

S. 6408

A. 9008

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

January 14, 2016

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

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

AN ACT to amend public authorities law, in relation to committing the state of New York and the city of New York to partially fund part of the costs of the Metropolitan Transportation Authority's capital program (Part A); to amend the public authorities law, in relation to procurements by the New York City transit authority and the metropolitan transportation authority; and to amend the insurance law, in relation to extending owner controlled insurance programs in certain instances (Part B); to amend the public authorities law and the general municipal law, in relation to the New York transit authority and the metropolitan transportation authority (Part C); to amend the vehicle and traffic law and the state finance law, in relation to the dedication of revenues and the costs of the department of motor vehicles; to amend chapter 751 of the laws of 2005 amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof; to repeal subdivision 2 of section 89-g of the state finance law relating to funds to be placed into the accident prevention course internet, and other technology pilot program fund; and to repeal certain provisions of the state finance law relating to the motorcycle safety fund (Part D); to amend the vehicle and traffic law, in relation to farm vehicles and covered farm vehicles and to expand the scope of the P endorsement (Part E); 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 F); 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 G); to establish the Transformational Economic Development Infrastructure and Revitalization Projects act (Part H); to authorize and direct the New

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

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York state energy research and development authority to make a payment to the general fund of up to \$913,000 (Part I); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY programs, and to finance the department of environmental conservation's climate change program, from an assessment on gas and electric corporations (Part J); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part K); to amend the public service law, in relation to authorizing the department of public service to increase program efficiencies (Part L); 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 M); to amend the business corporation law, the cooperative corporations law, the executive law, the general associations law, the general business law, the limited liability company law, the not-for-profit corporation law, the partnership law, the private housing finance law, the real property law and the tax law, in relation to streamlining the process by which service of process is served against a corporate or other entity with the secretary of state; and to repeal certain provisions of the real property law relating thereto (Part N); to amend the general business law, the tax law, and the alcoholic beverage control law, in relation to authorized combative sports and to the costs of boxer medical examinations; and to repeal chapter 912 of the laws of 1920, relating to the regulation of boxing, sparring, and wrestling (Part O); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes in relation to the effectiveness thereof (Part P); to amend the public authorities law, the canal law, the state finance law, the public officers law, the transportation law, and the parks, recreation and historic preservation law, in relation to eliminating the canal corporation; and to repeal certain provisions of the public authorities law and the public officers law relating thereto (Part Q); to establish the private activity bond allocation act of 2016; to amend the public authorities law in relation to the powers, functions and duties of the New York state public authorities control board; and to repeal the private activity bond allocation act of 2014 (Part R); to amend the New York state urban development corporation act, in relation to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation; to repeal certain provisions of the agriculture and markets law relating to the marketing of agricultural products; and providing for the repeal of such provisions upon expiration thereof (Part S); to amend the environmental conservation law, in relation to mandatory tire acceptance (Part T); to amend the state finance law, in relation to creating a new climate change mitigation and adaptation account in the environmental protection fund; to amend the environmental conservation law, in relation to local waterfront revitalization programs; and to amend the executive law, in relation to payments for local waterfront revitalization programs (Part U); and to amend the navigation law, in

relation to the authorized reimbursement rate paid to governmental entities (Part V)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2016-2017
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through V. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. This act shall be known as the "Metropolitan Transportation
14 Authority (MTA) Capital Financing Act of 2016". This act commits the
15 state of New York (state) and the city of New York (city) to fund, over
16 a multi-year period, \$10,828,000,000 in capital costs related to
17 projects contained in the MTA's 2015-2019 capital program (capital
18 program). The state share of \$8,336,000,000 shall consist of
19 \$1,000,000,000 in appropriations first enacted in the 2015-2016 state
20 budget and additional funds sufficient for MTA to pay \$7,336,000,000 of
21 capital costs as provided herein. The city share of \$2,492,000,000 shall
22 consist of \$657,000,000 to be provided by the city from 2015 through
23 2019, and additional funds sufficient for MTA to pay \$1,835,000,000 of
24 capital costs for the capital program. The \$7,336,000,000 of additional
25 funds to be provided by the state may be used by the MTA to pay direct
26 capital costs and/or the state may fund such \$7,336,000,000 of capital
27 costs through financing mechanisms undertaken by the MTA.

28 S 2. (a) The additional funds provided by the state pursuant to
29 section one of this act shall be scheduled and made available to pay for
30 the costs of the capital program after MTA capital resources planned for
31 the capital program, not including additional city and state funds, have
32 been exhausted, or when MTA capital resources planned for the capital
33 program are not available. It is anticipated that state funds shall be
34 required by, and provided to, the MTA in an amount to support
35 \$1,500,000,000 of capital costs in the first year in which planned MTA
36 capital resources are exhausted; \$2,600,000,000 in the second year;
37 \$1,840,000,000 in the third year and \$1,396,000,000 in the fourth year
38 or thereafter.

39 (b) Such funds may be provided to the MTA through direct payments from
40 the state and/or financing mechanisms undertaken by the MTA utilizing
41 aid paid by the state on a schedule sufficient to support the capital
42 costs outlined in this act. The director of the budget (director) shall
43 annually determine the level of funding required to meet the state's
44 commitment and recommend such amounts for inclusion in the executive
45 budget. In making such determination, the director shall consider the
46 availability of MTA capital resources planned for the capital program,
47 the current progress and timing of the MTA capital program, the financ-

1 ing mechanisms employed by the MTA, if any, and any other pertinent
2 factors.

3 (c) State funding amounts, whether direct or in support of a financing
4 mechanism undertaken by the MTA, shall be subject to appropriation with-
5 in applicable annual state budgets; provided, however, that in the event
6 the state does not appropriate the full amount of the funding required
7 pursuant to this act in any year, such action shall not reduce the
8 commitment of the state to fund the full state share specified in
9 section one of this act, with the state fulfilling its aggregate commit-
10 ment in this act no later than state fiscal year 2025-2026 or by the
11 completion of the capital program. In the event that the MTA has
12 exhausted all currently available sources of funding, the MTA may, with
13 the approval of the director, issue anticipation notes or other obli-
14 gations secured solely by the additional funds specified in subdivision
15 (a) of this section and shall provide for capitalized interest thereon.

16 S 3. In order to annually determine the adequacy and pace of the level
17 of state funding in support of the MTA's capital program, and to gauge
18 the availability of MTA capital resources planned for the capital
19 program, the director may request, and the MTA shall provide, periodic
20 reports on the MTA's capital programs and financial activities in a form
21 and on a schedule prescribed by the director.

22 S 4. Subdivision 12 of section 1269 of the public authorities law, as
23 amended by section 1 of part E of chapter 58 of the laws of 2012, is
24 amended to read as follows:

25 12. The aggregate principal amount of bonds, notes or other obli-
26 gations issued after the first day of January, nineteen hundred ninety-
27 three by the authority, the Triborough bridge and tunnel authority and
28 the New York city transit authority to fund projects contained in capi-
29 tal program plans approved pursuant to section twelve hundred sixty-
30 nine-b of this title for the period nineteen hundred ninety-two through
31 two thousand [fourteen] NINETEEN shall not exceed [thirty-seven] FIFTY-
32 FIVE billion [two hundred eleven] FOUR HUNDRED NINETY-SEVEN million
33 dollars [prior to January one, two thousand thirteen; shall not exceed
34 thirty-nine billion five hundred forty-four million prior to January
35 one, two thousand fourteen; and shall not exceed forty-one billion eight
36 hundred seventy-seven million dollars thereafter]. Such aggregate prin-
37 cipal amount of bonds, notes or other obligations or the expenditure
38 thereof shall not be subject to any limitation contained in any other
39 provision of law on the principal amount of bonds, notes or other obli-
40 gations or the expenditure thereof applicable to the authority, the
41 Triborough bridge and tunnel authority or the New York city transit
42 authority. The aggregate limitation established by this subdivision
43 shall not include (i) obligations issued to refund, redeem or otherwise
44 repay, including by purchase or tender, obligations theretofore issued
45 either by the issuer of such refunding obligations or by the authority,
46 the New York city transit authority or the Triborough bridge and tunnel
47 authority, (ii) obligations issued to fund any debt service or other
48 reserve funds for such obligations, (iii) obligations issued or incurred
49 to fund the costs of issuance, the payment of amounts required under
50 bond and note facilities, federal or other governmental loans, security
51 or credit arrangements or other agreements related thereto and the
52 payment of other financing, ORIGINAL ISSUE PREMIUMS and related costs
53 associated with such obligations, (iv) an amount equal to any original
54 issue discount from the principal amount of such obligations or to fund
55 capitalized interest, (v) obligations incurred pursuant to section
56 twelve hundred seven-m of this article, (vi) obligations incurred to

fund the acquisition of certain buses for the New York city transit authority as identified in a capital program plan approved pursuant to chapter fifty-three of the laws of nineteen hundred ninety-two, (vii) obligations incurred in connection with the leasing, selling or transferring of equipment, and (viii) bond anticipation notes or other obligations payable solely from the proceeds of other bonds, notes or other obligations which would be included in the aggregate principal amount specified in the first sentence of this subdivision, whether or not additionally secured by revenues of the authority, or any of its subsidiary corporations, New York city transit authority, or any of its subsidiary corporations, or Triborough bridge and tunnel authority.

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, 2016.

PART B

Section 1. Subdivision 7 of section 1209 of the public authorities law, as amended by chapter 334 of the laws of 2001, is amended to read as follows:

7. (a) Except as otherwise provided in this section, all purchase contracts for supplies, materials or equipment involving an estimated expenditure in excess of [fifteen] ONE HUNDRED thousand dollars and all contracts for public work involving an estimated expenditure in excess of [twenty-five] ONE HUNDRED thousand dollars shall be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in the manner hereinafter set forth. The aforesaid shall not apply to contracts for personal, architectural, engineering or other professional services. The authority may reject all bids and obtain new bids in the manner provided by this section when it is deemed in the public interest to do so or, in cases where two or more responsible bidders submit identical bids which are the lowest bids, award the contract to any of such bidders or obtain new bids from such bidders. Nothing herein shall obligate the authority to seek new bids after the rejection of bids or after cancellation of an invitation to bid. Nothing in this section shall prohibit the evaluation of bids on the basis of costs or savings including life cycle costs of the item to be purchased, discounts, and inspection services so long as the invitation to bid reasonably sets forth the criteria to be used in evaluating such costs or savings. Life cycle costs may include but shall not be limited to costs or savings associated with installation, energy use, maintenance, operation and salvage or disposal.

(b) Section twenty-eight hundred seventy-nine of this chapter shall apply to the authority's acquisition of goods or services of any kind, in the actual or estimated amount of fifteen thousand dollars or more, provided that (I) a contract for [personal] services in the actual or estimated amount of less than [twenty] ONE HUNDRED thousand dollars shall not require approval by the board of the authority regardless of the length of the period over which the services are rendered, and provided further that a contract for [personal] services in the actual or estimated amount of [twenty] ONE HUNDRED thousand dollars or more shall require approval by the board of the authority regardless of the length of the period over which the services are rendered UNLESS SUCH A CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE BIDDER AFTER OBTAINING SEALED BIDS AND (II) THE BOARD OF THE AUTHORITY MAY BY RESOLUTION ADOPT GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS TO SMALL BUSINESS CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES CERTIFIED PURSU-

1 ANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR MINORITY OR
2 WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTICLE FIFTEEN-A
3 OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY THAT ARE RECY-
4 CLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND
5 DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITHOUT FURTHER BOARD
6 APPROVAL.

7 S 2. Paragraph (a) of subdivision 8 of section 1209 of the public
8 authorities law, as amended by chapter 725 of the laws of 1993, is
9 amended to read as follows:

10 (a) Advertisement for bids, when required by this section, shall be
11 published [at least once in a newspaper of general circulation in the
12 area served by the authority and] in the procurement opportunities news-
13 letter published pursuant to article four-C of the economic development
14 law provided that, notwithstanding the provisions of article four-C of
15 the economic development law, an advertisement shall only be required
16 when required by this section. Publication [in a newspaper of general
17 circulation in the area served or] in the procurement opportunities
18 newsletter shall not be required if bids for contracts for supplies,
19 materials or equipment are of a type regularly purchased by the authori-
20 ty and are to be solicited from a list of potential suppliers, if such
21 list is or has been developed consistent with the provisions of subdivi-
22 sion eleven of this section. Any such advertisement shall contain a
23 statement of: (i) the time and place where bids received pursuant to any
24 notice requesting sealed bids will be publicly opened and read; (ii) the
25 name of the contracting agency; (iii) the contract identification
26 number; (iv) a brief description of the public work, supplies, materi-
27 als, or equipment sought, the location where work is to be performed,
28 goods are to be delivered or services provided and the contract term;
29 (v) the address where bids or proposals are to be submitted; (vi) the
30 date when bids or proposals are due; (vii) a description of any eligi-
31 bility or qualification requirement or preference; (viii) a statement as
32 to whether the contract requirements may be fulfilled by a subcontract-
33 ing, joint venture, or co-production arrangement; (ix) any other infor-
34 mation deemed useful to potential contractors; and (x) the name,
35 address, and telephone number of the person to be contacted for addi-
36 tional information. At least fifteen business days shall elapse between
37 the first publication of such advertisement or the solicitation of bids,
38 as the case may be, and the date of opening and reading of bids.

39 S 3. Subparagraph (i) of paragraph f of subdivision 9 of section 1209
40 of the public authorities law, as added by chapter 929 of the laws of
41 1986, is amended to read as follows:

42 (i) [The] EXCEPT FOR A CONTRACT THAT IS AWARDED PURSUANT TO THIS PARA-
43 GRAPH TO THE PROPOSER WHOSE PROPOSAL IS THE LOWEST COST, THE authority
44 may award a contract pursuant to this paragraph only after a resolution
45 approved by a two-thirds vote of its members then in office at a public
46 meeting of the authority with such resolution (A) disclosing the other
47 proposers and the substance of their proposals, (B) summarizing the
48 negotiation process including the opportunities, if any, available to
49 proposers to present and modify their proposals, and (C) setting forth
50 the criteria upon which the selection was made.

51 S 4. Subdivision 13 of section 1209 of the public authorities law, is
52 renumbered subdivision 15 and two new subdivisions 13 and 14 are added
53 to read as follows:

54 13. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, THE AUTHORI-
55 TY SHALL BE ALLOWED TO USE AN ELECTRONIC BIDDING SYSTEM THAT MAY INFORM
56 BIDDERS WHETHER THEIR BID IS THE CURRENT LOW BID, AND ALLOW BIDDERS TO

1 SUBMIT NEW BIDS BEFORE THE DATE AND TIME ASSIGNED FOR THE OPENING OF
2 BIDS. SUCH PROCEDURE SHALL NOT CONSTITUTE DISCLOSURE OF BIDS IN
3 VIOLATION OF SECTION TWENTY-EIGHT HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

4 14. WHENEVER THE COMPTROLLER, PURSUANT TO SUBDIVISION ONE OF SECTION
5 TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF THIS CHAPTER:

6 (A) INTENDS TO SUBJECT TO HIS OR HER APPROVAL A CONTRACT OR CONTRACT
7 AMENDMENT TO BE AWARDED BY THE AUTHORITY PURSUANT TO THIS SECTION, THE
8 COMPTROLLER SHALL NOTIFY THE AUTHORITY IN WRITING OF SUCH DETERMINATION
9 WITHIN FORTY-FIVE DAYS OF HAVING RECEIVED WRITTEN NOTICE OF SUCH
10 CONTRACT OR CONTRACT AMENDMENT EITHER IN THE AUTHORITY'S ANNUAL REPORT
11 OR ANY REVISED REPORT;

12 (B) HAS NOTIFIED THE AUTHORITY IN WRITING THAT ANY CONTRACT OR
13 CONTRACT AMENDMENT AWARDED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO
14 HIS OR HER APPROVAL, SUCH CONTRACT OR CONTRACT AMENDMENT SHALL BECOME
15 VALID AND ENFORCEABLE WITHOUT SUCH APPROVAL IF THE COMPTROLLER HAS NOT
16 APPROVED OR DISAPPROVED SUCH CONTRACT OR CONTRACT AMENDMENT WITHIN
17 FORTY-FIVE DAYS OF SUBMISSION TO HIS OR HER OFFICE.

18 S 5. Subdivision 7 of section 1265 of the public authorities law, as
19 added by chapter 324 of the laws of 1965, is amended to read as follows:

20 7. To acquire, hold and dispose of real or personal property in the
21 exercise of its powers[;], INCLUDING, NOTWITHSTANDING ANY OTHER
22 PROVISION OF LAW, THE POWER TO DISPOSE OF PERSONAL PROPERTY BY PUBLIC
23 AUCTION IN ACCORDANCE WITH GUIDELINES ADOPTED BY THE AUTHORITY. SUCH
24 GUIDELINES SHALL PROVIDE FOR ADVERTISING AND SUCH OTHER SAFEGUARDS AS
25 THE AUTHORITY MAY DEEM APPROPRIATE IN THE PUBLIC INTEREST.

26 S 6. Subdivision 3 of section 1204 of the public authorities law, as
27 amended by chapter 980 of the laws of 1958, is amended to read as
28 follows:

29 3. To acquire, hold, use and dispose of equipment, devices and
30 appurtenances, and other property for its corporate purposes, INCLUDING,
31 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE POWER TO DISPOSE OF
32 PERSONAL PROPERTY BY PUBLIC AUCTION IN ACCORDANCE WITH GUIDELINES
33 ADOPTED BY THE METROPOLITAN TRANSPORTATION AUTHORITY PURSUANT TO SECTION
34 TWELVE HUNDRED SIXTY-FIVE OF THIS ARTICLE.

35 S 7. Subdivision 3 of section 553 of the public authorities law, is
36 amended to read as follows:

37 3. To acquire, hold and dispose of personal property for its corporate
38 purposes[;], INCLUDING, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
39 POWER TO DISPOSE OF PERSONAL PROPERTY BY PUBLIC AUCTION IN ACCORDANCE
40 WITH GUIDELINES ADOPTED BY THE AUTHORITY. SUCH GUIDELINES SHALL PROVIDE
41 FOR ADVERTISING AND SUCH OTHER SAFEGUARDS AS THE AUTHORITY MAY DEEM
42 APPROPRIATE IN THE PUBLIC INTEREST.

43 S 8. Paragraphs (a) and (b) of subdivision 2 of section 1265-a of the
44 public authorities law, as amended by chapter 334 of the laws of 2001,
45 are amended to read as follows:

46 (a) Except as otherwise provided in this section, all purchase
47 contracts for supplies, materials or equipment involving an estimated
48 expenditure in excess of [fifteen] ONE HUNDRED thousand dollars and all
49 contracts for public work involving an estimated expenditure in excess
50 of [twenty-five] ONE HUNDRED thousand dollars shall be awarded by the
51 authority to the lowest responsible bidder after obtaining sealed bids
52 in the manner hereinafter set forth. For purposes hereof, contracts for
53 public work shall exclude contracts for personal, engineering and archi-
54 tectural, or professional services. The authority may reject all bids
55 and obtain new bids in the manner provided by this section when it is
56 deemed in the public interest to do so or, in cases where two or more

1 responsible bidders submit identical bids which are the lowest bids,
2 award the contract to any of such bidders or obtain new bids from such
3 bidders. Nothing herein shall obligate the authority to seek new bids
4 after the rejection of bids or after cancellation of an invitation to
5 bid. Nothing in this section shall prohibit the evaluation of bids on
6 the basis of costs or savings including life cycle costs of the item to
7 be purchased, discounts, and inspection services so long as the invita-
8 tion to bid reasonably sets forth the criteria to be used in evaluating
9 such costs or savings. Life cycle costs may include but shall not be
10 limited to costs or savings associated with installation, energy use,
11 maintenance, operation and salvage or disposal.

12 (b) Section twenty-eight hundred seventy-nine of this chapter shall
13 apply to the authority's acquisition of goods or services of any kind,
14 in the actual or estimated amount of fifteen thousand dollars or more,
15 provided (I) that a contract for [personal] services in the actual or
16 estimated amount of less than [twenty] ONE HUNDRED thousand dollars
17 shall not require approval by the board of the authority regardless of
18 the length of the period over which the services are rendered, and
19 provided further that a contract for [personal] services in the actual
20 or estimated amount of [twenty] ONE HUNDRED thousand dollars or more
21 shall require approval by the board of the authority regardless of the
22 length of the period over which the services are rendered UNLESS SUCH A
23 CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE BIDDER AFTER OBTAINING
24 SEALED BIDS, AND (II) THE BOARD OF THE AUTHORITY MAY BY RESOLUTION ADOPT
25 GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS TO SMALL BUSINESS
26 CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES CERTIFIED PURSU-
27 ANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR MINORITY OR
28 WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTICLE FIFTEEN-A
29 OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY THAT ARE RECY-
30 CLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND
31 DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITHOUT FURTHER BOARD
32 APPROVAL.

33 S 9. Subparagraph (i) of paragraph f of subdivision 4 of section
34 1265-a of the public authorities law, as added by chapter 929 of the
35 laws of 1986, is amended to read as follows:

36 (i) [The] EXCEPT FOR A CONTRACT THAT IS AWARDED PURSUANT TO THIS PARA-
37 GRAPH TO THE PROPOSER WHOSE PROPOSAL IS THE LOWEST COST, THE authority
38 may award a contract pursuant to this paragraph only after a resolution
39 approved by a two-thirds vote of its members then in office at a public
40 meeting of the authority with such resolution (A) disclosing the other
41 proposers and the substance of their proposals, (B) summarizing the
42 negotiation process including the opportunities, if any, available to
43 proposers to present and modify their proposals, and (C) setting forth
44 the criteria upon which the selection was made.

45 S 10. Paragraph (a) of subdivision 3 of section 1265-a of the public
46 authorities law, as amended by chapter 494 of the laws of 1990, is
47 amended to read as follows:

48 (a) Advertisement for bids, when required by this section, shall be
49 published [at least once in a newspaper of general circulation in the
50 area served by the authority and] in the procurement opportunities news-
51 letter published pursuant to article four-C of the economic development
52 law provided that, notwithstanding the provisions of article four-C of
53 the economic development law, an advertisement shall only be required
54 for a purchase contract for supplies, materials or equipment when
55 required by this section. Publication [in a newspaper of general circu-
56 lation in the area served or] in the procurement opportunities newslet-

1 ter shall not be required if bids for contracts for supplies, materials
2 or equipment are of a type regularly purchased by the authority and are
3 to be solicited from a list of potential suppliers, if such list is or
4 has been developed consistent with the provisions of subdivision six of
5 this section. Any such advertisement shall contain a statement of: (i)
6 the time and place where bids received pursuant to any notice requesting
7 sealed bids will be publicly opened and read; (ii) the name of the
8 contracting agency; (iii) the contract identification number; (iv) a
9 brief description of the public work, supplies, materials, or equipment
10 sought, the location where work is to be performed, goods are to be
11 delivered or services provided and the contract term; (v) the address
12 where bids or proposals are to be submitted; (vi) the date when bids or
13 proposals are due; (vii) a description of any eligibility or qualifica-
14 tion requirement or preference; (viii) a statement as to whether the
15 contract requirements may be fulfilled by a subcontracting, joint
16 venture, or co-production arrangement; (ix) any other information deemed
17 useful to potential contractors; and (x) the name, address, and tele-
18 phone number of the person to be contacted for additional information.
19 At least fifteen business days shall elapse between the first publica-
20 tion of such advertisement or the solicitation of bids, as the case may
21 be, and the date of opening and reading of bids.

22 S 11. Subdivision 8 of section 1265-a of the public authorities law is
23 renumbered subdivision 10 and two new subdivisions 8 and 9 are added to
24 read as follows:

25 8. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, THE AUTHORITY
26 SHALL BE ALLOWED TO USE AN ELECTRONIC BIDDING SYSTEM THAT MAY INFORM
27 BIDDERS WHETHER THEIR BID IS THE CURRENT LOW BID, AND ALLOW BIDDERS TO
28 SUBMIT NEW BIDS BEFORE THE DATE AND TIME ASSIGNED FOR THE OPENING OF
29 BIDS. SUCH PROCEDURE SHALL NOT CONSTITUTE DISCLOSURE OF BIDS IN
30 VIOLATION OF SECTION TWENTY-EIGHT HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

31 9. WHENEVER THE COMPTROLLER, PURSUANT TO SUBDIVISION ONE OF SECTION
32 TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF THIS CHAPTER:

33 (A) INTENDS TO SUBJECT TO HIS OR HER APPROVAL A CONTRACT OR CONTRACT
34 AMENDMENT TO BE AWARDED BY THE AUTHORITY PURSUANT TO THIS SECTION, THE
35 COMPTROLLER SHALL NOTIFY THE AUTHORITY IN WRITING OF SUCH DETERMINATION
36 WITHIN FORTY-FIVE DAYS OF HAVING RECEIVED WRITTEN NOTICE OF SUCH
37 CONTRACT OR CONTRACT AMENDMENT EITHER IN THE AUTHORITY'S ANNUAL REPORT
38 OR ANY REVISED REPORT;

39 (B) HAS NOTIFIED THE AUTHORITY IN WRITING THAT ANY CONTRACT OR
40 CONTRACT AMENDMENT AWARDED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO
41 HIS OR HER APPROVAL, SUCH CONTRACT OR CONTRACT AMENDMENT SHALL BECOME
42 VALID AND ENFORCEABLE WITHOUT SUCH APPROVAL IF THE COMPTROLLER HAS NOT
43 APPROVED OR DISAPPROVED SUCH CONTRACT OR CONTRACT AMENDMENT WITHIN
44 FORTY-FIVE DAYS OF SUBMISSION TO HIS OR HER OFFICE.

45 S 12. Section 553 of the public authorities law is amended by adding a
46 new subdivision 22 to read as follows:

47 22. SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE OF THIS CHAPTER SHALL
48 APPLY TO THE AUTHORITY'S ACQUISITION OF GOODS OR SERVICES OF ANY KIND,
49 IN THE ACTUAL OR ESTIMATED AMOUNT OF FIFTEEN THOUSAND DOLLARS OR MORE,
50 PROVIDED THAT (I) A CONTRACT FOR SERVICES IN THE ACTUAL OR ESTIMATED
51 AMOUNT OF LESS THAN ONE HUNDRED THOUSAND DOLLARS SHALL NOT REQUIRE
52 APPROVAL BY THE BOARD OF THE AUTHORITY REGARDLESS OF THE LENGTH OF THE
53 PERIOD OVER WHICH THE SERVICES ARE RENDERED, AND PROVIDED FURTHER THAT A
54 CONTRACT FOR SERVICES IN THE ACTUAL OR ESTIMATED AMOUNT OF ONE HUNDRED
55 THOUSAND DOLLARS OR MORE SHALL REQUIRE APPROVAL BY THE BOARD OF THE
56 AUTHORITY REGARDLESS OF THE LENGTH OF THE PERIOD OVER WHICH THE SERVICES

1 ARE RENDERED UNLESS SUCH A CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE
2 BIDDER AFTER OBTAINING SEALED BIDS AND (II) THE BOARD OF THE AUTHORITY
3 MAY BY RESOLUTION ADOPT GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS
4 TO SMALL BUSINESS CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES
5 CERTIFIED PURSUANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR
6 MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTI-
7 CLE FIFTEEN-A OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY
8 THAT ARE RECYCLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR
9 HUNDRED THOUSAND DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITH-
10 OUT FURTHER BOARD APPROVAL.

11 S 13. Paragraph (f) of subdivision 3 of section 2879-a of the public
12 authorities law, as added by chapter 506 of the laws of 2009, is amended
13 to read as follows:

14 (f) contracts for the sale or delivery of power or energy and costs
15 and services ancillary thereto for economic development purposes pursu-
16 ant to title one of article five of this chapter or article six of the
17 economic development law, provided, however, that the authority shall
18 file copies of any such contract with the comptroller within sixty days
19 after the execution of such contract; AND (G) CONTRACTS ENTERED INTO BY
20 THE METROPOLITAN TRANSPORTATION AUTHORITY OR THE NEW YORK CITY TRANSIT
21 AUTHORITY THAT ARE: I. AWARDED PURSUANT TO SECTION ONE THOUSAND TWO
22 HUNDRED NINE OR SECTION ONE THOUSAND TWO HUNDRED SIXTY-FIVE-A OF THIS
23 CHAPTER BY A METHOD OF PROCUREMENT THAT IS COMPETITIVE; OR II. FOR A
24 TRANSFER OF TITLE OR ANY OTHER BENEFICIAL INTEREST IN REAL PROPERTY OF
25 SUCH AN AUTHORITY BY SALE, EXCHANGE OR TRANSFER, FOR CASH, CREDIT, OR
26 OTHER PROPERTY, WITH OR WITHOUT WARRANTY.

27 S 14. Subparagraph (B) of paragraph 2 of subsection (a) of section
28 2504 of the insurance law is amended to read as follows:

29 (B) the city of New York, a public corporation or public authority, in
30 connection with the construction of electrical generating and trans-
31 mission facilities or construction, extensions and additions of light
32 rail or heavy rail rapid transit and commuter railroads, OR BRIDGE,
33 TUNNEL OR OMNIBUS FACILITIES.

34 S 15. This act shall take effect immediately.

35 PART C

36 Section 1. Subdivisions 2 and 3 of section 1204-d of the public
37 authorities law, as added by chapter 530 of the laws of 2006, are
38 amended and a new subdivision 1-a is added to read as follows:

39 1-A. THE AUTHORITY MAY ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY
40 MAY DETERMINE NECESSARY, CONVENIENT OR DESIRABLE ENTER INTO ANY JOINT
41 ARRANGEMENT AS DEFINED IN SUBDIVISION NINE-A OF SECTION TWELVE HUNDRED
42 SIXTY-ONE OF THIS CHAPTER AND MAY EXERCISE ALL OF ITS POWERS IN
43 CONNECTION WITH ANY JOINT ARRANGEMENT.

44 2. Any such joint service arrangement OR JOINT ARRANGEMENT shall be
45 authorized only by resolution of the authority approved by not less than
46 a majority vote of the whole number of members of the board of the
47 authority then in office, except that in the event of a tie vote the
48 chairman shall cast one additional vote.

49 3. All general powers of the authority shall be applicable to joint
50 service arrangements AND JOINT ARRANGEMENTS. THE AUTHORITY SHALL ALSO
51 HAVE ALL OF THE POWERS OF THE METROPOLITAN TRANSPORTATION AUTHORITY AS
52 SET FORTH IN SECTION TWELVE HUNDRED SIXTY-SIX-I OF THIS CHAPTER.

53 S 2. Section 1261 of the public authorities law is amended by adding
54 two new subdivisions 9-a and 18-a to read as follows:

1 9-A. "JOINT ARRANGEMENT" SHALL MEAN AN ARRANGEMENT, INCLUDING A PUBL-
2 IC-PRIVATE PARTNERSHIP, BETWEEN OR AMONG THE AUTHORITY, ITS SUBSID-
3 IARIES, NEW YORK CITY TRANSIT AUTHORITY AND ITS SUBSIDIARY, AND ANY
4 OTHER PARTY OR PARTIES, INCLUDING PUBLIC ENTITIES AND PRIVATE ENTITIES,
5 ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY, ANY OF ITS SUBSIDIARIES,
6 NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY, DEEMS NECESSARY OR
7 APPROPRIATE, IN THE FORM OF A CONTRACT, CONCESSION, LICENSE, LEASE,
8 ALLIANCE, JOINT VENTURE, CORPORATION, INCLUDING A LIMITED LIABILITY
9 CORPORATION, A PARTNERSHIP, OR OTHER ARRANGEMENT, IN SUPPORT OF, ASSOCI-
10 ATED WITH, DERIVATIVE FROM, OR INCIDENTAL TO, THE PLANNING, ACQUISITION,
11 DESIGN, ESTABLISHMENT, CONSTRUCTION, REHABILITATION, RECONSTRUCTION,
12 IMPROVEMENT, EXTENSION, RENEWAL, REPAIR, OPERATION, MAINTENANCE, DEVEL-
13 OPMENT OR FINANCING OF TRANSPORTATION IN WHOLE OR IN PART IN OR UPON ONE
14 OR MORE TRANSPORTATION FACILITIES LOCATED IN WHOLE OR IN PART WITHIN THE
15 DISTRICT INCLUDING WITHOUT LIMITATION, AGREEMENTS RELATING TO INTERMODAL
16 AND SHARED FACILITIES, THE DISTRIBUTION OF FARE AND TOLL PAYMENT MEDIA
17 AND ELECTRONIC PAYMENT DEVICES, OR THE COLLECTION OF FARES, TOLLS AND
18 OTHER CHARGES.

