of between 200,000 and
37 999,999 gallons;

38 l. [\$7,500.00] \$8,000.00 for municipal facilities having a permit to
39 discharge or discharging at an average daily rate of between 1,000,000
40 and 4,999,999 gallons;

41 m. [\$15,000.00] \$15,500.00 for municipal facilities having a permit to
42 discharge or discharging at an average daily rate of between 5,000,000
43 and 39,999,999 gallons;

44 n. [\$37,500.00] \$38,500.00 for municipal facilities having a permit to
45 discharge or discharging at an average daily rate of 40,000,000 gallons
46 or more;

47 q. [\$100.00] \$110.00 per acre disturbed plus [\$600.00] \$675.00 per
48 future impervious acre for any facility, not owned or managed by a local
49 government or a state department, agency, or authority, discharging or
50 authorized to discharge pursuant to a SPDES permit for stormwater
51 discharges from construction activity. For the purposes of this subdivi-
52 sion, acres disturbed are acres subject to clearing, grading, or exca-
53 vating subject to SPDES permitting and future impervious acres are acres
54 that will be newly paved or roofed during construction;

55 t. [\$100.00] \$110.00 for any facility, other than a municipal separate
56 storm sewer as defined by 40 CFR S122.26 (b) (8), discharging or author-

1 ized to discharge pursuant to a general permit unless a specific fee is
2 imposed pursuant to subdivisions a through s of this section for such
3 discharge or authorization to discharge.

4 S 4. Intentionally omitted.

5 S 5. This act shall take effect immediately and shall apply to all
6 bills issued on and after January 1, 2015.

7 PART Z

8 Intentionally Omitted

9 PART AA

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

13 4. (i) There is hereby created a special account within the conserva-
14 tion fund to be known as the state fish and game trust account to
15 consist of all moneys received by the state from the sale of lifetime
16 hunting, fishing, AND trapping LICENSES, AND LIFETIME archery and
17 muzzle-loading [licenses] PRIVILEGES pursuant to section 11-0702 of the
18 environmental conservation law EXCEPT THOSE MONEYS DEPOSITED IN THE
19 HABITAT CONSERVATION AND ACCESS ACCOUNT PURSUANT TO SECTION EIGHTY-
20 THREE-A OF THIS CHAPTER. The state comptroller shall invest the moneys
21 in such account in securities as defined by section ninety-eight-a of
22 this article. Any income earned by the investment of such moneys,
23 except income transferred to the conservation fund pursuant to subpara-
24 graph (iii) of this paragraph, shall be added to and become a part of,
25 and shall be used for the purposes of such account.

26 (ii) The state comptroller shall provide an annual report of the trust
27 account which lists the amount of the principal, the earned income, the
28 earned income accrued to the principal, and the earned income trans-
29 ferred to the conservation fund pursuant to subparagraph (iii) of this
30 paragraph not later than April tenth of each year for the state fiscal
31 year ending the immediately preceding March thirty-first. A copy of such
32 report shall be transmitted, forthwith, to the director of the division
33 of the budget, the chairman of the senate finance committee, the chair-
34 man of the assembly ways and means committee, the commissioner of the
35 department of environmental conservation and each of the eleven members
36 of the conservation fund advisory [council] BOARD, created pursuant to
37 section [seven hundred] 11-0327 of the [executive] ENVIRONMENTAL CONSER-
38 VATION law.

39 (iii) Earned income from the sale of all lifetime licenses AND PRIVI-
40 LEGES, except income earned on the proceeds of the sale of a lifetime
41 license OR PRIVILEGE during the period from sale of such license OR
42 PRIVILEGE until April first of the year following one full year of
43 deposit of the proceeds of the sale of such lifetime license OR PRIVI-
44 LEGE, shall be available for deposit within the conservation fund pursu-
45 ant to paragraph one of this subdivision in an amount equal to the cost
46 of the appropriate annual license OR PRIVILEGE. The earned income which
47 exceeds the current cost of each annual license OR PRIVILEGE comparable
48 to the lifetime license OR PRIVILEGE, shall be added to the trust
49 account as principal. The earned income from lifetime licenses OR PRIVI-
50 LEGES issued to persons who are under the legal age to implement such

licenses OR PRIVILEGES shall be added to the trust account as principal until such person becomes of legal age to hunt, fish or trap.

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 UP TO ONE MILLION FIVE HUNDRED THOUSAND DOLLARS ANNUALLY FROM MONEYS RECEIVED BY THE STATE FROM THE SALE OF LIFETIME LICENSES FOR HUNTING, TRAPPING, AND FISHING, AND LIFETIME PRIVILEGES FOR ARCHERY AND MUZZLE-LOADING PURSUANT TO SECTION 11-0702 OF THE ENVIRONMENTAL CONSERVATION LAW 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 PURSUANT 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

1 finance law, on the effective date of this act shall be transferred to
2 the habitat conservation and access account established pursuant to
3 section 83-a of the state finance law as added by section three of this
4 act.

5 PART BB

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

8 29-A. TRANSIT MOTOR VEHICLES. THE PURCHASE OF MUNICIPALLY OWNED OMNI-
9 BUS OR SIMILAR SURFACE TRANSIT MOTOR VEHICLES, TEN YEARS.

10 S 2. This act shall take effect immediately.

11 PART CC

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

14 S 155. Traffic infraction. The violation of any provision of this
15 chapter, except articles forty-seven and forty-eight, or of any law,
16 ordinance, order, rule or regulation regulating traffic which is not
17 declared by this chapter or other law of this state to be a misdemeanor
18 or a felony. A traffic infraction is not a crime and the punishment
19 imposed therefor shall not be deemed for any purpose a penal or criminal
20 punishment and shall not affect or impair the credibility as a witness
21 or otherwise of any person convicted thereof. This definition shall be
22 retroactive and shall apply to all acts and violations heretofore
23 committed where such acts and violations would, if committed subsequent
24 to the taking effect of this section, be included within the meaning of
25 the term "traffic infraction" as herein defined. Except in those
26 portions of Suffolk county for which a district court has been estab-
27 lished, outside of cities having a population in excess of two hundred
28 thousand BUT LESS THAN TWO HUNDRED TWENTY THOUSAND in which administra-
29 tive tribunals have heretofore been established AND OUTSIDE OF CITIES
30 HAVING A POPULATION IN EXCESS OF ONE MILLION IN WHICH ADMINISTRATIVE
31 TRIBUNALS HAVE HERETOFORE BEEN ESTABLISHED, courts and judicial officers
32 heretofore having jurisdiction over such violations shall continue to do
33 so and for such purpose such violations shall be deemed misdemeanors and
34 all provisions of law relating to misdemeanors except as provided in
35 section eighteen hundred five of this chapter and except as herein
36 otherwise expressly provided shall apply except that no jury trial shall
37 be allowed for traffic infractions. In those portions of Suffolk county
38 for which a district court has been established, and in cities having a
39 population in excess of two hundred thousand BUT LESS THAN TWO HUNDRED
40 TWENTY THOUSAND in which administrative tribunals have heretofore been
41 established AND IN CITIES HAVING A POPULATION IN EXCESS OF ONE MILLION
42 IN WHICH ADMINISTRATIVE TRIBUNALS HAVE HERETOFORE BEEN ESTABLISHED, the
43 criminal courts of such cities or portions of Suffolk county in which a
44 district court has been established shall have jurisdiction to hear and
45 determine any complaint alleging a violation constituting a traffic
46 infraction, except that administrative tribunals heretofore established
47 in such cities or portions of Suffolk county in which a district court
48 has been established shall have jurisdiction to hear and determine any
49 charge of an offense which is a traffic infraction, except parking,
50 standing or stopping. In cities having a population in excess of two
51 hundred thousand in which administrative tribunals have heretofore been
52 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.

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

4 1-A. "TRAFFIC VIOLATIONS AGENCY" SHALL MEAN AN EXECUTIVE DEPARTMENT OF
5 THE CITY OF BUFFALO ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF SECTION
6 THREE HUNDRED SEVENTY OF THIS ARTICLE TO ADMINISTER AND DISPOSE OF TRAF-
7 FIC INFRACTIONS AS AUTHORIZED PURSUANT TO THIS ARTICLE.

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

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

18 2-A. THE BUFFALO TRAFFIC VIOLATIONS AGENCY, AS ESTABLISHED IN SUBDIVI-
19 SION FOUR OF SECTION THREE HUNDRED SEVENTY OF THIS ARTICLE, MAY BE
20 AUTHORIZED TO ASSIST THE BUFFALO CITY COURT IN THE DISPOSITION AND
21 ADMINISTRATION OF INFRACTIONS OF TRAFFIC LAWS, ORDINANCES, RULES AND
22 REGULATIONS EXCEPT THAT SUCH AGENCY SHALL NOT HAVE JURISDICTION OVER (A)
23 THE TRAFFIC INFRACTION DEFINED UNDER SUBDIVISION ONE OF SECTION ELEVEN
24 HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW; (B) THE TRAFFIC
25 INFRACTION DEFINED UNDER SUBDIVISION FIVE OF SECTION ELEVEN HUNDRED
26 NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW; (C) THE VIOLATION DEFINED
27 UNDER PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOURTEEN-F OF THE
28 TRANSPORTATION LAW AND THE VIOLATION DEFINED UNDER CLAUSE (B) OF SUBPAR-
29 AGRAPH (III) OF PARAGRAPH C OF SUBDIVISION TWO OF SECTION ONE HUNDRED
30 FORTY OF THE TRANSPORTATION LAW; (D) THE TRAFFIC INFRACTION DEFINED
31 UNDER SECTION THREE HUNDRED NINETY-SEVEN-A OF THE VEHICLE AND TRAFFIC
32 LAW AND THE TRAFFIC INFRACTION DEFINED UNDER SUBDIVISION (G) OF SECTION
33 ELEVEN HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW; (E) TRAFFIC
34 INFRACTIONS CONSTITUTING PARKING, STANDING, STOPPING OR PEDESTRIAN
35 OFFENSES; (F) ANY MISDEMEANOR OR FELONY; OR (G) ANY OFFENSE THAT IS PART
36 OF THE SAME CRIMINAL TRANSACTION, AS THAT TERM IS DEFINED IN SUBDIVISION
37 TWO OF SECTION 40.10 OF THE CRIMINAL PROCEDURE LAW, AS A VIOLATION OF
38 SUBDIVISION ONE OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND
39 TRAFFIC LAW, A VIOLATION OF SUBDIVISION FIVE OF SECTION ELEVEN HUNDRED
40 NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW, A VIOLATION OF PARAGRAPH (B)
41 OF SUBDIVISION FOUR OF SECTION FOURTEEN-F OF THE TRANSPORTATION LAW, A
42 VIOLATION OF CLAUSE (B) OF SUBPARAGRAPH (III) OF PARAGRAPH C OF SUBDIVI-
43 SION TWO OF SECTION ONE HUNDRED FORTY OF THE TRANSPORTATION LAW, A
44 VIOLATION OF SECTION THREE HUNDRED NINETY-SEVEN-A OF THE VEHICLE AND
45 TRAFFIC LAW, A VIOLATION CONSTITUTING A PARKING, STOPPING, STANDING OR
46 PEDESTRIAN OFFENSE, A VIOLATION OF SUBDIVISION (G) OF SECTION ELEVEN
47 HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW OR ANY MISDEMEANOR OR
48 FELONY.

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

51 3-A. A PERSON CHARGED WITH AN INFRACTION WHICH SHALL BE DISPOSED OF BY
52 THE BUFFALO TRAFFIC VIOLATIONS AGENCY MAY BE PERMITTED TO ANSWER, WITHIN
53 A SPECIFIED TIME, AT THE TRAFFIC VIOLATIONS AGENCY EITHER IN PERSON OR
54 BY WRITTEN POWER OF ATTORNEY IN SUCH FORM AS MAY BE PRESCRIBED IN THE
55 ORDINANCE OR LOCAL LAW CREATING THE AGENCY, BY PAYING A PRESCRIBED FINE
56 AND, IN WRITING, WAIVING A HEARING IN COURT, PLEADING GUILTY TO THE

1 CHARGE OR A LESSER CHARGE AGREEABLE TO THE TRAFFIC PROSECUTOR AND THE
2 PERSON CHARGED WITH AN INFRACTION, AND AUTHORIZING THE PERSON IN CHARGE
3 OF THE AGENCY TO ENTER SUCH A PLEA AND ACCEPT PAYMENT OF SAID FINE.
4 ACCEPTANCE OF THE PRESCRIBED FINE AND POWER OF ATTORNEY BY THE AGENCY
5 SHALL BE DEEMED COMPLETE SATISFACTION FOR THE VIOLATION, AND THE VIOLA-
6 TOR SHALL BE GIVEN A RECEIPT WHICH SO STATES. IF A PERSON CHARGED WITH A
7 TRAFFIC VIOLATION DOES NOT ANSWER AS HEREINBEFORE PRESCRIBED, WITHIN A
8 DESIGNATED TIME, THE AGENCY MAY CAUSE A COMPLAINT TO BE ENTERED AGAINST
9 HIM FORTHWITH AND A WARRANT TO BE ISSUED FOR HIS ARREST AND APPEARANCE
10 BEFORE THE COURT, SUCH SUMMONS TO BE PREDICATED UPON THE PERSONAL
11 SERVICE OF SAID SUMMONS UPON THE PERSON CHARGED WITH THE INFRACTION. ANY
12 PERSON WHO SHALL HAVE BEEN, WITHIN THE PRECEDING TWELVE MONTHS, GUILTY
13 OF THREE OR MORE VIOLATIONS, SHALL NOT BE PERMITTED TO APPEAR AND ANSWER
14 TO A SUBSEQUENT VIOLATION AT THE AGENCY, BUT MUST APPEAR IN COURT AT A
15 TIME SPECIFIED BY THE AGENCY. SUCH AGENCY SHALL NOT BE AUTHORIZED TO
16 DEPRIVE A PERSON OF HIS RIGHT TO COUNSEL OR TO PREVENT HIM FROM EXERCIS-
17 ING HIS RIGHT TO APPEAR IN COURT TO ANSWER TO, EXPLAIN, OR DEFEND ANY
18 CHARGE OF A VIOLATION OF ANY TRAFFIC LAW, ORDINANCE, RULE OR REGULATION.

