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

S. 2008--B A. 3008--B

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.

LBD12573-03-5

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:

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

PART A

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

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section 205 of the tax law made by section eight of this act, and section nine of this act shall expire and be deemed repealed on April 1, [2015] 2020; provided further, however, that the amendments to subdivision 3 of section 205 of the tax law made by section eight of this act shall expire and be deemed repealed on March 31, 2018; provided further, however, that the provisions of section eleven of this act shall take effect April 1, 2004 and shall expire and be deemed repealed on April 1, [2015] 2020.

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

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full force and effect on and after April 1, 2002; provided further, however, that this act shall expire and be deemed repealed on April 1, [2015] 2020.

S 3. This act shall take effect immediately.

PART B

Intentionally Omitted

PART C

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

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

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

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

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

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

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

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

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

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

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

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

parties. If any application for authority to operate a bus line through a county, city, village or town or in or through a territory or district served by a bus line or a public transportation authority created pursuant to titles nine, eleven, eleven-A, eleven-B, eleven-C and eleven-D of article five of the public authorities law is protested by any such municipality, bus line, or public transportation authority, and hearing on such application is requested then no permanent authority shall be granted prior to a hearing held on such application. The commissioner shall consider any reasonable conditions required of the applicant by such municipality regarding routing and franchise requirements and, in cities having a population of over one million persons the commissioner shall adopt the intracity routing requirements to the proposed destination point or points that are established by any such city, provided that such city furnishes the routing requirements to the commissioner within sixty days of the filing of the application with the department. In addition the commissioner shall adopt insurance requirements provided for by any such city. Except for the routing and insurance requirements in cities having a population of over one million persons, the commissioner shall impose requirements on the applicant deemed to be reasonable and in the public interest as a condition to any authority granted. [Applications for a permanent certificate shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter.] The application for a permanent certificate shall be granted if the commissioner finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART D

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

Section 1. Notwithstanding any other law, rule or regulation to the contrary, payment of mass transportation operating assistance pursuant to section 18-b of the transportation law shall be subject to the provisions contained herein and the amounts made available therefor by appropriation.

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

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

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

Percentage of matching payment required to be provided:

Local Jurisdiction	Percentage of Matching Payment
In the Metropolitan Commuter Transportation District:	
New York City	6.40
Dutchess	1.30
Nassau	39.60
Orange	0.50
Putnam	1.30
Rockland	0.10
Suffolk	25.70
Westchester	25.10
In the Capital District Transportation District:	
Albany	56.10
Rensselaer	23.30
Saratoga	4.10
Schenectady	16.50
In the Central New York Regional Transportation District:	
Cayuga	5.11
Onondaga	75.83
Oswego	2.85
Oneida	16.21
In the Rochester-Genesee Regional Transportation District:	
Genesee	[1.43] 1.36
Livingston	[0.94] .90
Monroe	[94.58] 90.14
Wayne	[1.03] .98
Wyoming	[0.54] .51
Seneca	[0.67] .64

Orleans ..... [0.81] .77
ONTARIO 4.69
In the Niagara Frontier Transportation District: Erie 89.20
Niagara 10.80

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

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

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

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

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

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

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

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

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

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

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

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

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

PART E

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

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

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

METROPOLITAN TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS ACCOUNT

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

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

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

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

7. ALL PAYMENTS OF MONEY FROM THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND SHALL BE MADE IN ACCORDANCE WITH A FORMULA TO BE ESTABLISHED BY THE COMMISSIONER OF TRANSPORTATION WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET.

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

S 2. This act shall take effect immediately.

PART F

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

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

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

PART G

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

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

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

S 357-B. SHARING EMPLOYEES, SERVICES AND RESOURCES. A SHARED SERVICES AGREEMENT MAY BE EXECUTED BETWEEN THE AUTHORITY AND THE DEPARTMENT ONLY FOR AN EMERGENCY SITUATION OR EXTREME WEATHER CONDITIONS, TO SHARE EMPLOYEES, SERVICES OR RESOURCES AS DEEMED APPROPRIATE INCLUDING, BUT NOT LIMITED TO, FOR THE PERFORMANCE OF WORK AND ACTIVITIES BY THE DEPARTMENT ON THE FACILITIES AND PROPERTY UNDER THE JURISDICTION OF THE AUTHORITY, AND FOR THE PERFORMANCE OF WORK AND ACTIVITIES BY THE AUTHORITY ON THE FACILITIES AND PROPERTY UNDER THE JURISDICTION OF THE DEPARTMENT. SUCH AGREEMENT OR ANY PROJECT UNDERTAKEN PURSUANT TO SUCH AGREEMENT SHALL NOT BE DEEMED TO IMPAIR THE RIGHTS OF BONDHOLDERS AND MAY PROVIDE FOR, BUT NOT BE LIMITED TO, THE MANAGEMENT, SUPERVISION AND DIRECTION OF SUCH EMPLOYEES' PERFORMANCE OF SUCH SERVICES. SUCH AGREEMENT SHALL PROVIDE THAT THE TERM SHALL NOT BE LONGER THAN TEN DAYS. ALL SHARED EMPLOYEES SHALL REMAIN EMPLOYEES OF THEIR RESPECTIVE EMPLOYERS AND ALL APPLICABLE COLLECTIVELY BARGAINED AGREEMENTS SHALL REMAIN IN EFFECT FOR THE ENTIRE LENGTH OF THE SHARED SERVICE AGREEMENT. FURTHER, SUCH SHARED SERVICES AGREEMENT SHALL NOT AMEND, REPEAL OR REPLACE THE TERMS OF ANY AGREEMENT THAT IS COLLECTIVELY NEGOTIATED BETWEEN AN EMPLOYER AND AN EMPLOYEE ORGANIZATION, INCLUDING AN AGREEMENT OR INTEREST ARBITRATION AWARD MADE PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

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

2. DEFENSE PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE CONDITIONED UPON THE FULL COOPERATION OF THE DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

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

THE COURT OF CLAIMS ACT OR ANY OTHER PROVISION OF LAW 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

section eleven hundred ninety-two of this chapter, any violation of subdivision one or two of section six hundred of this chapter, any felony involving the use of a motor vehicle, other than the use of a motor vehicle in the commission of a felony involving manufacturing, distributing, dispensing a controlled substance; or the conviction, suspension or revocation involves any of the following offenses while operating a commercial motor vehicle: any violation of subdivision five or six of section eleven hundred ninety-two of this chapter, driving a commercial motor vehicle when as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license OR COMMERCIAL LEARNER'S PERMIT is suspended or revoked, or has been convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter and criminally negligent homicide as set forth in article one hundred twenty-five of the penal law;