19 18-A. "TRANSPORTATION PURPOSE" SHALL MEAN A PURPOSE THAT DIRECTLY OR
20 INDIRECTLY SUPPORTS ALL OR ANY OF THE MISSIONS OR PURPOSES OF THE
21 AUTHORITY, ANY OF ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR
22 ITS SUBSIDIARY, INCLUDING THE PRODUCTION OF REVENUES AVAILABLE FOR THE
23 COSTS AND EXPENSES OF ALL OR ANY TRANSPORTATION FACILITIES.

24 S 3. Subdivisions 3, 6, 8, and 11 of section 1266 of the public
25 authorities law, subdivision 3 as amended and subdivision 11 as added by
26 chapter 314 of the laws of 1981, and subdivisions 6 and 8 as amended by
27 section 23 of part 0 of chapter 61 of the laws of 2000, are amended and
28 three new subdivisions 2-a, 12-a and 19 are added to read as follows:

29 2-A. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, THE
30 AUTHORITY, ANY OF ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR
31 ITS SUBSIDIARY, MAY ON SUCH TERMS AND CONDITIONS AS THEY MAY DETERMINE
32 NECESSARY, CONVENIENT OR DESIRABLE ENTER INTO ANY JOINT ARRANGEMENT AS
33 HEREINAFTER PROVIDED AND MAY EXERCISE ALL OF ITS POWERS IN CONNECTION
34 WITH ANY JOINT ARRANGEMENT. ANY JOINT ARRANGEMENT SHALL BE AUTHORIZED
35 ONLY BY RESOLUTION OF THE AUTHORITY APPROVED BY NOT LESS THAN A MAJORITY
36 VOTE OF THE WHOLE NUMBER OF MEMBERS OF THE AUTHORITY THEN IN OFFICE,
37 EXCEPT THAT IN THE EVENT OF A TIE VOTE THE CHAIRMAN SHALL CAST ONE ADDI-
38 TIONAL VOTE.

39 3. The authority may establish, levy and collect or cause to be estab-
40 lished, levied and collected and, in the case of a joint service
41 arrangement OR A JOINT ARRANGEMENT, join with others in the establish-
42 ment, levy and collection of such fares, tolls, rentals, rates, TAXES,
43 ASSESSMENTS, charges and other fees as it may deem necessary, convenient
44 or desirable for the use and operation of any transportation facility
45 and related services OR ACTIVITIES (A) operated by the authority or by a
46 subsidiary corporation of the authority or under contract, lease or
47 other arrangement, including joint service arrangements OR JOINT
48 ARRANGEMENTS, with the authority OR A SUBSIDIARY CORPORATION OF THE
49 AUTHORITY; OR (B) OPERATED BY NEW YORK CITY TRANSIT AUTHORITY OR ITS
50 SUBSIDIARY IN CONNECTION WITH A JOINT ARRANGEMENT INVOLVING ANY TRANS-
51 PORTATION FACILITIES OF NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSID-
52 IARY. Any such fares, tolls, rentals, rates, TAXES, ASSESSMENTS, charges
53 or other fees for the transportation of passengers shall be established
54 and changed only if approved by resolution of the authority adopted by
55 not less than a majority vote of the whole number of members of the
56 authority then in office, with the chairman having one additional vote

1 in the event of a tie vote, and only after a public hearing, provided
2 however, that fares, tolls, rentals, rates, TAXES, ASSESSMENTS, charges
3 or other fees for the transportation of passengers on any transportation
4 facility which are in effect at the time that the then owner of such
5 transportation facility becomes a subsidiary corporation of the authori-
6 ty or at the time that operation of such transportation facility is
7 commenced by the authority or is commenced under contract, lease or
8 other arrangement, including joint service arrangements OR JOINT
9 ARRANGEMENTS, with the authority OR WHICH HAVE BEEN ESTABLISHED BY THE
10 NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY CORPORATIONS AND ARE
11 IN EFFECT ON THE DATE THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN
12 THAT AMENDED THIS SUBDIVISION TAKES EFFECT may be continued in effect
13 without such a hearing. Such fares, tolls, rentals, rates, TAXES,
14 ASSESSMENTS, charges and other fees shall be established as may in the
15 judgment of the authority be necessary to maintain the combined oper-
16 ations of the authority and its subsidiary corporations on a self-sus-
17 taining basis. The said operations shall be deemed to be on a self-sus-
18 taining basis as required by this title, when the authority is able to
19 pay or cause to be paid from revenue and any other funds or property
20 actually available to the authority and its subsidiary corporations (a)
21 as the same shall become due, the principal of and interest on the bonds
22 and notes and other obligations of the authority and of such subsidiary
23 corporations, together with the maintenance of [proper] reserves, IF
24 ANY, therefor, (b) the cost and expense of keeping the properties and
25 assets of the authority and its subsidiary corporations in good condi-
26 tion and repair, and (c) the capital and operating expenses of the
27 authority and its subsidiary corporations. The authority may contract
28 with the holders of bonds [and] , notes AND OTHER OBLIGATIONS with
29 respect to the exercise of the powers authorized by this section. No
30 acts or activities taken or proposed to be taken by the authority or any
31 subsidiary of the authority pursuant to the provisions of this subdivi-
32 sion shall be deemed to be "actions" for the purposes or within the
33 meaning of article eight of the environmental conservation law.

34 6. Each of the authority and its subsidiaries, and the New York city
35 transit authority and its subsidiaries, in its own name or in the name
36 of the state, may apply for and receive and accept grants of property,
37 money and services and other assistance offered or made available to it
38 by any person, government or agency, INCLUDING SUCH GRANTS OR OTHER
39 ASSISTANCE OFFERED OR MADE AVAILABLE TO IT UNDER A JOINT SERVICE
40 ARRANGEMENT OR A JOINT ARRANGEMENT, which it may use to meet capital or
41 operating expenses and for any other use within the scope of its powers,
42 and to negotiate for the same upon such terms and conditions as the
43 respective authority may determine to be necessary, convenient or desir-
44 able.

45 8. The authority may do all things it deems necessary, convenient or
46 desirable to manage, control and direct the maintenance and operation of
47 transportation facilities, equipment or real property operated by or
48 under contract, lease or other arrangement with the authority and its
49 subsidiaries, and New York city transit authority and its subsidiaries.
50 [Except as hereinafter specially provided, no] NO municipality or poli-
51 tical subdivision, including but not limited to a county, city, village,
52 town or school or other district shall have jurisdiction over any facil-
53 ities of the authority and its subsidiaries, and New York city transit
54 authority and its subsidiaries, or any of their activities or operations
55 EXCEPT WITH THE EXPRESS CONSENT OF THE AUTHORITY OR ONE OF ITS SUBSID-
56 IARIES OR THE NEW YORK CITY TRANSIT AUTHORITY OR ONE OF ITS

1 SUBSIDIARIES. [The local] LOCAL laws, resolutions, ordinances, rules and
2 regulations of a municipality or political subdivision, heretofore or
3 hereafter adopted, [conflicting with this title or any rule or regu-
4 lation of the authority or its subsidiaries, or New York city transit
5 authority or its subsidiaries,] shall not be applicable to the activ-
6 ities or operations of the authority and its subsidiaries, and New York
7 city transit authority, or the facilities of the authority and its
8 subsidiaries, and New York city transit authority and its subsidiaries,
9 except such ACTIVITIES OR OPERATIONS OR facilities that are devoted
10 SOLELY AND ENTIRELY to [purposes] A PURPOSE other than A transportation
11 or transit [purposes] PURPOSE, WHICH TRANSPORTATION OR TRANSIT PURPOSE
12 MAY BE THE PRODUCTION OF REVENUE AVAILABLE FOR THE COSTS AND EXPENSES OF
13 ALL OR ANY ACTIVITIES OR OPERATIONS OR FACILITIES OF THE AUTHORITY AND
14 ITS SUBSIDIARIES, AND NEW YORK CITY TRANSIT AUTHORITY AND ITS SUBSID-
15 IARIES. Each municipality or political subdivision, including but not
16 limited to a county, city, village, town or district in which any facil-
17 ities of the authority or its subsidiaries, or New York city transit
18 authority or its subsidiaries are located shall provide for such facili-
19 ties police, fire and health protection services of the same character
20 and to the same extent as those provided for residents of such munici-
21 pality or political subdivision.

22 The jurisdiction, supervision, powers and duties of the department of
23 transportation of the state under the transportation law shall not
24 extend to the authority in the exercise of any of its powers under this
25 title. The authority may agree with such department for the execution by
26 such department of any grade crossing elimination project or any grade
27 crossing separation reconstruction project along any railroad facility
28 operated by the authority or by one of its subsidiary corporations or
29 under contract, lease or other arrangement with the authority. Any such
30 project shall be executed as provided in article ten of the transporta-
31 tion law and the railroad law, respectively, and the costs of any such
32 project shall be borne as provided in such laws, except that the author-
33 ity's share of such costs shall be borne by the state.

34 11. No project to be constructed upon real property theretofore used
35 for a transportation purpose, or on an insubstantial addition to such
36 property contiguous OR ADJACENT AND RELATED thereto, which will not
37 change in a material respect the general character of such prior trans-
38 portation use, nor any acts or activities in connection with such
39 project, shall be subject to the provisions of article eight, nineteen,
40 twenty-four or twenty-five of the environmental conservation law, or to
41 any local law or ordinance adopted pursuant to any such article. Nor
42 shall any acts or activities taken or proposed to be taken by the
43 authority or by any other person or entity, public or private, in
44 connection with the planning, design, acquisition, improvement,
45 construction, reconstruction or rehabilitation of a transportation
46 facility, other than a marine or aviation facility, be subject to the
47 provisions of article eight of the environmental conservation law, or to
48 any local law or ordinance adopted pursuant to any such article if such
49 acts or activities require the preparation of a statement under or
50 pursuant to any federal law or regulation as to the environmental impact
51 thereof. NOR SHALL ANY ACQUISITION OR CONDEMNATION OF REAL PROPERTY, OR
52 ACTS OR ACTIVITIES TAKEN OR PROPOSED TO BE TAKEN ON SUCH REAL PROPERTY,
53 BE SUBJECT TO THE PROVISIONS OF ARTICLE EIGHT, NINETEEN, TWENTY-FOUR OR
54 TWENTY-FIVE OF THE ENVIRONMENTAL CONSERVATION LAW, OR TO ANY LOCAL LAW
55 OR ORDINANCE ADOPTED PURSUANT TO ANY SUCH ARTICLE, WHEN THE AUTHORITY
56 HAS CERTIFIED TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION THAT SUCH

REAL PROPERTY IS ACQUIRED OR CONDEMNED IN CONNECTION WITH A FUTURE PROJECT THAT WILL LIKELY CONSTITUTE A CAPITAL ELEMENT AS DEFINED BY SECTION TWELVE HUNDRED SIXTY-NINE-B OF THIS TITLE, UNTIL SUCH TIME AS THAT CAPITAL ELEMENT IS INCLUDED IN A CAPITAL PROGRAM PLAN OR UNTIL SUCH TIME AS THE PROJECT IS OTHERWISE SUBJECT TO THOSE PROVISIONS.

12-A. WHENEVER IN CONNECTION WITH THE IMPROVEMENT, CONSTRUCTION, RECONSTRUCTION OR REHABILITATION OF A TRANSPORTATION FACILITY, INCLUDING AS PART OF A JOINT ARRANGEMENT, THE AUTHORITY DETERMINES THAT THE PIPES, MAINS OR CONDUITS OF ANY PUBLIC SERVICE CORPORATION AND ANY FIXTURES AND APPLIANCES CONNECTED THEREWITH OR ATTACHED THERETO MUST BE REMOVED OR OTHERWISE PROTECTED OR REPLACED, THE COST OF SUCH REMOVAL, PROTECTION OR REPLACEMENT WHETHER PERFORMED BY THE AUTHORITY OR THE PUBLIC SERVICE CORPORATION SHALL BE BORNE SOLELY BY THE PUBLIC SERVICE CORPORATION.

19. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, CODE, ORDINANCE, RULE OR REGULATION TO THE CONTRARY, THE AUTHORITY, ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY AND ITS SUBSIDIARY MAY ERECT ADVERTISING SIGNS OR DEVICES INCLUDING ILLUMINATED OR DIGITAL SIGNS OR DEVICES WITHIN OR ON ANY OF ITS TRANSPORTATION FACILITIES AND MAY INSTALL, MAINTAIN, AND DISPLAY ADVERTISING ON SUCH SIGNS OR DEVICES, AND MAY RENT, LEASE, LICENSE OR OTHERWISE SELL THE RIGHT TO DO SO TO ANY PERSON, PRIVATE OR PUBLIC. SUCH ADVERTISING SIGNS OR DEVICES AND THE PRODUCTION OF REVENUE FROM THEM FOR THE AUTHORITY SHALL BE DEEMED A TRANSPORTATION PURPOSE AND NEITHER THE AUTHORITY, ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY, NOR ANY PERSON, PRIVATE OR PUBLIC, TO WHOM THE AUTHORITY, ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY HAS RENTED, LEASED, LICENSED OR OTHERWISE SOLD THE RIGHT TO INSTALL, MAINTAIN AND DISPLAY SUCH ADVERTISING MAY BE REQUIRED TO PAY ANY FEES, TAXES OR ASSESSMENTS, WHETHER STATE OR LOCAL, UPON SUCH ADVERTISING SIGNS OR DEVICES OR THE USE THEREOF OR THE REVENUE OR INCOME THEREFROM.

S 4. The public authorities law is amended by adding a new section 1266-k to read as follows:

S 1266-K. JOINT ARRANGEMENTS 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY IS AUTHORIZED, IN ADDITION TO ITS OTHER RIGHTS AND POWERS NOT INCONSISTENT WITH THE PROVISIONS OF THIS TITLE, TO:

(A) ENTER INTO ANY JOINT ARRANGEMENT;

(B) ACCEPT ANY GIFTS OR ANY APPROPRIATION OR GRANT OF FUNDS OR PROPERTY FOR THE PURPOSES OF A JOINT ARRANGEMENT FROM ANY PRIVATE ENTITY OR PUBLIC ENTITY AND TO COMPLY WITH THE TERMS AND CONDITIONS THEREOF;

(C) ISSUE ITS NOTES OR BONDS, TO FINANCE ALL OR ANY PART OF THE COSTS OF ANY JOINT ARRANGEMENT;

(D) USE THE AUTHORITY'S EMINENT DOMAIN POWERS, ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY DEEMS APPROPRIATE, TO ACQUIRE PROPERTY REQUIRED FOR JOINT ARRANGEMENTS;

(E) TAKE AN EQUITY OR OTHER OWNERSHIP INTEREST IN ANY JOINT ARRANGEMENT IN THE FORM OF STOCK OWNERSHIP, PARTNERSHIP INTERESTS OR OTHER INTERESTS AND MEMBERS OF THE AUTHORITY AND EMPLOYEES OF THE AUTHORITY SHALL BE PERMITTED TO SERVE ON THE BOARD OF DIRECTORS, MANAGEMENT COMMITTEE OR OTHER CONTROLLING BODY OF THE JOINT ARRANGEMENT PROVIDED THAT ANY SUCH APPOINTMENT SHALL HAVE BEEN APPROVED BY A MAJORITY OF THE WHOLE NUMBER OF MEMBERS OF THE AUTHORITY THEN IN OFFICE.

2. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY MAY:

1 (A) ACCEPT, FOLLOWING COMPLIANCE WITH THE PROCEDURE SET FORTH IN THIS
2 SUBSECTION, PROPOSALS FROM PUBLIC ENTITIES OR PRIVATE ENTITIES FOR JOINT
3 ARRANGEMENTS.

4 (I) THE AUTHORITY IS HEREBY AUTHORIZED TO ACCEPT UNSOLICITED PROPOSALS
5 FOR JOINT ARRANGEMENTS.

6 (II) AN UNSOLICITED PROPOSAL MUST INCLUDE AT A MINIMUM:

7 (A) A DESCRIPTION OF THE PROPOSED JOINT ARRANGEMENT, INCLUDING THE
8 LOCATION, CONCEPTUAL DESIGN, ANY INTERCONNECTION OF SUCH JOINT ARRANGE-
9 MENT WITH OTHER EXISTING OR PROPOSED TRANSPORTATION FACILITIES, AND THE
10 BENEFITS TO THE AUTHORITY OF THE JOINT ARRANGEMENT;

11 (B) THE PROJECTED TOTAL COST AND PLANS FOR FINANCING, INCLUDING SOURC-
12 ES OF FUNDING, FOR THE JOINT ARRANGEMENT;

13 (C) THE PROPOSED SCHEDULE FOR THE DEVELOPMENT OF THE PROPOSED JOINT
14 ARRANGEMENT;

15 (D) THE MEANS PROPOSED FOR THE PROCUREMENT OF THE PROPERTY INTERESTS
16 REQUIRED FOR THE PROPOSED JOINT ARRANGEMENT;

17 (E) INFORMATION RELATING TO THE CONSISTENCY OF THE PROPOSAL WITH THE
18 CURRENT TRANSPORTATION PLANS OF THE AUTHORITY AND ANY AFFECTED STATE OR
19 LOCAL JURISDICTION;

20 (F) A LIST OF PERMITS AND APPROVALS REQUIRED FOR THE IMPLEMENTATION OF
21 THE PROPOSED JOINT ARRANGEMENT AND A SCHEDULE FOR THE ACQUISITION OF
22 SUCH PERMITS AND APPROVALS FROM THE APPROPRIATE LOCAL, STATE AND FEDERAL
23 AGENCIES;

24 (G) THE AUTHORITY'S PROPOSED ROLE AND RESPONSIBILITIES, INCLUDING ANY
25 FINANCIAL ASSISTANCE, IN THE DEVELOPMENT OF THE PROPOSED JOINT ARRANGE-
26 MENT AND IMPLEMENTATION OF THE PROPOSED TRANSPORTATION SERVICE; AND

27 (H) THE NAME AND ADDRESS OF THE PROPOSER.

28 (III) AFTER THE RECEIPT OF AN UNSOLICITED PROPOSAL, THE AUTHORITY MAY
29 REQUIRE SUCH ADDITIONAL INFORMATION FROM THE PROPOSER AS THE AUTHORITY
30 DEEMS PERTINENT TO THE CONSIDERATION OF THE PROPOSAL.

31 (IV) AFTER THE RECEIPT OF AN UNSOLICITED PROPOSAL THAT THE AUTHORITY
32 FINDS (A) TO HAVE FULFILLED THE REQUIREMENTS OF SUBPARAGRAPHS (II) AND
33 (III) OF THIS PARAGRAPH, (B) TO BE CONSISTENT WITH THE AUTHORITY'S
34 TRANSPORTATION OBJECTIVES, AND (C) TO BE A CONCEPT THAT THE AUTHORITY
35 WISHES TO PURSUE, THE AUTHORITY MAY, AFTER CONSULTING WITH THE ENTITY
36 MAKING THE PROPOSAL, PREPARE AND ISSUE A PUBLIC REQUEST FOR COMPETING
37 PROPOSALS.

38 (V) SUCH PUBLIC REQUEST FOR COMPETING PROPOSALS MUST:

39 (A) DESCRIBE THE UNSOLICITED PROPOSAL IN SUCH A WAY THAT, IN THE
40 DISCRETION OF THE AUTHORITY, IT FAIRLY SOLICITS COMPETITIVE PROPOSALS
41 THAT COULD ACHIEVE THE TRANSPORTATION BENEFIT PROPOSED BY THE UNSOLICIT-
42 ED PROPOSAL;

43 (B) PROVIDE FOR A PERIOD, NOT TO EXCEED NINETY DAYS, FOR THE INITIAL
44 SUBMISSION OF COMPETING PROPOSALS; AND

45 (C) REQUIRE THAT SUCH COMPETING PROPOSALS INCLUDE THE INFORMATION
46 REQUIRED FOR UNSOLICITED PROPOSALS, AS SET FORTH IN SUBPARAGRAPH (II) OF
47 THIS PARAGRAPH.

48 (VI) AFTER RECEIVING ANY SUCH COMPETING PROPOSALS, THE AUTHORITY MAY
49 REQUIRE SUCH ADDITIONAL INFORMATION FROM ANY PROPOSER AS THE AUTHORITY
50 DEEMS PERTINENT TO THE CONSIDERATION OF THE APPLICABLE PROPOSAL AND MAY
51 ALLOW FOR THE SUBMISSION OF ADDITIONAL INFORMATION CONCERNING THE UNSO-
52 LICITED PROPOSAL OR ANY COMPETING PROPOSAL.

53 3. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY
54 MAY ENTER INTO A JOINT ARRANGEMENT WITH THE PUBLIC ENTITY OR PRIVATE
55 ENTITY WHICH HAS SUBMITTED THE UNSOLICITED OR SOLICITED PROPOSAL THAT
56 BEST DEMONSTRATES THE FOLLOWING:

1 (A) A PUBLIC NEED FOR THE PROPOSED JOINT ARRANGEMENT;

2 (B) THE PROPOSED JOINT ARRANGEMENT AND THE SCHEDULING OF ITS DEVELOP-
3 MENT AND IMPLEMENTATION AND ITS CONNECTIONS TO THE EXISTING TRANSPORTA-
4 TION SYSTEM ARE COMPATIBLE WITH THE TRANSPORTATION PLANS OF THE AUTHORI-
5 TY AND OF ANY STATE OR LOCAL JURISDICTIONS;

6 (C) THE ESTIMATED COST OF THE PROPOSED JOINT ARRANGEMENT AND OF DELIV-
7 ERY OF THE TRANSPORTATION SERVICE IS REASONABLE AND THE EXPENDITURE OF
8 ANY AUTHORITY FUNDS ON THE FACILITY WOULD PROVIDE A REASONABLE TRANSPOR-
9 TATION BENEFIT, RELATIVE TO THE ESTIMATED COST;

10 (D) THE FINANCING OF THE IMPLEMENTATION AND OPERATION OF THE PROPOSED
11 JOINT ARRANGEMENT IS FEASIBLE; AND

12 (E) THE PROPOSAL PROVIDES THE BEST VALUE TO THE AUTHORITY AND THE
13 PROPOSED JOINT ARRANGEMENT SATISFIES ANY OTHER CRITERIA APPLIED BY THE
14 AUTHORITY IN ASCERTAINING WHETHER IMPLEMENTATION AND OPERATION OF THE
15 PROPOSED JOINT ARRANGEMENT IS IN THE INTERESTS OF THE AUTHORITY.

16 4. (A) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE
17 AUTHORITY TO ACCEPT ANY UNSOLICITED PROPOSAL, MAKE ANY SOLICITATION OR
18 REQUEST FOR COMPETITIVE PROPOSALS, OR ENTER INTO ANY AGREEMENT WITH ANY
19 PUBLIC OR PRIVATE ENTITY.

20 (B) NOTHING IN THIS SECTION SHALL BE DEEMED TO (I) SUPERSEDE OR LIMIT
21 THE APPLICABILITY OF THE AUTHORITY'S EXISTING POWERS AND AUTHORITY, OR
22 (II) REQUIRE THE AUTHORITY TO ACCEPT ANY PROJECT THROUGH THE PROVISIONS
23 OF THIS SECTION, OR (III) REQUIRE THE AUTHORITY TO ENTER INTO ANY AGREE-
24 MENTS HEREUNDER, OR (IV) REQUIRE THE AUTHORITY TO TAKE ANY ACTION THAT
25 WOULD CONTRADICT OR IMPACT AN EXISTING AUTHORITY CONTRACT OR AGREEMENT
26 WITH ITS BONDHOLDERS.

27 (C) SECTION TWENTY-EIGHT HUNDRED NINETY-SEVEN OF THIS CHAPTER SHALL
28 NOT APPLY TO ANY TRANSFER OF TITLE OR ANY OTHER BENEFICIAL INTEREST IN
29 PERSONAL OR REAL PROPERTY BY THE AUTHORITY PURSUANT TO THE TERMS OF A
30 JOINT ARRANGEMENT.

31 (D) THE AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE ANY RULES AND
32 REGULATIONS DEEMED NECESSARY OR DESIRABLE FOR THE IMPLEMENTATION OF THIS
33 SECTION.

34 5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AGREEMENTS
35 ENTERED INTO PURSUANT TO THIS SECTION MAY PROVIDE FOR:

36 (A) THE PLANNING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION,
37 REHABILITATION, ESTABLISHMENT, IMPROVEMENT, RENOVATION, EXTENSION,
38 REPAIR, OPERATION, MAINTENANCE, DEVELOPMENT OR FINANCING OF TRANSPORTA-
39 TION FACILITIES AND JOINT ARRANGEMENTS AND THE PROVISION OF TRANSPORTA-
40 TION SERVICES.

41 (B) THE ESTABLISHMENT, LEVY AND COLLECTION OF FARES, USER FEES, TOLLS,
42 RENTALS, RATES OR OTHER CHARGES FOR THE USE OF TRANSPORTATION FACILI-
43 TIES, JOINT ARRANGEMENTS OR FOR THE RECEIPT OF TRANSPORTATION SERVICES
44 PURSUANT TO THIS SECTION AS THE AUTHORITY MAY DEEM NECESSARY, CONVENIENT
45 OR DESIRABLE; AND

46 (C) THE CROSSING OF ANY STREET, HIGHWAY, RAILROAD, CANAL, NAVIGABLE
47 WATER COURSE OR RIGHT-OF-WAY, SO LONG AS THE CROSSING DOES NOT UNREASON-
48 ABLY INTERFERE WITH THE REASONABLE USE THEREOF.

49 6. IN THE EVENT A PUBLIC OR PRIVATE ENTITY MATERIALLY DEFAULTS ON ITS
50 OBLIGATIONS UNDER A JOINT ARRANGEMENT, THE AUTHORITY IS HEREBY AUTHOR-
51 IZED TO ACQUIRE ALL OR ANY PORTION OF ANY JOINT ARRANGEMENT CONSTRUCTED
52 BY OR IN CONJUNCTION WITH SUCH PUBLIC ENTITY OR PRIVATE ENTITY, WITH ANY
53 DAMAGES SUFFERED TO THE AUTHORITY AS A RESULT OF SUCH DEFAULT BEING AN
54 OFFSET TO THE COMPENSATION PROVIDED FOR THE ACQUISITION OF THE JOINT
55 ARRANGEMENT. IN THE EVENT OF SUCH ACQUISITION AND NOTWITHSTANDING ANY
56 PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY IS HEREBY AUTHORIZED,

BUT NOT REQUIRED, TO OPERATE AND MAINTAIN THE JOINT ARRANGEMENT, INCLUDING THE IMPOSITION AND COLLECTION OF APPLICABLE FEES, FARES, TOLLS OR OTHER CHARGES.

7. ANY REQUEST FOR PROPOSAL OR AGREEMENT ENTERED PURSUANT TO THIS SECTION SHALL MAKE PROVISION FOR THE PROTECTION OF INTERESTS AND RIGHTS IN INTELLECTUAL PROPERTY AND TRADE SECRETS. THE CONTENTS OF PROPOSALS RECEIVED BY THE AUTHORITY PURSUANT TO THIS SECTION SHALL BE CONSIDERED, FOR THE PURPOSES OF SECTION EIGHTY-SEVEN OF THE PUBLIC OFFICERS LAW, RECORDS WHICH, IF DISCLOSED, WOULD IMPAIR PRESENT OR IMMINENT CONTRACT AWARDS.

S 5. Subdivisions 5 and 6 of section 1267 of the public authorities law, as added by chapter 324 of the laws of 1965, are amended to read as follows:

5. The authority may, whenever it determines that it is in the interest of the authority, dispose of any real property or property other than real property, which it determines is not necessary, convenient or desirable for its purposes. SUCH DISPOSALS OF REAL OR PERSONAL PROPERTY MAY BE NEGOTIATED OR MADE BY PUBLIC AUCTION AS PERMITTED BY SUBDIVISION SIX OF SECTION TWENTY-EIGHT HUNDRED NINETY-SEVEN OF THIS CHAPTER AND MAY ALSO BE MADE BY NEGOTIATION IF:

(A) THE CHARACTER OR CONDITION OF THE PROPERTY, THE NATURE OF THE INTEREST TO BE CONVEYED, OR OTHER UNIQUE CIRCUMSTANCES OF THE DISPOSAL MAKE IT IMPRACTICABLE TO ADVERTISE PUBLICLY; AN APPRAISAL OF THE ESTIMATED FAIR MARKET VALUE OF THE PROPERTY HAS BEEN MADE BY AN INDEPENDENT APPRAISER AND INCLUDED IN THE RECORD OF THE TRANSACTION; AND THE CONSIDERATION RECEIVED BY THE AUTHORITY FOR THE PROPERTY, INCLUDING THE VALUE OF OTHER PROPERTY EXCHANGED, WILL NOT BE LESS THAN THE PROPERTY'S APPRAISED VALUE; OR

(B) THE DISPOSAL IS MADE TO A GOVERNMENT OR OTHER PUBLIC ENTITY, AND THE TERMS AND CONDITIONS OF THE TRANSFER REQUIRE THAT THE OWNERSHIP AND USE OF THE PROPERTY WILL REMAIN WITH THE GOVERNMENT OR OTHER PUBLIC ENTITY, OR THE DISPOSAL IS PART OF A TRANSACTION THAT FURTHERS AND IS WITHIN THE AUTHORITY'S PURPOSE OR MISSION AND THE APPRAISED VALUE OF THE PROPERTY AND OTHER SATISFACTORY TERMS OF DISPOSAL ARE OBTAINED.

6. The authority may, whenever it shall determine that it is in the interest of the authority, rent, lease, [or] grant, MODIFY OR EXCHANGE easements or other rights in, any land or property of the authority AND TO THE EXTENT SUCH A LEASE, GRANT, MODIFICATION OR EXCHANGE IS DEEMED A DISPOSAL THE PROVISIONS OF SUBDIVISION FIVE OF THIS SECTION SHALL APPLY.

S 6. Subdivision 1 of section 119-r of the general municipal law, as added by chapter 717 of the laws of 1967, is amended to read as follows:

1. To assure the provision of mass transportation services to the public at adequate levels and at reasonable cost, every city, town, village or county not wholly contained within a city, shall have power to adopt local laws to authorize:

a. The acquisition, construction, reconstruction, improvement, equipment, maintenance, FINANCING, or operation of one or more mass transportation projects. Such municipal corporation shall have power to occupy or use any of the streets, roads, highways, avenues, parks or public places of such municipal corporation therefor and to agree upon and contract for the terms and conditions thereof.

b. The making of a contract or contracts for the acquisition by purchase of all or any part of the property, plant and equipment of an existing mass transportation facility actually used and useful for the convenience of the public.

1 c. The making of a contract or contracts with any person, firm or
2 corporation, including a public authority, for the equipment, mainte-
3 nance or operation of a mass transportation facility owned, acquired,
4 constructed, reconstructed or improved by it.

5 d. The making of a contract or contracts for a fair and reasonable
6 consideration for mass transportation services to be rendered to the
7 public by a privately-owned or operated mass transportation facility.
8 Such power shall include but not be limited to the power to appropriate
9 funds for payment of such consideration, and to provide that all or part
10 of such consideration shall be in the form of capital equipment to be
11 furnished to and used and maintained by such privately-owned or operated
12 mass transportation facility.

13 e. The making of unconditional grants of money or property to a public
14 authority providing mass transportation services to all or part of such
15 municipal corporation in order to assist such public authority in meet-
16 ing its capital or operating expenses, provided such money does not
17 consist of borrowed funds and such property has not been acquired by the
18 use of borrowed funds. Such purpose is hereby declared to be county,
19 city, town or village purposes, respectively. The provisions of this
20 paragraph are intended as enabling legislation only and shall not be
21 interpreted as implying that absent their enactment a municipal corpo-
22 ration would lack the power to authorize any such grant; but they shall
23 not be interpreted as an authorization to public authorities generally
24 to accept such grants. The acceptance of any such grant by a public
25 authority shall not operate to make such authority an agency of the
26 municipal corporation making the grant.