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

21 4-A. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, FINES, PENAL-
22 TIES AND FORFEITURES COLLECTED BY THE BUFFALO TRAFFIC VIOLATIONS AGENCY
23 SHALL BE DISTRIBUTED AS PROVIDED IN SECTION EIGHTEEN HUNDRED THREE OF
24 THE VEHICLE AND TRAFFIC LAW. ALL FINES, PENALTIES AND FORFEITURES FOR
25 VIOLATIONS ADJUDICATED BY THE BUFFALO TRAFFIC VIOLATIONS AGENCY PURSUANT
26 TO SUBDIVISION TWO-A OF THIS SECTION EXCEPT AS PROVIDED IN SUBDIVISION
27 THREE OF SECTION NINETY-NINE-A OF THE STATE FINANCE LAW, SHALL BE PAID
28 BY SUCH AGENCY TO THE STATE COMPTROLLER WITHIN THE FIRST TEN DAYS OF THE
29 MONTH FOLLOWING COLLECTION. EACH SUCH PAYMENT SHALL BE ACCOMPANIED BY A
30 TRUE AND COMPLETE REPORT IN SUCH FORM AND DETAIL AS THE COMPTROLLER
31 SHALL PRESCRIBE.

32 S 9. The general municipal law is amended by adding a new section
33 374-a to read as follows:

34 S 374-A. TRAFFIC PROSECUTOR SELECTION AND OVERSIGHT. (A) THE EXECUTIVE
35 DIRECTOR OF THE BUFFALO TRAFFIC VIOLATIONS AGENCY, APPOINTED PURSUANT TO
36 SUBDIVISION (B) OF THIS SECTION, SHALL SELECT AND MAY CONTRACT WITH OR
37 HIRE ONE OR MORE PERSONS WHO ARE ATTORNEYS, DULY ADMITTED TO THE PRAC-
38 TICE OF LAW IN NEW YORK STATE FOR THE PROSECUTION OF ANY TRAFFIC INFRAC-
39 TION, EXCEPT THOSE DESCRIBED IN PARAGRAPHS (A), (B), (C), (D), (E), (F)
40 AND (G) OF SUBDIVISION TWO-A OF SECTION THREE HUNDRED SEVENTY-ONE OF
41 THIS ARTICLE, TO BE HEARD, TRIED OR OTHERWISE DISPOSED OF BY THE BUFFALO
42 CITY COURT. SUCH PERSONS SHALL BE KNOWN AS "TRAFFIC PROSECUTORS", AS
43 THAT TERM IS DEFINED IN SECTION THREE HUNDRED SEVENTY-A OF THIS ARTICLE.
44 TRAFFIC PROSECUTORS SHALL HAVE THE SAME POWER AS A DISTRICT ATTORNEY
45 WOULD OTHERWISE HAVE IN THE PROSECUTION OF ANY TRAFFIC INFRACTION WHICH
46 MAY, PURSUANT TO THE JURISDICTIONAL PROVISIONS OF SECTION THREE HUNDRED
47 SEVENTY-ONE OF THIS ARTICLE, BE PROSECUTED BEFORE THE BUFFALO CITY COURT
48 IF THE TRAFFIC VIOLATION OCCURRED IN THE CITY OF BUFFALO. THE EXECUTIVE
49 DIRECTOR SHALL GIVE ACTIVE CONSIDERATION TO REQUIRING THAT SUCH TRAFFIC
50 PROSECUTORS SERVE ON A FULL-TIME BASIS. TRAFFIC PROSECUTORS ARE PROHIB-
51 ITED FROM APPEARING IN ANY CAPACITY OTHER THAN AS A TRAFFIC PROSECUTOR
52 IN ANY PART OF THE BUFFALO CITY COURT ON ANY MATTER RELATING TO TRAFFIC
53 VIOLATIONS AND ARE FURTHER PROHIBITED FROM APPEARING IN ANY CAPACITY
54 OTHER THAN AS A TRAFFIC PROSECUTOR IN ANY OTHER COURT OR ADMINISTRATIVE
55 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.

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

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

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

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

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

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

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

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

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

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

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

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

53 the clerk thereof shall within ten days certify that fact to the commis-
54 sioner, in the manner and form prescribed by the commissioner, who shall
55 record the same in his or her office. Thereafter and upon the appearance
56 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

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

2 4-A. JUDICIAL HEARING OFFICERS ARE PROHIBITED FROM APPEARING IN ANY
3 CAPACITY OTHER THAN AS A JUDICIAL HEARING OFFICER IN ANY PART OF BUFFALO
4 CITY COURT ON ANY MATTER RELATING TO TRAFFIC VIOLATIONS AND ARE FURTHER
5 PROHIBITED FROM APPEARING IN ANY CAPACITY OTHER THAN AS A JUDICIAL HEAR-
6 ING OFFICER IN ANY OTHER COURT OR ADMINISTRATIVE TRIBUNAL ON ANY MATTER
7 RELATING TO TRAFFIC VIOLATIONS.

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

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

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

35 (b)(i) The agency, department, office, or person charged with the
36 custody of the records of an existing administrative tribunal which is
37 about to cease existing under, or in connection with, this act shall
38 arrange for the transfer of the records of pending proceedings to the
39 court of appropriate jurisdiction to which the proceedings shall be
40 transferred. The presiding judge of such court shall enter an order
41 providing for adequate notice consistent with due process of law to
42 respondents in such pending proceedings regarding the transfer of such
43 proceedings.

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

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

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

28 PART DD

29 Section 1. Section 12 of part F of chapter 58 of the laws of 2013
30 amending the environmental conservation law and the state finance law
31 relating to the "Cleaner, Greener NY Act of 2013", is amended to read as
32 follows:

33 S 12. This act shall take effect immediately and shall be deemed to
34 have been in full force and effect on and after April 1, 2013; provided,
35 however, that the amendments to subdivision 5-a of section 27-1015 of
36 the environmental conservation law, as added by section nine of this
37 act, shall expire and be deemed repealed on April 1, [2015] 2017.

38 S 2. This act shall take effect immediately.

39 PART EE

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

42 S 4-A. FARM DRAIN TILE REVOLVING LOAN PROGRAM. (1) DEFINITIONS. (A)
43 "FARM DRAIN TILE PROJECT." A SPECIFIC WORK OR IMPROVEMENT THAT IS UNDER-
44 TAKEN BY AN AGRICULTURAL PRODUCER FOR THE CONSTRUCTION OR IMPROVEMENT OF
45 DRAIN TILE FOR THE PURPOSE OF ENHANCING FARM FIELDS.

46 (B) "LOCAL LOAN ADMINISTRATOR." A FARM CREDIT BUREAU OR MEMBER OF THE
47 FARM CREDIT SYSTEM OR A BANKING INSTITUTION OR NON-GOVERNMENTAL ORGAN-
48 IZATION WITH A DEMONSTRATED ABILITY TO PROVIDE FINANCIAL ASSISTANCE AND
49 SERVICE TO AGRICULTURAL RURAL AREAS, THAT HAVE ENTERED INTO A MASTER
50 SERVICING AGREEMENT PRESCRIBED PURSUANT TO SUBDIVISION TWO OF THIS
51 SECTION.

1 (2) MASTER SERVICING AGREEMENT. (A) THE STATE SOIL AND WATER CONSERVA-
2 TION COMMITTEE ("COMMITTEE") IS HEREBY AUTHORIZED TO USE THE MONIES HELD
3 IN THE FARM DRAIN TILE REVOLVING LOAN FUND TO MAKE ADVANCES TO A LOCAL
4 LOAN ADMINISTRATOR THAT HAS ENTERED INTO A WRITTEN MASTER SERVICING
5 AGREEMENT PRESCRIBED BY THE COMMITTEE PURSUANT TO PARAGRAPH (B) OF THIS
6 SUBDIVISION.

7 (B) THE COMMITTEE, IN CONSULTATION WITH THE COMPTROLLER, SHALL
8 PRESCRIBE A MASTER SERVICING AGREEMENT TO BE EXECUTED BY THE COMMITTEE
9 AND LOCAL LOAN ADMINISTRATORS. SUCH AGREEMENT SHALL PROVIDE THAT: (I)
10 ANY ADVANCES MADE TO A LOCAL LOAN ADMINISTRATOR SHALL BE USED SOLELY FOR
11 THE PURPOSE OF PROVIDING LOANS TO AGRICULTURAL PRODUCERS FOR UNDERTAKING
12 FARM DRAIN TILE PROJECTS; (II) THE TOTAL AMOUNT OF LOANS MADE TO ANY
13 SINGLE AGRICULTURAL PRODUCER SHALL NOT EXCEED FIFTY THOUSAND DOLLARS PER
14 ANNUM; (III) THE TERM OF ANY LOAN SHALL NOT EXCEED TEN YEARS AND EQUAL
15 PAYMENTS OF PRINCIPAL PAYABLE NO LESS FREQUENTLY THAN ANNUALLY SHALL BE
16 REQUIRED TO BE MADE ON SUCH LOAN DURING THE TERM SUCH LOAN IS OUTSTAND-
17 ING WHICH PAYMENTS WILL LIQUIDATE THE ENTIRE PRINCIPAL BALANCE OF THE
18 LOAN OVER ITS TERM; (IV) THE LOCAL LOAN ADMINISTRATOR IS REQUIRED TO PAY
19 TO THE COMMITTEE FOR DEPOSIT INTO THE FARM DRAIN TILE REVOLVING LOAN
20 FUND ALL REPAYMENTS INCLUDING INTEREST, IF ANY, RECEIVED FROM ANY AGRI-
21 CULTURAL PRODUCERS ON ACCOUNT OF SUCH LOAN, EXCEPT FOR THAT PORTION
22 PERMITTED TO BE RETAINED BY THE LOCAL LOAN ADMINISTRATOR AS A FEE PURSU-
23 ANT TO THE MASTER SERVICING AGREEMENT. THE MASTER SERVICING AGREEMENT
24 SHALL ALSO SET FORTH: (I) THE FORM OF ANY NOTE AND SECURITY AGREEMENT TO
25 BE EXECUTED BY THE AGRICULTURAL PRODUCER IN CONNECTION WITH ANY LOAN;
26 (II) THE RATE OF INTEREST, IF ANY, TO BE CHARGED ON ANY LOAN; (III) THE
27 AMOUNT OF ANY FEE TO BE RETAINED BY THE LOCAL LOAN ADMINISTRATOR FOR
28 SERVICING ANY LOAN; (IV) THE FORM OF APPLICATION REQUIRED TO BE
29 COMPLETED BY AN AGRICULTURAL PRODUCER FOR ANY LOAN; (V) THE FORM OF
30 REQUISITION AND CERTIFICATION TO BE REQUIRED FROM A LOCAL LOAN ADMINIS-
31 TRATOR TO OBTAIN AN ADVANCE OF FUNDS FROM THE COMMITTEE; (VI) ANY OTHER
32 CONDITIONS TO BE IMPOSED UPON AN AGRICULTURAL PRODUCER AS A CONDITION OF
33 RECEIVING A LOAN; (VII) THE RESPONSIBILITIES TO BE PERFORMED BY THE
34 LOCAL LOAN ADMINISTRATOR IN CONNECTION WITH REVIEWING, APPROVING AND
35 SERVICING THE LOAN AND THE CIRCUMSTANCES UNDER WHICH THE COMMITTEE MAY
36 TERMINATE A MASTER SERVICING AGREEMENT; (VIII) CONDITIONS NECESSARY TO
37 INSURE PROMPT CLOSING ON LOANS FOR WHICH FUNDS ARE ADVANCED, INCLUDING
38 PAYMENT OF INTEREST OF FUNDS FROM THE TIME ADVANCED UNTIL UTILIZED; AND
39 (IX) SUCH OTHER REQUIREMENTS AS THE COMMITTEE MAY FROM TIME TO TIME
40 ESTABLISH BY RULES AND REGULATIONS CONSISTENT WITH THE PURPOSES OF THIS
41 SECTION.