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

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

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

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

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

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

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

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

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

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

10. CONSECUTIVE DISQUALIFICATION PERIODS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHENEVER A SUSPENSION, REVOCATION OR DISQUALIFICATION APPLICABLE TO A COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL LEARNER'S PERMIT IS REQUIRED BY PART 383.51 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS AND THEREBY IMPOSED PURSUANT TO THIS SECTION OR PARAGRAPH B OR C OF SUBDIVISION SIX OF SECTION FIVE HUNDRED TEN OR SECTION ELEVEN HUNDRED NINETY-THREE OR ELEVEN HUNDRED NINETY-FOUR OF THIS CHAPTER, SUCH SUSPENSION, REVOCATION OR DISQUALIFICATION SHALL TAKE EFFECT UPON THE EXPIRATION OF THE MINIMUM PERIOD OF A SUSPENSION, REVOCATION OR DISQUALIFICATION REQUIRED BY PART 383.51 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS AND THEREBY IMPOSED PURSUANT TO THIS SECTION OR PARAGRAPH B OR C OF SUBDIVISION SIX OF SECTION FIVE HUNDRED TEN OR SECTION ELEVEN HUNDRED NINETY-THREE OR ELEVEN HUNDRED NINETY-FOUR OF THIS CHAPTER WHICH IS CURRENTLY IN EFFECT FOR SUCH LICENSE OR PERMIT AND AROSE FROM A SEPARATE INCIDENT. PROVIDED, HOWEVER, THAT THE TERM OR TERMS OF ANY OTHER SUSPENSION, REVOCATION OR DISQUALIFICATION APPLICABLE TO A COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL LEARNER'S PERMIT SHALL RUN CONCURRENTLY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART J

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

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

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

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

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

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

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

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

PART N

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

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

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

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

PART O

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

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

PART P

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

any moneys derived from the assessment provided for in this section, until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the chair to the chairs and secretaries of the legislative fiscal committees; and (3) commencing in 2016, provide to the chair of the public service commission and the director of the budget and the chairs and secretaries of the legislative fiscal committees, on or before August first of each year, an itemized record, certified by the president and chief executive officer of the authority, or his or her designee, detailing any and all expenditures and commitments ascribable to moneys received as a result of this assessment by the chair of the department of public service pursuant to section 18-a of the public service law. This itemized record shall include an itemized breakdown of the programs being funded by this section and the amount committed to each program. Any such amount not committed by such authority to contracts or otherwise expended by the authority during the fiscal year shall be refunded by such authority on a pro-rata basis to such gas and/or electric corporations, in a manner to be determined by the department of public service.

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

PART Q

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

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

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

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

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

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

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

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

PART R

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

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

PART S

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

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

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

provided to the aforementioned parties by the first day of March of each year that the authority to enter into such agreements pursuant to part BB of chapter 58 of the laws of 2012 is in effect.

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

PART T

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

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

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

PART U

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

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

S 2. Subdivision 3 of section 446-b of the real property law, as 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 I1 of chapter 62 of the laws of 2003, is amended to read as follows:

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

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

S 96-z-2. Application [and fees]. Application for a license to operate a disposal plant or transportation service[,] SHALL BE MADE upon a form prescribed by the commissioner[, shall be made on or before September first in each year for the license year beginning October first following]. The applicant shall satisfy the commissioner of his OR HER character and that he OR SHE has adequate physical facilities for the operation of a disposal plant or transportation service. If so satisfied, the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S 11. This act shall take effect immediately.

PART W

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

S 2. Subdivision 10 of section 2 of 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 is amended to read as follows:

10. "Restructuring bond issuer" means the corporate municipal instrumentality of the state created under PARAGRAPH (A) OR (B) OF SUBDIVISION ONE OF section four of this act.

S 2-a. Subdivision 11 of section 2 of 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 is amended to read as follows:

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

S 3. The section heading and subdivision 1 of section 4 of 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 is amended to read as follows:

Creation of restructuring bond [issuer] ISSUERS. 1. Creation of restructuring bond [issuer] ISSUERS. (A) For the purpose of effectuating the purposes declared in section one of this act, there is hereby created a special purpose corporate municipal instrumentality of the state to be known as "utility debt securitization authority", which shall be a body corporate and politic, a political subdivision of the state, and a public benefit corporation, exercising essential governmental and public powers for the good of the public. [The] SUCH restructuring bond issuer shall not be created or organized, and its operations shall not be conducted, for the purpose of making a profit. No part of the revenues or assets of [the] SUCH restructuring bond issuer shall

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

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

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

S 4. Subparagraphs (i), (ii) and (iii) of paragraph (a) of subdivision 2 of section 4 of 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 are amended and a new subparagraph (iv) is added to read as follows:

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

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

(ii) contract for servicing of restructuring property and restructuring bonds and for administrative services; [and]

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

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

S 5. Section 16 of 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, is amended to read as follows:

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

S 6. This act shall take effect immediately.

PART X

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

(a) The license fee shall be [one cent] NINE AND ONE-HALF CENTS per barrel transferred [until the balance in such account established by paragraph (a) of subdivision two of section one hundred seventy-nine of this article equals or exceeds twenty-five million dollars], provided, however, that the fee on any barrel, including any products derived therefrom, subject to multiple transfer, shall be imposed only once at the point of first transfer. PROVIDED FURTHER, THE LICENSE FEE FOR MAJOR FACILITIES THAT (I) TRANSFER BARRELS FOR THEIR OWN USE, AND (II) DO NOT SELL OR TRANSFER THE PRODUCT SUBJECT TO SUCH LICENSE FEE, SHALL BE EIGHT CENTS. In each fiscal year following any year in which the balance of [such] THE account ESTABLISHED BY PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION ONE HUNDRED SEVENTY-NINE OF THIS ARTICLE equals or exceeds [twenty-five] FORTY million dollars, no license fee shall be imposed unless (a) the current balance in such account is less than [twenty] THIRTY-FIVE million dollars or (b) pending claims against such account exceed fifty percent of the existing balance of such account. [The provisions of the foregoing notwithstanding, should claims paid from such account not exceed five million dollars within three years after the license fee is first imposed, the license fee shall be one cent per barrel transferred until the balance in such account equals or exceeds eighteen million dollars, and thereafter shall not be imposed unless: (1) the current balance in such account is less than fifteen million dollars or (2) pending claims against such account exceed fifty percent of the existing balance of such account.] In the event of either such occurrence and upon certification thereof by the state comptroller, the administrator shall within ten days of the date of such certification reimpose the license fee, which shall take effect on the first day of the month following such relevy. [In the event of a major discharge or series of discharges resulting in claims against such account exceeding the existing balance of such account, the license fee shall be imposed at the rate of eight cents per barrel transferred until the balance in such account equals pending claims against such account; provided, however, that the] THE rate may be set at less than [eight] NINE AND ONE-HALF cents per barrel transferred if the administrator determines that the revenue produced by such lower rate shall be sufficient to pay outstanding claims against such account within one year of such imposition of the license fee. Should such account exceed [eighteen million dollars or twenty-five] FORTY million dollars, [as herein provided,] as a result of interest, the administrator and the commissioner of environmental conservation shall report to the legislature and the governor concerning the options for the use of such interest. The fee established by this paragraph shall not be imposed upon any barrel which is transferred to a land based facility but thereafter exported from this state for use outside the state and is shipped to facilities outside the state regardless of whether the delivery or sale of such petroleum occurs in this state.