27 F. THE MAKING OF A CONTRACT WITH THE METROPOLITAN TRANSPORTATION
28 AUTHORITY, BY ITSELF OR WITH ONE OR MORE OTHER MUNICIPAL CORPORATIONS,
29 WHICH SHALL CONSTITUTE A JOINT ARRANGEMENT AS DEFINED IN SUBDIVISION
30 NINE-A OF SECTION TWELVE HUNDRED SIXTY-ONE OF THE PUBLIC AUTHORITIES
31 LAW, TO ASSIST THE AUTHORITY IN MEETING ITS CAPITAL OR OPERATING
32 EXPENSES IN PROVIDING MASS TRANSPORTATION SERVICES OF BENEFIT TO ALL OR
33 PART OF SUCH MUNICIPAL CORPORATION, INCLUDING UNDERTAKING A MASS TRANS-
34 PORTATION CAPITAL PROJECT IN OR NEAR THE MUNICIPAL CORPORATION. UNDER
35 SUCH A JOINT ARRANGEMENT, A MUNICIPAL CORPORATION MAY, ACCORDING TO THE
36 TERMS OF THE CONTRACT WITH THE AUTHORITY, ESTABLISH, LEVY AND COLLECT
37 SUCH FARES, TOLLS, RENTALS, RATES, TAXES, ASSESSMENTS, CHARGES AND OTHER
38 FEES AND MAY CONDITIONALLY OR UNCONDITIONALLY GRANT OR PLEDGE A PORTION
39 OF ITS REVENUES ALLOCATED ACCORDING TO SUBDIVISION E OF THIS SECTION.

40 G. THE DESIGNATION OF A MASS TRANSPORTATION CAPITAL PROJECT DISTRICT
41 THAT A MUNICIPAL CORPORATION DEFINES AS BENEFITTING FROM ANY MASS TRANS-
42 PORTATION CAPITAL PROJECT. UPON DESIGNATING SUCH A DISTRICT, THE MUNICI-
43 PAL CORPORATION MAY ALLOCATE A PORTION OF ITS REVENUES FROM THE DISTRICT
44 ACCORDING TO TERMS IT DESIGNS OR HAS AGREED TO BY CONTRACT. NOTWITH-
45 STANDING ANY OTHER LAW, THE MUNICIPAL CORPORATION MAY, IN ALLOCATING AND
46 COLLECTING REVENUES FROM THE DISTRICT, MAKE USE OF ONE OR MORE METHODS
47 TO CAPTURE THE VALUE CREATED BY A MASS TRANSPORTATION CAPITAL PROJECT,
48 INCLUDING, BUT NOT LIMITED TO:

49 (I) TAX INCREMENT FINANCING, MEANING THE ALLOCATION OF AN INCREMENT OF
50 PROPERTY TAX REVENUES IN EXCESS OF THE AMOUNT LEVIED AT THE TIME PRIOR
51 TO PLANNING OF A MASS TRANSPORTATION CAPITAL PROJECT;

52 (II) A SPECIAL TRANSPORTATION ASSESSMENT, MEANING A CHARGE IMPOSED
53 UPON BENEFITED REAL PROPERTY IN PROPORTION TO THE BENEFIT RECEIVED BY
54 SUCH PROPERTY FROM A MASS TRANSPORTATION CAPITAL PROJECT, WHICH SHALL
55 NOT CONSTITUTE A TAX;

(III) A TRANSPORTATION UTILITY FEE, MEANING A CHARGE IMPOSED IN PROPORTION TO THE BENEFIT RECEIVED FROM OR THE DEMAND IMPOSED ON A MASS TRANSPORTATION CAPITAL PROJECT, WHICH SHALL NOT CONSTITUTE A TAX;

(IV) LAND VALUE TAXATION, MEANING THE ALLOCATION OF AN INCREMENT OF TAX REVENUES GAINED FROM LEVYING TAXES ON THE ASSESSED VALUE OF TAXABLE LAND AT A HIGHER RATE THAN THE IMPROVEMENTS, AS DEFINED IN SUBDIVISION TWELVE OF SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW;

(V) SOME COMBINATION OF THE ABOVE OR OTHER METHODS OF GAINING REVENUES THAT THE MUNICIPAL CORPORATION IS EMPOWERED TO USE, PROVIDED THAT THE TOTAL AMOUNT OF ALL TAXES, ASSESSMENTS, FEES, CHARGES, OR RATES LEVIED ON EACH PARCEL OR LOT UNDER THIS SECTION SHALL BE LIMITED TO A PROPORTIONATE AMOUNT AS NEAR AS POSSIBLE TO THE ACTUAL BENEFIT WHICH EACH LOT OR PARCEL WILL DERIVE FROM THE MASS TRANSPORTATION CAPITAL PROJECT;

(VI) WITHIN ANY MASS TRANSPORTATION CAPITAL PROJECT DISTRICT THAT A MUNICIPAL CORPORATION SHALL DESIGNATE, ANY LIMIT OR CAP TO THE LEVY OR PROPERTY TAXES OR ASSESSMENT OF TAXABLE VALUE SHALL NOT APPLY.

S 7. Paragraph (g) of subdivision 2 of section 3-c of the general municipal law is amended by adding a new subparagraph (v) to read as follows:

(V) A TAX LEVY WITHIN A MASS TRANSPORTATION CAPITAL PROJECT DISTRICT, DESIGNATED PURSUANT TO ARTICLE FIVE-I OF THE GENERAL MUNICIPAL LAW.

S 8. This act shall take effect immediately; provided that the amendment made to section 3-c of the general municipal law by section seven of this act shall not affect the repeal of said section and shall be deemed repealed therewith.

PART D

Section 1. Section 399-1 of the vehicle and traffic law, as added by chapter 751 of the laws of 2005, is amended to read as follows:

S 399-1. Application. Applicants for participation in the pilot program established pursuant to this article shall be among those accident prevention course sponsoring agencies that have a course approved by the commissioner pursuant to article twelve-B of this title prior to the effective date of this article and which deliver such course to the public. Provided, however, the commissioner may, in his or her discretion, approve applications after such date. In order to be approved for participation in such pilot program, the course must comply with the provisions of law, rules and regulations applicable thereto. The commissioner may, in his or her discretion, impose a fee for the submission of each application to participate in the pilot program established pursuant to this article. Such fee shall not exceed seven thousand five hundred dollars. The proceeds from such fee shall be deposited [in the accident prevention course internet technology pilot program fund as established by section eighty-nine-g of the state finance law] BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION.

S 2. Subdivision 2 of section 89-g of the state finance law is REPEALED and subdivisions 3 and 4 are renumbered subdivisions 2 and 3.

S 3. Section 5 of chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, as amended by section 1 of part E of chapter 57 of the laws of 2014, is amended to read as follows:

1 S 5. This act shall take effect on the one hundred eightieth day after
2 it shall have become a law and shall expire and be deemed repealed [May
3 31, 2019] APRIL 1, 2020; provided that any rules and regulations neces-
4 sary to implement the provisions of this act on its effective date are
5 authorized and directed to be completed on or before such date.

6 S 4. Paragraph a of subdivision 5 of section 410 of the vehicle and
7 traffic law, as amended by section 16 of part G of chapter 59 of the
8 laws of 2009, is amended to read as follows:

9 a. The annual fee for registration or reregistration of a motorcycle
10 shall be eleven dollars and fifty cents. Beginning April first, nine-
11 teen hundred ninety-eight the annual fee for registration or reregistra-
12 tion of a motorcycle shall be seventeen dollars and fifty cents, of
13 which two dollars and fifty cents shall be deposited BY THE COMPTROLLER
14 into the [motorcycle safety fund established pursuant to section nine-
15 ty-two-g of the state finance law] SPECIAL OBLIGATION RESERVE AND
16 PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTAB-
17 LISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR
18 THE PURPOSES ESTABLISHED IN THIS SECTION.

19 S 5. Paragraph (c-1) of subdivision 2 of section 503 of the vehicle
20 and traffic law, as added by chapter 435 of the laws of 1997, is amended
21 to read as follows:

22 (c-1) In addition to the fees established in paragraphs (b) and (c) of
23 this subdivision, a fee of fifty cents for each six months or portion
24 thereof of the period of validity shall be paid upon the issuance of any
25 permit, license or renewal of a license which is valid for the operation
26 of a motorcycle, except a limited use motorcycle. Fees collected pursu-
27 ant to this paragraph shall be deposited BY THE COMPTROLLER into the
28 [motorcycle safety fund established pursuant to section ninety-two-g of
29 the state finance law] SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF
30 THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO
31 SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTAB-
32 LISHED IN THIS SECTION.

33 S 6. Subdivision 2 of section 92-g of the state finance law is
34 REPEALED and subdivisions 3 and 4 are renumbered subdivisions 2 and 3.

35 S 7. Section 92-g of the state finance law is REPEALED.

36 S 8. Section 317 of the vehicle and traffic law is amended by adding a
37 new subdivision 5 to read as follows:

38 5. ALL ASSESSMENTS CHARGED AND COLLECTED BY THE COMMISSIONER PURSUANT
39 TO THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER INTO THE SPECIAL
40 OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND
41 BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE
42 STATE FINANCE LAW.

43 S 9. Paragraph (b) of subdivision 1-a of section 318 of the vehicle
44 and traffic law, as amended by section 1-b of part A of chapter 63 of
45 the laws of 2005, is amended to read as follows:

46 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
47 sion, an order of suspension issued pursuant to paragraph (a) or (e) of
48 this subdivision may be terminated if the registrant pays to the commis-
49 sioner a civil penalty in the amount of eight dollars for each day up to
50 thirty days for which financial security was not in effect, plus ten
51 dollars for each day from the thirty-first to the sixtieth day for which
52 financial security was not in effect, plus twelve dollars for each day
53 from the sixty-first to the ninetieth day for which financial security
54 was not in effect. Of each eight dollar penalty, six dollars will be
55 deposited in the general fund and two dollars in the [miscellaneous
56 special revenue fund - compulsory insurance account] SPECIAL OBLIGATION

1 RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST
2 FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE
3 LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION. Of each ten dollar
4 penalty collected, six dollars will be deposited in the general fund,
5 two dollars will be deposited in the [miscellaneous special revenue fund
6 - compulsory insurance account] SPECIAL OBLIGATION RESERVE AND PAYMENT
7 ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED
8 PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE
9 PURPOSES ESTABLISHED IN THIS SECTION, and two dollars shall be deposited
10 in the dedicated highway and bridge trust fund established pursuant to
11 section eighty-nine-b of the state finance law and the dedicated mass
12 transportation fund established pursuant to section eighty-nine-c of the
13 state finance law and distributed according to the provisions of subdi-
14 vision (d) of section three hundred one-j of the tax law. Of each twelve
15 dollar penalty collected, six dollars will be deposited into the general
16 fund, two dollars will be deposited into the [miscellaneous special
17 revenue fund - compulsory insurance account] SPECIAL OBLIGATION RESERVE
18 AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND
19 ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW
20 FOR THE PURPOSES ESTABLISHED IN THIS SECTION, and four dollars shall be
21 deposited in the dedicated highway and bridge trust fund established
22 pursuant to section eighty-nine-b of the state finance law and the dedi-
23 cated mass transportation fund established pursuant to section eighty-
24 nine-c of the state finance law and distributed according to the
25 provisions of subdivision (d) of section three hundred one-j of the tax
26 law. The foregoing provision shall apply only once during any thirty-six
27 month period and only if the registrant surrendered the certificate of
28 registration and number plates to the commissioner not more than ninety
29 days from the date of termination of financial security or submits to
30 the commissioner new proof of financial security which took effect not
31 more than ninety days from the termination of financial security.

32 S 10. Section 423-a of the vehicle and traffic law is amended by
33 adding a new subdivision 6 to read as follows:

34 6. ALL FUNDS COLLECTED FROM THE DEPARTMENT'S SHARE OF THE SALE OF
35 ASSETS PURSUANT TO THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER
36 INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED
37 HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION
38 EIGHTY-NINE-B OF THE STATE FINANCE LAW.

39 S 11. Paragraph (a) of subdivision 3 of section 89-b of the state
40 finance law, as amended by section 8 of part C of chapter 57 of the laws
41 of 2014, is amended to read as follows:

42 (a) The special obligation reserve and payment account shall consist
43 (i) of all moneys required to be deposited in the dedicated highway and
44 bridge trust fund pursuant to the provisions of sections two hundred
45 five, two hundred eighty-nine-e, three hundred one-j, five hundred
46 fifteen and eleven hundred sixty-seven of the tax law, section four
47 hundred one of the vehicle and traffic law, and section thirty-one of
48 chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all
49 fees, fines or penalties collected by the commissioner of transportation
50 AND THE COMMISSIONER OF MOTOR VEHICLES pursuant to section fifty-two,
51 section three hundred twenty-six, section eighty-eight of the highway
52 law, subdivision fifteen of section three hundred eighty-five, SECTION
53 FOUR HUNDRED TWENTY-THREE-A, SECTION FOUR HUNDRED TEN, SECTION THREE
54 HUNDRED SEVENTEEN, SECTION THREE HUNDRED EIGHTEEN, ARTICLE TWELVE-C, AND
55 PARAGRAPH (C-1) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED THREE of the
56 vehicle and traffic law, section two of the chapter of the laws of two

1 thousand three that amended this paragraph, subdivision (d) of section
2 three hundred four-a, paragraph one of subdivision (a) and subdivision
3 (d) of section three hundred five, subdivision six-a of section four
4 hundred fifteen and subdivision (g) of section twenty-one hundred twen-
5 ty-five of the vehicle and traffic law, section fifteen of this chapter,
6 excepting moneys deposited with the state on account of betterments
7 performed pursuant to subdivision twenty-seven or subdivision thirty-
8 five of section ten of the highway law, and sections ninety-four, one
9 hundred thirty-five, [one hundred forty-four] and one hundred forty-five
10 of the transportation law, (iii) any moneys collected by the department
11 of transportation for services provided pursuant to agreements entered
12 into in accordance with section ninety-nine-r of the general municipal
13 law, (IV) ANY MONEYS COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES, and
14 [(iv)] (V) any other moneys collected therefor or credited or trans-
15 ferred thereto from any other fund, account or source.

16 S 12. Paragraph (a) of subdivision 3 of section 89-b of the state
17 finance law, as amended by section 9 of part C of chapter 57 of the laws
18 of 2014, is amended to read as follows:

19 (a) The special obligation reserve and payment account shall consist
20 (i) of all moneys required to be deposited in the dedicated highway and
21 bridge trust fund pursuant to the provisions of sections two hundred
22 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven
23 hundred sixty-seven of the tax law, section four hundred one of the
24 vehicle and traffic law, and section thirty-one of chapter fifty-six of
25 the laws of nineteen hundred ninety-three, (ii) all fees, fines or
26 penalties collected by the commissioner of transportation AND THE
27 COMMISSIONER OF MOTOR VEHICLES pursuant to section fifty-two, section
28 three hundred twenty-six, section eighty-eight of the highway law,
29 subdivision fifteen of section three hundred eighty-five, SECTION FOUR
30 HUNDRED TWENTY-THREE-A, SECTION FOUR HUNDRED TEN, SECTION THREE HUNDRED
31 SEVENTEEN, SECTION THREE HUNDRED EIGHTEEN, ARTICLE TWELVE-C, AND PARA-
32 GRAPH (C-1) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED THREE of the
33 vehicle and traffic law, section fifteen of this chapter, excepting
34 moneys deposited with the state on account of betterments performed
35 pursuant to subdivision twenty-seven or subdivision thirty-five of
36 section ten of the highway law, and sections ninety-four, one hundred
37 thirty-five, [one hundred forty-four] and one hundred forty-five of the
38 transportation law, (iii) any moneys collected by the department of
39 transportation for services provided pursuant to agreements entered into
40 in accordance with section ninety-nine-r of the general municipal law,
41 (IV) ANY MONEYS COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES, and
42 [(iv)] (V) any other moneys collected therefor or credited or trans-
43 ferred thereto from any other fund, account or source.

44 S 13. This act shall take effect immediately; provided, however, that
45 section seven of this act shall take effect April 1, 2020; provided
46 further, however, that the amendments to section 399-1 of the vehicle
47 and traffic law made by section one of this act shall not affect the
48 repeal of such section and shall be deemed repealed therewith; and
49 provided further, however, that the amendments to paragraph (a) of
50 subdivision 3 of section 89-b of the state finance law made by section
51 eleven of this act shall be subject to the expiration and reversion of
52 such paragraph pursuant to section 13 of part U1 of chapter 62 of the
53 laws of 2003, as amended, when upon such date the provisions of section
54 twelve of this act shall take effect.

1 Section 1. Subparagraph (vi) of paragraph (b) of subdivision 2 of
2 section 501 of the vehicle and traffic law, as added by chapter 173 of
3 the laws of 1990, is amended to read as follows:

4 (vi) Farm endorsement. Shall be required to operate a farm vehicle or
5 a combination of farm vehicles which may not be operated with a class C,
6 D or E license AND WHICH IS USED TO TRANSPORT HAZARDOUS MATERIALS AS
7 DEFINED IN SECTION ONE HUNDRED THREE OF THE HAZARDOUS MATERIALS TRANS-
8 PORTATION ACT, PUBLIC LAW 93-633 TITLE I, WHEN THE VEHICLE TRANSPORTING
9 SUCH MATERIALS IS REQUIRED TO BE PLACARDED UNDER THE HAZARDOUS MATERIALS
10 REGULATION, 49 CFR PART 172, SUBPART F OR IS TRANSPORTING ANY QUANTITY
11 OF MATERIAL LISTED AS A SELECT AGENT OR TOXIN IN 42 CFR PART 73. The
12 identification and scope of any such endorsement or endorsements shall
13 be as prescribed by regulation of the commissioner. Such identification
14 and scope shall, at a minimum, include a distinction between the opera-
15 tion of a farm vehicle having a GVWR of more than twenty-six thousand
16 pounds within one hundred fifty miles of the person's farm and the oper-
17 ation of a combination of farm vehicles having a GVWR of more than twen-
18 ty-six thousand pounds within one hundred fifty miles of the person's
19 farm.

20 S 2. Subparagraph (i) of paragraph (b) of subdivision 4 of section
21 501-a of the vehicle and traffic law, as amended by chapter 36 of the
22 laws of 2009, is amended to read as follows:

23 (i) a personal use vehicle, A COVERED FARM VEHICLE or a farm vehicle
24 or a combination of such vehicles;

25 S 3. Subdivision 7 of section 501-a of the vehicle and traffic law, as
26 added by chapter 173 of the laws of 1990, is amended and a new subdivi-
27 sion 9 is added to read as follows:

28 7. Farm vehicle. A vehicle having a GVWR of not more than twenty-six
29 thousand pounds which is controlled and operated by a farmer, is used to
30 transport agricultural products, farm machinery, farm supplies or all of
31 the aforementioned to or from the farm and is not used in the operations
32 of a common or contract motor carrier and, such a vehicle having a GVWR
33 of more than twenty-six thousand pounds while being used within one
34 hundred fifty miles of the person's farm, AND SUCH VEHICLE IS USED TO
35 TRANSPORT HAZARDOUS MATERIALS AS DEFINED IN SECTION ONE HUNDRED THREE OF
36 THE HAZARDOUS MATERIALS TRANSPORTATION ACT, PUBLIC LAW 93-633, TITLE I,
37 WHEN THE VEHICLE TRANSPORTING SUCH MATERIALS IS REQUIRED TO BE PLACARDED
38 UNDER THE HAZARDOUS MATERIALS REGULATION, 49 CFR PART 172, SUBPART F OR
39 IS TRANSPORTING ANY QUANTITY OF MATERIAL LISTED AS A SELECT AGENT OR
40 TOXIN IN 42 CFR PART 73; PROVIDED, HOWEVER, A FARM VEHICLE MAY ONLY BE
41 OPERATED IN ANOTHER STATE IF SUCH STATE PERMITS THE OPERATION OF A FARM
42 VEHICLE IN SUCH STATE.

43 9. COVERED FARM VEHICLE. (A) A VEHICLE OR COMBINATION OF VEHICLES
44 REGISTERED IN THIS STATE, WHICH (I) DISPLAYS A COVERED FARM VEHICLE
45 DESIGNATION ISSUED BY THE COMMISSIONER, (II) OPERATED BY THE OWNER OR
46 OPERATOR OF A FARM OR RANCH, OR AN EMPLOYEE OR FAMILY MEMBER OF AN OWNER
47 OR OPERATOR OF A FARM OR RANCH, (III) USED TO TRANSPORT AGRICULTURAL
48 COMMODITIES, LIVESTOCK, MACHINERY OR SUPPLIES TO OR FROM A FARM OR
49 RANCH, (IV) NOT USED IN FOR-HIRE MOTOR CARRIER OPERATIONS; HOWEVER,
50 FOR-HIRE MOTOR CARRIER OPERATIONS DO NOT INCLUDE OPERATION BY A TENANT
51 PURSUANT TO A CROP SHARE FARM LEASE AGREEMENT TO TRANSPORT THE LAND-
52 LORD'S PORTION OF THE CROPS UNDER THAT AGREEMENT; AND (V) NOT USED FOR
53 THE TRANSPORTATION OF HAZARDOUS MATERIALS.

54 (B) A COVERED FARM VEHICLE WITH A GROSS VEHICLE WEIGHT OR GROSS VEHI-
55 CLE WEIGHT RATING, WHICHEVER IS GREATER, OF TWENTY-SIX THOUSAND POUNDS
56 OR LESS, MAY OPERATE ANYWHERE IN THE UNITED STATES.

(C) A COVERED FARM VEHICLE WITH A GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING, WHICHEVER IS GREATER, OF MORE THAN TWENTY-SIX THOUSAND POUNDS, MAY OPERATE ANYWHERE IN THIS STATE OR ACROSS STATE LINES WITHIN ONE HUNDRED FIFTY AIR MILES OF THE FARM OR RANCH. THE OPERATOR OF SUCH A COVERED FARM VEHICLE SHALL OBTAIN AN ENDORSEMENT AS PROVIDED FOR IN PARAGRAPH (D) OF THIS SUBDIVISION.

(D) THE COMMISSIONER SHALL, BY REGULATION, DESIGNATE AN ENDORSEMENT OR ENDORSEMENTS FOR THE OPERATION OF COVERED FARM VEHICLES WEIGHING MORE THAN TWENTY-SIX THOUSAND POUNDS. THE IDENTIFICATION AND SCOPE OF SUCH ENDORSEMENT OR ENDORSEMENTS SHALL, AT A MINIMUM, INCLUDE A DISTINCTION BETWEEN THE OPERATION OF A COVERED FARM VEHICLE HAVING A GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING OF MORE THAN TWENTY-SIX THOUSAND POUNDS AND THE OPERATION OF A COMBINATION OF COVERED FARM VEHICLES HAVING A GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING OF MORE THAN TWENTY-SIX THOUSAND POUNDS.

(E) FOR THE PURPOSES OF THIS SUBDIVISION, THE GROSS VEHICLE WEIGHT OF A VEHICLE SHALL MEAN THE ACTUAL WEIGHT OF THE VEHICLE AND THE LOAD.

S 4. Subparagraph (iv) of paragraph (b) of subdivision 2 of section 501 of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, is amended to read as follows:

(iv) P endorsement. Shall be required to operate a bus as defined in sections one hundred four and five hundred nine-a of this chapter OR ANY MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING OF MORE THAN TWENTY-SIX THOUSAND POUNDS WHICH IS DESIGNED TO TRANSPORT PASSENGERS IN COMMERCE. FOR THE PURPOSES OF THIS SUBPARAGRAPH THE GROSS VEHICLE WEIGHT OF A VEHICLE SHALL MEAN THE ACTUAL WEIGHT OF THE VEHICLE AND THE LOAD.

S 5. This act shall take effect on the ninetieth day after it shall have become a law.

PART F

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 M of chapter 58 of the laws of 2015, 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, [2016] 2017.

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, 2016.

PART G

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 New York state urban development corporation to make loans, as amended by section 1 of part N of chapter 58 of the laws of 2015, 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, [2016] 2017, 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

1 any loan made pursuant to the authority of such subdivision prior to
2 such expiration and repeal.
3 S 2. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2016.

5 PART H

6 Section 1. This act shall be known and may be cited as the "Transfor-
7 mational Economic Development Infrastructure and Revitalization Projects
8 act".

9 S 2. Definitions. For the purposes of this act, the following terms
10 shall have the following meanings:

11 1. "Transformational Economic Development Infrastructure and Revitali-
12 zation Projects act" or "projects" shall include construction projects
13 in the county of New York related to the Jacob V. Javits Convention
14 Center, the Empire State Station Complex, the James A. Farley Building
15 Replacement, and the Pennsylvania Station New York Redevelopment. The
16 term "project" shall refer to any of these construction projects.

17 2. "Authorized entity" shall mean the New York State Urban Development
18 Corporation, the New York Convention Center Development Corporation, and
19 their subsidiaries.

20 3. "Best value" shall mean the basis for awarding contracts for
21 services to the bidder that optimize quality, cost and efficiency, price
22 and performance criteria, which may include, but is not limited to:

23 (a) The quality of the contractor's performance on previous projects;

24 (b) The timeliness of the contractor's performance on previous
25 projects;

26 (c) The level of customer satisfaction with the contractor's perform-
27 ance on previous projects;

28 (d) The contractor's record of performing previous projects on budget
29 and ability to minimize cost overruns;

30 (e) The contractor's ability to limit change orders;

31 (f) The contractor's ability to prepare appropriate project plans;

32 (g) The contractor's technical capacities;

33 (h) The individual qualifications of the contractor's key personnel;

34 (i) The contractor's ability to assess and manage risk and minimize
35 risk impact; and

36 (j) The contractor's past record of encouraging women and minority-
37 owned business enterprise participation and compliance with article 15-A
38 of the executive law.

39 Such basis shall reflect, wherever possible, objective and quantifi-
40 able analysis.

41 4. "Design-build contract" shall mean, in conformity with the require-
42 ments of this act, a contract for the design and construction of the
43 projects with a single entity, which may be a team comprised of separate
44 entities.

45 5. "Procurement record" shall mean documentation of the decisions made
46 and the approach taken in the procurement process.

47 6. "Project labor agreement" shall mean a pre-hire collective bargain-
48 ing agreement between a contractor and a bona fide building and
49 construction trade labor organization establishing the labor organiza-
50 tion as the collective bargaining representative for all persons who
51 will perform work on the project, and which provides that only contrac-
52 tors and subcontractors who sign a pre-negotiated agreement with the
53 labor organization can perform project work.

1 S 3. Notwithstanding section 103 of the general municipal law or the
2 provisions of any other law to the contrary, in conformity with the
3 requirements of this act, and only when a project labor agreement is
4 performed, the authorized entity may utilize the alternative delivery
5 method referred to as a design-build contract for the project. The
6 authorized entity shall ensure that its procurement record reflects the
7 design-build contract process authorized by this act.

8 S 4. An entity selected by the authorized entity to enter into a
9 design-build contract for the project shall be selected through a two-
10 step method, as follows:

11 1. Step one. Generation of a list of entities that have demonstrated
12 the general capability to perform a design-build contract for the
13 project. Such list shall consist of a specified number of entities, as
14 determined by the authorized entity, and shall be generated based upon
15 the authorized entity's review of responses to a publicly advertised
16 request for qualifications for the project. The authorized entity's
17 request for qualifications for the project shall include a general
18 description of the project, the maximum number of entities to be
19 included on the list, and the selection criteria to be used in generat-
20 ing the list. Such selection criteria shall include the qualifications
21 and experience of the design and construction team, organization, demon-
22 strated responsibility, ability of the team or of a member or members of
23 the team to comply with applicable requirements, including the
24 provisions of articles 145, 147 and 148 of the education law, past
25 record of compliance with the labor law including prevailing wage
26 requirements under state and federal law; the past record of compliance
27 with existing labor standards and maintaining harmonious labor
28 relations; the record of protecting the health and safety of workers on
29 public works projects and job sites as demonstrated by the experience
30 modification rate for each of the last three years; the prospective
31 bidder's ability to undertake the particular type and complexity of
32 work; the financial capability, responsibility and reliability of the
33 prospective bidder for such type and complexity of work; the prospective
34 bidder's compliance with equal employment opportunity requirements and
35 anti-discrimination laws, and demonstrated commitment to working with
36 minority and women-owned businesses through joint ventures or subcon-
37 tractor relationships; whether or not the prospective bidder or a person
38 or entity with an interest of at least ten per centum in the prospective
39 bidder, is debarred for having disregarded obligations to employees
40 under the Davis-Bacon Act pursuant to 40 U.S.C. 3144 and 29 C.F.R. 5.12
41 and such other qualifications the authorized entity deems appropriate
42 which may include but are not limited to project understanding, finan-
43 cial capability and record of past performance. The authorized entity
44 shall evaluate and rate all entities responding to the request for qual-
45 ifications. Based upon such ratings, the authorized entity shall list
46 the entities that shall receive a request for proposals in accordance
47 with subdivision two of this section. To the extent consistent with
48 applicable federal law, the authorized entity shall consider, when
49 awarding any contract pursuant to this section, the participation of:
50 (a) firms certified pursuant to article 15-A of the executive law as
51 minority or women-owned businesses and the ability of other businesses
52 under consideration to work with minority and women-owned businesses so
53 as to promote and assist participation by such businesses; and (b) small
54 business concerns identified pursuant to subdivision (b) of section
55 139-g of the state finance law.

1 2. Step two. Selection of the proposal which is the best value to the
2 authorized entity. The authorized entity shall issue a request for
3 proposals for the project to the entities listed pursuant to subdivision
4 one of this section. If such an entity consists of a team of separate
5 entities, the entities that comprise such a team must remain unchanged
6 from the entity as listed pursuant to subdivision one of this section
7 unless otherwise approved by the authorized entity. The request for
8 proposals for the project shall set forth the project's scope of work,
9 and other requirements, as determined by the authorized entity. The
10 request for proposals shall specify the criteria to be used to evaluate
11 the responses and the relative weight of each such criteria. Such crite-
12 ria shall include the proposal's cost, the quality of the proposal's
13 solution, the qualifications and experience of the design-build entity,
14 and other factors deemed pertinent by the authorized entity, which may
15 include, but shall not be limited to, the proposal's project implementa-
16 tion, ability to complete the work in a timely and satisfactory manner,
17 maintenance costs of the completed project, maintenance of traffic
18 approach, and community impact. Any contract awarded pursuant to this
19 act shall be awarded to a responsive and responsible entity that submits
20 the proposal, which, in consideration of these and other specified
21 criteria deemed pertinent to the project, offers the best value to the
22 authorized entity, as determined by the authorized entity. Nothing in
23 this act shall be construed to prohibit the authorized entity from nego-
24 tiating final contract terms and conditions including cost.

25 3. Notwithstanding the foregoing provisions of this section, when any
26 person or entity is debarred for having disregarded obligations to
27 employees under the Davis-Bacon Act pursuant to 40 U.S.C. 3144 and 29
28 C.F.R. 5.12, such person or entity, and any firm, corporation, partner-
29 ship or association in which the person or entity owns or controls at
30 least ten per centum, shall be ineligible to submit a bid on or be
31 awarded any contract authorized by this act while the name of the person
32 or entity is published in the list of debarred contractors pursuant to
33 40 U.S.C. 3144. The department of labor will notify the person or entity
34 immediately of such ineligibility and such person or entity must be
35 afforded the opportunity to appeal to the department of labor.

36 S 5. Any contract entered into pursuant to this act shall include a
37 clause requiring that any professional services regulated by articles
38 145, 147 and 148 of the education law shall be performed and stamped and
39 sealed, where appropriate, by a professional licensed in accordance with
40 such articles.