42 (3) (A) THE COMMITTEE SHALL, SUBJECT TO THE AVAILABILITY OF FUNDS AS
43 APPROPRIATED BY THE LEGISLATURE, ADVANCE FROM THE FARM DRAIN TILE
44 REVOLVING LOAN FUND TO A LOCAL LOAN ADMINISTRATOR THE AMOUNT OF FUNDS
45 REQUESTED IN ANY REQUISITION WITHIN FIFTEEN BUSINESS DAYS AFTER RECEIPT
46 OF ALL OF THE FOLLOWING: A COMPLETED REQUISITION FOR AN ADVANCE OF
47 FUNDS; COPIES OF ANY APPLICATIONS AND ANY SUPPORTING DOCUMENTATION TO
48 WHICH SUCH REQUISITION PERTAINS; AND A CERTIFICATION FROM THE LOCAL LOAN
49 ADMINISTRATOR WITH RESPECT TO SUCH REQUISITION IN ADDITION TO ANY OTHER
50 REPRESENTATION AND STATEMENT REQUIRED BY THE COMMITTEE. THE CERTIF-
51 ICATION FROM THE LOCAL LOAN ADMINISTRATOR SHALL STATE THAT: (I) THE LOAN
52 ADMINISTRATOR HAS PERFORMED ITS RESPONSIBILITIES IN CONNECTION WITH
53 REVIEW AND APPROVAL OF APPLICATIONS TO WHICH SUCH REQUISITION PERTAINS,
54 (II) TO THE BEST OF THE LOCAL LOAN ADMINISTRATOR'S KNOWLEDGE THE LOANS,
55 TO WHICH THE ADVANCES PERTAIN, COMPLY WITH THE MASTER SERVICING AGREE-
56 MENT AND THE PROVISIONS OF THIS SECTION, AND (III) THE BORROWERS HAVE

1 DEMONSTRATED THEIR ABILITY TO MAKE THE REPAYMENTS REQUIRED UNDER THE
2 LOAN. IN THE EVENT THAT FUNDS ARE NOT AVAILABLE OR THE COMMITTEE DETER-
3 MINES THAT THE REQUISITION, APPLICATION OR CERTIFICATION IS DEFECTIVE,
4 IT SHALL SO NOTIFY THE LOCAL LOAN ADMINISTRATOR WITHIN FIFTEEN BUSINESS
5 DAYS AFTER RECEIPT OF THE REQUISITION.

6 (B) THE COMMITTEE SHALL ESTABLISH CRITERIA FOR PRIORITIZING LOAN
7 APPLICATIONS IN THE EVENT THAT THE REQUISITIONS SUBMITTED TO THE COMMIT-
8 TEE BY ONE OR MORE LOCAL LOAN ADMINISTRATORS EXCEED THE AMOUNT THEN
9 AVAILABLE FOR THE PURPOSES OF THIS SECTION. IN DETERMINING PRIORITY, THE
10 COMMITTEE SHALL TAKE INTO ACCOUNT: (I) WHETHER THE FARM DRAIN TILE
11 PROJECT TO WHICH THE APPLICATION PERTAINS IS THE MOST COST EFFECTIVE
12 APPROACH TO ENABLE THE AGRICULTURAL PRODUCER TO CONSTRUCT OR IMPROVE
13 FARM DRAIN TILE ON THE FARM; (II) WHETHER THE AGRICULTURAL PRODUCER
14 MAKING APPLICATION LACKS THE FINANCIAL RESOURCES TO UNDERTAKE THE FARM
15 DRAIN TILE PROJECT WITHOUT OBTAINING A LOAN PURSUANT TO THIS SECTION;
16 AND (III) SUCH OTHER FACTORS AS THE COMMITTEE DEEMS RELEVANT. IN APPLY-
17 ING THE CRITERIA TO BE UTILIZED FOR PRIORITIZING LOANS, THE COMMITTEE
18 SHALL BE ENTITLED TO RELY ON THE INFORMATION CONTAINED IN THE COPIES OF
19 THE APPLICATIONS SUBMITTED WITH THE REQUISITION.

20 (4) EXAMINATION BY COMPTROLLER. THE COMPTROLLER, OR HIS OR HER LEGALLY
21 AUTHORIZED REPRESENTATIVE, IS HEREBY AUTHORIZED AND EMPOWERED FROM TIME
22 TO TIME TO EXAMINE THE BOOKS AND ACCOUNTS OF THE COMMITTEE RELATING TO
23 THE FARM DRAIN TILE FUND, AND FROM TIME TO TIME, TO EXAMINE THE BOOKS
24 AND ACCOUNTS OF ANY LOCAL LOAN ADMINISTRATOR WHICH HAS RECEIVED ADVANCES
25 FROM SUCH FUND PURSUANT TO THIS SECTION, BUT ONLY INsofar AS THOSE BOOKS
26 AND ACCOUNTS RELATE TO SUCH ADVANCES AND TO THE LOCAL LOAN ADMINISTRA-
27 TOR'S COMPLIANCE WITH THE MASTER SERVICING AGREEMENT ENTERED INTO PURSU-
28 ANT TO THIS SECTION.

29 (5) ESTABLISHMENT OF FUND. (A) THERE IS HEREBY CREATED AND ESTABLISHED
30 IN THE COMMITTEE A REVOLVING LOAN FUND TO BE KNOWN AS THE "FARM DRAIN
31 TILE REVOLVING LOAN FUND."

32 (B) THERE SHALL BE PAID INTO SUCH FARM DRAIN TILE REVOLVING LOAN FUND
33 (I) ANY MONEYS APPROPRIATED AND MADE AVAILABLE BY THE STATE FOR THE
34 PURPOSES OF SUCH FUND, (II) NOTWITHSTANDING THE PROVISIONS OF THE STATE
35 FINANCE LAW OR ANY OTHER PROVISION OF LAW, ANY MONEYS WHICH THE COMMIT-
36 TEE SHALL RECEIVE IN REPAYMENT OF ADVANCES MADE FROM SUCH FUND, AND
37 (III) ANY OTHER MONEYS WHICH MAY BE MADE AVAILABLE TO THE COMMITTEE FOR
38 THE PURPOSE OF SUCH FUND FROM ANY OTHER SOURCE OR SOURCES.

39 (C) ALL MONEYS PAID INTO THE FUND FROM REPAYMENTS OF LOANS AUTHORIZED
40 BY SUBDIVISION THREE OF THIS SECTION SHALL CONTINUE TO BE MADE AVAILABLE
41 FOR THE PURPOSE OF PROVIDING LOANS PURSUANT TO SUCH SUBDIVISION.

42 (D) ANY MONEYS HELD IN SUCH FARM DRAIN TILE REVOLVING LOAN FUND NOT
43 REQUIRED FOR IMMEDIATE DISBURSEMENT MAY BE INVESTED, AT THE DISCRETION
44 OF THE COMMITTEE, IN OBLIGATIONS OF THE STATE OR THE UNITED STATES
45 GOVERNMENT OR OBLIGATIONS THE PRINCIPAL AND INTEREST OF WHICH ARE GUAR-
46 ANTEED BY THE STATE OR THE UNITED STATES GOVERNMENT. ANY INCOME OR
47 INTEREST EARNED BY, OR INCREMENT TO, SUCH FARM DRAIN TILE REVOLVING LOAN
48 FUND SHALL BE ADDED TO THE MONEYS HELD IN SUCH FUND FOR THE PURPOSES
49 HEREIN PROVIDED.

50 (6) RULES AND REGULATIONS. THE COMMITTEE IS EMPOWERED TO PROMULGATE
51 SUCH RULES AND REGULATIONS AND TO PRESCRIBE SUCH FORMS AS IT SHALL DEEM
52 NECESSARY TO EFFECTUATE THE PURPOSES OF THIS SECTION.

53 S 2. Subject to appropriation, "five hundred thousand dollars"
54 (\$500,000) shall be allocated from the farm drain tile revolving loan
55 fund for loans pursuant to subdivision 3 of section 4-a of the soil and
56 water conservation districts law.

1 S 3. This act shall take effect immediately provided, however, that
2 the provisions of subdivision 3 of section 4-a of the soil and water
3 conservation districts law as added by section one of this act shall
4 apply to requisitions which are submitted commencing one hundred twenty
5 days after the effective date of this act.

6 PART FF

7 Section 1. Section 16-w of section 1 of chapter 174 of the laws of
8 1968, constituting the New York state urban development corporation act,
9 as added by section 1 of part Z of chapter 55 of the laws of 2014, is
10 amended to read as follows:

11 S 16-w. Beginning farmers NY fund. 1. The beginning farmers NY fund is
12 hereby created. The purpose of the beginning farmers NY fund is to make
13 grants to eligible applicants, to support beginning farmers and encour-
14 age them to consider farming as a career, resulting in the growth of
15 agribusiness within the state and the concomitant tax revenues for the
16 state.

17 2. The corporation shall consult with the department of agriculture
18 and markets in order to establish such criteria governing the award of
19 grants as authorized herein, as the corporation and such department deem
20 necessary. Such criteria shall include, but not be limited to:

21 (a) farmers who have not produced an "agricultural product" as defined
22 [in] BY SECTION THREE HUNDRED TWENTY-EIGHT OF the agriculture and
23 markets law, for more than ten consecutive years, and who will mate-
24 rially and substantially participate in the production of an agricul-
25 tural product within a region of the state.

26 [(b) farmers who demonstrate innovative agricultural techniques
27 including, but not limited to, organic farming and specialty crops.

28 (c)] (B) farms of one hundred fifty acres or less.

29 3. APPROPRIATIONS TO THE BEGINNING FARMERS NY FUND MAY BE USED FOR THE
30 FOLLOWING PURPOSES:

31 (A) TO ASSIST FARMERS IN DEMONSTRATING INNOVATIVE AGRICULTURAL TECH-
32 NIQUES INCLUDING, BUT NOT LIMITED TO, ORGANIC FARMING AND SPECIALTY
33 CROPS.

34 (B) CAPITAL GRANTS IN ACCORDANCE WITH A BUSINESS PLAN TO IMPROVE FARM
35 PROFITABILITY. UPON COMPLETION OF SUCH BUSINESS PLAN, RECIPIENTS SHALL
36 BE ELIGIBLE FOR CAPITAL GRANTS TO ENHANCE THE PROFITABILITY OF FARMING
37 OPERATIONS. SUCH GRANTS MAY BE USED FOR PURPOSES INCLUDING, BUT NOT
38 LIMITED TO, THE PURCHASE OF MACHINERY OR THE CONSTRUCTION OR IMPROVEMENT
39 OF PHYSICAL STRUCTURES. ANY CAPITAL GRANT SHALL BE ISSUED WITH A ONE-TO-
40 ONE MATCH BETWEEN THE STATE AND RECIPIENT.

41 [3] 4. The corporation shall establish a competitive process for the
42 evaluation of applicants for the beginning farmers NY fund. When award-
43 ing funds pursuant to this section, the corporation shall ensure that
44 applicants meet the criteria and requirements determined by the corpo-
45 ration pursuant to this section.

46 [4] 5. The beginning farmers NY fund shall not invest an amount in any
47 single beneficiary that exceeds fifty thousand dollars, subject to any
48 exceptions to be established by guidelines of the corporation.

49 [5] 6. Notwithstanding any provision of law to the contrary, the
50 corporation may establish a program fund for program use and pay into
51 such fund any eligible funds available to the corporation from any
52 source, including moneys appropriated by the state.

53 [6] 7. The corporation shall submit a report annually on December
54 thirty-first to the director of the budget, the temporary president of

1 the senate, the speaker of the assembly, the minority leader of the
2 senate and the minority leader of the assembly detailing (a) the total
3 amount of funds committed to each applicant; (b) the location of each
4 applicant; and (c) such other information as the corporation deems
5 necessary.

6 [7] 8. The corporation is hereby authorized to establish guidelines
7 for the administration of the program, including application procedures
8 and disbursement terms, and to provide for the repayment of funds
9 received by the beneficiary if the beneficiary leaves New York state or
10 otherwise ceases farming activity within a period of time to be estab-
11 lished by the corporation.

12 S 2. This act shall take effect immediately.

13 PART GG

14 Section 1. Section 4 of chapter 495 of the laws of 2004, amending the
15 insurance law and the public health law relating to the New York state
16 health insurance continuation assistance demonstration project, as
17 amended by section 1 of part GG of chapter 57 of the laws of 2014, is
18 amended to read as follows:

19 S 4. This act shall take effect on the sixtieth day after it shall
20 have become a law; provided, however, that this act shall remain in
21 effect until July 1, [2015] 2016 when upon such date the provisions of
22 this act shall expire and be deemed repealed; provided, further, that a
23 displaced worker shall be eligible for continuation assistance retroac-
24 tive to July 1, 2004.

25 S 2. This act shall take effect immediately.

26 PART HH

27 Section 1. (a) Notwithstanding any provision of law to the contrary,
28 the civil service department may re-classify the person employed in an
29 exempt or non-competitive class position of special office assistant by
30 the division of budget or director of wagering systems by the gaming
31 commission or research scientist by the department of health or critical
32 infrastructure analyst by the division of homeland security and emergen-
33 cy services immediately prior to being transferred to the office of
34 information technology services pursuant to subdivision 2 of section 70
35 of the civil service law to align with the duties and responsibilities
36 of their positions upon transfer. Permanent employees whose positions
37 are subsequently re-classified to align with the duties and responsibil-
38 ities of their positions upon being transferred to the office of infor-
39 mation technology services pursuant to subdivision 2 of section 70 of
40 the civil service law shall hold such positions without further examina-
41 tion or qualification.

42 (b) No employee whose position is re-classified pursuant to this
43 section shall suffer a reduction in basic salary as a result of such
44 re-classification and shall continue to receive, at a minimum, the sala-
45 ry that such employee received while employed at their prior agency.