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

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

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

(C) SUCH SUMS AS MAY BE NECESSARY FOR IDENTIFICATION, MAPPING, AND ANALYSIS OF POPULATIONS, ENVIRONMENTALLY SENSITIVE AREAS, AND RESOURCES AT RISK FROM SPILLS OF PETROLEUM AND RELATED IMPACTS; AND THE DEVELOPMENT, IMPLEMENTATION, AND UPDATING OF CONTINGENCY PLANS, INCLUDING GEOGRAPHIC RESPONSE PLANS, TO PROTECT THOSE POPULATIONS, SENSITIVE ENVIRONMENTS, AND RESOURCES IN THE EVENT OF A SPILL OF PETROLEUM OR RELATED IMPACTS.

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

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

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

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

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

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

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

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

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

PART Y

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

COMMENCING JANUARY FIRST, TWO THOUSAND FIFTEEN AND EVERY YEAR THEREAFTER, ALL SOURCES OF REGULATED AIR CONTAMINANTS IDENTIFIED PURSUANT TO SUBDIVISION ONE OF SECTION 19-0311 OF THIS CHAPTER SHALL SUBMIT TO THE DEPARTMENT AN ANNUAL BASE FEE OF TWO THOUSAND FIVE HUNDRED DOLLARS. THIS BASE FEE SHALL BE IN ADDITION TO THE FEES LISTED BELOW. Commencing January first, nineteen hundred ninety-four and every year thereafter all sources of regulated air contaminants identified pursuant to subdivision one of section 19-0311 of this chapter shall submit to the department an annual fee [of forty-five dollars per ton] NOT TO EXCEED THE PER TON FEES DESCRIBED BELOW. THE PER TON FEE IS ASSESSED ON EACH TON OF EMISSIONS up to seven thousand tons annually of each regulated air contaminant as follows: [forty-five] SIXTY dollars per ton for facilities with total emissions less than one thousand tons annually; [fifty] SEVENTY dollars per ton for facilities with total emissions of one thousand or more but less than two thousand tons annually; [fifty-five] EIGHTY dollars per ton for facilities with total emissions of two thousand or more but less than five thousand tons annually; and [sixty-five] NINETY dollars per ton for facilities with total emissions of five thousand or more tons annually. Such fee shall be sufficient to support an appropriation approved by the legislature for the direct and indirect costs associated with the operating permit program established in section 19-0311 of this chapter. Such fee shall be established by the department and shall be calculated by dividing the amount of the current year appropriation from the operating permit program account of the clean air fund by the total tons of emissions of regulated air contaminants that are subject to the operating permit program fees from sources subject to the operating permit program pursuant to section 19-0311 of this chapter up to seven thousand tons annually of each regulated air contaminant from each source; provided that, in making such calculation, the department shall adjust their calculation to account for any deficit or surplus in the operating permit program account of the clean air fund established pursuant to section ninety-seven-oo of the state finance law; any loan repayment from the mobile source account of the clean air fund established pursuant to section ninety-seven-oo of the state finance law; and the rate of collection by the department of the bills issued for the fee for the prior year.

S 2. Intentionally omitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

q. [$100.00] $110.00 per acre disturbed plus [$600.00] $675.00 per future impervious acre for any facility, not owned or managed by a local government or a state department, agency, or authority, discharging or authorized to discharge pursuant to a SPDES permit for stormwater discharges from construction activity. For the purposes of this subdivision, acres disturbed are acres subject to clearing, grading, or excavating subject to SPDES permitting and future impervious acres are acres that will be newly paved or roofed during construction;

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

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

S 4. Intentionally omitted.

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

PART Z

Intentionally Omitted

PART AA

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

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

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

(iii) Earned income from the sale of all lifetime licenses AND PRIVILEGES, except income earned on the proceeds of the sale of a lifetime license OR PRIVILEGE during the period from sale of such license OR PRIVILEGE until April first of the year following one full year of deposit of the proceeds of the sale of such lifetime license OR PRIVILEGE, shall be available for deposit within the conservation fund pursuant to paragraph one of this subdivision in an amount equal to the cost of the appropriate annual license OR PRIVILEGE. The earned income which exceeds the current cost of each annual license OR PRIVILEGE comparable to the lifetime license OR PRIVILEGE, shall be added to the trust account as principal. The earned income from lifetime licenses OR PRIVILEGES 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

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

PART BB

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

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

S 2. This act shall take effect immediately.