41 S 6. The construction, demolition, reconstruction, excavation, reha-
42 bilitation, repair, renovation of the project undertaken by the author-
43 ized entity pursuant to this act shall be deemed a "public work" to be
44 performed in accordance with the provisions of article 8 of the labor
45 law, as well as subject to sections 200, 240, 241 and 242 of the labor
46 law and enforcement of prevailing wage requirements by the New York
47 state department of labor.

48 S 7. A project labor agreement shall be included in the request for
49 proposals for the project, provided that, based upon a study done by or
50 for the authorized entity, the authorized entity determines that its
51 interests are best met by requiring a project labor agreement. The
52 authorized entity shall conduct such a study and the project labor
53 agreement shall be performed consistent with the provisions of section
54 222 of the labor law. If a project labor agreement is not performed on
55 the project; (1) the authorized entity shall not utilize a design-build

1 contract for the project; and (2) sections 101 and 103 of the general
2 municipal law shall apply to the project.

3 S 8. Each contract entered into by the authorized entity pursuant to
4 this act shall comply, whenever practical, with the objectives and goals
5 of minority and women-owned business enterprises pursuant to article
6 15-A of the executive law or, if the project receives federal aid, shall
7 comply with applicable federal requirements for disadvantaged business
8 enterprises.

9 S 9. The project undertaken by the authorized entity pursuant to this
10 act shall be subject to the requirements of article 8 of the environ-
11 mental conservation law, and, where applicable, the requirements of the
12 national environmental policy act.

13 S 10. The submission of a proposal or responses or the execution of a
14 design-build contract pursuant to this act shall not be construed to be
15 a violation of section 6512 of the education law.

16 S 11. Nothing contained in this act shall limit the right or obli-
17 gation of the authorized entity to comply with the provisions of any
18 existing contract, including any existing contract with or for the bene-
19 fit of the holders of the obligations of the authorized entity, or to
20 award contracts as otherwise provided by law.

21 S 12. This act shall take effect immediately.

22 PART I

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

27 S 2. This act shall take effect immediately and shall be deemed to
28 have been in full force and effect on and after April 1, 2016.

29 PART J

30 Section 1. Expenditures of moneys by the New York state energy
31 research and development authority for services and expenses of the
32 energy research, development and demonstration program, including
33 grants, the energy policy and planning program, and the Fuel NY program
34 shall be subject to the provisions of this section. Notwithstanding the
35 provisions of subdivision 4-a of section 18-a of the public service law,
36 all moneys committed or expended in an amount not to exceed \$19,700,000
37 shall be reimbursed by assessment against gas corporations, as defined
38 in subdivision 11 of section 2 of the public service law and electric
39 corporations as defined in subdivision 13 of section 2 of the public
40 service law, where such gas corporations and electric corporations have
41 gross revenues from intrastate utility operations in excess of \$500,000
42 in the preceding calendar year, and the total amount which may be
43 charged to any gas corporation and any electric corporation shall not
44 exceed one cent per one thousand cubic feet of gas sold and .010 cent
45 per kilowatt-hour of electricity sold by such corporations in their
46 intrastate utility operations in calendar year 2014. Such amounts shall
47 be excluded from the general assessment provisions of subdivision 2 of
48 section 18-a of the public service law. The chair of the public service
49 commission shall bill such gas and/or electric corporations for such
50 amounts on or before August 10, 2016 and such amounts shall be paid to
51 the New York state energy research and development authority on or
52 before September 10, 2016. Upon receipt, the New York state energy

1 research and development authority shall deposit such funds in the ener-
2 gy research and development operating fund established pursuant to
3 section 1859 of the public authorities law. The New York state energy
4 research and development authority is authorized and directed to: (1)
5 transfer \$1 million to the state general fund for services and expenses
6 of the department of environmental conservation and to transfer \$750,000
7 to the University of Rochester laboratory for laser energetics from the
8 funds received; and (2) commencing in 2016, provide to the chair of the
9 public service commission and the director of the budget and the chairs
10 and secretaries of the legislative fiscal committees, on or before
11 August first of each year, an itemized record, certified by the presi-
12 dent and chief executive officer of the authority, or his or her desig-
13 nee, detailing any and all expenditures and commitments ascribable to
14 moneys received as a result of this assessment by the chair of the
15 department of public service pursuant to section 18-a of the public
16 service law. This itemized record shall include an itemized breakdown
17 of the programs being funded by this section and the amount committed to
18 each program. The authority shall not commit for any expenditure, any
19 moneys derived from the assessment provided for in this section, until
20 the chair of such authority shall have submitted, and the director of
21 the budget shall have approved, a comprehensive financial plan encom-
22 passing all moneys available to and all anticipated commitments and
23 expenditures by such authority from any source for the operations of
24 such authority. Copies of the approved comprehensive financial plan
25 shall be immediately submitted by the chair to the chairs and secre-
26 taries of the legislative fiscal committees. Any such amount not
27 committed by such authority to contracts or contracts to be awarded or
28 otherwise expended by the authority during the fiscal year shall be
29 refunded by such authority on a pro-rata basis to such gas and/or elec-
30 tric corporations, in a manner to be determined by the department of
31 public service.
32 S 2. This act shall take effect immediately and shall be deemed to
33 have been in full force and effect on and after April 1, 2016.

34 PART K

35 Section 1. Notwithstanding any other law, rule or regulation to the
36 contrary, expenses of the department of health public service education
37 program incurred pursuant to appropriations from the cable television
38 account of the state miscellaneous special revenue funds shall be deemed
39 expenses of the department of public service.
40 S 2. This act shall take effect immediately and shall be deemed to
41 have been in full force and effect on and after April 1, 2016.

42 PART L

43 Section 1. Paragraph (c) of subdivision 12 of section 66 of the public
44 service law, as amended by chapter 162 of the laws of 1998, is amended
45 to read as follows:
46 (c) For the purpose of this subdivision, "major changes" shall mean an
47 increase in the rates and charges which would increase the aggregate
48 revenues of the applicant more than the greater of three hundred thou-
49 sand dollars or two and one-half percent, but shall not include changes
50 in rates, charges or rentals (I) allowed to go into effect by the
51 commission or made by the utility pursuant to an order of the commission

1 after hearings held upon notice to the public, OR (II) PROPOSED BY A
2 MUNICIPALITY.

3 S 2. Paragraph (f) of subdivision 12 of section 66 of the public
4 service law, as amended by chapter 154 of the laws of 1989, is amended
5 to read as follows:

6 (f) Whenever there shall be filed with the commission by any utility
7 any schedule stating a new rate or charge, or any change in any form of
8 contract or agreement or any rule or regulation relating to any rate,
9 charge or service, or in any general privilege or facility, the commis-
10 sion may, at any time within sixty days from the date when such schedule
11 would or has become effective, either upon complaint or upon its own
12 initiative, and, if it so orders, without answer or other formal plead-
13 ing by the utility, but upon reasonable notice, hold a hearing concern-
14 ing the propriety of a change proposed by the filing. If such change is
15 a major change, the commission shall hold such a hearing. Pending such
16 hearing and decision thereon, the commission, upon filing with such
17 schedule and delivering to the utility, a statement in writing of its
18 reasons therefor, may suspend the operation of such schedule, but not
19 for a longer period than [one hundred and twenty days] FOUR MONTHS
20 beyond the time when it would otherwise go into effect. After full hear-
21 ing, whether completed before or after the schedule goes into effect,
22 the commission may make such order in reference thereto as would be
23 proper in a proceeding begun after the rate, charge, form of contract or
24 agreement, rule, regulation, service, general privilege or facility had
25 become effective. If any such hearing cannot be concluded within the
26 period of suspension as above stated, the commission may extend the
27 suspension for a further period, not exceeding [six] TEN months. IF AT
28 THE END OF SUCH PERIOD, THE FILED PETITION HAS NOT BEEN ACTED UPON BY
29 THE COMMISSION, THE COMMISSION SHALL UTILIZE THE PROPOSAL FILED BY THE
30 STAFF OF THE DEPARTMENT TO ESTABLISH TEMPORARY RATES FOR THE PETITIONER,
31 SUBJECT TO REFUND OR REPARATION AS PROVIDED IN SECTION ONE HUNDRED THIR-
32 TEEN OF THIS CHAPTER.

33 S 3. Paragraph (f) of subdivision 10 of section 80 of the public
34 service law, as amended by chapter 154 of the laws of 1989, is amended
35 to read as follows:

36 (f) Whenever there shall be filed with the commission by any utility
37 any schedule stating a new rate or charge, or any change in any form of
38 contract or agreement or any rule or regulation relating to any rate,
39 charge or service, or in any general privilege or facility, the commis-
40 sion may, at any time within sixty days from the date when such schedule
41 would or has become effective, either upon complaint or upon its own
42 initiative, and, if it so orders, without answer or other formal plead-
43 ing by the utility, but upon reasonable notice, hold a hearing concern-
44 ing the propriety of a change proposed by the filing. If such change is
45 a major change, the commission shall hold such a hearing. Pending such
46 hearing and decision thereon the commission, upon filing with such sche-
47 dule and delivering to the utility, a statement in writing of its
48 reasons therefor, may suspend the operation of such schedule, but not
49 for a longer period than [one hundred and twenty days] FOUR MONTHS
50 beyond the time when it would otherwise go into effect. After full hear-
51 ing, whether completed before or after the schedule goes into effect,
52 the commission may make such order in reference thereto as would be
53 proper in a proceeding begun after the rate, charge, form of contract or
54 agreement, rule, regulation, service, general privilege or facility had
55 become effective. If such hearing cannot be concluded within the period
56 of suspension as above stated, the commission may extend the suspension

1 for a further period not exceeding [six] TEN months. IF AT THE END OF
2 SUCH PERIOD, THE FILED PETITION HAS NOT BEEN ACTED UPON BY THE COMMIS-
3 SION, THE COMMISSION SHALL UTILIZE THE PROPOSAL FILED BY THE STAFF OF
4 THE DEPARTMENT TO ESTABLISH TEMPORARY RATES FOR THE PETITIONER, SUBJECT
5 TO REFUND OR REPARATION AS PROVIDED IN SECTION ONE HUNDRED THIRTEEN OF
6 THIS CHAPTER.

7 S 4. Paragraph (f) of subdivision 10 of section 89-c of the public
8 service law, as amended by chapter 154 of the laws of 1989, is amended
9 to read as follows:

10 (f) Whenever there shall be filed with the commission by any water-
11 works corporation any schedule stating a new rate or charge, or any
12 change in any form of contract or agreement or any rule or regulation
13 relating to any rate, charge or service, or in any general privilege or
14 facility, the commission may, at any time within sixty days from the
15 date when such schedule would or has become effective, either upon
16 complaint or upon its own initiative, and, if it so orders, without
17 answer or other formal pleading by the interested corporation, but upon
18 reasonable notice, hold a hearing concerning the propriety of a change
19 proposed by the filing. If such change is a major change, the commission
20 shall hold such a hearing. Pending such hearing and decision thereon,
21 the commission, upon filing with such schedule and delivering to the
22 corporation affected thereby a statement in writing of its reasons
23 therefor, may suspend the operation of such schedule, but not for a
24 longer period than [one hundred and twenty days] FOUR MONTHS beyond the
25 time when it would otherwise go into effect. After a full hearing,
26 whether completed before or after the schedule goes into effect, the
27 commission may make such order in reference thereto as would be proper
28 in a proceeding begun after the rate, charge, form of contract or agree-
29 ment, rule, regulation, service, general privilege or facility had
30 become effective. If any such hearing cannot be concluded within the
31 period of suspension as above stated, the commission may extend the
32 suspension for a further period not exceeding [six] TEN months. IF AT
33 THE END OF SUCH PERIOD, THE FILED PETITION HAS NOT BEEN ACTED UPON BY
34 THE COMMISSION, THE COMMISSION SHALL UTILIZE THE PROPOSAL FILED BY THE
35 STAFF OF THE DEPARTMENT TO ESTABLISH TEMPORARY RATES FOR THE PETITIONER,
36 SUBJECT TO REFUND OR REPARATION AS PROVIDED IN SECTION ONE HUNDRED THIR-
37 TEEN OF THIS CHAPTER.

38 S 5. This act shall take effect immediately.

39 PART M

40 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
41 executive law relating to permitting the secretary of state to provide
42 special handling for all documents filed or issued by the division of
43 corporations and to permit additional levels of such expedited service,
44 as amended by section 1 of part T of chapter 58 of the laws of 2015, is
45 amended to read as follows:

46 S 2. This act shall take effect immediately, provided however, that
47 section one of this act shall be deemed to have been in full force and
48 effect on and after April 1, 2003 and shall expire March 31, [2016]
49 2017.

50 S 2. This act shall take effect immediately and shall be deemed to
51 have been in full force and effect on and after March 31, 2016.

52 PART N

1 Section 1. Paragraph (d) of section 304 of the business corporation
2 law is amended to read as follows:

3 (d) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL A
4 COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT OF A
5 DOMESTIC CORPORATION OR FOREIGN CORPORATION SHALL BE DEEMED TO BE THE
6 POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS STATE, TO WHICH A PERSON
7 SHALL MAIL THE PROCESS SERVED AGAINST THE CORPORATION AS REQUIRED BY
8 THIS ARTICLE. Any designated [post-office] POST OFFICE address to which
9 the secretary of state OR A PERSON shall mail a copy of ANY process
10 served upon [him] THE SECRETARY OF STATE as agent of a domestic corpo-
11 ration or a foreign corporation, shall continue until the filing of a
12 certificate under this chapter directing the mailing to a different
13 [post-office] POST OFFICE address.

14 S 2. Paragraph (a) of section 305 of the business corporation law, as
15 amended by chapter 131 of the laws of 1985, is amended to read as
16 follows:

17 (a) In addition to such designation of the secretary of state, every
18 domestic corporation or authorized foreign corporation may designate a
19 registered agent in this state upon whom process against such corpo-
20 ration may be served. The agent shall be a natural person who is a resi-
21 dent of or has a business address in this state [or], a domestic corpo-
22 ration or foreign corporation of any type or kind formed[,] or
23 authorized to do business in this state, under this chapter or under any
24 other statute of this state, OR DOMESTIC LIMITED LIABILITY COMPANY OR
25 FOREIGN LIMITED LIABILITY COMPANY FORMED OR AUTHORIZED TO DO BUSINESS IN
26 THIS STATE.

27 S 3. Subparagraph 1 of paragraph (b) of section 306 of the business
28 corporation law, as amended by chapter 419 of the laws of 1990, is
29 amended to read as follows:

30 (1) Service of process on the secretary of state as agent of a domes-
31 tic or authorized foreign corporation, OR OTHER BUSINESS ENTITY THAT HAS
32 DESIGNATED THE SECRETARY OF STATE AS AGENT FOR SERVICE OF PROCESS PURSU-
33 ANT TO ARTICLE NINE OF THIS CHAPTER, shall be made by [personally deliv-
34 ering to and leaving with the secretary of state or a deputy, or with
35 any person authorized by the secretary of state to receive such service,
36 at the office of the department of state in the city of Albany, dupli-
37 cate copies of such process together with the statutory fee, which fee
38 shall be a taxable disbursement] MAILING THE PROCESS AND NOTICE OF
39 SERVICE THEREOF BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH
40 CORPORATION OR OTHER BUSINESS ENTITY, AT THE POST OFFICE ADDRESS ON FILE
41 IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. IF A DOMESTIC OR
42 AUTHORIZED FOREIGN CORPORATION HAS NO SUCH ADDRESS ON FILE IN THE
43 DEPARTMENT OF STATE, THE PROCESS AND NOTICE OF SERVICE THEREOF SHALL BE
44 MAILED, IN THE CASE OF A DOMESTIC CORPORATION, IN CARE OF ANY DIRECTOR
45 NAMED IN ITS CERTIFICATE OF INCORPORATION AT THE DIRECTOR'S ADDRESS
46 STATED THEREIN OR, IN THE CASE OF AN AUTHORIZED FOREIGN CORPORATION, TO
47 SUCH CORPORATION AT THE ADDRESS OF ITS OFFICE WITHIN THIS STATE ON FILE
48 IN THE DEPARTMENT. ON THE SAME DAY THAT SUCH PROCESS IS MAILED, A DUPLI-
49 CATE COPY OF SUCH PROCESS AND PROOF OF MAILING TOGETHER WITH THE STATU-
50 TORY FEE, WHICH FEE SHALL BE A TAXABLE DISBURSEMENT SHALL BE PERSONALLY
51 DELIVERED TO AND LEFT WITH THE SECRETARY OF STATE OR A DEPUTY, OR WITH
52 ANY PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE SUCH SERVICE,
53 AT THE OFFICE OF THE DEPARTMENT OF STATE IN THE CITY OF ALBANY. PROOF OF
54 MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. Service
55 of process on such corporation OR OTHER BUSINESS ENTITY shall be
56 complete when the secretary of state is so served. [The secretary of

1 state shall promptly send one of such copies by certified mail, return
2 receipt requested, to such corporation, at the post office address, on
3 file in the department of state, specified for the purpose. If a domes-
4 tic or authorized foreign corporation has no such address on file in the
5 department of state, the secretary of state shall so mail such copy, in
6 the case of a domestic corporation, in care of any director named in its
7 certificate of incorporation at the director's address stated therein
8 or, in the case of an authorized foreign corporation, to such corpo-
9 ration at the address of its office within this state on file in the
10 department.]

11 S 4. Subparagraphs 2 and 3 of paragraph (a) of section 306-A of the
12 business corporation law, as added by chapter 469 of the laws of 1997,
13 are amended to read as follows:

14 (2) That the address of the party has been designated by the corpo-
15 ration as the post office address to which [the secretary of state] A
16 PERSON shall mail a copy of any process served on the secretary of state
17 as agent for such corporation, SPECIFYING SUCH ADDRESS, and that such
18 party wishes to resign.

19 (3) That sixty days prior to the filing of the certificate of resigna-
20 tion OR RECEIPT OF PROCESS with the department of state the party has
21 sent a copy of the certificate of resignation for receipt of process by
22 registered or certified mail to the address of the registered agent of
23 the designating corporation, if other than the party filing the certif-
24 icate of resignation[,] for receipt of process, or if the [resigning]
25 DESIGNATING corporation has no registered agent, then to the last
26 address of the designating corporation known to the party, specifying
27 the address to which the copy was sent. If there is no registered agent
28 and no known address of the designating corporation, the party shall
29 attach an affidavit to the certificate stating that a diligent but
30 unsuccessful search was made by the party to locate the corporation,
31 specifying what efforts were made.

32 S 5. Subparagraph 7 of paragraph (a) of section 402 of the business
33 corporation law is amended to read as follows:

34 (7) A designation of the secretary of state as agent of the corpo-
35 ration upon whom process against it may be served and the post office
36 address, within or without this state, to which [the secretary of state]
37 A PERSON shall mail a copy of any process against it served upon [him]
38 THE SECRETARY OF STATE.

39 S 6. Subparagraph (c) of paragraph 1 of section 408 of the business
40 corporation law, as amended by section 3 of part S of chapter 59 of the
41 laws of 2015, is amended to read as follows:

42 (c) The post office address, within or without this state, to which
43 [the secretary of state] A PERSON shall mail a copy of any process
44 against it served upon [him or her] THE SECRETARY OF STATE. Such
45 address shall supersede any previous address on file with the department
46 of state for this purpose.

47 S 7. Subparagraph 4 of paragraph (b) of section 801 of the business
48 corporation law is amended to read as follows:

49 (4) To specify or change the post office address to which [the secre-
50 tary of state] A PERSON shall mail a copy of any process against the
51 corporation served upon [him] THE SECRETARY OF STATE.

52 S 8. Subparagraph 2 of paragraph (b) of section 803 of the business
53 corporation law, as amended by chapter 803 of the laws of 1965, is
54 amended to read as follows:

1 (2) To specify or change the post office address to which [the secre-
2 tary of state] A PERSON shall mail a copy of any process against the
3 corporation served upon [him] THE SECRETARY OF STATE.

4 S 9. Paragraph (b) of section 805-A of the business corporation law,
5 as added by chapter 725 of the laws of 1964, is amended to read as
6 follows:

7 (b) A certificate of change which changes only the post office address
8 to which [the secretary of state] A PERSON shall mail a copy of any
9 process against a corporation served upon [him or] THE SECRETARY OF
10 STATE AND/OR the address of the registered agent, provided such address
11 being changed is the address of a person, partnership, LIMITED LIABILITY
12 COMPANY or other corporation whose address, as agent, is the address to
13 be changed or who has been designated as registered agent for such
14 corporation, may be signed[, verified] and delivered to the department
15 of state by such agent. The certificate of change shall set forth the
16 statements required under subparagraphs [(a)] (1), (2) and (3) OF PARA-
17 GRAPH (A) of this section; that a notice of the proposed change was
18 mailed to the corporation by the party signing the certificate not less
19 than thirty days prior to the date of delivery to the department and
20 that such corporation has not objected thereto; and that the party sign-
21 ing the certificate is the agent of such corporation to whose address
22 [the secretary of state] A PERSON is required to mail copies of process
23 SERVED ON THE SECRETARY OF STATE or the registered agent, if such be the
24 case. A certificate signed[, verified] and delivered under this para-
25 graph shall not be deemed to effect a change of location of the office
26 of the corporation in whose behalf such certificate is filed.

27 S 10. Subparagraph 8 of paragraph (a) of section 904-a of the business
28 corporation law, as amended by chapter 177 of the laws of 2008, is
29 amended to read as follows:

30 (8) If the surviving or resulting entity is a foreign corporation or
31 other business entity, a designation of the secretary of state as its
32 agent upon whom process against it may be served in the manner set forth
33 in paragraph (b) of section three hundred six of this chapter, in any
34 action or special proceeding, and a post office address, within or with-
35 out this state, to which [the secretary of state] A PERSON shall mail a
36 copy of any process against it served upon [him] THE SECRETARY OF STATE.
37 Such post office address shall supersede any prior address designated as
38 the address to which process shall be mailed;

39 S 11. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of
40 the business corporation law, as amended by chapter 494 of the laws of
41 1997, is amended to read as follows:

42 (G) A designation of the secretary of state as its agent upon whom
43 process against it may be served in the manner set forth in paragraph
44 (b) of section 306 (Service of process), in any action or special
45 proceeding, and a post office address, within or without this state, to
46 which [the secretary of state] A PERSON shall mail a copy of any process
47 against it served upon [him] THE SECRETARY OF STATE. Such post office
48 address shall supersede any prior address designated as the address to
49 which process shall be mailed.

50 S 12. Subparagraph 6 of paragraph (a) of section 1304 of the business
51 corporation law, as amended by chapter 684 of the laws of 1963 and as
52 renumbered by chapter 590 of the laws of 1982, is amended to read as
53 follows:

54 (6) A designation of the secretary of state as its agent upon whom
55 process against it may be served and the post office address, within or
56 without this state, to which [the secretary of state] A PERSON shall

1 mail a copy of any process against it served upon [him] THE SECRETARY OF
2 STATE.

3 S 13. Subparagraph 7 of paragraph (a) of section 1308 of the business
4 corporation law, as amended by chapter 725 of the laws of 1964 and as
5 renumbered by chapter 186 of the laws of 1983, is amended to read as
6 follows:

7 (7) To specify or change the post office address to which [the secre-
8 tary of state] A PERSON shall mail a copy of any process against it
9 served upon [him] THE SECRETARY OF STATE.

10 S 14. Subparagraph 2 of paragraph (a) and paragraph (c) of section
11 1309-A of the business corporation law, subparagraph 2 of paragraph (a)
12 as added by chapter 725 of the laws of 1964 and paragraph (c) as amended
13 by chapter 172 of the laws of 1999, are amended to read as follows:

14 (2) To specify or change the post office address to which [the secre-
15 tary of state] A PERSON shall mail a copy of any process against it
16 served upon [him] THE SECRETARY OF STATE.

17 (c) A certificate of change of application for authority which changes
18 only the post office address to which [the secretary of state] A PERSON
19 shall mail a copy of any process against an authorized foreign corpo-
20 ration served upon [him or which] THE SECRETARY OF STATE AND/OR changes
21 the address of its registered agent, provided such address is the
22 address of a person, partnership, LIMITED LIABILITY COMPANY or other
23 corporation whose address, as agent, is the address to be changed or who
24 has been designated as registered agent for such authorized foreign
25 corporation, may be signed and delivered to the department of state by
26 such agent. The certificate of change of application for authority shall
27 set forth the statements required under subparagraphs (1), (2), (3) and
28 (4) of paragraph (b) of this section; that a notice of the proposed
29 change was mailed by the party signing the certificate to the authorized
30 foreign corporation not less than thirty days prior to the date of
31 delivery to the department and that such corporation has not objected
32 thereto; and that the party signing the certificate is the agent of such
33 foreign corporation to whose address [the secretary of state] A PERSON
34 is required to mail copies of process SERVED ON THE SECRETARY OF STATE
35 or the registered agent, if such be the case. A certificate signed and
36 delivered under this paragraph shall not be deemed to effect a change of
37 location of the office of the corporation in whose behalf such certif-
38 icate is filed.

39 S 15. Subparagraphs 1 and 6 of paragraph (a) of section 1310 of the
40 business corporation law, subparagraph 1 as amended by chapter 590 of
41 the laws of 1982, are amended to read as follows:

42 (1) The name of the foreign corporation as it appears on the index of
43 names of existing domestic and authorized foreign corporations of any
44 type or kind in the department of state, division of corporations [or,]
45 AND the fictitious name, IF ANY, the corporation has agreed to use in
46 this state pursuant to paragraph (d) of section 1301 of this [chapter]
47 ARTICLE.

48 (6) A post office address, within or without this state, to which [the
49 secretary of state] A PERSON shall mail a copy of any process against it
50 served upon [him] THE SECRETARY OF STATE.

51 S 16. Subparagraph 4 of paragraph (d) of section 1310 of the business
52 corporation law is amended to read as follows:

53 (4) The changed post office address, within or without this state, to
54 which [the secretary of state] A PERSON shall mail a copy of any process
55 against it served upon [him] THE SECRETARY OF STATE.

1 S 17. Section 1311 of the business corporation law, as amended by
2 chapter 375 of the laws of 1998, is amended to read as follows:

3 S 1311. Termination of existence.

4 When an authorized foreign corporation is dissolved or its authority
5 or existence is otherwise terminated or cancelled in the jurisdiction of
6 its incorporation or when such foreign corporation is merged into or
7 consolidated with another foreign corporation, a certificate of the
8 secretary of state, or official performing the equivalent function as to
9 corporate records, of the jurisdiction of incorporation of such foreign
10 corporation attesting to the occurrence of any such event or a certified
11 copy of an order or decree of a court of such jurisdiction directing the
12 dissolution of such foreign corporation, the termination of its exist-
13 ence or the cancellation of its authority shall be delivered to the
14 department of state. The filing of the certificate, order or decree
15 shall have the same effect as the filing of a certificate of surrender
16 of authority under section 1310 (Surrender of authority). The secretary
17 of state shall continue as agent of the foreign corporation upon whom
18 process against it may be served in the manner set forth in paragraph
19 (b) of section 306 (Service of process), in any action or special
20 proceeding based upon any liability or obligation incurred by the
21 foreign corporation within this state prior to the filing of such
22 certificate, order or decree and [he] THE PERSON SERVING SUCH PROCESS
23 shall [promptly cause a copy of any such] SEND THE process [to be
24 mailed] by [registered] CERTIFIED mail, return receipt requested, to
25 such foreign corporation at the post office address on file in his
26 office specified for such purpose AND SHALL PROVIDE THE SECRETARY OF
27 STATE WITH PROOF OF SUCH MAILING IN THE MANNER SET FORTH IN PARAGRAPH
28 (B) OF SECTION 306 (SERVICE OF PROCESS). The post office address may be
29 changed by signing and delivering to the department of state a certif-
30 icate of change setting forth the statements required under section
31 1309-A (Certificate of change; contents) to effect a change in the post
32 office address under subparagraph SEVEN OF PARAGRAPH (a) [(4)] of
33 section 1308 (Amendments or changes).

34 S 18. Subparagraph 6 of paragraph (a) of section 1530 of the business
35 corporation law, as added by chapter 505 of the laws of 1983, is amended
36 to read as follows:

37 (6) A designation of the secretary of state as its agent upon whom
38 process against it may be served and the post office address, within or
39 without this state, to which [the secretary of state] A PERSON shall
40 mail a copy of any process against it served upon [him] THE SECRETARY OF
41 STATE.

42 S 19. Subdivision 10 of section 11 of the cooperative corporations
43 law, as added by chapter 97 of the laws of 1969, is amended to read as
44 follows:

45 10. A designation of the secretary of state as agent of the corpo-
46 ration upon whom process against it may be served and the post office
47 address, within or without this state, to which [the secretary of state]
48 A PERSON shall mail a copy of any process against it served upon [him]
49 THE SECRETARY OF STATE.

50 S 20. Subdivision 10 of section 96 of the executive law, as amended by
51 chapter 39 of the laws of 1987, is amended to read as follows:

52 10. For service of process on the secretary of state, acting as agent
53 for a third party pursuant to law, except as otherwise specifically
54 provided by law, forty dollars. No fee shall be collected for process
55 served on behalf of [a] ANY STATE OFFICIAL, DEPARTMENT, BOARD, AGENCY,
56 AUTHORITY, county, city, town or village or other political subdivision

1 of the state. The fees paid the secretary of state shall be a taxable
2 disbursement.

3 S 21. The opening paragraph of subdivision 2 and subdivision 3 of
4 section 18 of the general associations law, as amended by chapter 13 of
5 the laws of 1938, are amended and two new subdivisions 5 and 6 are added
6 to read as follows:

7 Every association doing business within this state shall file in the
8 department of state a certificate in its associate name, signed [and
9 acknowledged] by its president, or a vice-president, or secretary, or
10 treasurer, or managing director, or trustee, designating the secretary
11 of state as an agent upon whom process in any action or proceeding
12 against the association may be served within this state, and setting
13 forth an address to which [the secretary of state] A PERSON shall mail a
14 copy of any process against the association which may be served upon
15 [him] THE SECRETARY OF STATE pursuant to law. Annexed to the certif-
16 icate of designation shall be a statement, executed in the same manner
17 as the certificate is required to be executed under this section, which
18 shall set forth:

19 3. Any association, from time to time, may change the address to
20 which [the secretary of state] A PERSON is directed to mail copies of
21 process SERVED ON THE SECRETARY OF STATE, by filing a statement to that
22 effect, executed[,] AND signed [and acknowledged] in like manner as a
23 certificate of designation as herein provided.

24 5. ANY DESIGNATED POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL A
25 COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT IN ANY
26 ACTION OR PROCEEDING AGAINST THE ASSOCIATION SHALL BE DEEMED TO BE THE
27 POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS STATE, TO WHICH A PERSON
28 SHALL MAIL PROCESS SERVED AGAINST THE ASSOCIATION AS REQUIRED BY THIS
29 ARTICLE. ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF
30 STATE OR A PERSON SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE
31 SECRETARY OF STATE AS AGENT IN ANY ACTION OR PROCEEDING AGAINST THE
32 ASSOCIATION SHALL CONTINUE UNTIL THE FILING OF A CERTIFICATE UNDER THIS
33 CHAPTER DIRECTING THE MAILING TO A DIFFERENT POST OFFICE ADDRESS.

34 6. "PROCESS" MEANS JUDICIAL PROCESS AND ALL ORDERS, DEMANDS, NOTICES
35 OR OTHER PAPERS REQUIRED OR PERMITTED BY LAW TO BE PERSONALLY SERVED ON
36 AN ASSOCIATION, FOR THE PURPOSE OF ACQUIRING JURISDICTION OF SUCH ASSO-
37 CIATION IN ANY ACTION OR PROCEEDING, CIVIL OR CRIMINAL, WHETHER JUDI-
38 CIAL, ADMINISTRATIVE, ARBITRATIVE OR OTHERWISE, IN THIS STATE OR IN THE
39 FEDERAL COURTS SITTING IN OR FOR THIS STATE.