46 S 2. This act shall take effect immediately.

47 PART II

48 Section 1. Subdivisions 3 and 5 of section 19-0323 of the environ-
49 mental conservation law, as amended by section 1 of part DD of chapter
50 57 of the laws of 2014, are amended to read as follows:

1 3. Any diesel powered heavy duty vehicle that is owned by, operated by
2 or on behalf of, or leased by a state agency and state and regional
3 public authority with more than half of its governing body appointed by
4 the governor shall utilize the best available retrofit technology for
5 reducing the emission of pollutants. The commissioner shall promulgate
6 regulations for the implementation of this subdivision specifying that
7 all vehicles covered by this subdivision shall have best available
8 retrofit technology on or before December 31, [2015] 2016.

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

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

26 S 2. Subdivision 7 of section 19-0323 of the environmental conserva-
27 tion law, as amended by section 2 of part DD of chapter 57 of the laws
28 of 2014, is amended to read as follows:

29 7. On or before January 1, 2008 and every year thereafter, the commis-
30 sioner shall report to the governor and legislature on the use of ultra
31 low sulfur diesel fuel. On or before January 1, [2016] 2017 and every
32 year thereafter, the commissioner shall include in the report to the
33 governor and legislature the use of the best available retrofit technol-
34 ogy as required under this section. The information contained in this
35 report shall include, but not be limited to, for each state agency and
36 public authority covered by this section: (a) the total number of diesel
37 fuel-powered motor vehicles owned or operated by such agency and author-
38 ity; (b) the number of such motor vehicles that were powered by ultra
39 low sulfur diesel fuel; (c) the total number of diesel fuel-powered
40 motor vehicles owned or operated by such agency and authority having a
41 gross vehicle weight rating of more than 8,500 pounds; (d) the number of
42 such motor vehicles that utilized the best available retrofit technolo-
43 gy, including a breakdown by motor vehicle model, engine year and the
44 type of technology used for each vehicle; (e) the number of such motor
45 vehicles that are equipped with an engine certified to the applicable
46 2007 United States environmental protection agency standard for particu-
47 late matter as set forth in section 86.007-11 of title 40 of the code of
48 federal regulations or to any subsequent United States environmental
49 protection agency standard for particulate matter that is at least as
50 stringent; and (f) all waivers, findings, and renewals of such findings,
51 which, for each waiver, shall include, but not be limited to, the quan-
52 tity of diesel fuel needed to power diesel fuel-powered motor vehicles
53 owned or operated by such agency and authority; specific information
54 concerning the availability of ultra low sulfur diesel fuel.

55 S 3. This act shall take effect immediately.

1

PART JJ

2 Section 1. Section 1 of part D of chapter 111 of the laws of 2010
3 relating to the recovery of exempt income by the office of mental health
4 for community residences and family-based treatment programs as amended
5 by section 1 of part C of chapter 58 of the laws of 2014, is amended to
6 read as follows:

7 Section 1. The office of mental health is authorized to recover fund-
8 ing from community residences and family-based treatment providers
9 licensed by the office of mental health, consistent with contractual
10 obligations of such providers, and notwithstanding any other inconsis-
11 tent provision of law to the contrary, in an amount equal to 50 percent
12 of the income received by such providers which exceeds the fixed amount
13 of annual Medicaid revenue limitations, as established by the commis-
14 sioner of mental health. Recovery of such excess income shall be for the
15 following fiscal periods: for programs in counties located outside of
16 the city of New York, the applicable fiscal periods shall be January 1,
17 2003 through December 31, 2009 and January 1, 2011 through December 31,
18 [2015] 2016; and for programs located within the city of New York, the
19 applicable fiscal periods shall be July 1, 2003 through June 30, 2010
20 and July 1, 2011 through June 30, [2015] 2016.

21 S 2. This act shall take effect immediately.

22

PART KK

23 Section 1. Subparagraph 9 of paragraph h of subdivision 4 of section
24 1950 of the education law, as added by section 1 of part M of chapter 56
25 of the laws of 2012, is amended to read as follows:

26 (9) To enter into contracts with the commissioner of the office of
27 mental health, to provide special education [and], related services AND
28 ANY ALTERNATIVE EDUCATION PROGRAMS APPROVED BY THE COMMISSIONER PURSUANT
29 TO REGULATIONS PROMULGATED UNDER SECTION ONE HUNDRED TWELVE OF THIS
30 CHAPTER WHERE THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES PROVIDES
31 ALTERNATIVE EDUCATION PROGRAMS TO COMPONENT SCHOOL DISTRICTS, in accord-
32 ance with subdivision six-b of section thirty-two hundred two of this
33 chapter to patients hospitalized in hospitals operated by the office of
34 mental health who are between the ages of five and twenty-one who have
35 not received a high school diploma. Any such proposed contract shall be
36 subject to the review by the commissioner and his [and] OR her determi-
37 nation that it is an approved cooperative educational service. Services
38 provided pursuant to such contracts shall be provided at cost and
39 approved by the commissioner of the office of mental health and the
40 director of the division of the budget, and the board of cooperative
41 educational services shall not be authorized to charge any costs
42 incurred in providing such services to its component school districts.

43 S 2. Subdivision 6-b of section 3202 of the education law, as added by
44 section 2 of part M of chapter 56 of the laws of 2012, is amended to
45 read as follows:

46 6-b. The commissioner of mental health may meet his or her obligations
47 under section 33.11 of the mental hygiene law by contracting pursuant to
48 this subdivision for educational services for children between the ages
49 of five and twenty-one who do not hold a high school diploma and who are
50 hospitalized in hospitals operated by the office of mental health with
51 the trustees or board of education of any school district for educa-
52 tional services or with a board of cooperative educational services for
53 the provision of special education [and], related services AND ANY

1 ALTERNATIVE EDUCATION PROGRAMS APPROVED BY THE COMMISSIONER PURSUANT TO
2 REGULATIONS PROMULGATED UNDER SECTION ONE HUNDRED TWELVE OF THIS CHAPTER
3 WHERE THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES PROVIDES ALTERNATIVE
4 EDUCATION PROGRAMS TO COMPONENT SCHOOL DISTRICTS to such children in
5 accordance with their individualized education programs. The costs of
6 such education shall not be a charge upon a school district pursuant to
7 section 33.11 of the mental hygiene law.

8 (1) The [education department] COMMISSIONER OF MENTAL HEALTH shall
9 reimburse the school district or board of cooperative educational
10 services providing educational services pursuant to this subdivision for
11 the full cost of all services pursuant to the terms of such contract.

12 (2) The commissioner of mental health, with the approval of the direc-
13 tor of the division of the budget, shall be authorized to transfer fund-
14 ing to [the commissioner of education to the extent necessary to reim-
15 burse] school districts and boards of cooperative educational services
16 for services and educational programming provided under such contracts.

17 (3) Notwithstanding any provision of law to the contrary, nothing in
18 this subdivision or subparagraph nine of paragraph h of subdivision four
19 of section nineteen hundred fifty of this chapter shall be construed as
20 requiring participation by any local school district or board of cooper-
21 ative educational services.

22 S 3. The commissioner of mental health, in consultation with the
23 commissioner of education, shall submit to the governor, and to the
24 temporary president of the senate and the speaker of the assembly, a
25 report and recommendations by December 15, 2015 and annually thereafter,
26 on the number of children hospitalized in hospitals operated by the
27 office of mental health who received educational services from school
28 districts and boards of cooperative educational services pursuant to the
29 provisions of this act in the most recent school year and the projected
30 number to be served in the subsequent school year, the services provided
31 to these children, and the actual or projected cost of such services.
32 Such report shall also provide detailed proposals regarding whether
33 additional actions should be taken to ensure that children hospitalized
34 in hospitals operated by the office of mental health continue to receive
35 education programming and services as required by state and federal law.

36 S 4. Section 4 of part M of chapter 56 of the laws of 2012 amending
37 the education law, relating to authorizing contracts for the provision
38 of special education and related services for certain patients hospital-
39 ized in hospitals operated by the office of mental health, is amended to
40 read as follows:

41 S 4. This act shall take effect July 1, 2012 and shall expire June 30,
42 [2015] 2018, when upon such date the provisions of this act shall be
43 deemed repealed.

44 S 5. This act shall take effect immediately and shall be deemed to
45 have been in full force and effect on and after April 1, 2015, provided,
46 however, that:

47 a. The amendments to subparagraph 9 of paragraph h of subdivision 4 of
48 section 1950 of the education law made by section one of this act shall
49 not affect the repeal of such subparagraph and shall be deemed repealed
50 therewith; and

51 b. The amendments to subdivision 6-b of section 3202 of the education
52 law made by section two of this act shall not affect the repeal of such
53 subdivision and shall be deemed repealed therewith.

1 Section 1. Section 3 of part A of chapter 111 of the laws of 2010
2 amending the mental hygiene law relating to the receipt of federal and
3 state benefits received by individuals receiving care in facilities
4 operated by an office of the department of mental hygiene, as amended by
5 section 1 of part B of chapter 58 of the laws of 2014, is amended to
6 read as follows:

7 S 3. This act shall take effect immediately; and shall expire and be
8 deemed repealed June 30, [2015] 2018.

9 S 2. This act shall take effect immediately.

10 PART MM

11 Section 1. Section 366 of the social services law is amended by adding
12 a new subdivision 7-a to read as follows:

13 7-A. A. THE COMMISSIONER OF HEALTH IN CONSULTATION WITH THE COMMIS-
14 SIONER OF DEVELOPMENTAL DISABILITIES SHALL APPLY FOR A HOME AND COMMUNI-
15 TY-BASED WAIVER, PURSUANT TO SUBDIVISION (C) OF SECTION NINETEEN HUNDRED
16 FIFTEEN OF THE FEDERAL SOCIAL SECURITY ACT, IN ORDER TO PROVIDE HOME AND
17 COMMUNITY-BASED SERVICES FOR A POPULATION OF PERSONS WITH DEVELOPMENTAL
18 DISABILITIES, AS SUCH TERM IS DEFINED IN SECTION 1.03 OF THE MENTAL
19 HYGIENE LAW.

20 B. PERSONS ELIGIBLE FOR PARTICIPATION IN THE WAIVER PROGRAM SHALL:

21 (I) HAVE A DEVELOPMENTAL DISABILITY AS SUCH TERM IS DEFINED IN SUBDI-
22 VISION TWENTY-TWO OF SECTION 1.03 OF THE MENTAL HYGIENE LAW;

23 (II) MEET THE LEVEL OF CARE CRITERIA PROVIDED BY AN INTERMEDIATE CARE
24 FACILITY FOR THE DEVELOPMENTALLY DISABLED;

25 (III) BE ELIGIBLE FOR MEDICAID;

26 (IV) LIVE AT HOME OR IN AN INDIVIDUALIZED RESIDENTIAL ALTERNATIVE,
27 COMMUNITY RESIDENCE OR FAMILY CARE HOME, OPERATED OR LICENSED BY THE
28 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES;

29 (V) BE CAPABLE OF BEING CARED FOR IN THE COMMUNITY IF PROVIDED WITH
30 SUCH SERVICES AS RESPIRE, HOME ADAPTATION, OR OTHER HOME AND COMMUNITY-
31 BASED SERVICES, OTHER THAN ROOM AND BOARD, AS MAY BE APPROVED BY THE
32 SECRETARY OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN
33 ADDITION TO OTHER SERVICES PROVIDED UNDER THIS TITLE, AS DETERMINED BY
34 THE ASSESSMENT REQUIRED BY PARAGRAPH C OF THIS SUBDIVISION;

35 (VI) HAVE A DEMONSTRATED NEED FOR HOME AND COMMUNITY BASED WAIVER
36 SERVICES; AND

37 (VII) MEET SUCH OTHER CRITERIA AS MAY BE ESTABLISHED BY THE COMMIS-
38 SIONER OF HEALTH AND THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES, AS
39 MAY BE NECESSARY TO ADMINISTER THE PROVISIONS OF THIS SUBDIVISION.

40 C. THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES SHALL ASSESS THE
41 ELIGIBILITY OF PERSONS ENROLLED, OR SEEKING TO ENROLL, IN THE WAIVER
42 PROGRAM. THE ASSESSMENT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, AN
43 EVALUATION OF THE HEALTH, PSYCHO-SOCIAL, DEVELOPMENTAL, HABILITATION AND
44 ENVIRONMENTAL NEEDS OF THE PERSON AND SHALL SERVE AS THE BASIS FOR THE
45 DEVELOPMENT AND PROVISION OF AN APPROPRIATE PERSON CENTERED PLAN OF CARE
46 FOR SUCH PERSON.

47 D. THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES SHALL UNDER-
48 TAKE OR ARRANGE FOR THE DEVELOPMENT OF A WRITTEN PERSON CENTERED PLAN OF
49 CARE FOR EACH PERSON ENROLLED IN THE WAIVER. SUCH PERSON CENTERED PLAN
50 OF CARE SHALL DESCRIBE THE PROVISION OF HOME AND COMMUNITY BASED WAIVER
51 SERVICES CONSISTENT WITH THE ASSESSMENT FOR EACH PERSON.