PART CC

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

S 155. Traffic infraction. The violation of any provision of this chapter, except articles forty-seven and forty-eight, or of any law, ordinance, order, rule or regulation regulating traffic which is not declared by this chapter or other law of this state to be a misdemeanor or a felony. A traffic infraction is not a crime and the punishment imposed therefor shall not be deemed for any purpose a penal or criminal punishment and shall not affect or impair the credibility as a witness or otherwise of any person convicted thereof. This definition shall be retroactive and shall apply to all acts and violations heretofore committed where such acts and violations would, if committed subsequent to the taking effect of this section, be included within the meaning of the term "traffic infraction" as herein defined. Except in those portions of Suffolk county for which a district court has been established, outside of cities having a population in excess of two hundred thousand BUT LESS THAN TWO HUNDRED TWENTY THOUSAND in which administrative tribunals have heretofore been established AND OUTSIDE OF CITIES HAVING A POPULATION IN EXCESS OF ONE MILLION IN WHICH ADMINISTRATIVE TRIBUNALS HAVE HERETOFORE BEEN ESTABLISHED, courts and judicial officers heretofore having jurisdiction over such violations shall continue to do so and for such purpose such violations shall be deemed misdemeanors and all provisions of law relating to misdemeanors except as provided in section eighteen hundred five of this chapter and except as herein otherwise expressly provided shall apply except that no jury trial shall be allowed for traffic infractions. In those portions of Suffolk county for which a district court has been established, and in cities having a population in excess of two hundred thousand BUT LESS THAN TWO HUNDRED TWENTY THOUSAND in which administrative tribunals have heretofore been established AND IN CITIES HAVING A POPULATION IN EXCESS OF ONE MILLION IN WHICH ADMINISTRATIVE TRIBUNALS HAVE HERETOFORE BEEN ESTABLISHED, the criminal courts of such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any complaint alleging a violation constituting a traffic infraction, except that administrative tribunals heretofore established in such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any charge of an offense which is a traffic infraction, except parking, standing or stopping. In cities having a population in excess of two hundred thousand in which administrative tribunals have heretofore been established, and any such administrative tribunal established by the

city of Yonkers, the city of Peekskill, or the city of Syracuse, such tribunals shall have jurisdiction to hear and determine any charge of an offense which is a parking, standing or stopping violation. Any fine imposed by an administrative tribunal shall be a civil penalty. For purposes of arrest without a warrant, pursuant to article one hundred forty of the criminal procedure law, a traffic infraction shall be deemed an offense.

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

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

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

5. All penalties and forfeited security collected pursuant to the provisions of this article shall be paid to the department of audit and control to the credit of the justice court fund and shall be subject to the applicable provisions of section eighteen hundred three of this chapter. After such audit as shall reasonably be required by the comptroller, such penalties and forfeited security shall be paid quarterly or, in the discretion of the comptroller, monthly, to the appropriate jurisdiction in which the violation occurred in accordance with the provisions of section ninety-nine-a of the state finance law, except that the sum of four dollars for each violation occurring in such jurisdiction for which a complaint has been filed with the administrative tribunal established pursuant to this article shall be retained by the state. The amount distributed during the first three quarters to the [cities] CITY of Rochester [and Buffalo] in any given fiscal year shall not exceed seventy percent of the amount which will be otherwise payable. Provided, however, that if the full costs of administering this article shall exceed the amounts received and retained by the state for any period specified by the commissioner, then such additional sums as shall be required to offset such costs shall be retained by the state out of the penalties and forfeited security collected pursuant to this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

S 374-A. TRAFFIC PROSECUTOR SELECTION AND OVERSIGHT. (A) THE EXECUTIVE DIRECTOR OF THE BUFFALO TRAFFIC VIOLATIONS AGENCY, APPOINTED PURSUANT TO SUBDIVISION (B) OF THIS SECTION, SHALL SELECT AND MAY CONTRACT WITH OR HIRE ONE OR MORE PERSONS WHO ARE ATTORNEYS, DULY ADMITTED TO THE PRACTICE OF LAW IN NEW YORK STATE FOR THE PROSECUTION OF ANY TRAFFIC INFRACTION, EXCEPT THOSE DESCRIBED IN PARAGRAPHS (A), (B), (C), (D), (E), (F) AND (G) OF SUBDIVISION TWO-A OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS ARTICLE, TO BE HEARD, TRIED OR OTHERWISE DISPOSED OF BY THE BUFFALO CITY COURT. SUCH PERSONS SHALL BE KNOWN AS "TRAFFIC PROSECUTORS", AS THAT TERM IS DEFINED IN SECTION THREE HUNDRED SEVENTY-A OF THIS ARTICLE. TRAFFIC PROSECUTORS SHALL HAVE THE SAME POWER AS A DISTRICT ATTORNEY WOULD OTHERWISE HAVE IN THE PROSECUTION OF ANY TRAFFIC INFRACTION WHICH MAY, PURSUANT TO THE JURISDICTIONAL PROVISIONS OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS ARTICLE, BE PROSECUTED BEFORE THE BUFFALO CITY COURT IF THE TRAFFIC VIOLATION OCCURRED IN THE CITY OF BUFFALO. THE EXECUTIVE DIRECTOR SHALL GIVE ACTIVE CONSIDERATION TO REQUIRING THAT SUCH TRAFFIC PROSECUTORS SERVE ON A FULL-TIME BASIS. TRAFFIC PROSECUTORS ARE PROHIBITED FROM APPEARING IN ANY CAPACITY OTHER THAN AS A TRAFFIC PROSECUTOR IN ANY PART OF THE BUFFALO CITY COURT ON ANY MATTER RELATING TO TRAFFIC VIOLATIONS AND ARE FURTHER PROHIBITED FROM APPEARING IN ANY CAPACITY OTHER THAN AS A TRAFFIC PROSECUTOR IN ANY OTHER COURT OR ADMINISTRATIVE TRIBUNAL ON ANY MATTER RELATING TO TRAFFIC VIOLATIONS.

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

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

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

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

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

a. electronic funds transfer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the clerk thereof shall within ten days certify that fact to the commissioner, in the manner and form prescribed by the commissioner, who shall record the same in his or her office. Thereafter and upon the appearance of any such person in response to such summons or the receipt of the

fine by the agency, the traffic and parking violations agency, THE TRAFFIC VIOLATIONS AGENCY or the clerk thereof shall forthwith certify that fact to the commissioner, in the manner and form prescribed by the commissioner; provided, however, no such certification shall be made unless the traffic and parking violations agency OR THE TRAFFIC VIOLATIONS AGENCY has collected the termination of suspension fee required to be paid pursuant to paragraph (j-1) of subdivision two of section five hundred three of this chapter.