40 S 22. Section 19 of the general associations law, as amended by chap-
41 ter 166 of the laws of 1991, is amended to read as follows:

42 S 19. (A) Service of process. Service of process against an associ-
43 ation upon the secretary of state shall be made by MAILING THE PROCESS
44 AND NOTICE OF SERVICE THEREOF BY CERTIFIED MAIL, RETURN RECEIPT
45 REQUESTED, TO SUCH CORPORATION OR OTHER BUSINESS ENTITY, AT THE POST
46 OFFICE ADDRESS, ON FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS
47 PURPOSE. ON THE SAME DAY THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY
48 OF SUCH PROCESS AND PROOF OF MAILING SHALL BE personally [delivering]
49 DELIVERED to and [leaving] LEFT with [him] THE SECRETARY OF STATE or a
50 deputy [secretary of state or an associate attorney, senior attorney or
51 attorney in the corporation division of the department of state], SO
52 DESIGNATED [duplicate copies of such process at the office of the
53 department of state in the city of Albany]. At the time of such service
54 the plaintiff shall pay a fee of forty dollars to the secretary of state
55 which shall be a taxable disbursement. [If the cost of registered mail
56 for transmitting a copy of the process shall exceed two dollars, an

1 additional fee equal to such excess shall be paid at the time of the
2 service of such process. The secretary of state shall forthwith send by
3 registered mail one of such copies to the association at the address
4 fixed for that purpose, as herein provided.]

5 (B) PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS
6 SECTION. SERVICE OF PROCESS ON SUCH ASSOCIATION SHALL BE COMPLETE WHEN
7 THE SECRETARY OF STATE IS SO SERVED. If the action or proceeding is
8 instituted in a court of limited jurisdiction, service of process may be
9 made in the manner provided in this section if the cause of action arose
10 within the territorial jurisdiction of the court and the office of the
11 defendant, as set forth in its statement filed pursuant to section eigh-
12 teen of this [chapter] ARTICLE, is within such territorial jurisdiction.

13 S 23. Subdivision 2 of section 352-b of the general business law, as
14 amended by chapter 252 of the laws of 1983, is amended to read as
15 follows:

16 2. Service of such process upon the secretary of state shall be made
17 by personally delivering to and leaving with him [or], a deputy secre-
18 tary of state, OR WITH A PERSON AUTHORIZED BY THE SECRETARY OF STATE TO
19 RECEIVE SUCH SERVICE a copy thereof at the office of the department of
20 state in the city of Albany, and such service shall be sufficient
21 service provided that notice of such service and a copy of such process
22 are forthwith sent by the attorney general to such person, partnership,
23 corporation, company, trust or association, by registered or certified
24 mail with return receipt requested, at his or its office as set forth in
25 the "broker-dealer's statement", "salesman's statement" or "investment
26 advisor's statement" filed in the department of law pursuant to section
27 three hundred fifty-nine-e or section three hundred fifty-nine-eee of
28 this article, or in default of the filing of such statement, at the last
29 address known to the attorney general. Service of such process shall be
30 complete on receipt by the attorney general of a return receipt purport-
31 ing to be signed by the addressee or a person qualified to receive his
32 or its registered or certified mail, in accordance with the rules and
33 customs of the post office department, or, if acceptance was refused by
34 the addressee or his or its agent, on return to the attorney general of
35 the original envelope bearing a notation by the postal authorities that
36 receipt thereof was refused.

37 S 24. Section 686 of the general business law, as added by chapter 730
38 of the laws of 1980, is amended to read as follows:

39 S 686. Designation of secretary of state as agent for service of proc-
40 ess; service of process. Any person who shall offer to sell or sell a
41 franchise in this state as a franchisor, subfranchisor or franchise
42 sales agent shall be deemed to have irrevocably appointed the secretary
43 of state as his or its agent upon whom may be served any summons,
44 complaint, subpoena, subpoena duces tecum, notice, order or other proc-
45 ess directed to such person, or any partner, principal, officer, sales-
46 man or director thereof, or his or its successor, administrator or exec-
47 utor, in any action, investigation, or proceeding which arises under
48 this article or a rule hereunder, with the same force and validity as if
49 served personally on such person. Service of such process upon the
50 secretary of state shall be made by personally delivering to and leaving
51 with [him] THE SECRETARY OF STATE or a deputy [secretary of state], OR
52 WITH ANY PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE SUCH
53 SERVICE, a copy thereof at the office of the department of state, and
54 such service shall be sufficient provided that notice of such service
55 and a copy of such process are sent forthwith by the department to such
56 person, by registered or certified mail with return receipt requested,

1 at his address as set forth in the application for registration of his
2 offering prospectus or in the registered offering prospectus itself
3 filed with the department of law pursuant to this article, or in default
4 of the filing of such application or prospectus, at the last address
5 known to the department. Service of such process shall be complete upon
6 receipt by the department of a return receipt purporting to be signed by
7 the addressee or a person qualified to receive his or its registered or
8 certified mail, in accordance with the rules and customs of the post
9 office department, or, if acceptance was refused or unclaimed by the
10 addressee or his or its agent, or if the addressee moved without leaving
11 a forwarding address, upon return to the department of the original
12 envelope bearing a notation by the postal authorities that receipt ther-
13 eof was refused or that such mail was otherwise undeliverable.

14 S 25. Paragraph 4 of subdivision (e) of section 203 of the limited
15 liability company law, as added by chapter 470 of the laws of 1997, is
16 amended to read as follows:

17 (4) a designation of the secretary of state as agent of the limited
18 liability company upon whom process against it may be served and the
19 post office address, within or without this state, to which [the secre-
20 tary of state] A PERSON shall mail a copy of any process against the
21 limited liability company served upon [him or her] THE SECRETARY OF
22 STATE;

23 S 26. Paragraph 4 of subdivision (a) of section 206 of the limited
24 liability company law, as amended by chapter 44 of the laws of 2006, is
25 amended to read as follows:

26 (4) a statement that the secretary of state has been designated as
27 agent of the limited liability company upon whom process against it may
28 be served and the post office address, within or without this state, to
29 which [the secretary of state] A PERSON shall mail a copy of any process
30 against it served upon [him or her] THE SECRETARY OF STATE;

31 S 27. Paragraph 6 of subdivision (d) of section 211 of the limited
32 liability company law is amended to read as follows:

33 (6) a change in the post office address to which [the secretary of
34 state] A PERSON shall mail a copy of any process against the limited
35 liability company served upon [him or her] THE SECRETARY OF STATE if
36 such change is made other than pursuant to section three hundred one of
37 this chapter;

38 S 28. Section 211-A of the limited liability company law, as added by
39 chapter 448 of the laws of 1998, is amended to read as follows:

40 S 211-A. Certificate of change. (a) A limited liability company may
41 amend its articles of organization from time to time to (i) specify or
42 change the location of the limited liability company's office; (ii)
43 specify or change the post office address to which [the secretary of
44 state] A PERSON shall mail a copy of any process against the limited
45 liability company served upon [him] THE SECRETARY OF STATE; and (iii)
46 make, revoke or change the designation of a registered agent, or specify
47 or change the address of the registered agent. Any one or more such
48 changes may be accomplished by filing a certificate of change which
49 shall be entitled "Certificate of Change of (name of limited
50 liability company) under section 211-A of the Limited Liability Company
51 Law" and shall be signed and delivered to the department of state. It
52 shall set forth:

53 (1) the name of the limited liability company, and if it has been
54 changed, the name under which it was formed;

55 (2) the date the articles of organization were filed by the department
56 of state; and

1 (3) each change effected thereby.

2 (b) A certificate of change which changes only the post office address
3 to which [the secretary of state] A PERSON shall mail a copy of any
4 process against a limited liability company served upon [him or] THE
5 SECRETARY OF STATE AND/OR the address of the registered agent, provided
6 such address being changed is the address of a person, partnership,
7 LIMITED LIABILITY COMPANY or corporation whose address, as agent, is the
8 address to be changed or who has been designated as registered agent for
9 such limited liability company may be signed and delivered to the
10 department of state by such agent. The certificate of change shall set
11 forth the statements required under subdivision (a) of this section;
12 that a notice of the proposed change was mailed to the domestic limited
13 liability company by the party signing the certificate not less than
14 thirty days prior to the date of delivery to the department of state and
15 that such domestic limited liability company has not objected thereto;
16 and that the party signing the certificate is the agent of such limited
17 liability company to whose address [the secretary of state] A PERSON is
18 required to mail copies of process SERVED ON THE SECRETARY OF STATE or
19 the registered agent, if such be the case. A certificate signed and
20 delivered under this subdivision shall not be deemed to effect a change
21 of location of the office of the limited liability company in whose
22 behalf such certificate is filed.

23 S 29. Paragraph 2 of subdivision (b) of section 213 of the limited
24 liability company law is amended to read as follows:

25 (2) to change the post office address to which [the secretary of
26 state] A PERSON shall mail a copy of any process against the limited
27 liability company served upon [him or her] THE SECRETARY OF STATE; and

28 S 30. Subdivisions (c) and (e) of section 301 of the limited liability
29 company law, subdivision (e) as amended by section 5 of part S of chap-
30 ter 59 of the laws of 2015, are amended to read as follows:

31 (c) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL A
32 COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT OF A
33 DOMESTIC LIMITED LIABILITY COMPANY OR FOREIGN LIMITED LIABILITY COMPANY
34 SHALL BE DEEMED TO BE THE POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS
35 STATE, TO WHICH A PERSON SHALL MAIL THE PROCESS SERVED AGAINST THE
36 LIMITED LIABILITY COMPANY AS REQUIRED BY THIS ARTICLE. Any designated
37 post office address to which the secretary of state OR A PERSON shall
38 mail a copy of process served upon [him or her] THE SECRETARY OF STATE
39 as agent of a domestic limited liability company or a foreign limited
40 liability company shall continue until the filing of a certificate under
41 this chapter directing the mailing to a different post office address.

42 [(e)] (D) (1) Except as otherwise provided in this subdivision, every
43 limited liability company to which this chapter applies, shall biennial-
44 ly in the calendar month during which its articles of organization or
45 application for authority were filed, or effective date thereof if stat-
46 ed, file on forms prescribed by the secretary of state, a statement
47 setting forth the post office address within or without this state to
48 which [the secretary of state] A PERSON shall mail a copy of any process
49 accepted against it served upon [him or her] THE SECRETARY OF STATE.
50 Such address shall supersede any previous address on file with the
51 department of state for this purpose.

52 (2) The commissioner of taxation and finance and the secretary of
53 state may agree to allow limited liability companies to include the
54 statement specified in paragraph one of this subdivision on tax reports
55 filed with the department of taxation and finance in lieu of biennial
56 statements and in a manner prescribed by the commissioner of taxation

1 and finance. If this agreement is made, starting with taxable years
2 beginning on or after January first, two thousand sixteen, each limited
3 liability company required to file the statement specified in paragraph
4 one of this subdivision that is subject to the filing fee imposed by
5 paragraph three of subsection (c) of section six hundred fifty-eight of
6 the tax law shall provide such statement annually on its filing fee
7 payment form filed with the department of taxation and finance in lieu
8 of filing a statement under this section with the department of state.
9 However, each limited liability company required to file a statement
10 under this section must continue to file the biennial statement required
11 by this section with the department of state until the limited liability
12 company in fact has filed a filing fee payment form with the department
13 of taxation and finance that includes all required information. After
14 that time, the limited liability company shall continue to provide annu-
15 ally the statement specified in paragraph one of this subdivision on its
16 filing fee payment form in lieu of the biennial statement required by
17 this subdivision.

18 (3) If the agreement described in paragraph two of this subdivision is
19 made, the department of taxation and finance shall deliver to the
20 department of state the statement specified in paragraph one of this
21 subdivision contained on filing fee payment forms. The department of
22 taxation and finance must, to the extent feasible, also include the
23 current name of the limited liability company, department of state iden-
24 tification number for such limited liability company, the name, signa-
25 ture and capacity of the signer of the statement, name and street
26 address of the filer of the statement, and the email address, if any, of
27 the filer of the statement.

28 S 31. Paragraphs 2 and 3 of subdivision (a), subparagraph (ii) of
29 paragraph 2 and subparagraph (ii) of paragraph 3 of subdivision (e) of
30 section 301-A of the limited liability company law, as added by chapter
31 448 of the laws of 1998, are amended to read as follows:

32 (2) that the address of the party has been designated by the limited
33 liability company as the post office address to which [the secretary of
34 state] A PERSON shall mail a copy of any process served on the secretary
35 of state as agent for such limited liability company, SUCH ADDRESS and
36 that such party wishes to resign.

37 (3) that sixty days prior to the filing of the certificate of resigna-
38 tion OR RECEIPT OF PROCESS with the department of state the party has
39 sent a copy of the certificate of resignation for receipt of process by
40 registered or certified mail to the address of the registered agent of
41 the designated limited liability company, if other than the party filing
42 the certificate of resignation[,] for receipt of process, or if the
43 [resigning] DESIGNATING limited liability company has no registered
44 agent, then to the last address of the designated limited liability
45 company known to the party, specifying the address to which the copy was
46 sent. If there is no registered agent and no known address of the desig-
47 nating limited liability company, the party shall attach an affidavit to
48 the certificate stating that a diligent but unsuccessful search was made
49 by the party to locate the limited liability company, specifying what
50 efforts were made.

51 (ii) sent by or on behalf of the plaintiff to such limited LIABILITY
52 company by registered or certified mail with return receipt requested to
53 the last address of such limited liability company known to the plain-
54 tiff.

55 (ii) Where service of a copy of process was effected by mailing in
56 accordance with this section, proof of service shall be by affidavit of

1 compliance with this section filed, together with the process, within
2 thirty days after receipt of the return receipt signed by the limited
3 liability company or other official proof of delivery or of the original
4 envelope mailed. If a copy of the process is mailed in accordance with
5 this section, there shall be filed with the affidavit of compliance
6 either the return receipt signed by such limited LIABILITY company or
7 other official proof of delivery, if acceptance was refused by it, the
8 original envelope with a notation by the postal authorities that accept-
9 ance was refused. If acceptance was refused a copy of the notice and
10 process together with notice of the mailing by registered or certified
11 mail and refusal to accept shall be promptly sent to such limited
12 liability company at the same address by ordinary mail and the affidavit
13 of compliance shall so state. Service of process shall be complete ten
14 days after such papers are filed with the clerk of the court. The
15 refusal to accept delivery of the registered or certified mail or to
16 sign the return receipt shall not affect the validity of the service and
17 such limited liability company refusing to accept such registered or
18 certified mail shall be charged with knowledge of the contents thereof.

19 S 32. Subdivision (a) of section 303 of the limited liability company
20 law, as relettered by chapter 341 of the laws of 1999, is amended to
21 read as follows:

22 (a) Service of process on the secretary of state as agent of a domes-
23 tic limited liability company, [or] authorized foreign limited liability
24 company, OR OTHER BUSINESS ENTITY THAT HAS DESIGNATED THE SECRETARY OF
25 STATE AS AGENT FOR SERVICE OF PROCESS PURSUANT TO ARTICLE TEN OF THIS
26 CHAPTER, SHALL BE MADE BY MAILING THE PROCESS AND NOTICE OF SERVICE
27 THEREOF BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH LIMITED
28 LIABILITY COMPANY OR OTHER BUSINESS ENTITY, AT THE POST OFFICE ADDRESS,
29 ON FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. ON THE
30 SAME DAY AS SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND
31 PROOF OF MAILING shall be [made by] personally [delivering] DELIVERED to
32 and [leaving] LEFT with the secretary of state or his or her deputy, or
33 with any person authorized by the secretary of state to receive such
34 service, at the office of the department of state in the city of Albany,
35 [duplicate copies of such process] together with the statutory fee,
36 which fee shall be a taxable disbursement. PROOF OF MAILING SHALL BE BY
37 AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. Service of process on such
38 limited liability company OR OTHER BUSINESS ENTITY shall be complete
39 when the secretary of state is so served. [The secretary of state shall
40 promptly send one of such copies by certified mail, return receipt
41 requested, to such limited liability company at the post office address
42 on file in the department of state specified for that purpose.]

43 S 33. Section 305 of the limited liability company law is amended to
44 read as follows:

45 S 305. Records of process served on the secretary of state. The
46 [secretary of state] DEPARTMENT OF STATE shall keep a record of each
47 process served upon the secretary of state under this chapter, including
48 the date of such service [and the action of the secretary of state with
49 reference thereto]. IT SHALL, UPON REQUEST MADE WITHIN TEN YEARS OF SUCH
50 SERVICE, ISSUE A CERTIFICATE UNDER ITS SEAL CERTIFYING AS TO THE RECEIPT
51 OF THE PROCESS BY AN AUTHORIZED PERSON, THE DATE AND PLACE OF SUCH
52 SERVICE AND THE RECEIPT OF THE STATUTORY FEE. PROCESS SERVED UPON THE
53 SECRETARY OF STATE UNDER THIS CHAPTER SHALL BE DESTROYED BY THE DEPART-
54 MENT OF STATE AFTER A PERIOD OF TEN YEARS FROM SUCH SERVICE.

1 S 34. Paragraph 4 of subdivision (a) of section 802 of the limited
2 liability company law, as amend by chapter 470 of the laws of 1997, is
3 amended to read as follows:

4 (4) a designation of the secretary of state as its agent upon whom
5 process against it may be served and the post office address, within or
6 without this state, to which [the secretary of state] A PERSON shall
7 mail a copy of any process against it served upon [him or her] THE
8 SECRETARY OF STATE;

9 S 35. Section 804-A of the limited liability company law, as added by
10 chapter 448 of the laws of 1998, is amended to read as follows:

11 S 804-A. Certificate of change. (a) A foreign limited liability compa-
12 ny may amend its application for authority from time to time to (i)
13 specify or change the location of the limited liability company's
14 office; (ii) specify or change the post office address to which [the
15 secretary of state] A PERSON shall mail a copy of any process against
16 the limited liability company served upon [him] THE SECRETARY OF STATE;
17 and (iii) to make, revoke or change the designation of a registered
18 agent, or to specify or change the address of a registered agent. Any
19 one or more such changes may be accomplished by filing a certificate of
20 change which shall be entitled "Certificate of Change of (name
21 of limited liability company) under section 804-A of the Limited Liabil-
22 ity Company Law" and shall be signed and delivered to the department of
23 state. It shall set forth:

24 (1) the name of the foreign limited liability company and, if applica-
25 ble, the fictitious name the limited liability company has agreed to use
26 in this state pursuant to section eight hundred two of this article;

27 (2) the date its application for authority was filed by the department
28 of state; and

29 (3) each change effected thereby[,].

30 (b) A certificate of change which changes only the post office address
31 to which [the secretary of state] A PERSON shall mail a copy of any
32 process against a foreign limited liability company served upon [him or]
33 THE SECRETARY OF STATE AND/OR the address of the registered agent,
34 provided such address being changed is the address of a person, partner-
35 ship [or], corporation OR OTHER LIMITED LIABILITY COMPANY whose address,
36 as agent, is the address to be changed or who has been designated as
37 registered agent for such limited liability company may be signed and
38 delivered to the department of state by such agent. The certificate of
39 change shall set forth the statements required under subdivision (a) of
40 this section; that a notice of the proposed change was mailed to the
41 foreign limited liability company by the party signing the certificate
42 not less than thirty days prior to the date of delivery to the depart-
43 ment of state and that such foreign limited liability company has not
44 objected thereto; and that the party signing the certificate is the
45 agent of such foreign limited liability company to whose address [the
46 secretary of state] A PERSON is required to mail copies of process
47 SERVED ON THE SECRETARY OF STATE or the registered agent, if such be the
48 case. A certificate signed and delivered under this subdivision shall
49 not be deemed to effect a change of location of the office of the
50 foreign limited liability company in whose behalf such certificate is
51 filed.

52 S 36. Paragraph 6 of subdivision (b) of section 806 of the limited
53 liability company law is amended to read as follows:

54 (6) a post office address, within or without this state, to which [the
55 secretary of state] A PERSON shall mail a copy of any process against it
56 served upon [him or her] THE SECRETARY OF STATE.

1 S 37. Paragraph 11 of subdivision (a) of section 1003 of the limited
2 liability company law, as amended by chapter 374 of the laws of 1998, is
3 amended to read as follows:

4 (11) a designation of the secretary of state as its agent upon whom
5 process against it may be served in the manner set forth in article
6 three of this chapter in any action or special proceeding, and a post
7 office address, within or without this state, to which [the secretary of
8 state] A PERSON shall mail a copy of any process served upon [him or
9 her] THE SECRETARY OF STATE. Such post office address shall supersede
10 any prior address designated as the address to which process shall be
11 mailed;

12 S 38. Clause (iv) of subparagraph (A) of paragraph 2 of subdivision
13 (c) of section 1203 of the limited liability company law, as amended by
14 chapter 44 of the laws of 2006, is amended to read as follows:

15 (iv) a statement that the secretary of state has been designated as
16 agent of the professional service limited liability company upon whom
17 process against it may be served and the post office address, within or
18 without this state, to which [the secretary of state] A PERSON shall
19 mail a copy of any process against it served upon [him or her] THE
20 SECRETARY OF STATE;

21 S 39. Paragraph 6 of subdivision (a) and subparagraph 5 of paragraph
22 (i) of subdivision (d) of section 1306 of the limited liability company
23 law, subparagraph 5 of paragraph (i) of subdivision (d) as amended by
24 chapter 44 of the laws of 2006, are amended to read as follows:

25 (6) a designation of the secretary of state as its agent upon whom
26 process against it may be served and the post office address, within or
27 without this state, to which [the secretary of state] A PERSON shall
28 mail a copy of any process against it served upon [him or her] THE
29 SECRETARY OF STATE; and

30 (5) a statement that the secretary of state has been designated as
31 agent of the foreign professional service limited liability company upon
32 whom process against it may be served and the post office address, with-
33 in or without this state, to which [the secretary of state] A PERSON
34 shall mail a copy of any process against it served upon [him or her] THE
35 SECRETARY OF STATE;

36 S 40. Paragraph (d) of section 304 of the not-for-profit corporation
37 law, as amended by chapter 358 of the laws of 2015, is amended to read
38 as follows:

39 (d) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL A
40 COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT OF A
41 DOMESTIC CORPORATION OR FOREIGN CORPORATION SHALL BE DEEMED TO BE THE
42 POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS STATE, TO WHICH A PERSON
43 SHALL MAIL THE PROCESS SERVED AGAINST THE CORPORATION AS REQUIRED BY
44 THIS ARTICLE. Any designated [post-office] POST OFFICE address to which
45 the secretary of state OR A PERSON shall mail a copy of process served
46 upon [him or her] THE SECRETARY OF STATE as agent of a domestic corpo-
47 ration formed under article four of this chapter or foreign corporation,
48 shall continue until the filing of a certificate under this chapter
49 directing the mailing to a different [post-office] POST OFFICE address.

50 S 41. Paragraph (a) of section 305 of the not-for-profit corporation
51 law, as amended by chapter 549 of the laws of 2013, is amended to read
52 as follows:

53 (a) Every domestic corporation or authorized foreign corporation may
54 designate a registered agent in this state upon whom process against
55 such corporation may be served. The agent shall be a natural person who
56 is a resident of or has a business address in this state or a domestic

1 corporation or foreign corporation of any kind formed[,] or authorized
2 to do business in this state, under this chapter or under any other
3 statute of this state, OR A DOMESTIC LIMITED LIABILITY COMPANY OR A
4 FOREIGN LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS IN THIS
5 STATE.

6 S 42. Paragraph (b) of section 306 of the not-for-profit corporation
7 law, as amended by chapter 23 of the laws of 2014, is amended to read as
8 follows:

9 (b) Service of process on the secretary of state as agent of a domes-
10 tic corporation formed under article four of this chapter or an author-
11 ized foreign corporation shall be made by MAILING THE PROCESS AND NOTICE
12 OF SERVICE THEREOF BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH
13 CORPORATION OR OTHER BUSINESS ENTITY, AT THE POST OFFICE ADDRESS, ON
14 FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. ON THE SAME
15 DAY THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND
16 PROOF OF MAILING SHALL BE personally [delivering] DELIVERED to and
17 [leaving] LEFT with the secretary of state or his or her deputy, or with
18 any person authorized by the secretary of state to receive such service,
19 at the office of the department of state in the city of Albany, [dupli-
20 cate copies of such process] together with the statutory fee, which fee
21 shall be a taxable disbursement. PROOF OF MAILING SHALL BE BY AFFIDAVIT
22 OF COMPLIANCE WITH THIS SECTION. Service of process on such corporation
23 OR OTHER BUSINESS ENTITY shall be complete when the secretary of state
24 is so served. [The secretary of state shall promptly send one of such
25 copies by certified mail, return receipt requested, to such corporation,
26 at the post office address, on file in the department of state, speci-
27 fied for the purpose.] If a domestic corporation formed under article
28 four of this chapter or an authorized foreign corporation has no such
29 address on file in the department of state, the [secretary of state
30 shall so mail such] DUPLICATE copy OF THE PROCESS SHALL BE MAILED to
31 such corporation at the address of its office within this state on file
32 in the department.

33 S 43. Subparagraph 6 of paragraph (a) of section 402 of the not-for-
34 profit corporation law, as added by chapter 564 of the laws of 1981 and
35 as renumbered by chapter 132 of the laws of 1985, is amended to read as
36 follows:

37 (6) A designation of the secretary of state as agent of the corpo-
38 ration upon whom process against it may be served and the post office
39 address, within or without this state, to which [the secretary of state]
40 A PERSON shall mail a copy of any process against it served upon [him]
41 THE SECRETARY OF STATE.

42 S 44. Subparagraph 7 of paragraph (b) of section 801 of the not-for-
43 profit corporation law, as amended by chapter 438 of the laws of 1984,
44 is amended to read as follows:

45 (7) To specify or change the post office address to which [the secre-
46 tary of state] A PERSON shall mail a copy of any process against the
47 corporation served upon [him] THE SECRETARY OF STATE.

48 S 45. Subparagraph 2 of paragraph (c) of section 802 of the not-for-
49 profit corporation law, as amended by chapter 186 of the laws of 1983,
50 is amended to read as follows:

51 (2) To specify or change the post office address to which [the secre-
52 tary of state] A PERSON shall mail a copy of any process against the
53 corporation served upon [him] THE SECRETARY OF STATE.

54 S 46. Subparagraph 6 of paragraph (a) of section 803 of the not-for-
55 profit corporation law, as amended by chapter 23 of the laws of 2014, is
56 amended to read as follows:

1 (6) A designation of the secretary of state as agent of the corpo-
2 ration upon whom process against it may be served and the post office
3 address, within or without this state, to which [the secretary of
4 state] A PERSON shall mail a copy of any process against it served upon
5 the secretary OF STATE.

6 S 47. Paragraph (b) of section 803-A of the not-for-profit corporation
7 law, as amended by chapter 172 of the laws of 1999, is amended to read
8 as follows:

9 (b) A certificate of change which changes only the post office address
10 to which [the secretary of state] A PERSON shall mail a copy of any
11 process against the corporation served upon [him or] THE SECRETARY OF
12 STATE AND/OR the address of the registered agent, provided such address
13 being changed is the address of a person, partnership, LIMITED LIABILITY
14 COMPANY or other corporation whose address, as agent, is the address to
15 be changed or who has been designated as registered agent for such
16 corporation, may be signed and delivered to the department of state by
17 such agent. The certificate of change shall set forth the statements
18 required under subparagraphs (1), (2) and (3) of paragraph (a) of this
19 section; that a notice of the proposed change was mailed to the corpo-
20 ration by the party signing the certificate not less than thirty days
21 prior to the date of delivery to the department and that such corpo-
22 ration has not objected thereto; and that the party signing the certif-
23 icate is the agent of such corporation to whose address [the secretary
24 of state] A PERSON is required to mail copies of any process against the
25 corporation served upon [him] THE SECRETARY OF STATE or the registered
26 agent, if such be the case. A certificate signed and delivered under
27 this paragraph shall not be deemed to effect a change of location of the
28 office of the corporation in whose behalf such certificate is filed.

29 S 48. Clause (E) of subparagraph 2 of paragraph (d) of section 906 of
30 the not-for-profit corporation law, as amended by chapter 1058 of the
31 laws of 1971, is amended to read as follows:

32 (E) A designation of the secretary of state as its agent upon whom
33 process against it may be served in the manner set forth in paragraph
34 (b) of section 306 (Service of process), in any action or special
35 proceeding described in subparagraph (D) and a post office address,
36 within or without this state, to which [the secretary of state] A PERSON
37 shall mail a copy of the process in such action or special proceeding
38 SERVED UPON THE SECRETARY OF STATE.

39 S 49. Clause (F) of subparagraph 2 of paragraph (d) of section 908 of
40 the not-for-profit corporation law, is amended to read as follows:

41 (F) A designation of the secretary of state as his agent upon whom
42 process against it may be served in the manner set forth in paragraph
43 (b) of section 306 (Service of process), in any action or special
44 proceeding described in [subparagraph] CLAUSE (D) and a post office
45 address, within or without the state, to which [the secretary of state]
46 A PERSON shall mail a copy of the process in such action or special
47 proceeding SERVED UPON BY THE SECRETARY OF STATE.

48 S 50. Subparagraph 6 of paragraph (a) of section 1304 of the not-for-
49 profit corporation law, as renumbered by chapter 590 of the laws of
50 1982, is amended to read as follows:

51 (6) A designation of the secretary of state as its agent upon whom
52 process against it may be served and the post office address, within or
53 without this state, to which [the secretary of state] A PERSON shall
54 mail a copy of any process against it served upon [him] THE SECRETARY OF
55 STATE.

1 S 51. Subparagraph 7 of paragraph (a) of section 1308 of the not-for-
2 profit corporation law, as renumbered by chapter 186 of the laws of
3 1983, is amended to read as follows:

4 (7) To specify or change the post office address to which [the secre-
5 tary of state] A PERSON shall mail a copy of any process against it
6 served upon [him] THE SECRETARY OF STATE.

7 S 52. Subparagraph 2 of paragraph (a) and paragraph (c) of section
8 1310 of the not-for-profit corporation law, paragraph (c) as amended by
9 chapter 172 of the laws of 1999, is amended to read as follows:

10 (2) To specify or change the post office address to which [the secre-
11 tary of state] A PERSON shall mail a copy of any process against it
12 served upon [him] THE SECRETARY OF STATE.

13 (c) A certificate of change of application for authority which changes
14 only the post office address to which [the secretary of state] A PERSON
15 shall mail a copy of any process against an authorized foreign corpo-
16 ration served upon [him or] THE SECRETARY OF STATE AND/OR which changes
17 the address of its registered agent, provided such address is the
18 address of a person, partnership, LIMITED LIABILITY COMPANY or other
19 corporation whose address, as agent, is the address to be changed or who
20 has been designated as registered agent for such authorized foreign
21 corporation, may be signed and delivered to the department of state by
22 such agent. The certificate of change of application for authority shall
23 set forth the statements required under subparagraphs (1), (2), (3) and
24 (4) of paragraph (b) of this section; that a notice of the proposed
25 change was mailed by the party signing the certificate to the authorized
26 foreign corporation not less than thirty days prior to the date of
27 delivery to the department and that such corporation has not objected
28 thereto; and that the party signing the certificate is the agent of such
29 foreign corporation to whose address [the secretary of state] A PERSON
30 is required to mail copies of process SERVED ON THE SECRETARY OF STATE
31 or the registered agent, if such be the case. A certificate signed and
32 delivered under this paragraph shall not be deemed to effect a change of
33 location of the office of the corporation in whose behalf such certif-
34 icate is filed.

35 S 53. Subparagraph 6 of paragraph (a) and subparagraph 4 of paragraph
36 (d) of section 1311 of the not-for-profit corporation law are amended to
37 read as follows:

38 (6) A post office address, within or without this state, to which [the
39 secretary of state] A PERSON shall mail a copy of any process against it
40 served upon [him] THE SECRETARY OF STATE.

41 (4) The changed post office address, within or without this state, to
42 which [the secretary of state] A PERSON shall mail a copy of any process
43 against it served upon [him] THE SECRETARY OF STATE.