52 E. THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES SHALL REVIEW
53 THE PERSON CENTERED PLAN OF CARE AND AUTHORIZE THOSE HOME AND COMMUNITY
54 BASED SERVICES TO BE INCLUDED IN THE PERSON CENTERED PLAN OF CARE,

1 TAKING INTO ACCOUNT THE PERSON'S ASSESSED NEEDS, VALUED OUTCOMES AND
2 AVAILABLE RESOURCES.

3 F. THE COMMISSIONERS OF DEVELOPMENTAL DISABILITIES AND HEALTH SHALL
4 DETERMINE QUALITY STANDARDS FOR ORGANIZATIONS PROVIDING SERVICES UNDER
5 SUCH WAIVER AND SHALL AUTHORIZE ORGANIZATIONS THAT MEET SUCH STANDARDS
6 TO PROVIDE SUCH SERVICES.

7 G. THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES OR HEALTH MAY
8 PROMULGATE RULES AND REGULATIONS AS NECESSARY TO EFFECTUATE THE
9 PROVISIONS OF THIS SECTION.

10 H. THIS SUBDIVISION SHALL BE EFFECTIVE ONLY IF, AND AS LONG AS, FEDER-
11 AL FINANCIAL PARTICIPATION IS AVAILABLE FOR EXPENDITURES INCURRED UNDER
12 THIS SUBDIVISION.

13 S 2. Paragraph (a) of subdivision 4 of section 488 of the social
14 services law, as added by section 1 of part B of chapter 501 of the laws
15 of 2012, is amended to read as follows:

16 (a) a facility or program in which services are provided and which is
17 operated, licensed or certified by the office of mental health, the
18 office for people with developmental disabilities or the office of alco-
19 holism and substance abuse services, including but not limited to
20 psychiatric centers, inpatient psychiatric units of a general hospital,
21 developmental centers, intermediate care facilities, community resi-
22 dences, group homes and family care homes, provided, however, that such
23 term shall not include a secure treatment facility as defined in section
24 10.03 of the mental hygiene law, SERVICES DEFINED IN SUBPARAGRAPH FOUR
25 OF SUBDIVISION (A) OF SECTION 16.03 OF THE MENTAL HYGIENE LAW, or
26 services provided in programs or facilities that are operated by the
27 office of mental health and located in state correctional facilities
28 under the jurisdiction of the department of corrections and community
29 supervision;

30 S 3. Subdivision 2 of section 550 of the executive law, as added by
31 section 3 of part A of chapter 501 of the laws of 2012, is amended to
32 read as follows:

33 2. "Mental hygiene facility" shall mean a facility as defined in
34 subdivision six of section 1.03 of the mental hygiene law and facilities
35 for the operation of which an operating certificate is required pursuant
36 to article sixteen or thirty-one of the mental hygiene law and including
37 family care homes. "Mental hygiene facility" also means a secure treat-
38 ment facility as defined by article ten of the mental hygiene law. THIS
39 TERM SHALL NOT INCLUDE SERVICES DEFINED IN SUBPARAGRAPH FOUR OF SUBDIVI-
40 SION (A) OF SECTION 16.03 OF THE MENTAL HYGIENE LAW.

41 S 4. Subdivisions 3, 4, 5 and 22 of section 1.03 of the mental hygiene
42 law, subdivision 3 as amended by chapter 223 of the laws of 1992, subdi-
43 vision 4 as added by chapter 978 of the laws of 1977, subdivision 5 as
44 amended by chapter 75 of the laws of 2006, and subdivision 22 as amended
45 by chapter 255 of the laws of 2002, are amended to read as follows:

46 3. "Mental disability" means mental illness, [mental retardation]
47 INTELLECTUAL DISABILITY, developmental disability, alcoholism, substance
48 dependence, or chemical dependence. [A mentally disabled person is one
49 who has a mental disability.]

50 4. "Services for [the mentally disabled] PERSONS WITH A MENTAL DISA-
51 BILITY" means examination, diagnosis, care, treatment, rehabilitation,
52 SUPPORTS, HABILITATION or training of the mentally disabled.

53 5. "Provider of services" means an individual, association, corpo-
54 ration, partnership, limited liability company, or public or private
55 agency, other than an agency or department of the state, which provides
56 services for [the mentally disabled] PERSONS WITH A MENTAL DISABILITY.

1 It shall not include any part of a hospital as defined in article twen-
2 ty-eight of the public health law which is not being operated for the
3 purpose of providing services for the mentally disabled. No provider of
4 services shall be subject to the regulation or control of the department
5 or one of its offices except as such regulation or control is provided
6 for by other provisions of this chapter.

7 22. "Developmental disability" means a disability of a person which:

8 (a) (1) is attributable to [mental retardation] INTELLECTUAL DISABILI-
9 TY, cerebral palsy, epilepsy, neurological impairment, familial dysauto-
10 nomia or autism;

11 (2) is attributable to any other condition of a person found to be
12 closely related to [mental retardation] INTELLECTUAL DISABILITY because
13 such condition results in similar impairment of general intellectual
14 functioning or adaptive behavior to that of [mentally retarded] INTEL-
15 LECTUALLY DISABLED persons or requires treatment and services similar to
16 those required for such person; or

17 (3) is attributable to dyslexia resulting from a disability described
18 in subparagraph [(1)] ONE or [(2)] TWO of this paragraph;

19 (b) originates before such person attains age twenty-two;

20 (c) has continued or can be expected to continue indefinitely; and

21 (d) constitutes a substantial handicap to such person's ability to
22 function normally in society.

23 S 5. Intentionally omitted.

24 S 6. Subdivision (a) of section 16.03 of the mental hygiene law is
25 amended by adding a new paragraph 4 to read as follows:

26 (4) THE PROVISION OF HOME AND COMMUNITY BASED SERVICES APPROVED UNDER
27 A WAIVER PROGRAM AUTHORIZED PURSUANT TO SUBDIVISION (C) OF SECTION NINE-
28 TEEN HUNDRED FIFTEEN OF THE FEDERAL SOCIAL SECURITY ACT AND SUBDIVISIONS
29 SEVEN AND SEVEN-A OF SECTION THREE HUNDRED SIXTY-SIX OF THE SOCIAL
30 SERVICES LAW, PROVIDED THAT AN OPERATING CERTIFICATE ISSUED PURSUANT TO
31 THIS PARAGRAPH SHALL ONLY AUTHORIZE SERVICES IN A HOME OR COMMUNITY
32 SETTING.

33 S 7. Section 16.03 of the mental hygiene law is amended by adding a
34 new subdivision (f) to read as follows:

35 (F) ANY PROVIDER OF SERVICES THAT HOLDS AN OPERATING CERTIFICATE
36 PURSUANT TO PARAGRAPH FOUR OF SUBDIVISION (A) OF THIS SECTION, SHALL BE
37 AUTHORIZED TO EMPLOY OR CONTRACT WITH PERSONS LICENSED TO PRACTICE NURS-
38 ING PURSUANT TO ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW;
39 EMPLOY OR CONTRACT WITH EXEMPT INDIVIDUALS AUTHORIZED TO PERFORM TASKS
40 PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH A OF SUBDIVISION ONE OF
41 SECTION SIXTY-NINE HUNDRED EIGHT OF THE EDUCATION LAW; OR CONTRACT WITH
42 ENTITIES LEGALLY AUTHORIZED TO EMPLOY PERSONS LICENSED TO PRACTICE NURS-
43 ING PURSUANT TO ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW OR
44 EXEMPT INDIVIDUALS AUTHORIZED TO PERFORM TASKS PURSUANT TO SUBPARAGRAPH
45 (V) OF PARAGRAPH A OF SUBDIVISION ONE OF SECTION SIXTY-NINE HUNDRED
46 EIGHT OF THE EDUCATION LAW; PROVIDED THAT SUCH EXEMPT INDIVIDUALS SHALL
47 ONLY BE AUTHORIZED TO PROVIDE THOSE TASKS DELEGATED PURSUANT TO SUBPARA-
48 GRAPH (V) OF PARAGRAPH A OF SUBDIVISION ONE OF SECTION SIXTY-NINE
49 HUNDRED EIGHT OF THE EDUCATION LAW.

50 S 8. Subdivision (a), paragraphs 2, 3, and 6 of subdivision (c), para-
51 graphs 1 and 4 of subdivision (d), subdivision (e), and subdivision (i)
52 of section 16.05 of the mental hygiene law, subdivision (a), paragraphs
53 2, 3, and 6 of subdivision (c), paragraphs 1 and 4 of subdivision (d)
54 and subdivision (e) as added by chapter 786 of the laws of 1983, para-
55 graph 6 of subdivision (c) and paragraph 4 of subdivision (d) as renum-

bered by chapter 618 of the laws of 1990, and subdivision (i) as amended by chapter 37 of the laws of 2011, are amended to read as follows:

(a)(1) Application for an operating certificate shall be made upon forms prescribed by the commissioner.

(2) Application shall be made by the person or entity responsible for operation of the facility OR PROVIDER OF SERVICES AS DESCRIBED IN SUBDIVISION FOUR OF SECTION 16.03 OF THIS ARTICLE. Applications shall be in writing, shall be verified and shall contain such information as required by the commissioner.

(2) The character, competence and standing in the community of the person or entity responsible for operating the facility OR PROVIDING SERVICES;

(3) The financial resources of the proposed facility OR PROVIDER OF SERVICES and its sources of future revenues;

(6) In the case of residential facilities, that arrangements have been made with other providers of services for the provision of health, habilitation, day treatment, education, sheltered workshop, transportation or other services as may be necessary to meet the needs of [clients] INDIVIDUALS who will reside in the facility; and

(1) the financial resources of the proposed facility OR PROVIDER OF SERVICES and its sources of future revenues;

(4) in the case of residential facilities, that arrangements have been made with other providers of services for the provision of health, habilitation, day treatment, education, sheltered workshop, transportation or other services as may be necessary to meet the needs of [clients] INDIVIDUALS who will reside in the facility; and

(e) The commissioner may disapprove an application for an operating certificate, may authorize fewer services than applied for, and may place limitations or conditions on the operating certificate including, but not limited to compliance with a time limited plan of correction of any deficiency which does not threaten the health or well-being of any [client] INDIVIDUALS. In such cases the applicant shall be given an opportunity to be heard, at a public hearing if requested by the applicant.

(i) In the event that the holder of an operating certificate for a residential facility issued by the commissioner pursuant to this article wishes to cease the operation or conduct of any of the activities, as defined in paragraph one OR FOUR of subdivision (a) of section 16.03 of this article, for which such certificate has been issued or to cease operation of any one or more of facilities for which such certificate has been issued; wishes to transfer ownership, possession or operation of the premises and facilities upon which such activities are being conducted or to transfer ownership, possession or operation of any one or more of the premises or facilities for which such certificate has been issued; or elects not to apply to the commissioner for re-certification upon the expiration of any current period of certification, it shall be the duty of such certificate holder to give to the commissioner written notice of such intention not less than sixty days prior to the intended effective date of such transaction. Such notice shall set forth a detailed plan which makes provision for the safe and orderly transfer of each person with a developmental disability served by such certificate holder pursuant to such certificate into a program of services appropriate to such person's on-going needs and/or for the continuous provision of a lawfully operated program of such activities and services at the premises and facilities to be conveyed by the certificate holder. Such certificate holder shall not cease to provide any such services to

1 any such person with a developmental disability under any of the circum-
2 stances described in this section until the notice and plan required
3 hereby are received, reviewed and approved by the commissioner. For the
4 purposes of this paragraph, the requirement of prior notice and contin-
5 uous provision of programs and services by the certificate holder shall
6 not apply to those situations and changes in circumstances directly
7 affecting the certificate holder that are not reasonably foreseeable at
8 the time of occurrence, including, but not limited to, death or other
9 sudden incapacitating disability or infirmity. Written notice shall be
10 given to the commissioner as soon as reasonably possible thereafter in
11 the manner set forth within this subdivision.

12 S 8-a. Subdivision (c) of section 16.05 of the mental hygiene law is
13 amended by adding a new paragraph 6-a to read as follows:

14 (6-A) IN THE CASE OF A PROVIDER OF SERVICES SEEKING TO PROVIDE NURS-
15 ING TASKS BY NON-LICENSED PERSONS AUTHORIZED TO PROVIDE SUCH TASKS
16 PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH A OF SUBDIVISION ONE OF
17 SECTION SIXTY-NINE HUNDRED EIGHT OF THE EDUCATION LAW, THAT SUCH PROVID-
18 ER WILL PROVIDE SERVICES AND PERFORM TASKS IN A SAFE AND COMPETENT
19 MANNER AND WILL FULLY COMPLY WITH THE REQUIREMENTS OF SUCH SUBPARAGRAPH
20 AND ANY MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE AND THE STATE
21 EDUCATION DEPARTMENT PURSUANT TO SUCH SUBPARAGRAPH. ANY OPERATING
22 CERTIFICATE SUBJECT TO THIS PARAGRAPH SHALL SPECIFY THAT THE PROVIDER OF
23 SERVICES IS AUTHORIZED TO PROVIDE THESE NURSING SERVICES.

24 S 9. Paragraph 1 of subdivision (a) of section 16.09 of the mental
25 hygiene law, as added by chapter 786 of the laws of 1983, is amended to
26 read as follows:

27 (1) "Facility" is limited to a facility in which services are offered
28 for which an operating certificate is required by this article. For the
29 purposes of this section facility shall include family care homes BUT
30 SHALL NOT INCLUDE THE PROVISION OF SERVICES, AS DEFINED IN PARAGRAPH
31 FOUR OF SUBDIVISION (A) OF SECTION 16.03 OF THIS ARTICLE, OUTSIDE OF A
32 FACILITY.