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

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

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

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

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

1-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHERE THE TRIAL OF A TRAFFIC INFRACTION IS AUTHORIZED OR REQUIRED TO BE TRIED BEFORE THE BUFFALO CITY COURT, AND SUCH TRAFFIC INFRACTION DOES NOT CONSTITUTE A MISDEMEANOR, FELONY, VIOLATION OF SUBDIVISION ONE OF SECTION ELEVEN HUNDRED NINETY-TWO, SUBDIVISION FIVE OF SECTION ELEVEN HUNDRED NINETY-TWO, SECTION THREE HUNDRED NINETY-SEVEN-A, OR SUBDIVISION (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, OR A VIOLATION OF PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOURTEEN-F OR CLAUSE (B) OF SUBPARAGRAPH (III) OF PARAGRAPH C OF SUBDIVISION TWO OF SECTION ONE HUNDRED FORTY OF THE TRANSPORTATION LAW, OR ANY PARKING, STOPPING, STANDING OR PEDESTRIAN OFFENSE, OR ANY OFFENSE THAT IS PART OF THE SAME CRIMINAL TRANSACTION, AS THAT TERM IS DEFINED IN SUBDIVISION TWO OF SECTION 40.10 OF THE CRIMINAL PROCEDURE LAW, AS SUCH A MISDEMEANOR, FELONY, VIOLATION OF SUBDIVISION ONE OF SECTION ELEVEN HUNDRED NINETY-TWO, SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-TWO, SECTION THREE HUNDRED NINETY-SEVEN-A OR SUBDIVISION (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, OR A VIOLATION OF PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOURTEEN-F OR CLAUSE (B) OF SUBPARAGRAPH (III) OF PARAGRAPH D OF SUBDIVISION TWO OF SECTION ONE HUNDRED FORTY OF THE TRANSPORTATION LAW, OR ANY PARKING, STOPPING, STANDING OR PEDESTRIAN OFFENSE, THE ADMINISTRATIVE JUDGE OF THE EIGHTH JUDICIAL DISTRICT MAY ASSIGN JUDICIAL HEARING OFFICERS TO CONDUCT SUCH A TRIAL. SUCH JUDICIAL HEARING OFFICERS SHALL: (I) BE RESIDENTS OF THE CITY OF BUFFALO; AND (II) BE VILLAGE OR TOWN COURT JUSTICES, CITY COURT JUDGES OR RETIRED JUDGES OR JUSTICES ALL OF WHICH SHALL HAVE AT LEAST TWO YEARS OF EXPERIENCE CONDUCTING TRIALS OF TRAFFIC VIOLATIONS CASES; AND (III) BE ADMITTED TO PRACTICE LAW IN THIS STATE; AND (IV) BE SELECTED FROM A LIST OF RECOMMENDATIONS OF THE MAYOR OF THE CITY OF BUFFALO PROVIDED THAT THE MAYOR SHALL GIVE AT LEAST THREE RECOMMENDATIONS FOR EACH JUDICIAL HEARING OFFICER ASSIGNMENT. WHERE SUCH ASSIGNMENT IS MADE, THE JUDICIAL HEARING OFFICER SHALL ENTERTAIN THE CASE IN THE SAME MANNER AS A COURT AND SHALL:

(A) DETERMINE ALL QUESTIONS OF LAW;

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

(C) RENDER A VERDICT;

(D) IMPOSE SENTENCE; OR

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

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

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

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

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

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

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

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

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

PART DD

Section 1. Section 12 of 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", is amended to read as follows:

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

S 2. This act shall take effect immediately.

PART EE

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

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

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

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

(B) THE COMMITTEE, IN CONSULTATION WITH THE COMPTROLLER, SHALL PRESCRIBE A MASTER SERVICING AGREEMENT TO BE EXECUTED BY THE COMMITTEE AND LOCAL LOAN ADMINISTRATORS. SUCH AGREEMENT SHALL PROVIDE THAT: (I) ANY ADVANCES MADE TO A LOCAL LOAN ADMINISTRATOR SHALL BE USED SOLELY FOR THE PURPOSE OF PROVIDING LOANS TO AGRICULTURAL PRODUCERS FOR UNDERTAKING FARM DRAIN TILE PROJECTS; (II) THE TOTAL AMOUNT OF LOANS MADE TO ANY SINGLE AGRICULTURAL PRODUCER SHALL NOT EXCEED FIFTY THOUSAND DOLLARS PER ANNUM; (III) THE TERM OF ANY LOAN SHALL NOT EXCEED TEN YEARS AND EQUAL PAYMENTS OF PRINCIPAL PAYABLE NO LESS FREQUENTLY THAN ANNUALLY SHALL BE REQUIRED TO BE MADE ON SUCH LOAN DURING THE TERM SUCH LOAN IS OUTSTANDING WHICH PAYMENTS WILL LIQUIDATE THE ENTIRE PRINCIPAL BALANCE OF THE LOAN OVER ITS TERM; (IV) THE LOCAL LOAN ADMINISTRATOR IS REQUIRED TO PAY TO THE COMMITTEE FOR DEPOSIT INTO THE FARM DRAIN TILE REVOLVING LOAN FUND ALL REPAYMENTS INCLUDING INTEREST, IF ANY, RECEIVED FROM ANY AGRICULTURAL PRODUCERS ON ACCOUNT OF SUCH LOAN, EXCEPT FOR THAT PORTION PERMITTED TO BE RETAINED BY THE LOCAL LOAN ADMINISTRATOR AS A FEE PURSUANT TO THE MASTER SERVICING AGREEMENT. THE MASTER SERVICING AGREEMENT SHALL ALSO SET FORTH: (I) THE FORM OF ANY NOTE AND SECURITY AGREEMENT TO BE EXECUTED BY THE AGRICULTURAL PRODUCER IN CONNECTION WITH ANY LOAN; (II) THE RATE OF INTEREST, IF ANY, TO BE CHARGED ON ANY LOAN; (III) THE AMOUNT OF ANY FEE TO BE RETAINED BY THE LOCAL LOAN ADMINISTRATOR FOR SERVICING ANY LOAN; (IV) THE FORM OF APPLICATION REQUIRED TO BE COMPLETED BY AN AGRICULTURAL PRODUCER FOR ANY LOAN; (V) THE FORM OF REQUISITION AND CERTIFICATION TO BE REQUIRED FROM A LOCAL LOAN ADMINISTRATOR TO OBTAIN AN ADVANCE OF FUNDS FROM THE COMMITTEE; (VI) ANY OTHER CONDITIONS TO BE IMPOSED UPON AN AGRICULTURAL PRODUCER AS A CONDITION OF RECEIVING A LOAN; (VII) THE RESPONSIBILITIES TO BE PERFORMED BY THE LOCAL LOAN ADMINISTRATOR IN CONNECTION WITH REVIEWING, APPROVING AND SERVICING THE LOAN AND THE CIRCUMSTANCES UNDER WHICH THE COMMITTEE MAY TERMINATE A MASTER SERVICING AGREEMENT; (VIII) CONDITIONS NECESSARY TO INSURE PROMPT CLOSING ON LOANS FOR WHICH FUNDS ARE ADVANCED, INCLUDING PAYMENT OF INTEREST OF FUNDS FROM THE TIME ADVANCED UNTIL UTILIZED; AND (IX) SUCH OTHER REQUIREMENTS AS THE COMMITTEE MAY FROM TIME TO TIME ESTABLISH BY RULES AND REGULATIONS CONSISTENT WITH THE PURPOSES OF THIS SECTION.