44 S 54. Section 1312 of the not-for-profit corporation law, as amended
45 by chapter 375 of the laws of 1998, is amended to read as follows:

46 S 1312. Termination of existence.

47 When an authorized foreign corporation is dissolved or its authority
48 or existence is otherwise terminated or cancelled in the jurisdiction of
49 its incorporation or when such foreign corporation is merged into or
50 consolidated with another foreign corporation, a certificate of the
51 secretary of state, or official performing the equivalent function as to
52 corporate records, of the jurisdiction of incorporation of such foreign
53 corporation attesting to the occurrence of any such event or a certified
54 copy of an order or decree of a court of such jurisdiction directing the
55 dissolution of such foreign corporation, the termination of its exist-
56 ence or the cancellation of its authority shall be delivered to the

1 department of state. The filing of the certificate, order or decree
2 shall have the same effect as the filing of a certificate of surrender
3 of authority under section 1311 (Surrender of authority). The secretary
4 of state shall continue as agent of the foreign corporation upon whom
5 process against it may be served in the manner set forth in paragraph
6 (b) of section 306 (Service of process), in any action or special
7 proceeding based upon any liability or obligation incurred by the
8 foreign corporation within this state prior to the filing of such
9 certificate, order or decree and [he] THE PERSON SERVING SUCH PROCESS
10 shall promptly cause a copy of any such process to be mailed by [regis-
11 tered] CERTIFIED mail, return receipt requested, to such foreign corpo-
12 ration at the post office address on file in his office specified for
13 such purpose. The post office address may be changed by signing and
14 delivering to the department of state a certificate of change setting
15 forth the statements required under section 1310 (Certificate of change,
16 contents) to effect a change in the post office address under subpara-
17 graph (a) (4) of section 1308 (Amendments or changes).

18 S 55. Subdivision (c) of section 121-104 of the partnership law, as
19 added by chapter 950 of the laws of 1990, is amended to read as follows:

20 (c) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL A
21 COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT OF A
22 DOMESTIC LIMITED PARTNERSHIP OR FOREIGN LIMITED PARTNERSHIP SHALL BE
23 DEEMED TO BE THE POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS STATE, TO
24 WHICH A PERSON SHALL MAIL THE PROCESS SERVED AGAINST THE LIMITED PART-
25 NERSHIP AS REQUIRED BY THIS ARTICLE. Any designated post office address
26 to which the secretary of state OR A PERSON shall mail a copy of process
27 served upon [him] THE SECRETARY OF STATE as agent of a domestic limited
28 partnership or foreign limited partnership shall continue until the
29 filing of a certificate under this article directing the mailing to a
30 different post office address.

31 S 56. Paragraphs 1, 2 and 3 of subdivision (a) of section 121-104-A of
32 the partnership law, as added by chapter 448 of the laws of 1998, are
33 amended to read as follows:

34 (1) the name of the limited partnership and the date that its [arti-
35 cles of organization] CERTIFICATE OF LIMITED PARTNERSHIP or application
36 for authority was filed by the department of state.

37 (2) that the address of the party has been designated by the limited
38 partnership as the post office address to which [the secretary of state]
39 A PERSON shall mail a copy of any process served on the secretary of
40 state as agent for such limited partnership, and that such party wishes
41 to resign.

42 (3) that sixty days prior to the filing of the certificate of resigna-
43 tion FOR RECEIPT OF PROCESS with the department of state the party has
44 sent a copy of the certificate of resignation for receipt of process by
45 registered or certified mail to the address of the registered agent of
46 the [designated] DESIGNATING limited partnership, if other than the
47 party filing the certificate of resignation[,] for receipt of process,
48 or if the [resigning] DESIGNATING limited partnership has no registered
49 agent, then to the last address of the [designated] DESIGNATING limited
50 partnership, known to the party, specifying the address to which the
51 copy was sent. If there is no registered agent and no known address of
52 the designating limited partnership the party shall attach an affidavit
53 to the certificate stating that a diligent but unsuccessful search was
54 made by the party to locate the limited partnership, specifying what
55 efforts were made.

1 S 57. Subdivision (a) of section 121-105 of the partnership law, as
2 added by chapter 950 of the laws of 1990, is amended to read as follows:

3 (a) In addition to the designation of the secretary of state, each
4 limited partnership or authorized foreign limited partnership may desig-
5 nate a registered agent upon whom process against the limited partner-
6 ship may be served. The agent must be (i) a natural person who is a
7 resident of this state or has a business address in this state, [or]
8 (ii) a domestic corporation or a foreign corporation authorized to do
9 business in this state, OR A DOMESTIC LIMITED LIABILITY COMPANY OR A
10 FOREIGN LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS IN THIS
11 STATE.

12 S 58. Subdivisions (a) and (c) of section 121-109 of the partnership
13 law, as added by chapter 950 of the laws of 1990 and as relettered by
14 chapter 341 of the laws of 1999, are amended to read as follows:

15 (a) Service of process on the secretary of state as agent of a domes-
16 tic or authorized foreign limited partnership, OR OTHER BUSINESS ENTITY
17 THAT HAS DESIGNATED THE SECRETARY OF STATE AS AGENT FOR SERVICE OF PROC-
18 ESS PURSUANT TO THIS CHAPTER, shall be made [as follows:

19 (1) By] BY MAILING THE PROCESS AND NOTICE OF SERVICE OF PROCESS PURSU-
20 ANT TO THIS SECTION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH
21 DOMESTIC OR AUTHORIZED FOREIGN LIMITED PARTNERSHIP OR OTHER BUSINESS
22 ENTITY, AT THE POST OFFICE ADDRESS, ON FILE IN THE DEPARTMENT OF STATE,
23 SPECIFIED FOR THAT PURPOSE. ON THE SAME DAY AS THE PROCESS IS MAILED, A
24 DUPLICATE COPY OF SUCH PROCESS AND PROOF OF MAILING SHALL BE personally
25 [delivering] DELIVERED to and [leaving] LEFT with [him or his] THE
26 SECRETARY OF STATE OR A deputy, or with any person authorized by the
27 secretary of state to receive such service, at the office of the depart-
28 ment of state in the city of Albany, [duplicate copies of such process]
29 together with the statutory fee, which fee shall be a taxable disburse-
30 ment. PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS
31 SECTION. SERVICE OF PROCESS ON SUCH LIMITED PARTNERSHIP OR OTHER BUSI-
32 NESS ENTITY SHALL BE COMPLETE WHEN THE SECRETARY OF STATE IS SO SERVED.

33 [(2) The service on the limited partnership is complete when the
34 secretary of state is so served.

35 (3) The secretary of state shall promptly send one of such copies by
36 certified mail, return receipt requested, addressed to the limited part-
37 nership at the post office address, on file in the department of state,
38 specified for that purpose.]

39 (c) The [secretary of state] DEPARTMENT OF STATE shall keep a record
40 of all process served upon [him] IT under this section and shall record
41 therein the date of such service [and his action with reference there-
42 to]. IT SHALL, UPON REQUEST MADE WITHIN TEN YEARS OF SUCH SERVICE, ISSUE
43 A CERTIFICATE UNDER ITS SEAL CERTIFYING AS TO THE RECEIPT OF THE PROCESS
44 BY AN AUTHORIZED PERSON, THE DATE AND PLACE OF SUCH SERVICE AND THE
45 RECEIPT OF THE STATUTORY FEE. PROCESS SERVED UPON THE SECRETARY OF STATE
46 UNDER THIS CHAPTER SHALL BE DESTROYED BY HIM AFTER A PERIOD OF TEN YEARS
47 FROM SUCH SERVICE.

48 S 59. Paragraph 3 of subdivision (a) and subparagraph 4 of paragraph
49 (i) of subdivision (c) of section 121-201 of the partnership law, para-
50 graph 3 of subdivision (a) as amended by chapter 264 of the laws of
51 1991, and subparagraph 4 of paragraph (i) of subdivision (c), as amended
52 by chapter 44 of the laws of 2006, are amended to read as follows:

53 (3) a designation of the secretary of state as agent of the limited
54 partnership upon whom process against it may be served and the post
55 office address, within or without this state, to which [the secretary of

1 state] A PERSON shall mail a copy of any process against it served upon
2 [him] THE SECRETARY OF STATE;

3 (4) a statement that the secretary of state has been designated as
4 agent of the limited partnership upon whom process against it may be
5 served and the post office address, within or without this state, to
6 which [the secretary of state] A PERSON shall mail a copy of any process
7 against it served upon [him or her] THE SECRETARY OF STATE;

8 S 60. Paragraph 4 of subdivision (b) of section 121-202 of the part-
9 nership law, as amended by chapter 576 of the laws of 1994, is amended
10 to read as follows:

11 (4) a change in the name of the limited partnership, or a change in
12 the post office address to which [the secretary of state] A PERSON shall
13 mail a copy of any process against the limited partnership served on
14 [him] THE SECRETARY OF STATE, or a change in the name or address of the
15 registered agent, if such change is made other than pursuant to section
16 121-104 or 121-105 of this article.

17 S 61. Section 121-202-A of the partnership law, as added by chapter
18 448 of the laws of 1998, and paragraph 2 of subdivision (a) as amended
19 by chapter 172 of the laws of 1999, is amended to read as follows:

20 S 121-202-A. Certificate of change. (a) A certificate of limited part-
21 nership may be changed by filing with the department of state a certif-
22 icate of change entitled "Certificate of Change of (name of limit-
23 ed partnership) under Section 121-202-A of the Revised Limited
24 Partnership Act" and shall be signed and delivered to the department of
25 state. A certificate of change may (i) specify or change the location of
26 the limited partnership's office; (ii) specify or change the post office
27 address to which [the secretary of state] A PERSON shall mail a copy of
28 process against the limited partnership served upon [him] THE SECRETARY
29 OF STATE; and (iii) make, revoke or change the designation of a regis-
30 tered agent, or to specify or change the address of its registered
31 agent. It shall set forth:

32 (1) the name of the limited partnership, and if it has been changed,
33 the name under which it was formed;

34 (2) the date its certificate of limited partnership was filed by the
35 department of state; and

36 (3) each change effected thereby.

37 (b) A certificate of change which changes only the post office address
38 to which [the secretary of state] A PERSON shall mail a copy of any
39 process against a limited partnership served upon [him or] THE SECRETARY
40 OF STATE AND/OR the address of the registered agent, provided such
41 address being changed is the address of a person, partnership, LIMITED
42 LIABILITY CORPORATION or corporation whose address, as agent, is the
43 address to be changed or who has been designated as registered agent for
44 such limited partnership shall be signed and delivered to the department
45 of state by such agent. The certificate of change shall set forth the
46 statements required under subdivision (a) of this section; that a notice
47 of the proposed change was mailed to the domestic limited partnership by
48 the party signing the certificate not less than thirty days prior to the
49 date of delivery to the department of state and that such domestic
50 limited partnership has not objected thereto; and that the party signing
51 the certificate is the agent of such limited partnership to whose
52 address [the secretary of state] A PERSON is required to mail copies of
53 process SERVED ON THE SECRETARY OF STATE or the registered agent, if
54 such be the case. A certificate signed and delivered under this subdivi-
55 sion shall not be deemed to effect a change of location of the office of
56 the limited partnership in whose behalf such certificate is filed.

1 S 62. Paragraph 4 of subdivision (a) and subparagraph 5 of paragraph
2 (i) of subdivision (d) of section 121-902 of the partnership law, para-
3 graph 4 of subdivision (a) as amended by chapter 172 of the laws of 1999
4 and subparagraph 5 of paragraph (i) of subdivision (d) as amended by
5 chapter 44 of the laws of 2006, are amended to read as follows:

6 (4) a designation of the secretary of state as its agent upon whom
7 process against it may be served and the post office address, within or
8 without this state, to which [the secretary of state] A PERSON shall
9 mail a copy of any process against it served upon [him] THE SECRETARY OF
10 STATE;

11 (5) a statement that the secretary of state has been designated as its
12 agent upon whom process against it may be served and the post office
13 address, within or without this state, to which [the secretary of state]
14 A PERSON shall mail a copy of any process against it served upon [him or
15 her] THE SECRETARY OF STATE;

16 S 63. Section 121-903-A of the partnership law, as added by chapter
17 448 of the laws of 1998, is amended to read as follows:

18 S 121-903-A. Certificate of change. (a) A foreign limited partnership
19 may change its application for authority by filing with the department
20 of state a certificate of change entitled "Certificate of Change
21 of (name of limited partnership) under Section 121-903-A of the
22 Revised Limited Partnership Act" and shall be signed and delivered to
23 the department of state. A certificate of change may (i) change the
24 location of the limited partnership's office; (ii) change the post
25 office address to which [the secretary of state] A PERSON shall mail a
26 copy of process against the limited partnership served upon [him] THE
27 SECRETARY OF STATE; and (iii) make, revoke or change the designation of
28 a registered agent, or to specify or change the address of its regis-
29 tered agent. It shall set forth:

30 (1) the name of the foreign limited partnership and, if applicable,
31 the fictitious name the foreign limited partnership has agreed to use in
32 this state pursuant to section 121-902 of this article;

33 (2) the date its application for authority was filed by the department
34 of state; and

35 (3) each change effected thereby.

36 (b) A certificate of change which changes only the post office address
37 to which [the secretary of state] A PERSON shall mail a copy of any
38 process against a foreign limited partnership served upon [him or] THE
39 SECRETARY OF STATE AND/OR the address of the registered agent, provided
40 such address being changed is the address of a person, partnership,
41 LIMITED LIABILITY COMPANY or corporation whose address, as agent, is the
42 address to be changed or who has been designated as registered agent for
43 such foreign limited partnership shall be signed and delivered to the
44 department of state by such agent. The certificate of change shall set
45 forth the statements required under subdivision (a) of this section;
46 that a notice of the proposed change was mailed to the foreign limited
47 partnership by the party signing the certificate not less than thirty
48 days prior to the date of delivery to the department of state and that
49 such foreign limited partnership has not objected thereto; and that the
50 party signing the certificate is the agent of such foreign limited part-
51 nership to whose address [the secretary of state] A PERSON is required
52 to mail copies of process SERVED ON THE SECRETARY OF STATE or the regis-
53 tered agent, if such be the case. A certificate signed and delivered
54 under this subdivision shall not be deemed to effect a change of
55 location of the office of the limited partnership in whose behalf such
56 certificate is filed.

1 S 64. Paragraph 6 of subdivision (b) of section 121-905 of the part-
2 nership law, as added by chapter 950 of the laws of 1990, is amended to
3 read as follows:

4 (6) a post office address, within or without this state, to which [the
5 secretary of state] A PERSON shall mail a copy of any process against it
6 served upon [him] THE SECRETARY OF STATE.

7 S 65. Paragraph 7 of subdivision (a) of section 121-1103 of the part-
8 nership law, as added by chapter 950 of the laws of 1990, is amended to
9 read as follows:

10 (7) A designation of the secretary of state as its agent upon whom
11 process against it may be served in the manner set forth in section
12 121-109 of this article in any action or special proceeding, and a post
13 office address, within or without this state, to which [the secretary of
14 state] A PERSON shall mail a copy of any process served upon [him] THE
15 SECRETARY OF STATE. Such post office address shall supersede any prior
16 address designated as the address to which process shall be mailed.

17 S 66. Subparagraphs 2 and 4 of paragraph (I) of subdivision (a) and
18 clause 4 of subparagraph (A) of paragraph (II) of section 121-1500 of
19 the partnership law, subparagraph 2 of paragraph (I) as added by chapter
20 576 of the laws of 1994, subparagraph 4 of paragraph (I) as amended by
21 chapter 643 of the laws of 1995 and such paragraph as redesignated by
22 chapter 767 of the laws of 2005 and clause 4 of subparagraph (A) of
23 paragraph (II) as amended by chapter 44 of the laws of 2006, are amended
24 to read as follows:

25 (2) the address, WITHIN THIS STATE, of the principal office of the
26 partnership without limited partners;

27 (4) a designation of the secretary of state as agent of the partner-
28 ship without limited partners upon whom process against it may be served
29 and the post office address, within or without this state, to which the
30 [secretary of state] A PERSON shall mail a copy of any process against
31 it or served [upon it] ON THE SECRETARY OF STATE;

32 (4) a statement that the secretary of state has been designated as
33 agent of the registered limited liability partnership upon whom process
34 against it may be served and the post office address, within or without
35 this state, to which [the secretary of state] A PERSON shall mail a copy
36 of any process against it served upon [him or her] THE SECRETARY OF
37 STATE;

38 S 67. Paragraphs (ii) and (iii) of subdivision (g) of section 121-1500
39 of the partnership law, as amended by section 8 of part S of chapter 59
40 of the laws of 2015, are amended to read as follows:

41 (ii) the address, WITHIN THIS STATE, of the principal office of the
42 registered limited liability partnership, (iii) the post office address,
43 within or without this state, to which [the secretary of state] A PERSON
44 shall mail a copy of any process accepted against it served upon [him or
45 her] THE SECRETARY OF STATE, which address shall supersede any previous
46 address on file with the department of state for this purpose, and

47 S 68. Subdivision (j-1) of section 121-1500 of the partnership law, as
48 added by chapter 448 of the laws of 1998, is amended to read as follows:

49 (j-1) A certificate of change which changes only the post office
50 address to which [the secretary of state] A PERSON shall mail a copy of
51 any process against a registered limited liability partnership served
52 upon [him] THE SECRETARY OF STATE AND/or the address of the registered
53 agent, provided such address being changed is the address of a person,
54 partnership, LIMITED LIABILITY COMPANY or corporation whose address, as
55 agent, is the address to be changed or who has been designated as regis-
56 tered agent for such registered limited liability partnership shall be

1 signed and delivered to the department of state by such agent. The
2 certificate of change shall set forth: (i) the name of the registered
3 limited liability partnership and, if it has been changed, the name
4 under which it was originally filed with the department of state; (ii)
5 the date of filing of its initial registration or notice statement;
6 (iii) each change effected thereby; (iv) that a notice of the proposed
7 change was mailed to the limited liability partnership by the party
8 signing the certificate not less than thirty days prior to the date of
9 delivery to the department of state and that such limited liability
10 partnership has not objected thereto; and (v) that the party signing the
11 certificate is the agent of such limited liability partnership to whose
12 address [the secretary of state] A PERSON is required to mail copies of
13 process SERVED ON THE SECRETARY OF STATE or the registered agent, if
14 such be the case. A certificate signed and delivered under this subdivi-
15 sion shall not be deemed to effect a change of location of the office of
16 the limited liability partnership in whose behalf such certificate is
17 filed. The certificate of change shall be accompanied by a fee of five
18 dollars.

19 S 69. Subdivision (a) of section 121-1502 of the partnership law, as
20 amended by chapter 643 of the laws of 1995, and paragraph (v) as amended
21 by chapter 470 of the laws of 1997, are amended to read as follows:

22 (a) In order for a foreign limited liability partnership to carry on
23 or conduct or transact business or activities as a New York registered
24 foreign limited liability partnership in this state, such foreign limit-
25 ed liability partnership shall file with the department of state a
26 notice which shall set forth: (i) the name under which the foreign
27 limited liability partnership intends to carry on or conduct or transact
28 business or activities in this state; (ii) the date on which and the
29 jurisdiction in which it registered as a limited liability partnership;
30 (iii) the address, WITHIN THIS STATE, of the principal office of the
31 foreign limited liability partnership; (iv) the profession or
32 professions to be practiced by such foreign limited liability partner-
33 ship and a statement that it is a foreign limited liability partnership
34 eligible to file a notice under this chapter; (v) a designation of the
35 secretary of state as agent of the foreign limited liability partnership
36 upon whom process against it may be served and the post office address
37 within or without this state, to which [the secretary of state] A PERSON
38 shall mail a copy of any process against it [or] served upon [it] THE
39 SECRETARY OF STATE; (vi) if the foreign limited liability partnership is
40 to have a registered agent, its name and address in this state and a
41 statement that the registered agent is to be the agent of the foreign
42 limited liability partnership upon whom process against it may be
43 served; (vii) a statement that its registration as a limited liability
44 partnership is effective in the jurisdiction in which it registered as a
45 limited liability partnership at the time of the filing of such notice;
46 (viii) a statement that the foreign limited liability partnership is
47 filing a notice in order to obtain status as a New York registered
48 foreign limited liability partnership; (ix) if the registration of the
49 foreign limited liability partnership is to be effective on a date later
50 than the time of filing, the date, not to exceed sixty days from the
51 date of filing, of such proposed effectiveness; and (x) any other
52 matters the foreign limited liability partnership determines to include
53 in the notice. Such notice shall be accompanied by either (1) a copy of
54 the last registration or renewal registration (or similar filing), if
55 any, filed by the foreign limited liability partnership with the juris-
56 diction where it registered as a limited liability partnership or (2) a

1 certificate, issued by the jurisdiction where it registered as a limited
2 liability partnership, substantially to the effect that such foreign
3 limited liability partnership has filed a registration as a limited
4 liability partnership which is effective on the date of the certificate
5 (if such registration, renewal registration or certificate is in a
6 foreign language, a translation thereof under oath of the translator
7 shall be attached thereto). Such notice shall also be accompanied by a
8 fee of two hundred fifty dollars.

9 S 70. Subparagraphs (ii) and (iii) of paragraph (I) of subdivision (f)
10 of section 121-1502 of the partnership law, as amended by section 9 of
11 part S of chapter 59 of the laws of 2015, is amended to read as follows:

12 (ii) the address, WITHIN THIS STATE, of the principal office of the
13 New York registered foreign limited liability partnership, (iii) the
14 post office address, within or without this state, to which [the secre-
15 tary of state] A PERSON shall mail a copy of any process accepted
16 against it served upon [him or her] THE SECRETARY OF STATE, which
17 address shall supersede any previous address on file with the department
18 of state for this purpose, and

19 S 71. Clause 5 of subparagraph (A) of paragraph (II) of subdivision
20 (f) of section 121-1502 of the partnership law, as amended by chapter 44
21 of the laws of 2006, is amended to read as follows:

22 (5) a statement that the secretary of state has been designated as
23 agent of the foreign limited liability partnership upon whom process
24 against it may be served and the post office address, within or without
25 this state, to which [the secretary of state] A PERSON shall mail a copy
26 of any process against it served upon [him or her] THE SECRETARY OF
27 STATE;

28 S 72. Subdivision (i-1) of section 121-1502 of the partnership law, as
29 added by chapter 448 of the laws of 1998, is amended to read as follows:

30 (i-1) A certificate of change which changes only the post office
31 address to which [the secretary of state] A PERSON shall mail a copy of
32 any process against a New York registered foreign limited liability
33 partnership served upon [him] THE SECRETARY OF STATE AND/or the address
34 of the registered agent, provided such address being changed is the
35 address of a person, partnership, LIMITED LIABILITY COMPANY or corpo-
36 ration whose address, as agent, is the address to be changed or who has
37 been designated as registered agent of such registered foreign limited
38 liability partnership shall be signed and delivered to the department of
39 state by such agent. The certificate of change shall set forth: (i) the
40 name of the New York registered foreign limited liability partnership;
41 (ii) the date of filing of its initial registration or notice statement;
42 (iii) each change effected thereby; (iv) that a notice of the proposed
43 change was mailed to the limited liability partnership by the party
44 signing the certificate not less than thirty days prior to the date of
45 delivery to the department of state and that such limited liability
46 partnership has not objected thereto; and (v) that the party signing the
47 certificate is the agent of such limited liability partnership to whose
48 address [the secretary of state] A PERSON is required to mail copies of
49 process SERVED ON THE SECRETARY OF STATE or the registered agent, if
50 such be the case. A certificate signed and delivered under this subdivi-
51 sion shall not be deemed to effect a change of location of the office of
52 the limited liability partnership in whose behalf such certificate is
53 filed. The certificate of change shall be accompanied by a fee of five
54 dollars.

1 S 73. Subdivision (a) of section 121-1505 of the partnership law, as
2 added by chapter 470 of the laws of 1997, is amended and three new
3 subdivisions (d), (e) and (f) are added to read as follows:

4 (a) Service of process on the secretary of state as agent of a regis-
5 tered limited liability partnership OR NEW YORK REGISTERED FOREIGN
6 LIMITED LIABILITY PARTNERSHIP under this article shall be made by MAIL-
7 ING THE PROCESS AND NOTICE OF SERVICE THEREOF BY CERTIFIED MAIL, RETURN
8 RECEIPT REQUESTED, TO SUCH REGISTERED LIMITED LIABILITY PARTNERSHIP OR
9 NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP, AT THE POST
10 OFFICE ADDRESS ON FILE IN THE DEPARTMENT OF STATE SPECIFIED FOR SUCH
11 PURPOSE. ON THE SAME DATE THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY
12 OF SUCH PROCESS AND PROOF OF MAILING TOGETHER WITH THE STATUTORY FEE,
13 WHICH FEE SHALL BE A TAXABLE DISBURSEMENT SHALL BE personally [deliver-
14 ing] DELIVERED to and [leaving] LEFT with the secretary of state or a
15 deputy, or with any person authorized by the secretary of state to
16 receive such service, at the office of the department of state in the
17 city of Albany, [duplicate copies of such process] together with the
18 statutory fee, which fee shall be a taxable disbursement. PROOF OF MAIL-
19 ING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. Service of
20 process on such registered limited liability partnership OR NEW YORK
21 REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP shall be complete when
22 the secretary of state is so served. [The secretary of state shall
23 promptly send one of such copies by certified mail, return receipt
24 requested, to such registered limited liability partnership, at the post
25 office address on file in the department of state specified for such
26 purpose.]

27 (D) THE DEPARTMENT OF STATE SHALL KEEP A RECORD OF EACH PROCESS SERVED
28 UPON THE SECRETARY OF STATE UNDER THIS CHAPTER, INCLUDING THE DATE OF
29 SUCH SERVICE. IT SHALL, UPON REQUEST MADE WITHIN TEN YEARS OF SUCH
30 SERVICE, ISSUE A CERTIFICATE UNDER ITS SEAL CERTIFYING AS TO THE RECEIPT
31 OF THE PROCESS BY AN AUTHORIZED PERSON, THE DATE AND PLACE OF SUCH
32 SERVICE AND THE RECEIPT OF THE STATUTORY FEE. PROCESS SERVED UPON THE
33 SECRETARY OF STATE UNDER THIS CHAPTER SHALL BE DESTROYED BY THE DEPART-
34 MENT OF STATE AFTER A PERIOD OF TEN YEARS FROM SUCH SERVICE.

35 (E) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE
36 SHALL MAIL A COPY OF ANY PROCESS SERVED UPON HIM AS AGENT OF A REGIS-
37 TERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN
38 LIMITED LIABILITY PARTNERSHIP SHALL BE DEEMED TO BE THE POST OFFICE
39 ADDRESS TO WHICH A PERSON SHALL MAIL THE PROCESS SERVED AGAINST THE
40 REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN
41 LIMITED LIABILITY PARTNERSHIP PURSUANT TO THIS ARTICLE.

42 (F) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE
43 OR A PERSON SHALL MAIL ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS
44 AGENT OF A REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGIS-
45 TERED FOREIGN LIMITED LIABILITY PARTNERSHIP SHALL CONTINUE UNTIL THE
46 FILING OF A CERTIFICATE UNDER THIS CHAPTER DIRECTING THE MAILING TO A
47 DIFFERENT POST OFFICE ADDRESS.

48 S 74. Subdivision (b) of section 121-1506 of the partnership law, as
49 added by chapter 448 of the laws of 1998, and paragraph 4 as amended by
50 chapter 172 of the laws of 1999, is amended to read as follows:

51 (b) The party (or the party's legal representative) whose post OFFICE
52 address has been supplied by a limited liability partnership as its
53 address for process may resign. A certificate entitled "Certificate of
54 Resignation for Receipt of Process under Section 121-1506(b) of the
55 Partnership Law" shall be signed by such party and delivered to the
56 department of state. It shall set forth:

1 (1) The name of the limited liability partnership and the date that
2 its certificate of registration was filed by the department of state.

3 (2) That the address of the party has been designated by the limited
4 liability partnership as the post office address to which [the secretary
5 of state] A PERSON shall mail a copy of any process served on the secre-
6 tary of state as agent for such limited liability partnership and that
7 such party wishes to resign.

8 (3) That sixty days prior to the filing of the certificate of resigna-
9 tion with the department of state the party has sent a copy of the
10 certificate of resignation for receipt of process by registered or
11 certified mail to the address of the registered agent of the [desig-
12 nated] DESIGNATING limited liability partnership, if other than the
13 party filing the certificate of resignation, for receipt of process, or
14 if the [resigning] DESIGNATING limited liability partnership has no
15 registered agent, then to the last address of the [designated] DESIGNAT-
16 ING limited liability partnership, known to the party, specifying the
17 address to which the copy was sent. If there is no registered agent and
18 no known address of the designating limited liability partnership the
19 party shall attach an affidavit to the certificate stating that a dili-
20 gent but unsuccessful search was made by the party to locate the limited
21 liability partnership, specifying what efforts were made.

22 (4) That the [designated] DESIGNATING limited liability partnership is
23 required to deliver to the department of state a certificate of amend-
24 ment providing for the designation by the limited liability partnership
25 of a new address and that upon its failure to file such certificate, its
26 authority to do business in this state shall be suspended.

27 S 75. Paragraph 16 of subdivision 1 of section 103 of the private
28 housing finance law, as added by chapter 22 of the laws of 1970, is
29 amended to read as follows:

30 (16) A designation of the secretary of state as agent of the corpo-
31 ration upon whom process against it may be served and the post office
32 address, within or without this state, to which [the secretary of state]
33 A PERSON shall mail a copy of any process against it served upon [him]
34 THE SECRETARY OF STATE.

35 S 76. Subdivision 7 of section 339-n of the real property law, is
36 REPEALED and subdivisions 8 and 9 are renumbered subdivisions 7 and 8.

37 S 77. Subdivision 2 of section 339-s of the real property law, as
38 added by chapter 346 of the laws of 1997, is amended to read as follows:

39 2. [Each such declaration, and any amendment or amendments thereof
40 shall be filed with the department of state] (A) THE BOARD OF MANAGERS
41 FOR EACH CONDOMINIUM SUBJECT TO THIS ARTICLE SHALL FILE WITH THE SECRE-
42 TARY OF STATE A CERTIFICATE, IN WRITING, SIGNED, DESIGNATING THE SECRE-
43 TARY OF STATE AS AGENT OF THE BOARD OF MANAGERS UPON WHOM PROCESS
44 AGAINST IT MAY BE SERVED AND THE POST OFFICE ADDRESS TO WHICH A PERSON
45 SHALL MAIL A COPY OF SUCH PROCESS. THE CERTIFICATE SHALL BE ACCOMPANIED
46 BY A FEE OF SIXTY DOLLARS.

47 (B) ANY BOARD OF MANAGERS MAY CHANGE THE ADDRESS TO WHICH A PERSON
48 SHALL MAIL A COPY OF PROCESS SERVED UPON THE SECRETARY OF STATE, BY
49 FILING A SIGNED CERTIFICATE OF AMENDMENT WITH THE DEPARTMENT OF STATE.
50 SUCH CERTIFICATE SHALL BE ACCOMPANIED BY A FEE OF SIXTY DOLLARS.

51 (C) SERVICE OF PROCESS ON THE SECRETARY OF STATE AS AGENT OF A BOARD
52 OF MANAGERS SHALL BE MADE BY MAILING THE PROCESS AND NOTICE OF SERVICE
53 OF PROCESS PURSUANT TO THIS SECTION BY CERTIFIED MAIL, RETURN RECEIPT
54 REQUESTED, TO SUCH BOARD OF MANAGERS, AT THE POST OFFICE ADDRESS, ON
55 FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. ON THE SAME
56 DAY THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND

1 PROOF OF MAILING SHALL BE PERSONALLY DELIVERED TO AND LEFT WITH THE
2 SECRETARY OF STATE OR A DEPUTY, OR WITH ANY PERSON AUTHORIZED BY THE
3 SECRETARY OF STATE TO RECEIVE SUCH SERVICE, AT THE OFFICE OF THE DEPART-
4 MENT OF STATE IN THE CITY OF ALBANY, A DUPLICATE COPY OF SUCH PROCESS
5 WITH PROOF OF MAILING TOGETHER WITH THE STATUTORY FEE, WHICH SHALL BE A
6 TAXABLE DISBURSEMENT. PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLI-
7 ANCE WITH THIS SECTION. SERVICE OF PROCESS ON A BOARD OF MANAGERS SHALL
8 BE COMPLETE WHEN THE SECRETARY OF STATE IS SO SERVED.