33 S 10. The section heading and subdivision (a) of section 16.11 of the
34 mental hygiene law are REPEALED and a new section heading and subdivi-
35 sion (a) are added to read as follows:

36 OVERSIGHT OF FACILITIES AND SERVICES. (A) THE COMMISSIONER SHALL
37 PROVIDE FOR THE OVERSIGHT OF FACILITIES AND PROVIDERS OF SERVICES HOLD-
38 ING OPERATING CERTIFICATES PURSUANT TO SECTION 16.03 OF THIS ARTICLE AND
39 SHALL PROVIDE FOR THE ANNUAL REVIEW OF SUCH FACILITIES AND PROVIDERS IN
40 IMPLEMENTING THE REQUIREMENTS OF THE OFFICE AND IN PROVIDING QUALITY
41 CARE AND PERSON CENTERED AND COMMUNITY BASED SERVICES.

42 (1) THE REVIEW OF FACILITIES ISSUED AN OPERATING CERTIFICATE PURSUANT
43 TO THIS ARTICLE SHALL INCLUDE PERIODIC VISITATION AND REVIEW OF EACH
44 FACILITY. REVIEWS SHALL BE MADE AS FREQUENTLY AS THE COMMISSIONER MAY
45 DEEM NECESSARY BUT IN ANY EVENT SUCH INSPECTIONS SHALL BE MADE ON AT
46 LEAST TWO OCCASIONS DURING EACH CALENDAR YEAR WHICH SHALL BE WITHOUT
47 PRIOR NOTICE, PROVIDED, HOWEVER, THAT WHERE, IN THE DISCRETION OF THE
48 COMMISSIONER, AN OPERATING CERTIFICATE HAS BEEN ISSUED TO A PROGRAM WITH
49 A HISTORY OF COMPLIANCE AND A RECORD OF PROVIDING A HIGH QUALITY OF
50 CARE, THE PERIODIC INSPECTION AND VISITATION REQUIRED BY THIS SUBDIVI-
51 SION SHALL BE MADE AT LEAST ONCE DURING EACH CALENDAR YEAR PROVIDED SUCH
52 VISIT SHALL BE WITHOUT PRIOR NOTICE. AREAS OF REVIEW SHALL INCLUDE, BUT
53 NOT BE LIMITED TO, A REVIEW OF A FACILITY'S: PHYSICAL PLANT, FIRE SAFETY
54 PROCEDURES, HEALTH CARE, PROTECTIVE OVERSIGHT, ABUSE AND NEGLECT
55 PREVENTION, AND REPORTING PROCEDURES.

(2) THE REVIEW OF PROVIDERS OF SERVICES, AS DEFINED IN PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION 16.03 OF THIS ARTICLE, SHALL ENSURE THAT THE PROVIDER OF SERVICES COMPLIES WITH ALL THE REQUIREMENTS OF THE APPLICABLE FEDERAL HOME AND COMMUNITY BASED SERVICES WAIVER PROGRAM AND APPLICABLE FEDERAL REGULATION, SUBDIVISIONS SEVEN AND SEVEN-A OF SECTION THREE HUNDRED SIXTY-SIX OF THE SOCIAL SERVICES LAW AND RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER.

S 11. Subdivisions (b), (c), (d), and (e) of section 16.11 of the mental hygiene law, subdivision (b) as amended by chapter 37 of the laws of 2011, and subdivisions (c), (d) and (e) as added by chapter 786 of the laws of 1983, are amended to read as follows:

(b) The commissioner shall have the power to conduct investigations into the operations of any PROVIDER OF SERVICE, person or entity which holds an operating certificate issued by the office, into the operation of any facility, SERVICE or program issued an operating certificate by the office and into the operations, related to the provision of services regulated by this chapter, of any person or entity providing a residence for one or more unrelated persons with developmental disabilities.

(c) In conducting [an inspection] A REVIEW or investigation, the commissioner or his OR HER authorized representative shall have the power to inspect facilities, conduct interviews of clients, interview personnel, examine and copy all records, including financial and medical records of the facility OR PROVIDER OF SERVICES, and obtain such other information as may be required in order to carry out his OR HER responsibilities under this chapter.

(d) In conducting any [inspection] REVIEW or investigation under this chapter, the commissioner or his OR HER authorized representative is empowered to subpoena witnesses, compel their attendance, administer oaths to witnesses, examine witnesses under oath, and require the production of any books or papers deemed relevant to the investigation, inspection, or hearing. A subpoena issued under this section shall be regulated by the civil practice law and rules.

(e) The supreme court may enjoin persons or entities subject to [inspection] REVIEW or investigation pursuant to this article to cooperate with the commissioner and to allow the commissioner access to PROVIDERS OF SERVICES, facilities, records, clients and personnel as necessary to enable the commissioner to conduct the [inspection] REVIEW or investigation.

S 12. Section 16.17 of the mental hygiene law, as added by chapter 786 of the laws of 1983, subdivision (a) and paragraph 2 and subparagraph b of paragraph 1 of subdivision (b) as amended and subparagraph d of paragraph 1 of subdivision (b) as relettered by chapter 169 of the laws of 1992, subdivision (b) as amended by chapter 856 of the laws of 1985, the opening paragraph and subparagraph c of paragraph 1 of subdivision (b) as amended by chapter 37 of the laws of 2011, subparagraph d of paragraph 1 of subdivision (b) as added by chapter 618 of the laws of 1990, paragraph 4 of subdivision (b) as amended by chapter 168 of the laws of 2010, paragraph 1 of subdivision (f) as amended by chapter 601 of the laws of 2007, subdivision (g) as amended by chapter 24 of the laws of 2007, and subdivision (h) as amended by chapter 306 of the laws of 1995, is amended to read as follows:

S 16.17 Suspension, revocation, or limitation of an operating certificate.

(a) The commissioner may revoke, suspend, or limit an operating certificate or impose the penalties described in subparagraph a, b, c or d of paragraph one of subdivision (b) or in subdivision (g) of this

1 section upon a determination that the holder of the certificate has
2 failed to comply with the terms of its operating certificate or with the
3 provisions of any applicable statute, rule or regulation. The holder of
4 the certificate shall be given notice and an opportunity to be heard
5 prior to any such determination except that no such notice and opportu-
6 nity to be heard shall be necessary prior to an emergency suspension or
7 limitation of the facility's OR PROVIDER OF SERVICES' operating certif-
8 icate imposed pursuant to paragraph one of subdivision (b) of this
9 section, nor shall such notice and opportunity to be heard be necessary
10 should the commissioner, in his OR HER discretion, decide to issue sepa-
11 rate operating certificates to each facility OR PROVIDER OF SERVICES
12 formerly included under the services authorized by one operating certif-
13 icate to the provider of services.

14 (b) (1) An operating certificate may be temporarily suspended or
15 limited without a prior hearing for a period not in excess of sixty days
16 upon written notice to the facility OR PROVIDER OF SERVICES following a
17 finding by the office for people with developmental disabilities that a
18 [client's] INDIVIDUAL'S health or safety is in imminent danger. Upon
19 such finding and notice, the power of the commissioner temporarily to
20 suspend or limit an operating certificate shall include, but shall not
21 be limited to, the power to:

22 a. Prohibit or limit the placement of new [clients] INDIVIDUALS in the
23 facility OR SERVICES;

24 b. Remove or cause to be removed some or all of the [clients] INDIVID-
25 UALS in the facility OR SERVICES;

26 c. Suspend or limit or cause to be suspended or limited the payment of
27 any governmental funds to the facility OR PROVIDER OF SERVICES provided
28 that such action shall not in any way jeopardize the health, safety and
29 welfare of any person with a developmental disability in such program or
30 facility OR SERVICES;

31 d. Prohibit or limit the placement of new [clients] INDIVIDUALS,
32 remove or cause to be removed some or all [clients] INDIVIDUALS, or
33 suspend or limit or cause to be suspended or limited the payment of any
34 governmental funds, in or to any one or more of the facilities OR
35 PROVIDER OF SERVICES authorized pursuant to an operating certificate
36 [issued to a provider of services].

37 (2) At any time subsequent to the suspension or limitation of any
38 operating certificate pursuant to paragraph one of this subdivision
39 where said suspension or limitation is the result of correctable phys-
40 ical plant, staffing or program deficiencies, the facility OR PROVIDER
41 OF SERVICES may request the office to [reinspect] REVIEW the facility OR
42 PROVIDER OF SERVICES to redetermine whether a physical plant, staffing
43 or program deficiency continues to exist. After the receipt of such a
44 request, the office shall [reinspect] REVIEW the facility OR PROVIDER OF
45 SERVICES within ten days and in the event that the previously found
46 physical plant, staffing or program deficiency has been corrected, the
47 suspension or limitation shall be withdrawn. If the physical plant,
48 staffing or program deficiency has not been corrected, the commissioner
49 shall not thereafter be required to [reinspect] REVIEW the facility OR
50 PROVIDER OF SERVICES during the emergency period of suspension or limi-
51 tation.

52 (3) During the sixty day suspension or limitation period provided for
53 in paragraph one of this subdivision the commissioner shall determine
54 whether to reinstate or remove the limitations on the facility's OR
55 PROVIDER OF SERVICES' operating certificate or to revoke, suspend or
56 limit the operating certificate pursuant to subdivision (a) of this

1 section. Should the commissioner choose to revoke, suspend or limit the
2 operating certificate, then the emergency suspension or limitation
3 provided for in this subdivision shall remain in effect pending the
4 outcome of an administrative hearing on the revocation, suspension or
5 limitation.

6 (4) The facility operator OR PROVIDER OF SERVICES, within ten days of
7 the date when the emergency suspension or limitation pursuant to para-
8 graph one of this subdivision is first imposed, may request an evidenti-
9 ary hearing to contest the validity of the emergency suspension or limi-
10 tation. Such an evidentiary hearing shall commence within ten days of
11 the facility operator's OR PROVIDER'S request and no request for an
12 adjournment shall be granted without the concurrence of the facility
13 operator OR PROVIDER OF SERVICE, office for people with developmental
14 disabilities, and the hearing officer. The evidentiary hearing shall be
15 limited to those violations of federal and state law and regulations
16 that existed at the time of the emergency suspension or limitation and
17 which gave rise to the emergency suspension or limitation. The emergency
18 suspension or limitation shall be upheld upon a determination that the
19 office for people with developmental disabilities had reasonable cause
20 to believe that a [client's] INDIVIDUAL'S health or safety was in immi-
21 nent danger. A record of such hearing shall be made available to the
22 facility operator OR PROVIDER OF SERVICE upon request. Should the
23 commissioner determine to revoke, suspend or limit [the facility's] AN
24 operating certificate pursuant to subdivision (a) of this section, no
25 administrative hearing on that action shall commence prior to the
26 conclusion of the evidentiary hearing. The commissioner shall issue a
27 ruling within ten days after the receipt of the hearing officer's
28 report.

29 (c) When the holder of an operating certificate shall request an
30 opportunity to be heard, the commissioner shall fix a time and place for
31 the hearing. A copy of the charges, together with the notice of the time
32 and place of the hearing, shall be served in person or mailed by regis-
33 tered or certified mail to the facility OR PROVIDER OF SERVICES at least
34 ten days before the date fixed for the hearing. The facility OR PROVIDER
35 OF SERVICES shall file with the office, not less than three days prior
36 to the hearing, a written answer to the charges.

37 (d) (1) When a hearing must be afforded pursuant to this section or
38 other provisions of this article, the commissioner, acting as hearing
39 officer, or any person designated by him OR HER as hearing officer,
40 shall have power to:

- 41 a. administer oaths and affirmations;
- 42 b. issue subpoenas, which shall be regulated by the civil practice law
43 and rules;
- 44 c. take testimony; or
- 45 d. control the conduct of the hearing.

46 (2) The rules of evidence observed by courts need not be observed
47 except that the rules of privilege recognized by law shall be respected.
48 Irrelevant or unduly repetitious evidence may be excluded.

49 (3) All parties shall have the right of counsel and be afforded an
50 opportunity to present evidence and cross-examine witnesses.

51 (4) If evidence at the hearing relates to the identity, condition, or
52 clinical record of [a client] AN INDIVIDUAL, the hearing officer may
53 exclude all persons from the room except parties to the proceeding,
54 their counsel and the witness. The record of such proceeding shall not
55 be available to anyone outside the office, other than a party to the
56 proceeding or his counsel, except by order of a court of record.

1 (5) The commissioner may establish regulations to govern the hearing
2 procedure and the process of determination of the proceeding.

3 (6) The commissioner shall issue a ruling within ten days after the
4 termination of the hearing or, if a hearing officer has been designated,
5 within ten days from the hearing officer's report.

6 (e) All orders or determinations hereunder shall be subject to review
7 as provided in article seventy-eight of the civil practice law and
8 rules.