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

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

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

(4) EXAMINATION BY COMPTROLLER. THE COMPTROLLER, OR HIS OR HER LEGALLY AUTHORIZED REPRESENTATIVE, IS HEREBY AUTHORIZED AND EMPOWERED FROM TIME TO TIME TO EXAMINE THE BOOKS AND ACCOUNTS OF THE COMMITTEE RELATING TO THE FARM DRAIN TILE FUND, AND FROM TIME TO TIME, TO EXAMINE THE BOOKS AND ACCOUNTS OF ANY LOCAL LOAN ADMINISTRATOR WHICH HAS RECEIVED ADVANCES FROM SUCH FUND PURSUANT TO THIS SECTION, BUT ONLY INSOFAR AS THOSE BOOKS AND ACCOUNTS RELATE TO SUCH ADVANCES AND TO THE LOCAL LOAN ADMINISTRATOR'S COMPLIANCE WITH THE MASTER SERVICING AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION.

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

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

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

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

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

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

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

PART FF

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

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

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

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

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

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

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

(A) TO ASSIST FARMERS IN DEMONSTRATING INNOVATIVE AGRICULTURAL TECHNIQUES INCLUDING, BUT NOT LIMITED TO, ORGANIC FARMING AND SPECIALTY CROPS.

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

[3] 4. The corporation shall establish a competitive process for the evaluation of applicants for the beginning farmers NY fund. When awarding funds pursuant to this section, the corporation shall ensure that applicants meet the criteria and requirements determined by the corporation pursuant to this section.

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

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

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

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

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

S 2. This act shall take effect immediately.

PART GG

Section 1. Section 4 of 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, as amended by section 1 of part GG of chapter 57 of the laws of 2014, is amended to read as follows:

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

S 2. This act shall take effect immediately.

PART HH

Section 1. (a) Notwithstanding any provision of law to the contrary, the civil service department may re-classify the person employed in an exempt or non-competitive class position of special office assistant by the division of budget or director of wagering systems by the gaming commission or research scientist by the department of health or critical infrastructure analyst by the division of homeland security and emergency services immediately prior to being transferred to the office of information technology services pursuant to subdivision 2 of section 70 of the civil service law to align with the duties and responsibilities of their positions upon transfer. Permanent employees whose positions are subsequently re-classified to align with the duties and responsibilities of their positions upon being transferred to the office of information technology services pursuant to subdivision 2 of section 70 of the civil service law shall hold such positions without further examination or qualification.

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

S 2. This act shall take effect immediately.

PART II

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

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

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

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

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

7. On or before January 1, 2008 and every year thereafter, the commissioner shall report to the governor and legislature on the use of ultra low sulfur diesel fuel. On or before January 1, [2016] 2017 and every year thereafter, the commissioner shall include in the report to the governor and legislature the use of the best available retrofit technology as required under this section. The information contained in this report shall include, but not be limited to, for each state agency and public authority covered by this section: (a) the total number of diesel fuel-powered motor vehicles owned or operated by such agency and authority; (b) the number of such motor vehicles that were powered by ultra low sulfur diesel fuel; (c) the total number of diesel fuel-powered motor vehicles owned or operated by such agency and authority having a gross vehicle weight rating of more than 8,500 pounds; (d) the number of such motor vehicles that utilized the best available retrofit technology, including a breakdown by motor vehicle model, engine year and the type of technology used for each vehicle; (e) the number of such motor vehicles that are equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for particulate matter that is at least as stringent; and (f) all waivers, findings, and renewals of such findings, which, for each waiver, shall include, but not be limited to, the quantity of diesel fuel needed to power diesel fuel-powered motor vehicles owned or operated by such agency and authority; specific information concerning the availability of ultra low sulfur diesel fuel.

S 3. This act shall take effect immediately.

PART JJ

Section 1. Section 1 of 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 as amended by section 1 of part C of chapter 58 of the laws of 2014, is amended to read as follows:

Section 1. The office of mental health is authorized to recover funding from community residences and family-based treatment providers licensed by the office of mental health, consistent with contractual obligations of such providers, and notwithstanding any other inconsistent provision of law to the contrary, in an amount equal to 50 percent of the income received by such providers which exceeds the fixed amount of annual Medicaid revenue limitations, as established by the commissioner of mental health. Recovery of such excess income shall be for the following fiscal periods: for programs in counties located outside of the city of New York, the applicable fiscal periods shall be January 1, 2003 through December 31, 2009 and January 1, 2011 through December 31, [2015] 2016; and for programs located within the city of New York, the applicable fiscal periods shall be July 1, 2003 through June 30, 2010 and July 1, 2011 through June 30, [2015] 2016.

S 2. This act shall take effect immediately.

PART KK

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

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

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

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

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

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

(2) The commissioner of mental health, with the approval of the director of the division of the budget, shall be authorized to transfer funding to [the commissioner of education to the extent necessary to reimburse] school districts and boards of cooperative educational services for services and educational programming provided under such contracts.

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

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

S 4. Section 4 of 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, is amended to read as follows:

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

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:

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

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

PART LL

Section 1. Section 3 of 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, as amended by section 1 of part B of chapter 58 of the laws of 2014, is amended to read as follows:

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

S 2. This act shall take effect immediately.

PART MM

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

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

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

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

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

(III) BE ELIGIBLE FOR MEDICAID;

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

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

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

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

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

D. THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES SHALL UNDERTAKE OR ARRANGE FOR THE DEVELOPMENT OF A WRITTEN PERSON CENTERED PLAN OF CARE FOR EACH PERSON ENROLLED IN THE WAIVER. SUCH PERSON CENTERED PLAN OF CARE SHALL DESCRIBE THE PROVISION OF HOME AND COMMUNITY BASED WAIVER SERVICES CONSISTENT WITH THE ASSESSMENT FOR EACH PERSON.

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

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

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

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

H. THIS SUBDIVISION SHALL BE EFFECTIVE ONLY IF, AND AS LONG AS, FEDERAL FINANCIAL PARTICIPATION IS AVAILABLE FOR EXPENDITURES INCURRED UNDER THIS SUBDIVISION.