9 (D) AS USED IN THIS ARTICLE, "PROCESS" SHALL MEAN JUDICIAL PROCESS AND
10 ALL ORDERS, DEMANDS, NOTICES OR OTHER PAPERS REQUIRED OR PERMITTED BY
11 LAW TO BE PERSONALLY SERVED ON A BOARD OF MANAGERS, FOR THE PURPOSE OF
12 ACQUIRING JURISDICTION OF SUCH BOARD OF MANAGERS IN ANY ACTION OR
13 PROCEEDING, CIVIL OR CRIMINAL, WHETHER JUDICIAL, ADMINISTRATIVE, ARBI-
14 TRATIVE OR OTHERWISE, IN THIS STATE OR IN THE FEDERAL COURTS SITTING IN
15 OR FOR THIS STATE.

16 (E) NOTHING IN THIS SECTION SHALL AFFECT THE RIGHT TO SERVE PROCESS IN
17 ANY OTHER MANNER PERMITTED BY LAW.

18 (F) THE DEPARTMENT OF STATE SHALL KEEP A RECORD OF EACH PROCESS SERVED
19 UNDER THIS SECTION, INCLUDING THE DATE OF SERVICE. IT SHALL, UPON
20 REQUEST, MADE WITHIN TEN YEARS OF SUCH SERVICE, ISSUE A CERTIFICATE
21 UNDER ITS SEAL CERTIFYING AS TO THE RECEIPT OF PROCESS BY AN AUTHORIZED
22 PERSON, THE DATE AND PLACE OF SUCH SERVICE AND THE RECEIPT OF THE STATU-
23 TORY FEE. PROCESS SERVED ON THE SECRETARY OF STATE UNDER THIS SECTION
24 SHALL BE DESTROYED BY THE DEPARTMENT OF STATE AFTER A PERIOD OF TEN
25 YEARS FROM SUCH SERVICE.

26 (G) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE
27 SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS
28 AGENT OF THE BOARD OF MANAGERS FILED WITH THE DEPARTMENT OF STATE PURSU-
29 ANT TO THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL
30 BE DEEMED TO BE THE POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL THE
31 PROCESS AGAINST THE BOARD OF MANAGERS PURSUANT TO THIS ARTICLE. ANY
32 DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE OR A
33 PERSON SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF
34 STATE AS AGENT OF A BOARD OF MANAGERS, SHALL CONTINUE UNTIL THE FILING
35 OF A CERTIFICATE UNDER THIS CHAPTER DIRECTING THE MAILING TO A DIFFERENT
36 POST OFFICE ADDRESS.

37 S 78. Subdivisions 3 and 4 of section 442-g of the real property law,
38 as amended by chapter 482 of the laws of 1963, are amended to read as
39 follows:

40 3. Service of such process upon the secretary of state shall be made
41 by personally delivering to and leaving with [him or his] THE SECRETARY
42 OF STATE OR A deputy, or with any person authorized by the secretary of
43 state to receive such service, at the office of the department of state
44 in the city of Albany, [duplicate copies] A COPY of such process AND
45 PROOF OF MAILING together with a fee of five dollars if the action is
46 solely for the recovery of a sum of money not in excess of two hundred
47 dollars and the process is so endorsed, and a fee of ten dollars in any
48 other action or proceeding, which fee shall be a taxable disbursement.
49 If such process is served upon behalf of a county, city, town or
50 village, or other political subdivision of the state, the fee to be paid
51 to the secretary of state shall be five dollars, irrespective of the
52 amount involved or the nature of the action on account of which such
53 service of process is made. [If the cost of registered mail for trans-
54 mitting a copy of the process shall exceed two dollars, an additional
55 fee equal to such excess shall be paid at the time of the service of
56 such process.] PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH

1 THIS SECTION. Proof of service shall be by affidavit of compliance with
2 this subdivision filed by or on behalf of the plaintiff together with
3 the process, within ten days after such service, with the clerk of the
4 court in which the action or special proceeding is pending. Service
5 made as provided in this section shall be complete ten days after such
6 papers are filed with the clerk of the court and shall have the same
7 force and validity as if served on him personally within the state and
8 within the territorial jurisdiction of the court from which the process
9 issues.

10 4. The [secretary of state] PERSON SERVING SUCH PROCESS shall [prompt-
11 ly] send [one of] such [copies] PROCESS by [registered] CERTIFIED mail,
12 return receipt requested, to the nonresident broker or nonresident
13 salesman at the post office address of his main office as set forth in
14 the last application filed by him.

15 S 79. Subdivision 2 of section 203 of the tax law, as amended by chap-
16 ter 100 of the laws of 1964, is amended to read as follows:

17 2. Every foreign corporation (other than a moneyed corporation)
18 subject to the provisions of this article, except a corporation having a
19 certificate of authority [under section two hundred twelve of the gener-
20 al corporation law] or having authority to do business by virtue of
21 section thirteen hundred five of the business corporation law, shall
22 file in the department of state a certificate of designation in its
23 corporate name, signed and acknowledged by its president or a vice-pre-
24 sident or its secretary or treasurer, under its corporate seal, desig-
25 nating the secretary of state as its agent upon whom process in any
26 action provided for by this article may be served within this state, and
27 setting forth an address to which [the secretary of state] A PERSON
28 shall mail a copy of any such process against the corporation which may
29 be served upon [him] THE SECRETARY OF STATE. In case any such corpo-
30 ration shall have failed to file such certificate of designation, it
31 shall be deemed to have designated the secretary of state as its agent
32 upon whom such process against it may be served; and until a certificate
33 of designation shall have been filed the corporation shall be deemed to
34 have directed [the secretary of state] A PERSON SERVING PROCESS to mail
35 copies of process served upon [him] THE SECRETARY OF STATE to the corpo-
36 ration at its last known office address within or without the state.
37 When a certificate of designation has been filed by such corporation
38 [the secretary of state] A PERSON SERVING PROCESS shall mail copies of
39 process thereafter served upon [him] THE SECRETARY OF STATE to the
40 address set forth in such certificate. Any such corporation, from time
41 to time, may change the address to which [the secretary of state] A
42 PERSON is directed to mail copies of process, by filing a certificate to
43 that effect executed, signed and acknowledged in like manner as a
44 certificate of designation as herein provided. Service of process upon
45 any such corporation or upon any corporation having a certificate of
46 authority [under section two hundred twelve of the general corporation
47 law] or having authority to do business by virtue of section thirteen
48 hundred five of the business corporation law, in any action commenced at
49 any time pursuant to the provisions of this article, may be made by
50 either (1) personally delivering to and leaving with the secretary of
51 state, a deputy secretary of state or with any person authorized by the
52 secretary of state to receive such service [duplicate copies] A COPY
53 thereof at the office of the department of state in the city of Albany,
54 in which event [the secretary of state] A PERSON SERVING SUCH PROCESS
55 shall forthwith send by [registered] CERTIFIED mail, return receipt
56 requested, [one of such copies] A DUPLICATE COPY to the corporation at

1 the address designated by it or at its last known office address within
2 or without the state, or (2) personally delivering to and leaving with
3 the secretary of state, a deputy secretary of state or with any person
4 authorized by the secretary of state to receive such service, a copy
5 thereof at the office of the department of state in the city of Albany
6 and by delivering a copy thereof to, and leaving such copy with, the
7 president, vice-president, secretary, assistant secretary, treasurer,
8 assistant treasurer, or cashier of such corporation, or the officer
9 performing corresponding functions under another name, or a director or
10 managing agent of such corporation, personally without the state. Proof
11 of such personal service without the state shall be filed with the clerk
12 of the court in which the action is pending within thirty days after
13 such service, and such service shall be complete ten days after proof
14 thereof is filed.

15 S 80. Section 216 of the tax law, as added by chapter 415 of the laws
16 of 1944, the opening paragraph as amended by chapter 100 of the laws of
17 1964 and redesignated by chapter 613 of the laws of 1976, is amended to
18 read as follows:

19 S 216. Collection of taxes. Every foreign corporation (other than a
20 moneyed corporation) subject to the provisions of this article, except a
21 corporation having a certificate of authority [under section two hundred
22 twelve of the general corporation law] or having authority to do busi-
23 ness by virtue of section thirteen hundred five of the business corpo-
24 ration law, shall file in the department of state a certificate of
25 designation in its corporate name, signed and acknowledged by its presi-
26 dent or a vice-president or its secretary or treasurer, under its corpo-
27 rate seal, designating the secretary of state as its agent upon whom
28 process in any action provided for by this article may be served within
29 this state, and setting forth an address to which [the secretary of
30 state] A PERSON shall mail a copy of any such process against the corpo-
31 ration which may be served upon him. In case any such corporation shall
32 have failed to file such certificate of designation, it shall be deemed
33 to have designated the secretary of state as its agent upon whom such
34 process against it may be served; and until a certificate of designation
35 shall have been filed the corporation shall be deemed to have directed
36 [the secretary of state] A PERSON to mail [copies] A COPY of process
37 served upon [him] THE SECRETARY OF STATE to the corporation at its last
38 known office address within or without the state. When a certificate of
39 designation has been filed by such corporation [the secretary of state]
40 A PERSON SERVING SUCH PROCESS shall mail [copies] A COPY of process
41 thereafter served upon [him] PERSON SERVING SUCH PROCESS to the address
42 set forth in such certificate. Any such corporation, from time to time,
43 may change the address to which [the secretary of state] PERSON is
44 directed to mail copies of process, by filing a certificate to that
45 effect executed, signed and acknowledged in like manner as a certificate
46 of designation as herein provided. Service of process upon any such
47 corporation or upon any corporation having a certificate of authority
48 [under section two hundred twelve of the general corporation law] or
49 having authority to do business by virtue of section thirteen hundred
50 five of the business corporation law, in any action commenced at any
51 time pursuant to the provisions of this article, may be made by either
52 (1) personally delivering to and leaving with the secretary of state, a
53 deputy secretary of state or with any person authorized by the secretary
54 of state to receive such service [duplicate copies] A COPY thereof at
55 the office of the department of state in the city of Albany, in which
56 event [the secretary of state] A PERSON SERVING SUCH PROCESS shall

1 forthwith send by [registered] CERTIFIED mail, return receipt requested,
2 [one of such copies] A DUPLICATE COPY to the corporation at the address
3 designated by it or at its last known office address within or without
4 the state, or (2) personally delivering to and leaving with the secre-
5 tary of state, a deputy secretary of state or with any person authorized
6 by the secretary of state to receive such service, a copy thereof at the
7 office of the department of state in the city of Albany and by deliver-
8 ing a copy thereof to, and leaving such copy with, the president, vice-
9 president, secretary, assistant secretary, treasurer, assistant treasur-
10 er, or cashier of such corporation, or the officer performing
11 corresponding functions under another name, or a director or managing
12 agent of such corporation, personally without the state. Proof of such
13 personal service without the state shall be filed with the clerk of the
14 court in which the action is pending within thirty days after such
15 service, and such service shall be complete ten days after proof thereof
16 is filed.

17 S 81. Subdivisions (a) and (b) of section 310 of the tax law, as added
18 by chapter 400 of the laws of 1983, is amended to read as follows:

19 (a) Designation for service of process.--Every petroleum business
20 which is a corporation, except such a petroleum business having a
21 certificate of authority [under section two hundred twelve of the gener-
22 al corporation law] or having authority to do business by virtue of
23 section thirteen hundred five of the business corporation law, shall
24 file in the department of state a certificate of designation in its
25 corporate name, signed and acknowledged by its president or vice-presi-
26 dent or its secretary or treasurer, under its corporate seal, designat-
27 ing the secretary of state as its agent upon whom process in any action
28 provided for by this article may be served within this state, and
29 setting forth an address to which [the secretary of state] A PERSON
30 shall mail a copy of any such process against such petroleum business
31 which may be served upon [him] THE SECRETARY OF STATE. In case any such
32 petroleum business shall have failed to file such certificate of desig-
33 nation, it shall be deemed to have designated the secretary of state as
34 its agent upon whom such process against it may be served; and until a
35 certificate of designation shall have been filed such a petroleum busi-
36 ness shall be deemed to have directed [the secretary of state] A PERSON
37 to mail copies of process served upon [him] THE SECRETARY OF STATE to
38 such petroleum business at its last known office address within or with-
39 out the state. When a certificate of designation has been filed by such
40 a petroleum business [the secretary of state] A PERSON SERVING PROCESS
41 shall mail copies of process thereafter served upon [him] THE SECRETARY
42 OF STATE to the address set forth in such certificate. Any such petrole-
43 um business, from time to time, may change the address to which [the
44 secretary of state] A PERSON is directed to mail copies of process, by
45 filing a certificate to that effect executed, signed and acknowledged in
46 like manner as a certificate of designation as herein provided.

47 (b) Service of process.--Service of process upon any petroleum busi-
48 ness which is a corporation (including any such petroleum business
49 having a certificate of authority [under section two hundred twelve of
50 the general corporation law] or having authority to do business by
51 virtue of section thirteen hundred five of the business corporation
52 law), in any action commenced at any time pursuant to the provisions of
53 this article, may be made by either (1) personally delivering to and
54 leaving with the secretary of state, a deputy secretary of state or with
55 any person authorized by the secretary of state to receive such service
56 [duplicate copies] A COPY thereof at the office of the department of

1 state in the city of Albany, in which event [the secretary of state] A
2 PERSON SERVING PROCESS shall forthwith send by [registered] CERTIFIED
3 mail, return receipt requested, [one of such copies] A DUPLICATE COPY to
4 such petroleum business at the address designated by it or at its last
5 known office address within or without the state, or (2) personally
6 delivering to and leaving with the secretary of state, a deputy secre-
7 tary of state or with any person authorized by the secretary of state to
8 receive such service, a copy thereof at the office of the department of
9 state in the city of Albany and by delivering a copy thereof to, and
10 leaving such copy with, the president, vice-president, secretary,
11 assistant secretary, treasurer, assistant treasurer, or cashier of such
12 petroleum business, or the officer performing corresponding functions
13 under another name, or a director or managing agent of such petroleum
14 business, personally without the state. Proof of such personal service
15 without the state shall be filed with the clerk of the court in which
16 the action is pending within thirty days after such service, and such
17 service shall be complete ten days after proof thereof is filed.
18 S 82. This act shall take effect on the one hundred twentieth day
19 after it shall have become a law.

20 PART O

21 Section 1. Chapter 912 of the laws of 1920 relating to the regulation
22 of boxing, sparring, and wrestling is REPEALED.

23 S 2. Article 40 and sections 900 and 901 of the general business law,
24 as renumbered by chapter 407 of the laws of 1973, are renumbered article
25 43 and sections 1200 and 1201, respectively, and a new article 41 is
26 added to read as follows:

27 ARTICLE 41
28 COMBATIVE SPORTS

29 SECTION 1000. DEFINITIONS.
30 1001. COMBATIVE SPORTS AUTHORIZED.
31 1002. COMBATIVE SPORTS PROHIBITED.
32 1003. STATE ATHLETIC COMMISSION.
33 1004. JURISDICTION OF THE COMMISSION.
34 1005. OFFICERS AND EMPLOYEES OF THE COMMISSION.
35 1006. SANCTIONING ENTITIES.
36 1007. LICENSES; GENERAL PROVISIONS.
37 1008. LICENSES; JUDGES.
38 1009. LICENSES; ENTITIES.
39 1010. LICENSES; PROFESSIONALS.
40 1011. TEMPORARY WORKING PERMITS.
41 1012. TEMPORARY TRAINING FACILITIES.
42 1013. MEDICAL ADVISORY BOARD.
43 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.
44 1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.
45 1016. REQUIRED FILINGS.
46 1017. PROFESSIONAL WRESTLING; PROMOTERS.
47 1018. PROHIBITED CONDUCT.
48 1019. PENALTIES.
49 1020. SUBPOENAS BY COMMISSION; OATHS.
50 1021. EXCEPTIONS.
51 1022. DISPOSITION OF RECEIPTS.

52 S 1000. DEFINITIONS. AS USED IN THIS ARTICLE: 1. "AMATEUR" MEANS ANY
53 PARTICIPANT IN A COMBATIVE SPORT AUTHORIZED PURSUANT TO THIS ARTICLE WHO
54 IS NOT RECEIVING OR COMPETING FOR, AND WHO HAS NEVER RECEIVED OR

1 COMPETED FOR, ANY PURSE, MONEY, PRIZE, PECUNIARY GAIN, OR OTHER THING OF
2 VALUE EXCEEDING SEVENTY-FIVE DOLLARS OR THE ALLOWABLE AMOUNT ESTABLISHED
3 BY THE AUTHORIZED AMATEUR SANCTIONING ENTITY OVERSEEING THE COMPETITION.

4 2. "AUTHORIZED SANCTIONING ENTITY" MEANS AN ENTITY ALLOWED TO OVERSEE
5 AND CONDUCT COMBATIVE SPORTS PURSUANT TO REGULATIONS PROMULGATED BY THE
6 COMMISSION.

7 3. "COMBATIVE SPORT" MEANS ANY UNARMED BOUT, CONTEST, COMPETITION,
8 MATCH, OR EXHIBITION UNDERTAKEN TO ENTERTAIN AN AUDIENCE, WHEREIN THE
9 PARTICIPANTS PRIMARILY GRAPPLE OR WRESTLE, OR DELIVER BLOWS OF ANY KIND
10 TO, OR USE FORCE IN ANY WAY TO MANIPULATE, THE BODY OF ANOTHER PARTIC-
11 IPANT, AND WHEREIN THE OUTCOME AND SCORE DEPEND ENTIRELY ON SUCH ACTIV-
12 ITIES.

13 4. "COMMISSION" MEANS THE STATE ATHLETIC COMMISSION AS PROVIDED FOR IN
14 SECTION ONE THOUSAND THREE OF THIS ARTICLE, OR AN AGENT OR EMPLOYEE OF
15 THE STATE ATHLETIC COMMISSION ACTING ON ITS BEHALF.

16 5. "MIXED MARTIAL ARTS" MEANS A COMBATIVE SPORT WHEREIN THE RULES OF
17 ENGAGEMENT DO NOT LIMIT THE PARTICIPANTS TO A SINGLE, SYSTEMATIC, FIGHT-
18 ING DISCIPLINE.

19 6. "PROFESSIONAL" MEANS ANY PARTICIPANT IN A COMBATIVE SPORT AUTHOR-
20 IZED PURSUANT TO THIS ARTICLE, OTHER THAN AN AMATEUR, WHO IS RECEIVING
21 OR COMPETING FOR, OR WHO HAS EVER RECEIVED OR COMPETED FOR, ANY PURSE,
22 MONEY, PRIZE, PECUNIARY GAIN, OR OTHER THING EXCEEDING SEVENTY-FIVE
23 DOLLARS IN VALUE.

24 S 1001. COMBATIVE SPORTS AUTHORIZED. COMBATIVE SPORTS CONDUCTED UNDER
25 THE SUPERVISION OF THE COMMISSION, UNDER THE SUPERVISION OF AN AUTHOR-
26 IZED SANCTIONING ENTITY, OR AS PROVIDED FOR IN SECTION ONE THOUSAND
27 TWENTY-ONE OF THIS ARTICLE, ARE HEREBY AUTHORIZED. AUTHORIZED COMBATIVE
28 SPORTS INCLUDE, AMATEUR AND PROFESSIONAL BOXING, WRESTLING, SPARRING,
29 KICK BOXING, SINGLE DISCIPLINE MARTIAL ARTS AND MIXED MARTIAL ARTS,
30 PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

31 S 1002. COMBATIVE SPORTS PROHIBITED. 1. THE CONDUCT OF COMBATIVE
32 SPORTS OUTSIDE THE SUPERVISION OF THE COMMISSION OR AN AUTHORIZED SANC-
33 TIONING ENTITY IS PROHIBITED.

34 2. A PERSON ADVANCES A PROHIBITED COMBATIVE SPORT WHEN, ACTING OTHER
35 THAN AS A SPECTATOR, HE OR SHE ENGAGES IN CONDUCT WHICH MATERIALLY AID
36 ANY UNAUTHORIZED COMBATIVE SPORT. SUCH CONDUCT INCLUDES BUT IS NOT
37 LIMITED TO CONDUCT DIRECTED TOWARD THE CREATION, ESTABLISHMENT OR
38 PERFORMANCE OF A PROHIBITED COMBATIVE SPORT, TOWARD THE ACQUISITION OR
39 MAINTENANCE OF PREMISES, PARAPHERNALIA, EQUIPMENT OR APPARATUS THEREFOR,
40 TOWARD THE SOLICITATION OR INDUCEMENT OF PERSONS TO ATTEND OR PARTIC-
41 IPATE THEREIN, TOWARD THE ACTUAL CONDUCT OF THE PERFORMANCE THEREOF,
42 TOWARD THE ARRANGEMENT OF ANY OF ITS FINANCIAL OR PROMOTIONAL PHASES, OR
43 TOWARD ANY OTHER PHASE OF A PROHIBITED COMBATIVE SPORT. ONE ADVANCES A
44 PROHIBITED COMBATIVE SPORT WHEN, HAVING SUBSTANTIAL PROPRIETARY OR OTHER
45 AUTHORITATIVE CONTROL OVER PREMISES BEING USED WITH HIS OR HER KNOWLEDGE
46 FOR PURPOSES OF A PROHIBITED COMBATIVE SPORT, HE OR SHE PERMITS SUCH TO
47 OCCUR OR CONTINUE OR MAKES NO EFFORT TO PREVENT ITS OCCURRENCE OR
48 CONTINUATION.

49 3. A PERSON PROFITS FROM A PROHIBITED COMBATIVE SPORT WHEN HE OR SHE
50 ACCEPTS OR RECEIVES MONEY OR OTHER PROPERTY WITH INTENT TO PARTICIPATE
51 IN THE PROCEEDS OF A PROHIBITED COMBATIVE SPORT, OR PURSUANT TO AN
52 AGREEMENT OR UNDERSTANDING WITH ANY PERSON WHEREBY HE OR SHE PARTIC-
53 IPATES OR IS TO PARTICIPATE IN THE PROCEEDS OF A PROHIBITED COMBATIVE
54 SPORT.

55 S 1003. STATE ATHLETIC COMMISSION. 1. THE STATE ATHLETIC COMMISSION,
56 AS NAMED BY CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED

1 TWENTY, AS AMENDED BY CHAPTER SIX HUNDRED THREE OF THE LAWS OF NINETEEN
2 HUNDRED EIGHTY-ONE, IS CONTINUED AS A DIVISION OF THE DEPARTMENT OF
3 STATE. THE COMMISSION SHALL ACT IN THE BEST INTERESTS OF COMBATIVE
4 SPORTS. THE COMMISSION IS ENACTED TO PROTECT THE HEALTH, SAFETY AND
5 GENERAL WELFARE OF ALL PARTICIPANTS IN COMBATIVE SPORTS AND SPECTATORS
6 THEREOF, TO PRESERVE THE INTEGRITY OF COMBATIVE SPORTS THROUGH THE MEANS
7 OF LICENSING, OVERSIGHT, ENFORCEMENT AND THE AUTHORIZATION OF SANCTION-
8 ING ENTITIES, AND TO FACILITATE THE DEVELOPMENT AND RESPONSIBLE CONDUCT
9 OF COMBATIVE SPORTS THROUGHOUT THE ENTIRE STATE. THE COMMISSION SHALL
10 CONSIST OF FIVE MEMBERS WHO SHALL BE APPOINTED BY THE GOVERNOR BY AND
11 WITH THE ADVICE AND CONSENT OF THE SENATE. THE GOVERNOR SHALL DESIGNATE
12 ONE OF THE MEMBERS AS CHAIRPERSON OF THE COMMISSION. THE MEMBERS OF THE
13 COMMISSION SHALL BE APPOINTED FOR TERMS OF THREE YEARS. ANY VACANCY IN
14 THE MEMBERSHIP OF THE COMMISSION CAUSED OTHERWISE THAN BY EXPIRATION OF
15 TERM SHALL BE FILLED ONLY FOR THE BALANCE OF THE TERM OF THE MEMBER IN
16 WHOSE POSITION THE VACANCY OCCURS.

17 2. THE COMMISSIONERS SHALL BE PAID THEIR ACTUAL AND NECESSARY TRAVEL-
18 ING AND OTHER EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR
19 OFFICIAL DUTIES. THE MEMBERS OF THE COMMISSION SHALL ADOPT A SEAL FOR
20 THE COMMISSION, AND MAKE SUCH RULES FOR THE ADMINISTRATION OF THEIR
21 OFFICE, NOT INCONSISTENT HERewith, AS THEY MAY DEEM EXPEDIENT; AND THEY
22 MAY AMEND OR ABROGATE SUCH RULES. THREE OF THE MEMBERS OF THE COMMISSION
23 SHALL CONSTITUTE A QUORUM TO DO BUSINESS; AND THE CONCURRENCE OF A
24 MAJORITY OF THE COMMISSIONERS PRESENT SHALL BE NECESSARY TO RENDER A
25 DETERMINATION BY THE COMMISSION. THE COMMISSION IS VESTED WITH THE
26 AUTHORITY TO ADOPT SUCH RULES AND REGULATIONS AS NECESSARY TO EFFECTUATE
27 THE PROVISIONS OF THIS ARTICLE.

28 S 1004. JURISDICTION OF THE COMMISSION. THE COMMISSION SHALL HAVE AND
29 IS HEREBY VESTED WITH THE SOLE DIRECTION, MANAGEMENT, CONTROL AND JURIS-
30 DICTION OVER: 1. ALL AUTHORIZED COMBATIVE SPORTS;

31 2. ALL LICENSES OR PERMITS GRANTED BY THE COMMISSION TO ANY AND ALL
32 PERSONS OR ENTITIES WHO PARTICIPATE IN AUTHORIZED COMBATIVE SPORTS;

33 3. ALL DETERMINATIONS REGARDING THE AUTHORIZATION OF AMATEUR AND
34 PROFESSIONAL SANCTIONING ENTITIES;

35 4. ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAIN-
36 TAIN TRAINING FACILITIES TO PREPARE PERSONS FOR PARTICIPATION IN AUTHOR-
37 IZED PROFESSIONAL COMBATIVE SPORTS;

38 5. THE PROMOTION OF PROFESSIONAL WRESTLING EXHIBITIONS TO THE EXTENT
39 PROVIDED FOR IN THIS ARTICLE; AND

40 6. ALL CONTRACTS DIRECTLY RELATED TO THE CONDUCT OF AUTHORIZED PROFES-
41 SIONAL COMBATIVE SPORTS IN THE STATE OF NEW YORK.

42 7. ALL DISCLOSURES TO THE COMMISSION SHALL BE DEEMED CONFIDENTIAL.

43 S 1005. OFFICERS AND EMPLOYEES OF THE COMMISSION. THE SECRETARY OF
44 STATE MAY APPOINT, AND AT HIS OR HER PLEASURE REMOVE, AN EXECUTIVE
45 DIRECTOR, DEPUTIES, OFFICERS, INSPECTORS, PHYSICIANS AND ANY SUCH OTHER
46 EMPLOYEES AS MAY BE NECESSARY TO ADMINISTER THE PROVISIONS OF THIS ARTI-
47 CLE AND FIX THEIR SALARIES WITHIN THE AMOUNT APPROPRIATED THEREFOR.

48 S 1006. SANCTIONING ENTITIES. 1. THE COMMISSION SHALL PROMULGATE REGU-
49 LATIONS ESTABLISHING A PROCESS BY WHICH ENTITIES MAY BE RECOGNIZED AND
50 APPROVED BY THE COMMISSION AS AUTHORIZED SANCTIONING ENTITIES FOR A
51 PERIOD OF TIME TO BE ESTABLISHED BY THE COMMISSION, DURING WHICH THE
52 ENTITY WILL BE ALLOWED TO OVERSEE AND CONDUCT COMBATIVE SPORTS WITHIN
53 THE STATE OF NEW YORK. THE COMMISSION MAY, IN ITS REASONABLE DISCRETION,
54 LIMIT THE SCOPE OF ANY RECOGNITION AND APPROVAL OF A SANCTIONING ENTITY
55 TO THE OVERSIGHT AND CONDUCT OF ONE OR MORE SPECIFIC COMBAT DISCIPLINES,
56 AMATEUR OR PROFESSIONAL COMBATIVE SPORTS, OR TO ANY COMBINATION OF THE

1 FOREGOING BASED ON THE QUALIFICATIONS, INTEGRITY AND HISTORY OF THE
2 ENTITY SEEKING AUTHORIZATION AS A SANCTIONING ENTITY.

3 2. THE COMMISSION SHALL EVALUATE FACTORS INCLUDING BUT NOT LIMITED TO:

4 (A) THE ENTITY'S STATED MISSION AND PRIMARY PURPOSE;

5 (B) WHETHER THE ENTITY REQUIRES PARTICIPANTS IN COMBATIVE SPORTS TO
6 USE HAND, FOOT AND GROIN PROTECTION;

7 (C) WHETHER THE ENTITY HAS AN ESTABLISHED SET OF RULES THAT REQUIRES
8 THE IMMEDIATE TERMINATION OF ANY COMBATIVE SPORT WHEN ANY PARTICIPANT
9 HAS ENDURED SEVERE PUNISHMENT OR IS IN DANGER OF SUFFERING SERIOUS PHYS-
10 ICAL INJURY; AND

11 (D) WHETHER THE ENTITY HAS ESTABLISHED PROTOCOLS TO EFFECTUATE THE
12 APPROPRIATE AND TIMELY MEDICAL TREATMENT OF INJURED PERSONS.

13 S 1007. LICENSES; GENERAL PROVISIONS. 1. EXCEPT AS OTHERWISE PROVIDED
14 IN SECTIONS ONE THOUSAND SIX, ONE THOUSAND ELEVEN, AND ONE THOUSAND
15 SEVENTEEN OF THIS ARTICLE, WITH RESPECT TO ALL AUTHORIZED PROFESSIONAL
16 COMBATIVE SPORTS IN THIS STATE, ALL CORPORATIONS, ENTITIES, PERSONS,
17 REFEREES, JUDGES, MATCH-MAKERS, TIMEKEEPERS, PROFESSIONALS, AND THEIR
18 MANAGERS, TRAINERS, AND SECONDS SHALL BE LICENSED BY THE COMMISSION. NO
19 SUCH CORPORATION, ENTITY OR PERSON SHALL BE PERMITTED TO PARTICIPATE,
20 EITHER DIRECTLY OR INDIRECTLY, IN ANY AUTHORIZED PROFESSIONAL COMBATIVE
21 SPORT, OR THE HOLDING THEREOF, OR THE OPERATION OF ANY TRAINING FACILITY
22 PROVIDING CONTACT SPARRING MAINTAINED EITHER EXCLUSIVELY OR IN PART FOR
23 THE USE OF PROFESSIONAL BOXERS OR PROFESSIONAL MIXED MARTIAL ARTS
24 PARTICIPANTS, UNLESS SUCH CORPORATION OR PERSONS SHALL HAVE FIRST
25 PROCURED A LICENSE FROM THE COMMISSION. THE COMMISSION SHALL ESTABLISH
26 BY RULE AND REGULATION LICENSING STANDARDS FOR ALL LICENSEES.

27 2. EVERY APPLICATION FOR A LICENSE SHALL BE IN A FORM PRESCRIBED BY
28 THE COMMISSION, SHALL BE ADDRESSED TO THE COMMISSION, SHALL BE
29 SUBSCRIBED BY THE APPLICANT, AND AFFIRMED BY HIM OR HER AS TRUE UNDER
30 THE PENALTIES OF PERJURY, AND SHALL SET FORTH SUCH FACTS AS THE
31 PROVISIONS HEREOF AND THE RULES AND REGULATIONS OF THE COMMISSION MAY
32 REQUIRE.