9 (f) (1) Except as provided in paragraph two of this subdivision,
10 anything contained in this section to the contrary notwithstanding, an
11 operating certificate of a facility OR PROVIDER OF SERVICE shall be
12 revoked upon a finding by the office that any individual, member of a
13 partnership or shareholder of a corporation to whom or to which an oper-
14 ating certificate has been issued, has been convicted of a class A, B or
15 C felony or a felony related in any way to any activity or program
16 subject to the regulations, supervision, or administration of the office
17 or of the office of temporary and disability assistance, the department
18 of health, or another office of the department of mental hygiene, or in
19 violation of the public officers law in a court of competent jurisdic-
20 tion of the state, or in a court in another jurisdiction for an act
21 which would have been a class A, B or C felony in this state or a felony
22 in any way related to any activity or program which would be subject to
23 the regulations, supervision, or administration of the office or of the
24 office of temporary and disability assistance, the department of health,
25 or another office of the department of mental hygiene, or for an act
26 which would be in violation of the public officers law. The commissioner
27 shall not revoke or limit the operating certificate of any facility OR
28 PROVIDER OF SERVICE, solely because of the conviction, whether in the
29 courts of this state or in the courts of another jurisdiction, more than
30 ten years prior to the effective date of such revocation or limitation,
31 of any person of a felony, or what would amount to a felony if committed
32 within the state, unless the commissioner makes a determination that
33 such conviction was related to an activity or program subject to the
34 regulations, supervision, and administration of the office or of the
35 office of temporary and disability assistance, the department of health,
36 or another office of the department of mental hygiene, or in violation
37 of the public officers law.

38 (2) In the event one or more members of a partnership or shareholders
39 of a corporation shall have been convicted of a felony as described in
40 paragraph one of this subdivision, the commissioner shall, in addition
41 to his OR HER other powers, limit the existing operating certificate of
42 such partnership or corporation so that it shall apply only to the
43 remaining partner or shareholders, as the case may be, provided that
44 every such convicted person immediately and completely ceases and with-
45 draws from participation in the management and operation of the facility
46 OR PROVIDER OF SERVICES and further provided that a change of ownership
47 or transfer of stock is completed without delay, and provided that such
48 partnership or corporation shall immediately reapply for a certificate
49 of operation pursuant to subdivision (a) of section 16.05 of this arti-
50 cle.

51 (g) The commissioner may impose a fine upon a finding that the holder
52 of the certificate has failed to comply with the terms of the operating
53 certificate or with the provisions of any applicable statute, rule or
54 regulation. The maximum amount of such fine shall be one thousand
55 dollars per day or fifteen thousand dollars per violation.

1 Such penalty may be recovered by an action brought by the commissioner
2 in any court of competent jurisdiction.

3 Such penalty may be released or compromised by the commissioner before
4 the matter has been referred to the attorney general. Any such penalty
5 may be released or compromised and any action commenced to recover the
6 same may be settled or discontinued by the attorney general with the
7 consent of the commissioner.

8 (h) Where a proceeding has been brought pursuant to section 16.27 of
9 this article, and a receiver appointed pursuant thereto, the commission-
10 er may assume operation of the facility subject to such receivership,
11 upon termination of such receivership, and upon showing to the court
12 having jurisdiction over such receivership that no voluntary associ-
13 ation, not-for-profit corporation or other appropriate provider is will-
14 ing to assume operation of the facility subject to receivership and is
15 capable of meeting the requirements of this article; provided that the
16 commissioner notifies the chairman of the assembly ways and means
17 committee, the chairman of the senate finance committee and the director
18 of the budget of his intention to assume operation of such facility upon
19 service of the order to show cause upon the owner or operator of the
20 facility, pursuant to subdivision (b) of section 16.27 of this article.

21 S 13. Paragraph 5 of subdivision (a) of section 16.29 of the mental
22 hygiene law, as amended by section 9 of part C of chapter 501 of the
23 laws of 2012, is amended to read as follows:

24 (5) removing a service recipient when it is determined that there is a
25 risk to such person if he or she continues to remain in a facility OR
26 SERVICE PROGRAM; and

27 S 14. Paragraph (ii) of subdivision (c) of section 16.29 of the mental
28 hygiene law, as amended by section 9 of part C of chapter 501 of the
29 laws of 2012, is amended to read as follows:

30 (ii) development and implementation of a plan of prevention and reme-
31 diation, in the event an investigation of a report of an alleged report-
32 able incident exists and such reportable incident may be attributed in
33 whole or in part to noncompliance by the facility OR PROVIDER OF
34 SERVICES with the provisions of this chapter or regulations of the
35 office applicable to the operation of such facility OR PROVIDER OF
36 SERVICES. Any plan of prevention and remediation required to be devel-
37 oped pursuant to this subdivision by a facility supervised by the office
38 shall be submitted to and approved by such office in accordance with
39 time limits established by regulations of such office. Implementation of
40 the plan shall be monitored by such office. In reviewing the continued
41 qualifications of a residential facility OR PROVIDER OF SERVICES or
42 program for an operating certificate, the office shall evaluate such
43 facility's OR PROVIDER OF SERVICE'S compliance with plans of prevention
44 and remediation developed and implemented pursuant to this subdivision.

45 S 14-a. Section 366 of the social services law is amended by adding a
46 new subdivision 7-b to read as follows:

47 7-B. SERVICES AND NEEDS ASSESSMENT. THE ASSESSMENT COMPLETED PURSUANT
48 TO SUBDIVISION SEVEN-A OF THIS SECTION SHALL BE BASED UPON A VALID AND
49 RELIABLE ASSESSMENT TOOL. THE ASSESSMENT SHALL ALSO INCLUDE AN EVALU-
50 ATION OF THE INDIVIDUAL'S HOME ENVIRONMENT, INCLUDING BUT NOT LIMITED
51 TO, THE ABILITY OF FAMILY AND/OR CAREGIVERS TO PROVIDE SUPPORTS OUTSIDE
52 OF THOSE WITHIN THE WAIVER, INCLUDING BUT NOT LIMITED TO, ACTIVITIES OF
53 DAILY LIVING.

54 S 15. This act shall take effect immediately.

1 Section 1. Subdivision (a) of section 41.35 of the mental hygiene law,
2 as amended by chapter 658 of the laws of 1977, is amended to read as
3 follows:

4 (a) The commissioners of the offices in the department shall cause to
5 be developed plans for three or more time-limited demonstration
6 programs, the purpose of which shall be to test and evaluate new methods
7 or arrangements for organizing, financing, staffing and providing
8 services for the mentally disabled in order to determine the desirabil-
9 ity of such methods or arrangements. Subject to regulations established
10 by the commissioners and notwithstanding SECTION ONE HUNDRED SIXTY-THREE
11 OF THE STATE FINANCE LAW AND SECTION ONE HUNDRED FORTY-TWO OF THE
12 ECONOMIC DEVELOPMENT LAW, OR any other provision of law, such programs
13 may include but shall not be limited to comprehensive organizational
14 structures to serve all mentally disabled persons within the purview of
15 a local governmental unit, innovative financing and staffing arrange-
16 ments and specific programs to serve the mentally disabled. Such demon-
17 stration programs shall be consistent with established statewide goals
18 and objectives and local comprehensive plans, shall be developed in
19 conjunction with the local comprehensive planning process, and shall be
20 submitted to the single agent jointly designated by the commissioners of
21 the department for review and approval by the commissioner or commis-
22 sioners having jurisdiction of the services.

23 S 2. This act shall take effect immediately and shall expire and be
24 deemed repealed March 31, 2018.

25 PART 00

26 Section 1. Subdivisions (a), (b), (c), (d), (e), (f), (g), (h), (i),
27 (j), (k), (l), (m) and (o) of section 41.36 of the mental hygiene law
28 are REPEALED.

29 S 2. Subdivision (n) of section 41.36 of the mental hygiene law, as
30 amended by chapter 525 of the laws of 1985, is amended to read as
31 follows:

32 [(n)] The commissioner OF DEVELOPMENTAL DISABILITIES shall establish a
33 procedure, subject to the approval of the state comptroller, whereby
34 payments in addition to the [client's] personal allowance OF AN INDIVID-
35 UAL LIVING IN A COMMUNITY RESIDENTIAL FACILITY may be made to providers
36 of services for one or more of the following needs of [clients] INDIVID-
37 UALS residing in such facilities, limited to two hundred fifty dollars
38 per [client] INDIVIDUAL per year and paid semi-annually in the manner
39 specified by such procedures:

40 [1.] (A) Replacement of necessary clothing;

41 [2.] (B) Personal requirements and incidental needs of [clients] INDI-
42 VIDUALS RESIDING IN THE FACILITY;

43 [3.] (C) Recreational and cultural activities of [clients] INDIVIDUALS
44 RESIDING IN THE FACILITY. Such payments may be made from monies appro-
45 priated to the office for this purpose. Such payments shall be audited
46 by the office pursuant to an audit plan approved by the comptroller.

47 S 3. Section 43.02 of the mental hygiene law, as amended by chapter
48 168 of the laws of 2010, is amended to read as follows:

49 S 43.02 Rates or methods of payment for services at facilities subject
50 to licensure or certification by the office of mental health,
51 the office for people with developmental disabilities or the
52 office of alcoholism and substance abuse services.

53 (a) Notwithstanding any inconsistent provision of law, payment made by
54 government agencies pursuant to title eleven of article five of the

1 social services law for services provided by any facility licensed by
2 the office of mental health pursuant to article thirty-one of this chap-
3 ter [or licensed or operated by the office for people with developmental
4 disabilities pursuant to article sixteen of this chapter] or certified
5 by the office of alcoholism and substance abuse services pursuant to
6 this chapter to provide inpatient chemical dependence services, as
7 defined in section 1.03 of this chapter, shall be at rates or fees
8 certified by the commissioner of the respective office and approved by
9 the director of the division of the budget, provided, however, the
10 commissioner of mental health shall annually certify such rates or fees
11 which may vary for distinct geographical areas of the state and,
12 provided, further, that rates or fees for service for inpatient psychi-
13 atric services or inpatient chemical dependence services, at hospitals
14 otherwise licensed pursuant to article twenty-eight of the public health
15 law shall be established in accordance with section two thousand eight
16 hundred seven of the public health law AND, PROVIDED, FURTHER, THAT
17 RATES OR FEES FOR SERVICES PROVIDED BY ANY FACILITY OR PROGRAM LICENSED,
18 OPERATED OR APPROVED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISA-
19 BILITIES, SHALL BE CERTIFIED BY THE COMMISSIONER OF HEALTH; PROVIDED,
20 HOWEVER, THAT SUCH METHODOLOGIES SHALL BE SUBJECT TO APPROVAL BY THE
21 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES AND SHALL TAKE INTO
22 ACCOUNT THE POLICIES AND GOALS OF SUCH OFFICE.

23 (b) Operators of facilities licensed by the office of mental health
24 pursuant to article thirty-one of this chapter, licensed by the office
25 for people with developmental disabilities pursuant to article sixteen
26 of this chapter or certified by the office of alcoholism and substance
27 abuse services pursuant to this chapter to provide inpatient chemical
28 dependence services shall provide to the commissioner of the respective
29 office such financial, statistical and program information as the
30 commissioner may determine to be necessary. The commissioner of the
31 appropriate office shall have the power to conduct on-site audits of
32 books and records of such facilities.

33 (c) The commissioner of the office of mental health, the commissioner
34 of the office for people with developmental disabilities and the commis-
35 sioner of the office of alcoholism and substance abuse services shall
36 adopt rules and regulations to effectuate the provisions of this
37 section. Such rules and regulations shall include, but not be limited
38 to, provisions relating to:

39 (i) the establishment of a uniform statewide system of reports and
40 audits relating to the quality of care provided, facility utilization
41 and costs of providing services; such a uniform statewide system may
42 provide for appropriate variation in the application of the system to
43 different classes or subclasses of facilities licensed by the office of
44 mental health pursuant to article thirty-one of this chapter or licensed
45 or operated by the office for people with developmental disabilities
46 pursuant to article sixteen of this chapter, or certified by the office
47 of alcoholism and substance abuse services pursuant to this chapter to
48 provide inpatient chemical dependence services; and

49 (ii) methodologies used in the establishment of the schedules of rates
50 or fees pursuant to this section PROVIDED, HOWEVER, THAT THE COMMISSION-
51 ER OF HEALTH SHALL ADOPT RULES AND REGULATIONS INCLUDING METHODOLOGIES
52 DEVELOPED BY HIM OR HER FOR SERVICES PROVIDED BY ANY FACILITY OR PROGRAM
53 LICENSED, OPERATED OR APPROVED BY THE OFFICE FOR PEOPLE WITH DEVELOP-
54 MENTAL DISABILITIES; PROVIDED, HOWEVER, THAT SUCH RULES AND REGULATIONS
55 SHALL BE SUBJECT TO THE APPROVAL OF THE OFFICE FOR PEOPLE WITH DEVELOP-

1 MENTAL DISABILITIES AND SHALL TAKE INTO ACCOUNT THE POLICIES AND GOALS
2 OF SUCH OFFICE.

3 S 4. This act shall take effect immediately.

4 PART PP

5 Section 1. Transportation assessment for people with developmental
6 disabilities and other populations.

7 (a) The Office for People With Developmental Disabilities is author-
8 ized to contract with one or more entities, such entities shall be not-
9 for-profit entities to the extent possible, to conduct an assessment of
10 the mobility and transportation needs of persons with disabilities and
11 other special populations including but not limited to those receiving
12 behavioral health services.