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

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

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

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

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

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

4. "Services for [the mentally disabled] PERSONS WITH A MENTAL DISABILITY" means examination, diagnosis, care, treatment, rehabilitation, SUPPORTS, HABILITATION or training of the mentally disabled.

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

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

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

(a) (1) is attributable to [mental retardation] INTELLECTUAL DISABILITY, cerebral palsy, epilepsy, neurological impairment, familial dysautonomia or autism;

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

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

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

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

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

S 5. Intentionally omitted.

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

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

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

(F) ANY PROVIDER OF SERVICES THAT HOLDS AN OPERATING CERTIFICATE PURSUANT TO PARAGRAPH FOUR OF SUBDIVISION (A) OF THIS SECTION, SHALL BE AUTHORIZED TO EMPLOY OR CONTRACT WITH PERSONS LICENSED TO PRACTICE NURSING PURSUANT TO ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW; EMPLOY OR CONTRACT WITH EXEMPT INDIVIDUALS AUTHORIZED TO PERFORM TASKS PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH A OF SUBDIVISION ONE OF SECTION SIXTY-NINE HUNDRED EIGHT OF THE EDUCATION LAW; OR CONTRACT WITH ENTITIES LEGALLY AUTHORIZED TO EMPLOY PERSONS LICENSED TO PRACTICE NURSING PURSUANT TO ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW OR EXEMPT INDIVIDUALS AUTHORIZED TO PERFORM TASKS PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH A OF SUBDIVISION ONE OF SECTION SIXTY-NINE HUNDRED EIGHT OF THE EDUCATION LAW; PROVIDED THAT SUCH EXEMPT INDIVIDUALS SHALL ONLY BE AUTHORIZED TO PROVIDE THOSE TASKS DELEGATED PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH A OF SUBDIVISION ONE OF SECTION SIXTY-NINE HUNDRED EIGHT OF THE EDUCATION LAW.

S 8. Subdivision (a), paragraphs 2, 3, and 6 of subdivision (c), paragraphs 1 and 4 of subdivision (d), subdivision (e), and subdivision (i) of section 16.05 of the mental hygiene law, subdivision (a), paragraphs 2, 3, and 6 of subdivision (c), paragraphs 1 and 4 of subdivision (d) and subdivision (e) as added by chapter 786 of the laws of 1983, paragraph 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

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

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

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

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

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

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

OVERSIGHT OF FACILITIES AND SERVICES. (A) THE COMMISSIONER SHALL PROVIDE FOR THE OVERSIGHT OF FACILITIES AND PROVIDERS OF SERVICES HOLDING OPERATING CERTIFICATES PURSUANT TO SECTION 16.03 OF THIS ARTICLE AND SHALL PROVIDE FOR THE ANNUAL REVIEW OF SUCH FACILITIES AND PROVIDERS IN IMPLEMENTING THE REQUIREMENTS OF THE OFFICE AND IN PROVIDING QUALITY CARE AND PERSON CENTERED AND COMMUNITY BASED SERVICES.

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

section upon a determination that the holder of the certificate has failed to comply with the terms of its operating certificate or with the provisions of any applicable statute, rule or regulation. The holder of the certificate shall be given notice and an opportunity to be heard prior to any such determination except that no such notice and opportunity to be heard shall be necessary prior to an emergency suspension or limitation of the facility's OR PROVIDER OF SERVICES' operating certificate imposed pursuant to paragraph one of subdivision (b) of this section, nor shall such notice and opportunity to be heard be necessary should the commissioner, in his OR HER discretion, decide to issue separate operating certificates to each facility OR PROVIDER OF SERVICES formerly included under the services authorized by one operating certificate to the provider of services.

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

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

b. Remove or cause to be removed some or all of the [clients] INDIVIDUALS in the facility OR SERVICES;

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

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

(2) At any time subsequent to the suspension or limitation of any operating certificate pursuant to paragraph one of this subdivision where said suspension or limitation is the result of correctable physical plant, staffing or program deficiencies, the facility OR PROVIDER OF SERVICES may request the office to [reinspect] REVIEW the facility OR PROVIDER OF SERVICES to redetermine whether a physical plant, staffing or program deficiency continues to exist. After the receipt of such a request, the office shall [reinspect] REVIEW the facility OR PROVIDER OF SERVICES within ten days and in the event that the previously found physical plant, staffing or program deficiency has been corrected, the suspension or limitation shall be withdrawn. If the physical plant, staffing or program deficiency has not been corrected, the commissioner shall not thereafter be required to [reinspect] REVIEW the facility OR PROVIDER OF SERVICES during the emergency period of suspension or limitation.

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

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

(4) The facility operator OR PROVIDER OF SERVICES, within ten days of the date when the emergency suspension or limitation pursuant to paragraph one of this subdivision is first imposed, may request an evidentiary hearing to contest the validity of the emergency suspension or limitation. Such an evidentiary hearing shall commence within ten days of the facility operator's OR PROVIDER'S request and no request for an adjournment shall be granted without the concurrence of the facility operator OR PROVIDER OF SERVICE, office for people with developmental disabilities, and the hearing officer. The evidentiary hearing shall be limited to those violations of federal and state law and regulations that existed at the time of the emergency suspension or limitation and which gave rise to the emergency suspension or limitation. The emergency suspension or limitation shall be upheld upon a determination that the office for people with developmental disabilities had reasonable cause to believe that a [client's] INDIVIDUAL'S health or safety was in imminent danger. A record of such hearing shall be made available to the facility operator OR PROVIDER OF SERVICE upon request. Should the commissioner determine to revoke, suspend or limit [the facility's] AN operating certificate pursuant to subdivision (a) of this section, no administrative hearing on that action shall commence prior to the conclusion of the evidentiary hearing. The commissioner shall issue a ruling within ten days after the receipt of the hearing officer's report.

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

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

a. administer oaths and affirmations;

b. issue subpoenas, which shall be regulated by the civil practice law and rules;

c. take testimony; or

d. control the conduct of the hearing.