13 (b) The assessment shall include, but not be limited to: the identifi-
14 cation of locally based transportation providers and transportation
15 systems equipped to participate in a possible pilot demonstration
16 program; considerations regarding the availability of public transporta-
17 tion, public safety concerns, and duplication of services; reporting
18 requirements for cost savings and evaluation of whether specialized care
19 needs are being met; recommendations for the implementation of shared
20 software to enable entities to track services, manage costs among
21 providers, consolidate routes and provide a registry identifying partic-
22 ipating clients and any specialized care needs that must be met in order
23 to effectively provide transportation; recommendations for rate adjust-
24 ments or reimbursement changes; and identification of any legal, statu-
25 tory or regulatory, and funding barriers.

26 (c) Following the assessment, the contractor shall develop recommenda-
27 tions regarding a pilot demonstration program to coordinate medical and
28 non-medical transportation services, maximize funding sources, enhance
29 community integration and any other related tasks.

30 (d) During the assessment process and in developing its recommenda-
31 tions, the contractor shall consult with the office, department of
32 transportation, department of health, office for the aging, office of
33 mental health, office of alcoholism and substance abuse services, and
34 stakeholders including consumer groups, transportation service providers
35 and transportation systems operators.

36 (e) The contractor shall report on its assessment and recommendations
37 regarding the creation of a transportation pilot demonstration program
38 pursuant to subdivision (a) of this section to the governor, the tempo-
39 rary president of the senate and the speaker of the assembly no later
40 than December 31, 2016. Any transportation pilot demonstration program
41 resulting from the assessment authorized pursuant to this section shall
42 be subject to legislative approval.

43 S 2. This act shall take effect immediately.

44 PART QQ

45 Section 1. Residential registration list. (a) The office for people
46 with developmental disabilities shall issue a report as a result of its
47 statewide review of individuals with developmental disabilities current-
48 ly on the residential registration list, including information regarding
49 services currently provided to such individuals, and any available
50 regional information on priority placement approaches and housing needs
51 for such individuals. The report shall include an update as to the
52 progress the office has made in meeting the following transformational

housing goals as it relates to the individuals with developmental disabilities currently on the residential registration list:

(1) expanding housing alternatives;

(2) increasing access to rental housing;

(3) building understanding and awareness of housing options for independent living among people with developmental disabilities, families, public and private organizations, developers and direct support professionals;

(4) assisting with the creation of a sustainable living environment through funding for home modifications, down payment assistance and home repairs; and

(5) providing recommendations that can improve housing alternatives.

(b) Using data collected during the statewide review required by this section, the commissioner of the office for people with developmental disabilities, in consultation with state agencies, local governmental units, stakeholders, including individuals with developmental disabilities, parents and guardians of individuals with developmental disabilities, advocates and providers of services for individuals with developmental disabilities, and others as determined appropriate by such commissioner, shall establish a plan to increase housing alternatives for such individuals. To the extent possible, the plan shall also address the housing needs of individuals not currently on the residential registration list. The plan shall advance the five transformational housing goals listed in this section.

(c) The report including the plan shall be made available to the temporary president of the senate and the speaker of the assembly and posted on the website of the office, no later than February 15, 2016.

S 2. Development of a plan to provide choice of work settings for individuals with developmental disabilities. (a) The office for people with developmental disabilities shall develop a plan to assist individuals currently working in sheltered workshop programs to transition to integrated community work settings, which must be submitted to the governor, the temporary president of the senate, and the speaker of the assembly by February 15, 2016.

(b) Such plan shall solicit and analyze input from stakeholders of sheltered workshops, including, but not limited to, individuals currently working in sheltered workshops, providers of workshops, families, and guardians. The plan shall:

(1) include outreach and education to individuals with developmental disabilities and their families or guardians throughout the transition process;

(2) set forth a detailed analysis of options available to meet the needs and goals of those individuals who currently cannot or choose not to transition to integrated community work settings;

(3) maximize the ability of an individual to participate in meaningful community-based activities as part of the individual's person-centered plan; and

(4) provide for ongoing review of employment goals for each individual as part of the person-centered planning process.

S 3. Transformation panel. (a) The commissioner of the office for people with developmental disabilities shall establish a transformation panel for the purpose of developing a transformation plan which will include recommendations and strategies for maintaining the fiscal viability of service and support delivery system for persons with developmental disabilities and include strategies that will enable the office

1 to comply with federal and state service delivery requirements and
2 provide appropriate levels of care.

3 (b) The panel shall be comprised of the commissioner of the office for
4 people with developmental disabilities or his or her designee; organiza-
5 tions or associations which represent the interests of persons with
6 disabilities, which may include providers of services, consumer repre-
7 sentatives, advocacy groups, persons with developmental disabilities or
8 their parents or guardians; and at the discretion of such commissioner
9 any other individual, entity, or state agency able to support the panel
10 in completing its tasks described under this section. The panel shall
11 collaborate with local governmental units.

12 (c) Panel members shall receive no compensation for their services as
13 members of the workgroup, but may be reimbursed for actual and necessary
14 expenses incurred in the performance of their duties.

15 (d) Transformation plan. The panel shall assist in the development of
16 a transformation plan by the commissioner of the office for people with
17 developmental disabilities, as well as make recommendations for the
18 execution of such plan. The plan will include but not be limited to an
19 analysis of the following:

20 (1) increasing and supporting access to self-directed models of care;

21 (2) enhancing opportunities for individuals to access community inte-
22 grated housing;

23 (3) increasing integrated employment opportunities; and

24 (4) examining the program design and fiscal model for managed care to
25 appropriately address the needs of individuals with disabilities.

26 (e) The commissioner of the office for people with developmental disa-
27 bilities shall publish and submit a report to the governor, the tempo-
28 rary president of the senate, and the speaker of the assembly by Febru-
29 ary 15, 2016. The office shall post such report on its official
30 website. The report shall include a summary of recommendations and stra-
31 tegies developed by the panel including any policy, rule, or regulation
32 change and estimated dates and timeframe to implement any recommendation
33 or strategy.

34 S 4. Office for people with developmental disabilities monthly
35 reports. (a) The commissioner of the office for people with develop-
36 mental disabilities shall provide monthly status reports to the chairs
37 of the senate and assembly fiscal committees. Such report shall include
38 but not be limited to:

39 (1) current developmental center census by facility;

40 (2) the number of admissions and discharges to developmental centers
41 in the prior month;

42 (3) an explanation of any significant developmental center census
43 reductions; and

44 (4) community services provided to individuals leaving developmental
45 centers, including services provided to individuals with complex needs
46 as well as the number of individuals receiving community services from
47 state and from not-for-profit providers.

48 (b) Such report shall not contain any information made confidential
49 under federal and/or state law.

50 S 5. The front door process. (a) The commissioner of the office for
51 people with developmental disabilities shall make available on the
52 office website, information regarding the front door process, including
53 the approach for determining priority residential placements and the
54 process for individuals to seek access to services.

55 (b) No later than February 15, 2016, the commissioner of the office
56 for people with developmental disabilities shall report on the extent to

1 which the front door policy, as it has been implemented, has improved
2 community education and available service options, connected individual
3 needs to available services, and enhanced opportunities for self-direction.
4

5 S 6. This act shall take effect immediately and shall be subject to
6 appropriations made specifically available for this purpose; provided,
7 however that this act shall expire and be deemed repealed April 1, 2016.

8 PART RR

9 Section 1. Section 1867 of the public authorities law is amended by
10 adding a new subdivision 7 to read as follows:

11 7. (A) THE AUTHORITY SHALL SUBMIT TO THE GOVERNOR, THE CHAIR OF THE
12 SENATE FINANCE COMMITTEE, AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS
13 COMMITTEE, AND PUBLISH ON THE AUTHORITY'S PUBLIC WEBSITE A SEMI-ANNUAL
14 REPORT FOR THE TIME PERIOD ENDING MARCH THIRTY-FIRST NO LATER THAN JUNE
15 FIRST AND FOR THE TIME PERIOD ENDING SEPTEMBER THIRTIETH NO LATER THAN
16 DECEMBER FIRST OF EACH YEAR DETAILING THE AUTHORITY'S ACTIVITIES FOR THE
17 PREVIOUS SIX MONTH REPORTING PERIOD.

18 (B) THE SEMI-ANNUAL REPORT REQUIRED PURSUANT TO PARAGRAPH (A) OF THIS
19 SUBDIVISION SHALL INCLUDE INFORMATION WITH RESPECT TO ALL PROCEEDS
20 COLLECTED AND ADMINISTERED BY THE AUTHORITY PURSUANT TO AN ORDER OF THE
21 PUBLIC SERVICE COMMISSION, INCLUDING ASSESSMENTS, FEES, TAXES, TRANS-
22 FERS, CORPORATE INCOME OR SURCHARGES IMPOSED ON ENERGY CONSUMERS OR
23 POWER GENERATORS. THE SEMI-ANNUAL REPORT SHALL INCLUDE, AT A MINIMUM,
24 THE FOLLOWING:

25 1. TOTAL REVENUES COLLECTED BY THE AUTHORITY IN THE REPORTING PERIOD;

26 2. A LIST OF REQUESTS FOR PROPOSALS, PROGRAM OPPORTUNITY NOTICES, OR
27 SIMILAR SOLICITATIONS, THAT HAVE BEEN ISSUED IN THE REPORTING PERIOD;

28 3. A DESCRIPTION OF THE CRITERIA AND STANDARDS UTILIZED FOR AWARDING A
29 REQUEST FOR PROPOSAL, A PROGRAM OPPORTUNITY NOTICE, OR SIMILAR SOLICITA-
30 TION;

31 4. A REGIONAL REPORT ON ALL PROJECTS SELECTED FOR FUNDING BY THE
32 AUTHORITY DURING THE REPORTING PERIOD, INCLUDING THE COUNTY AND UTILITY
33 SERVICE TERRITORY IN WHICH THE PROJECT IS LOCATED, AND THE TOTAL VALUE
34 OF THESE PROJECTS STATEWIDE AND BY REGION;

35 5. ALL DISBURSEMENTS OR EXPENDITURES OF REVENUES PURSUANT TO A REQUEST
36 FOR PROPOSAL, A PROGRAM OPPORTUNITY NOTICE, OR SIMILAR SOLICITATION; AND

37 6. A LIST OF ALL CONTRACTS EXECUTED AND COMPLETED DURING THE REPORTING
38 PERIOD INCLUDING A DESCRIPTION OF EACH PROJECT.

39 (C) THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE AUTHORITY SHALL
40 PROVIDE NOTICE TO THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE CHAIR-
41 MAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEMBLY
42 WAYS AND MEANS COMMITTEE OF ANY REPORT THAT IS MORE THAN SIXTY DAYS
43 DELINQUENT. SHOULD THE AUTHORITY BE DELINQUENT IN SUBMITTING ITS REPORT
44 BY MORE THAN ONE HUNDRED EIGHTY DAYS, THE PRESIDENT AND CHIEF EXECUTIVE
45 OFFICER SHALL PROVIDE NOTICE OF SUCH DELINQUENCY TO THE DIRECTOR OF THE
46 DIVISION OF THE BUDGET, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE,
47 THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, AND THE STATE
48 COMPTROLLER.

49 (D) REPORTING REQUIREMENTS. THE INFORMATION FOR THE REPORT REQUIRED
50 UNDER THIS SUBDIVISION SHALL BE CURRENT TO WITHIN SIXTY DAYS OF THE
51 ACTUAL RELEASE OF THE REPORT.

52 S 2. This act shall take effect immediately; provided, however, the
53 first semi-annual report required by this act shall be submitted by the

1 New York state energy research and development authority on December 1,
2 2015.

3 PART SS

4 Section 1. 1. No later than six months following the effective date of
5 this act, the New York state energy and research and development author-
6 ity ("authority") shall develop standards and/or criteria that will
7 encourage and increase participation of and issuance of loans to low-to-
8 moderate income households statewide for qualified energy efficiency
9 services under the green jobs - green New York program. For purposes of
10 this section, "low-to-moderate income households" shall be defined as
11 households with an income less than or equal to eighty percent of the
12 area median income.

13 2. No later than thirty days following the effective date of this act,
14 the authority shall convene a working group to develop the standards
15 and/or criteria required pursuant to subdivision one of this section.
16 The working group shall include individual representatives of the const-
17 ituity-based organizations as defined in subdivision 3 of section 1891
18 of the public authorities law. The authority shall consult with and
19 solicit information and recommendations from the working group as to how
20 to increase participation and issuance of loans to low-to-moderate
21 income households seeking qualified energy efficiency services including
22 services described in paragraph (n) of subdivision 12 of section 1891 of
23 the public authorities law.

24 3. No later than six months following the effective date of this act,
25 the authority shall report the results of consultations with and solici-
26 tations of the working group to the governor, the senate majority lead-
27 er and the speaker of the assembly.

28 4. The authority shall continue to offer financing, pursuant to
29 section 1896 of the public authorities law, through the green jobs -
30 green New York program for qualified energy efficiency services to all
31 classes and types of persons and entities which were eligible to apply
32 for the program prior to January 1, 2015 through March 31, 2016.

33 5. No later than thirty days following the effective date of this act,
34 the authority shall provide a report to the executive, temporary presi-
35 dent of the senate, speaker of the assembly, the chair of the senate
36 committee on energy and telecommunications and the chair of the assemble
37 committee on energy regarding the financial status of the green jobs -
38 green New York program. The report required under this subdivision shall
39 detail the current fund balance, total expenditures, and encumbered and
40 committed funds since the program's inception.

41 S 2. This act shall take effect immediately.

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

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