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

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

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

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

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

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

(f) (1) Except as provided in paragraph two of this subdivision, anything contained in this section to the contrary notwithstanding, an operating certificate of a facility OR PROVIDER OF SERVICE shall be revoked upon a finding by the office that any individual, member of a partnership or shareholder of a corporation to whom or to which an operating certificate has been issued, has been convicted of a class A, B or C felony or a felony related in any way to any activity or program subject to the regulations, supervision, or administration of the office or of the office of temporary and disability assistance, the department of health, or another office of the department of mental hygiene, or in violation of the public officers law in a court of competent jurisdiction of the state, or in a court in another jurisdiction for an act which would have been a class A, B or C felony in this state or a felony in any way related to any activity or program which would be subject to the regulations, supervision, or administration of the office or of the office of temporary and disability assistance, the department of health, or another office of the department of mental hygiene, or for an act which would be in violation of the public officers law. The commissioner shall not revoke or limit the operating certificate of any facility OR PROVIDER OF SERVICE, solely because of the conviction, whether in the courts of this state or in the courts of another jurisdiction, more than ten years prior to the effective date of such revocation or limitation, of any person of a felony, or what would amount to a felony if committed within the state, unless the commissioner makes a determination that such conviction was related to an activity or program subject to the regulations, supervision, and administration of the office or of the office of temporary and disability assistance, the department of health, or another office of the department of mental hygiene, or in violation of the public officers law.

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

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

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

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

(h) Where a proceeding has been brought pursuant to section 16.27 of this article, and a receiver appointed pursuant thereto, the commissioner may assume operation of the facility subject to such receivership, upon termination of such receivership, and upon showing to the court having jurisdiction over such receivership that no voluntary association, not-for-profit corporation or other appropriate provider is willing to assume operation of the facility subject to receivership and is capable of meeting the requirements of this article; provided that the commissioner notifies the chairman of the assembly ways and means committee, the chairman of the senate finance committee and the director of the budget of his intention to assume operation of such facility upon service of the order to show cause upon the owner or operator of the facility, pursuant to subdivision (b) of section 16.27 of this article.

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

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

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

(ii) development and implementation of a plan of prevention and remediation, in the event an investigation of a report of an alleged reportable incident exists and such reportable incident may be attributed in whole or in part to noncompliance by the facility OR PROVIDER OF SERVICES with the provisions of this chapter or regulations of the office applicable to the operation of such facility OR PROVIDER OF SERVICES. Any plan of prevention and remediation required to be developed pursuant to this subdivision by a facility supervised by the office shall be submitted to and approved by such office in accordance with time limits established by regulations of such office. Implementation of the plan shall be monitored by such office. In reviewing the continued qualifications of a residential facility OR PROVIDER OF SERVICES or program for an operating certificate, the office shall evaluate such facility's OR PROVIDER OF SERVICE'S compliance with plans of prevention and remediation developed and implemented pursuant to this subdivision.

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

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

S 15. This act shall take effect immediately.

PART NN

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

(a) The commissioners of the offices in the department shall cause to be developed plans for three or more time-limited demonstration programs, the purpose of which shall be to test and evaluate new methods or arrangements for organizing, financing, staffing and providing services for the mentally disabled in order to determine the desirability of such methods or arrangements. Subject to regulations established by the commissioners and notwithstanding SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW AND SECTION ONE HUNDRED FORTY-TWO OF THE ECONOMIC DEVELOPMENT LAW, OR any other provision of law, such programs may include but shall not be limited to comprehensive organizational structures to serve all mentally disabled persons within the purview of a local governmental unit, innovative financing and staffing arrangements and specific programs to serve the mentally disabled. Such demonstration programs shall be consistent with established statewide goals and objectives and local comprehensive plans, shall be developed in conjunction with the local comprehensive planning process, and shall be submitted to the single agent jointly designated by the commissioners of the department for review and approval by the commissioner or commissioners having jurisdiction of the services.

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

PART OO

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

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

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

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

[2.] (B) Personal requirements and incidental needs of [clients] INDIVIDUALS RESIDING IN THE FACILITY;

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

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

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

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

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

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

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

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

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

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

S 4. This act shall take effect immediately.

PART PP

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

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

(b) The assessment shall include, but not be limited to: the identification of locally based transportation providers and transportation systems equipped to participate in a possible pilot demonstration program; considerations regarding the availability of public transportation, public safety concerns, and duplication of services; reporting requirements for cost savings and evaluation of whether specialized care needs are being met; recommendations for the implementation of shared software to enable entities to track services, manage costs among providers, consolidate routes and provide a registry identifying participating clients and any specialized care needs that must be met in order to effectively provide transportation; recommendations for rate adjustments or reimbursement changes; and identification of any legal, statutory or regulatory, and funding barriers.

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

(d) During the assessment process and in developing its recommendations, the contractor shall consult with the office, department of transportation, department of health, office for the aging, office of mental health, office of alcoholism and substance abuse services, and stakeholders including consumer groups, transportation service providers and transportation systems operators.

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

S 2. This act shall take effect immediately.

PART QQ

Section 1. Residential registration list. (a) The office for people with developmental disabilities shall issue a report as a result of its statewide review of individuals with developmental disabilities currently on the residential registration list, including information regarding services currently provided to such individuals, and any available regional information on priority placement approaches and housing needs for such individuals. The report shall include an update as to the 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

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

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

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

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

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

(2) enhancing opportunities for individuals to access community integrated housing;

(3) increasing integrated employment opportunities; and

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

(e) The commissioner of the office for people with developmental disabilities shall publish and submit a report to the governor, the temporary president of the senate, and the speaker of the assembly by February 15, 2016. The office shall post such report on its official website. The report shall include a summary of recommendations and strategies developed by the panel including any policy, rule, or regulation change and estimated dates and timeframe to implement any recommendation or strategy.

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

(1) current developmental center census by facility;

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

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

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

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

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

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

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

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

PART RR

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

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

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

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

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

3. A DESCRIPTION OF THE CRITERIA AND STANDARDS UTILIZED FOR AWARDING A REQUEST FOR PROPOSAL, A PROGRAM OPPORTUNITY NOTICE, OR SIMILAR SOLICITATION;

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

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

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

(C) THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE AUTHORITY SHALL PROVIDE NOTICE TO THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE OF ANY REPORT THAT IS MORE THAN SIXTY DAYS DELINQUENT. SHOULD THE AUTHORITY BE DELINQUENT IN SUBMITTING ITS REPORT BY MORE THAN ONE HUNDRED EIGHTY DAYS, THE PRESIDENT AND CHIEF EXECUTIVE OFFICER SHALL PROVIDE NOTICE OF SUCH DELINQUENCY TO THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE, THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, AND THE STATE COMPTROLLER.

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

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

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

PART SS

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

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

3. No later than six months following the effective date of this act, the authority shall report the results of consultations with and solicitations of the working group to the governor, the senate majority leader and the speaker of the assembly.

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

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

S 2. This act shall take effect immediately.

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

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