33 3. (A) THE COMMISSION SHALL ESTABLISH REASONABLE FEES, TERMS AND
34 RENEWAL TERMS FOR LICENSES, PERMITS AND OTHER AUTHORIZATIONS ISSUED
35 PURSUANT TO THIS ARTICLE, PROVIDED, HOWEVER, THAT ALL TERMS, RENEWAL
36 TERMS AND FEES IN EFFECT PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE
37 LAWS OF NINETEEN HUNDRED TWENTY, AND ANY SUBSEQUENT AMENDMENTS THERETO,
38 IMMEDIATELY PRIOR TO THE ENACTMENT OF THIS ARTICLE, SHALL REMAIN FIXED
39 AT THEIR PRIOR STATUTORY LEVELS FOR A PERIOD OF TWO YEARS FROM ENACTMENT
40 OF THIS ARTICLE. THE COMMISSION SHALL PUBLISH ALL FEES, INCLUDING THE
41 AFOREMENTIONED, IN A SINGLE LOCATION ON ITS WEBSITE. ALL FEES SET BY THE
42 COMMISSION PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE APPROVAL OF
43 THE DIRECTOR OF THE BUDGET.

44 (B) WITH RESPECT TO THE FEES ESTABLISHED BY THE COMMISSION PURSUANT TO
45 PARAGRAPH (A) OF THIS SUBDIVISION, WHEN SUCH FEES ARE PAYABLE IN
46 RELATION TO AUTHORIZED COMBATIVE SPORTS CONSTITUTING MIXED MARTIAL ARTS,
47 THE FOLLOWING SHALL APPLY:

48 (I) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS NOT
49 MORE THAN TWO THOUSAND FIVE HUNDRED, THE PROMOTER SHALL PAY NOT MORE
50 THAN FIVE HUNDRED DOLLARS;

51 (II) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS
52 GREATER THAN TWO THOUSAND FIVE HUNDRED, BUT NOT MORE THAN FIVE THOUSAND,
53 THE PROMOTER SHALL PAY NOT MORE THAN ONE THOUSAND DOLLARS;

54 (III) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS
55 GREATER THAN FIVE THOUSAND, BUT NOT MORE THAN FIFTEEN THOUSAND, THE
56 PROMOTER SHALL PAY NOT MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS;

(IV) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS GREATER THAN FIFTEEN THOUSAND, BUT NOT MORE THAN TWENTY-FIVE THOUSAND, THE PROMOTER SHALL PAY NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS;

(V) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS GREATER THAN TWENTY-FIVE THOUSAND, THE PROMOTER SHALL PAY NOT MORE THAN THREE THOUSAND DOLLARS;

(VI) FOR REFEREES AND JUDGES, NOT MORE THAN ONE HUNDRED DOLLARS;

(VII) FOR PROFESSIONAL PARTICIPANTS, MANAGERS AND TRAINERS NOT MORE THAN FIFTY DOLLARS; AND

(VIII) FOR CHIEF SECONDS, NOT MORE THAN FORTY DOLLARS.

4. ANY LICENSE, TEMPORARY WORK PERMIT OR OTHER AUTHORIZATION ISSUED UNDER THE PROVISIONS OF THIS ARTICLE MAY BE REVOKED OR SUSPENDED BY THE COMMISSION WHEN THE LICENSEE, PERMITTEE OR AUTHORIZED ENTITY HAS, IN THE JUDGMENT OF THE COMMISSION, VIOLATED ANY PROVISION OF THIS ARTICLE, RULE OR ORDER OF THE COMMISSION, DEMONSTRATED CONDUCT DETRIMENTAL TO THE INTERESTS OF AUTHORIZED COMBATIVE SPORTS GENERALLY OR TO THE PUBLIC INTEREST, OR WHEN THE COMMISSION DEEMS IT TO BE IN THE BEST INTERESTS OF THE HEALTH AND SAFETY OF THE LICENSEE.

(A) ANY LICENSEE WHO SUFFERED A KNOCKOUT OR TECHNICAL KNOCKOUT IN A COMBATIVE SPORT MAY, UPON THE RECOMMENDATION OF THE ATTENDING COMMISSION PHYSICIAN, BE SUSPENDED BY THE COMMISSION, FOR A PERIOD DETERMINED BY THE COMMISSION, AND SHALL FORFEIT HIS OR HER LICENSE TO THE COMMISSION DURING SUCH PERIOD. SUCH LICENSE SHALL NOT BE RETURNED TO THE LICENSEE UNTIL HE OR SHE HAS MET ALL REQUIREMENTS, MEDICAL AND OTHERWISE, FOR REINSTATEMENT OF SUCH LICENSE. ALL SUCH SUSPENSIONS SHALL BE RECORDED IN HIS OR HER LICENSE BY A COMMISSION OFFICIAL.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF ANY OTHER STATE SHALL REVOKE A LICENSEE'S LICENSE TO COMPETE IN COMBATIVE SPORTS IN THAT STATE, THEN THE COMMISSION MAY ACT TO REVOKE ANY LICENSE ISSUED TO SUCH LICENSEE PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

S 1008. LICENSES; JUDGES. 1. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE, ONLY A PERSON LICENSED BY THE COMMISSION, AS A COMBATIVE SPORTS JUDGE, MAY JUDGE AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT WITHIN THE STATE. JUDGES FOR ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT UNDER THE JURISDICTION OF THE COMMISSION SHALL BE SELECTED BY THE COMMISSION FROM A LIST OF QUALIFIED LICENSED JUDGES MAINTAINED BY THE COMMISSION.

2. ANY PARTICIPANT IN A PROFESSIONAL COMBATIVE SPORT OR HIS OR HER MANAGER MAY PROTEST THE ASSIGNMENT OF A JUDGE TO A CONTEST AND THE PARTICIPANT OR MANAGER MAY BE HEARD BY THE COMMISSION OR ITS DESIGNEE IF SUCH PROTEST IS TIMELY. IF THE PROTEST IS UNTIMELY IT SHALL BE SUMMARILY REJECTED.

3. EACH PERSON SEEKING TO BE LICENSED AS A JUDGE BY THE COMMISSION SHALL BE REQUIRED TO SUBMIT TO OR PROVIDE PROOF OF AN EYE EXAMINATION AND ANNUALLY THEREAFTER ON THE ANNIVERSARY OF THE ISSUANCE OF THE LICENSE. THE COMMISSION SHALL ESTABLISH CONTINUING EDUCATION PROGRAMS AND REQUIREMENTS TO BE COMPLETED BY LICENSED JUDGES. EACH JUDGE MUST BE CERTIFIED AS HAVING COMPLETED A TRAINING PROGRAM AS APPROVED BY THE COMMISSION AND SHALL PASS AN EXAMINATION APPROVED BY THE COMMISSION.

4. EACH PERSON SEEKING A LICENSE TO JUDGE AUTHORIZED PROFESSIONAL COMBATIVE SPORTS IN THE STATE SHALL BE REQUIRED TO FILL OUT A FINANCIAL QUESTIONNAIRE CERTIFYING UNDER PENALTY OF PERJURY FULL DISCLOSURE OF THE JUDGE'S FINANCIAL SITUATION ON A QUESTIONNAIRE TO BE PROMULGATED BY THE COMMISSION. SUCH QUESTIONNAIRE SHALL BE IN A FORM AND MANNER APPROVED BY THE COMMISSION AND SHALL PROVIDE INFORMATION AS TO AREAS OF ACTUAL OR POTENTIAL CONFLICT OF INTEREST AS WELL AS APPEARANCES OF SUCH CONFLICTS,

1 INCLUDING FINANCIAL RESPONSIBILITY. WITHIN FORTY-EIGHT HOURS OF ANY
2 MATCH, EACH JUDGE OF A PROFESSIONAL COMBATIVE SPORT SHALL FILE WITH THE
3 COMMISSION A FINANCIAL DISCLOSURE STATEMENT IN SUCH FORM AND MANNER AS
4 SHALL BE ACCEPTABLE TO THE COMMISSION.

5 S 1009. LICENSES; ENTITIES. 1. (A) EXCEPT AS OTHERWISE PROVIDED IN
6 SECTIONS ONE THOUSAND SIX AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE,
7 ONLY ENTITIES LICENSED BY THE COMMISSION MAY CONDUCT AN AUTHORIZED
8 PROFESSIONAL COMBATIVE SPORT WITHIN THE STATE. THE COMMISSION MAY, IN
9 ITS DISCRETION, ISSUE A LICENSE TO CONDUCT OR HOLD AUTHORIZED PROFES-
10 SIONAL COMBATIVE SPORTS, SUBJECT TO THE PROVISIONS HEREOF, TO ANY PERSON
11 OR CORPORATION DULY INCORPORATED, OR LIMITED LIABILITY COMPANY AUTHOR-
12 IZED, UNDER THE LAWS OF THE STATE OF NEW YORK.

13 (B) A PROSPECTIVE LICENSEE MUST SUBMIT TO THE COMMISSION PROOF THAT IT
14 CAN FURNISH SUITABLE PREMISES, AS DETERMINED BY THE COMMISSION, IN WHICH
15 SUCH COMBATIVE SPORT IS TO BE HELD.

16 (C) UPON WRITTEN APPLICATION THE COMMISSION MAY GRANT TO ANY ENTITY
17 HOLDING A LICENSE ISSUED HEREUNDER, THE PRIVILEGE OF HOLDING SUCH A
18 MATCH OR EXHIBITION ON A SPECIFIED DATE IN OTHER PREMISES, OR IN ANOTHER
19 LOCATION, THAN THE PREMISES OR LOCATION PREVIOUSLY APPROVED BY THE
20 COMMISSION, SUBJECT HOWEVER TO APPROVAL OF THE COMMISSION AND THE RULES
21 AND REGULATIONS OF THE COMMISSION.

22 2. (A) THE COMMISSION MAY, IN ITS DISCRETION AND IN ACCORDANCE WITH
23 REGULATIONS ADOPTED BY THE COMMISSION TO PROTECT THE HEALTH AND SAFETY
24 OF PROFESSIONALS IN TRAINING, ISSUE A LICENSE TO OPERATE A TRAINING
25 FACILITY PROVIDING CONTACT SPARRING MAINTAINED EITHER EXCLUSIVELY OR IN
26 PART FOR THE USE OF PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS. AT A
27 MINIMUM, ANY SUCH REGULATION SHALL REQUIRE:

28 (I) FIRST AID MATERIALS TO BE STORED IN AN ACCESSIBLE LOCATION ON THE
29 PREMISES AND FOR THE PRESENCE ON THE PREMISES OF A PERSON TRAINED AND
30 CERTIFIED IN THE USE OF SUCH MATERIALS AND PROCEDURES FOR CARDIO-PULMO-
31 NARY RESUSCITATION AT ALL TIMES DURING WHICH THE FACILITY IS OPEN FOR
32 TRAINING PURPOSES;

33 (II) CLEAN AND SANITARY BATHROOMS, SHOWER ROOMS, AND LOCKER ROOMS;

34 (III) ADEQUATE VENTILATION AND LIGHTING OF ACCESSIBLE AREAS OF THE
35 TRAINING FACILITY;

36 (IV) ESTABLISHMENT OF A POLICY CONCERNING THE RESTRICTION OF SMOKING
37 IN TRAINING AREAS, INCLUDING PROVISIONS FOR ITS ENFORCEMENT BY THE
38 FACILITY OPERATOR;

39 (V) COMPLIANCE WITH STATE AND LOCAL FIRE ORDINANCES;

40 (VI) INSPECTION AND APPROVAL OF SURFACES ON WHICH TRAINING FOR COMBA-
41 TIVE SPORTS WILL BE HELD; AND

42 (VII) ESTABLISHMENT OF A POLICY FOR POSTING ALL COMMISSION LICENSE
43 SUSPENSIONS AND LICENSE REVOCATIONS RECEIVED FROM THE COMMISSION INCLUD-
44 ING PROVISIONS FOR ENFORCEMENT OF SUCH SUSPENSIONS AND REVOCATIONS BY
45 THE FACILITY OPERATOR.

46 (B) A PROSPECTIVE ENTITY LICENSEE SHALL SUBMIT TO THE COMMISSION PROOF
47 THAT IT CAN FURNISH SUITABLE FACILITIES IN WHICH THE TRAINING IS TO BE
48 CONDUCTED, INCLUDING THE MAKING OF SUCH TRAINING FACILITIES AVAILABLE
49 FOR INSPECTION BY THE COMMISSION AT ANY TIME DURING WHICH TRAINING IS IN
50 PROGRESS.

51 S 1010. LICENSES; PROFESSIONALS. 1. EXCEPT AS OTHERWISE PROVIDED IN
52 SECTIONS ONE THOUSAND SIX, ONE THOUSAND ELEVEN AND ONE THOUSAND SEVEN-
53 TEEN OF THIS ARTICLE, ONLY PERSONS LICENSED BY THE COMMISSION SHALL
54 COMPETE IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.

55 2. ANY PROFESSIONAL APPLYING FOR A LICENSE OR RENEWAL OF A LICENSE TO
56 PARTICIPATE IN COMBATIVE SPORTS UNDER THIS ARTICLE SHALL UNDERGO A

1 COMPREHENSIVE PHYSICAL EXAMINATION INCLUDING CLINICAL NEUROLOGICAL EXAM-
2 INATIONS BY A PHYSICIAN APPROVED BY THE COMMISSION. IF, AT THE TIME OF
3 SUCH EXAMINATION, THERE IS ANY INDICATION OF BRAIN INJURY, OR FOR ANY
4 OTHER REASON THE PHYSICIAN DEEMS IT APPROPRIATE, THE PROFESSIONAL SHALL
5 BE REQUIRED TO UNDERGO FURTHER NEUROLOGICAL EXAMINATIONS BY A NEUROLO-
6 GIST INCLUDING MAGNETIC RESONANCE IMAGING OR OTHER MEDICALLY EQUIVALENT
7 PROCEDURES. THE COMMISSION SHALL NOT ISSUE A LICENSE TO A PROFESSIONAL
8 UNTIL SUCH EXAMINATIONS ARE COMPLETED AND REVIEWED BY THE COMMISSION.
9 THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART
10 OF THE PROFESSIONAL'S PERMANENT MEDICAL RECORD AS MAINTAINED BY THE
11 COMMISSION. THE COSTS OF ALL SUCH EXAMINATIONS SHALL BE ASSUMED BY THE
12 APPLICANT OR PROMOTER WITH WHICH THE PROFESSIONAL BOXER OR MIXED MARTIAL
13 ARTS PARTICIPANT IS AFFILIATED, REGARDLESS OF PROVIDER.

14 3. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE SHALL, AS A CONDITION
15 OF LICENSURE, WAIVE RIGHT OF CONFIDENTIALITY OF MEDICAL RECORDS RELATING
16 TO TREATMENT OF ANY PHYSICAL CONDITION WHICH RELATES TO HIS OR HER ABIL-
17 ITY TO FIGHT. ALL MEDICAL REPORTS SUBMITTED TO, AND ALL MEDICAL RECORDS
18 OF THE MEDICAL ADVISORY BOARD OR THE COMMISSION RELATIVE TO THE PHYSICAL
19 EXAMINATION OR CONDITION OF PROFESSIONALS SHALL BE CONSIDERED CONFIDEN-
20 TIAL, AND SHALL BE OPEN TO EXAMINATION ONLY TO THE COMMISSION OR ITS
21 AUTHORIZED REPRESENTATIVE, TO THE LICENSED PROFESSIONAL OR MANAGER UPON
22 WRITTEN APPLICATION TO EXAMINE SAID RECORDS, OR UPON THE ORDER OF A
23 COURT OF COMPETENT JURISDICTION IN AN APPROPRIATE CASE.

24 S 1011. TEMPORARY WORKING PERMITS. THE COMMISSION MAY ISSUE TEMPORARY
25 WORKING PERMITS TO PROFESSIONALS, THEIR MANAGERS, TRAINERS AND SECONDS.
26 A TEMPORARY WORKING PERMIT SHALL AUTHORIZE THE EMPLOYMENT OF THE HOLDER
27 OF SUCH PERMIT TO ENGAGE IN A SINGLE AUTHORIZED PROFESSIONAL COMBATIVE
28 SPORT AT A SPECIFIED TIME AND PLACE. THE COMMISSION MAY REQUIRE THAT
29 PROFESSIONALS APPLYING FOR TEMPORARY WORKING PERMITS UNDERGO A PHYSICAL
30 EXAMINATION AND NEUROLOGICAL TEST OR PROCEDURE, INCLUDING MAGNETIC RESO-
31 NANCE IMAGING OR MEDICALLY EQUIVALENT PROCEDURE. TEMPORARY WORKING
32 PERMITS SHALL EXPIRE UPON THE COMPLETION OF THE SINGLE AUTHORIZED
33 PROFESSIONAL COMBATIVE SPORT AND ANY SUBSEQUENT EVALUATIONS OR
34 INSPECTIONS REQUIRED BY THE COMMISSION. THE FEE FOR SUCH TEMPORARY
35 WORKING PERMIT SHALL BE ESTABLISHED BY THE COMMISSION PURSUANT TO RULE.

36 S 1012. TEMPORARY TRAINING FACILITIES. THE COMMISSION IN ITS JUDGMENT
37 MAY EXEMPT FROM LICENSING UNDER THIS ARTICLE ANY TRAINING FACILITY
38 PROVIDING CONTACT SPARRING ESTABLISHED AND MAINTAINED ON A TEMPORARY
39 BASIS FOR THE PURPOSE OF PREPARING PROFESSIONALS FOR A SPECIFIC AUTHOR-
40 IZED COMBATIVE SPORT TO BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE OF
41 NEW YORK.

42 S 1013. MEDICAL ADVISORY BOARD. 1. THE MEDICAL ADVISORY BOARD CREATED
43 PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED
44 TWENTY, AND SUBSEQUENT AMENDMENTS THERETO IS HEREBY CONTINUED WITHOUT
45 INTERRUPTION. IT SHALL REMAIN A DIVISION OF THE STATE ATHLETIC COMMIS-
46 SION, AND SHALL CONSIST OF NINE MEMBERS TO BE APPOINTED BY THE GOVERNOR.
47 THE GOVERNOR SHALL DESIGNATE ONE OF SUCH MEMBERS AS CHAIRPERSON OF THE
48 ADVISORY BOARD. THE TERM OF A MEMBER THEREAFTER APPOINTED, EXCEPT TO
49 FILL A VACANCY, SHALL BE THREE YEARS FROM THE EXPIRATION OF THE TERM OF
50 HIS PREDECESSOR. UPON THE APPOINTMENT OF A SUCCESSOR TO THE CHAIRPERSON
51 OF THE ADVISORY BOARD, THE GOVERNOR SHALL DESIGNATE SUCH SUCCESSOR OR
52 OTHER MEMBER OF THE ADVISORY BOARD AS CHAIRPERSON. A VACANCY OCCURRING
53 OTHERWISE THAN BY EXPIRATION OF TERM, SHALL BE FILLED BY APPOINTMENT BY
54 THE GOVERNOR FOR THE REMAINDER ONLY OF THE TERM. EACH MEMBER OF THE
55 ADVISORY BOARD SHALL BE DULY LICENSED TO PRACTICE MEDICINE IN THE STATE
56 OF NEW YORK, AND AT THE TIME OF HIS OR HER APPOINTMENT HAVE HAD AT LEAST

FIVE YEARS' EXPERIENCE IN THE PRACTICE OF HIS OR HER PROFESSION. THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE SUCH COMPENSATION AS MAY BE FIXED BY THE COMMISSION WITHIN THE AMOUNT PROVIDED BY APPROPRIATION, AND SHALL BE ALLOWED AND PAID NECESSARY TRAVELING AND OTHER EXPENSES INCURRED BY THEM, RESPECTIVELY, IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER.

2. THE ADVISORY BOARD SHALL HAVE POWER AND IT SHALL BE THE DUTY OF THE BOARD TO PREPARE AND SUBMIT TO THE COMMISSION FOR APPROVAL REGULATIONS AND STANDARDS FOR THE PHYSICAL EXAMINATION OF PROFESSIONALS INCLUDING, WITHOUT LIMITATION, PRE-FIGHT AND POST-FIGHT EXAMINATIONS AND PERIODIC COMPREHENSIVE EXAMINATIONS. THE BOARD SHALL CONTINUE TO SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION AND FROM TIME TO TIME PREPARE AND SUBMIT TO THE COMMISSION FOR APPROVAL, SUCH ADDITIONAL REGULATIONS AND STANDARDS OF EXAMINATION AS IN THEIR JUDGMENT WILL SAFEGUARD THE PHYSICAL WELFARE OF PROFESSIONALS LICENSED BY THE COMMISSION. THE ADVISORY BOARD SHALL RECOMMEND TO THE COMMISSION FROM TIME TO TIME SUCH QUALIFIED PHYSICIANS, WHO MAY BE DESIGNATED AND EMPLOYED BY THE COMMISSION FOR THE PURPOSE OF CONDUCTING PHYSICAL EXAMINATIONS OF PROFESSIONALS AND OTHER SERVICES AS THE RULES OF THE COMMISSION SHALL PROVIDE. SUCH PHYSICIANS, IF SO EMPLOYED, SHALL RECEIVE COMPENSATION AS FIXED BY THE COMMISSION WITHIN AMOUNTS APPROPRIATED THEREFOR. THE PROVISIONS OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW SHALL APPLY TO ANY PHYSICIAN WHO:

(A) IS DESIGNATED AND EMPLOYED BY THE COMMISSION; AND

(B) IS RENDERING PROFESSIONAL SERVICES ON BEHALF OF THE COMMISSION TO PROFESSIONALS.

3. THE ADVISORY BOARD SHALL DEVELOP OR RECOMMEND APPROPRIATE MEDICAL EDUCATION PROGRAMS FOR ALL COMMISSION PERSONNEL INVOLVED IN THE CONDUCT OF AUTHORIZED COMBATIVE SPORTS SO THAT SUCH PERSONNEL CAN RECOGNIZE AND ACT UPON EVIDENCE OF POTENTIAL OR ACTUAL ADVERSE MEDICAL INDICATIONS IN A PARTICIPANT PRIOR TO, DURING OR AFTER THE COURSE OF A MATCH.

4. THE ADVISORY BOARD SHALL REVIEW THE CREDENTIALS AND PERFORMANCE OF EACH COMMISSION PHYSICIAN ON AN ANNUAL BASIS.

5. THE ADVISORY BOARD SHALL ADVISE THE COMMISSION ON ANY STUDY OF EQUIPMENT, PROCEDURES OR PERSONNEL WHICH WILL, IN THEIR OPINION, PROMOTE THE SAFETY OF PROFESSIONALS.

S 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. THE COMMISSION SHALL PROMULGATE REGULATIONS GOVERNING THE CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS THAT:

1. ESTABLISH PARAMETERS AND LIMITATIONS ON WEIGHTS AND CLASSES OF PROFESSIONALS;

2. ESTABLISH PARAMETERS AND LIMITATIONS ON THE NUMBER AND DURATION OF ROUNDS;

3. ESTABLISH THE REQUIREMENTS FOR THE PRESENCE OF MEDICAL EQUIPMENT, MEDICAL PERSONNEL, AN AMBULANCE, OTHER EMERGENCY APPARATUS AND AN EMERGENCY MEDICAL PLAN;

4. ESTABLISH RESPONSIBILITIES OF ALL LICENSEES BEFORE, DURING AND AFTER AN EVENT;

5. DEFINE UNSPORTSMANLIKE PRACTICES;

6. ESTABLISH CONDITIONS FOR THE FORFEITURE OF ANY PRIZE, REMUNERATION OR PURSE, OR ANY PART THEREOF BASED ON THE CONDUCT OF PROFESSIONALS, THEIR MANAGERS AND SECONDS;

7. ESTABLISH PARAMETERS AND STANDARDS FOR REQUIRED AND ALLOWED EQUIPMENT ITEMS UTILIZED BY PROFESSIONALS;

8. ESTABLISH PARAMETERS AND STANDARDS FOR RINGS, COMBAT SURFACES AND APPURTENANCES THERETO; AND

1 9. ESTABLISH SUCH OTHER RULES AND CONDITIONS AS ARE NECESSARY TO
2 EFFECTUATE THE COMMISSION'S PURPOSE.

3 S 1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. 1. ALL
4 BUILDINGS OR STRUCTURES USED OR INTENDED TO BE USED FOR CONDUCTING
5 AUTHORIZED PROFESSIONAL COMBATIVE SPORTS SHALL BE PROPERLY VENTILATED
6 AND PROVIDED WITH FIRE EXITS AND FIRE ESCAPES, AND IN ALL MANNER CONFORM
7 TO THE LAWS, ORDINANCES AND REGULATIONS PERTAINING TO BUILDINGS IN THE
8 CITY, TOWN OR VILLAGE WHERE SITUATED.

9 2. NO PERSON UNDER THE AGE OF EIGHTEEN YEARS SHALL PARTICIPATE IN ANY
10 AUTHORIZED PROFESSIONAL COMBATIVE SPORTS, AND NO PERSON UNDER SIXTEEN
11 YEARS OF AGE SHALL BE PERMITTED TO ATTEND THEREAT AS A SPECTATOR,
12 PROVIDED, HOWEVER, THAT A PERSON UNDER THE AGE OF SIXTEEN MAY BE PERMIT-
13 TED TO ATTEND AS A SPECTATOR IF ACCOMPANIED BY A PARENT OR GUARDIAN.

14 3. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE
15 THOUSAND SEVENTEEN OF THIS ARTICLE, AT EACH AUTHORIZED PROFESSIONAL
16 COMBATIVE SPORT, EXCEPT WHERE CONDUCTED SOLELY FOR TRAINING PURPOSES,
17 THERE SHALL BE IN ATTENDANCE A DULY LICENSED REFEREE WHO SHALL DIRECT
18 AND CONTROL THE SAME. THERE SHALL ALSO BE IN ATTENDANCE, EXCEPT WHERE
19 CONDUCTED SOLELY FOR TRAINING PURPOSES, THREE DULY LICENSED JUDGES WHO
20 SHALL AT THE TERMINATION OF EACH SUCH AUTHORIZED PROFESSIONAL COMBATIVE
21 SPORT RENDER THEIR DECISION. THE WINNER SHALL BE DETERMINED IN ACCORD-
22 ANCE WITH A SCORING SYSTEM PRESCRIBED BY THE COMMISSION.

23 4. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE
24 THOUSAND SEVENTEEN OF THIS ARTICLE, THE COMMISSION SHALL DIRECT AN
25 EMPLOYEE OF THE COMMISSION TO BE PRESENT AT EACH PLACE WHERE AUTHORIZED
26 PROFESSIONAL COMBATIVE SPORTS ARE TO BE CONDUCTED. SUCH EMPLOYEE OF THE
27 COMMISSION SHALL ASCERTAIN THE EXACT CONDITIONS SURROUNDING SUCH AUTHOR-
28 IZED PROFESSIONAL COMBATIVE SPORT AND MAKE A WRITTEN REPORT OF THE SAME
29 IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSION. WHERE AUTHORIZED
30 PROFESSIONAL COMBATIVE SPORTS ARE APPROVED TO BE HELD IN A STATE OR CITY
31 OWNED ARMORY, THE PROVISION OF THE MILITARY LAW IN RESPECT THERETO MUST
32 BE COMPLIED WITH.

33 5. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE
34 THOUSAND SEVENTEEN OF THIS ARTICLE, ANY RING OR COMBAT SURFACE MUST BE
35 INSPECTED AND APPROVED BY THE COMMISSION PRIOR TO THE COMMENCEMENT OF
36 ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT.

37 6. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE
38 THOUSAND SEVENTEEN OF THIS ARTICLE, ALL PROFESSIONALS MUST BE EXAMINED
39 BY A PHYSICIAN DESIGNATED BY THE COMMISSION BEFORE ENTERING THE RING OR
40 COMBAT SURFACE AND EACH SUCH PHYSICIAN SHALL IMMEDIATELY FILE WITH THE
41 COMMISSION A WRITTEN REPORT OF SUCH EXAMINATION. THE COST OF ANY SUCH
42 EXAMINATION, AS PRESCRIBED BY A SCHEDULE OF FEES ESTABLISHED BY THE
43 COMMISSION, SHALL BE PAID BY THE CORPORATION CONDUCTING THE AUTHORIZED
44 PROFESSIONAL COMBATIVE SPORT TO THE COMMISSION. IT SHALL BE THE DUTY OF
45 EVERY PERSON OR CORPORATION LICENSED TO CONDUCT AN AUTHORIZED PROFES-
46 SIONAL COMBATIVE SPORT, TO HAVE IN ATTENDANCE AT EVERY AUTHORIZED
47 PROFESSIONAL COMBATIVE SPORT, AT LEAST ONE PHYSICIAN DESIGNATED BY THE
48 COMMISSION AS THE RULES SHALL PROVIDE. THE COMMISSION MAY ESTABLISH A
49 SCHEDULE OF FEES TO BE PAID BY THE LICENSEE TO COVER THE COST OF SUCH
50 ATTENDANCE.

51 7. THE PHYSICIAN SHALL TERMINATE ANY AUTHORIZED PROFESSIONAL COMBATIVE
52 SPORT IF IN THE OPINION OF SUCH PHYSICIAN ANY PROFESSIONAL HAS RECEIVED
53 SEVERE PUNISHMENT OR IS IN DANGER OF SERIOUS PHYSICAL INJURY. IN THE
54 EVENT OF ANY SERIOUS PHYSICAL INJURY, SUCH PHYSICIAN SHALL IMMEDIATELY
55 RENDER ANY EMERGENCY TREATMENT NECESSARY, RECOMMEND FURTHER TREATMENT OR
56 HOSPITALIZATION IF REQUIRED, AND FULLY REPORT THE ENTIRE MATTER TO THE

1 COMMISSION WITHIN TWENTY-FOUR HOURS AND IF NECESSARY, SUBSEQUENTLY THEREAFTER. SUCH PHYSICIAN MAY ALSO REQUIRE THAT THE INJURED PROFESSIONAL
2 AND HIS OR HER MANAGER REMAIN IN THE RING OR ON THE PREMISES OR REPORT
3 TO A HOSPITAL AFTER THE CONTEST FOR SUCH PERIOD OF TIME AS SUCH PHYSICIAN DEEMS ADVISABLE. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE
4 RENDERED UNCONSCIOUS OR SUFFERING HEAD TRAUMA AS DETERMINED BY THE
5 ATTENDING PHYSICIAN SHALL BE IMMEDIATELY EXAMINED BY THE ATTENDING
6 COMMISSION PHYSICIAN AND SHALL BE REQUIRED TO UNDERGO NEUROLOGICAL EXAMINATIONS BY A NEUROLOGIST INCLUDING BUT NOT LIMITED TO MAGNETIC RESONANCE
7 IMAGING OR MEDICALLY EQUIVALENT PROCEDURE.
8

9 8. SUCH PHYSICIAN MAY ENTER THE RING AT ANY TIME DURING AN AUTHORIZED
10 PROFESSIONAL COMBATIVE SPORT AND MAY TERMINATE THE MATCH IF IN HIS OR
11 HER OPINION THE SAME IS NECESSARY TO PREVENT SEVERE PUNISHMENT OR SERIOUS PHYSICAL INJURY TO A PROFESSIONAL.
12

13 9. BEFORE A LICENSE SHALL BE GRANTED TO A PERSON OR CORPORATION TO
14 CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT, THE APPLICANT SHALL
15 EXECUTE AND FILE WITH THE SECRETARY OF STATE A BOND IN AN AMOUNT TO BE
16 DETERMINED BY THE COMMISSION, TO BE APPROVED AS TO FORM AND SUFFICIENCY
17 OF SURETIES THEREON BY THE SECRETARY OF STATE, CONDITIONED FOR THE
18 FAITHFUL PERFORMANCE BY SAID CORPORATION OF THE PROVISIONS OF THIS ARTICLE AND THE RULES AND REGULATIONS OF THE COMMISSION, AND UPON THE FILING
19 AND APPROVAL OF SAID BOND THE SECRETARY OF STATE SHALL ISSUE TO SAID
20 APPLICANT A CERTIFICATE OF SUCH FILING AND APPROVAL, WHICH SHALL BE, BY
21 SAID APPLICANT, FILED IN THE OFFICE OF THE COMMISSION WITH ITS APPLICATION FOR LICENSE, AND NO SUCH LICENSE SHALL BE ISSUED UNTIL SUCH CERTIFICATE
22 SHALL BE FILED. IN CASE OF DEFAULT IN SUCH PERFORMANCE, THE
23 COMMISSION MAY IMPOSE UPON THE DELINQUENT A PENALTY IN THE SUM OF NOT
24 MORE THAN ONE THOUSAND DOLLARS FOR EACH OFFENSE, WHICH MAY BE RECOVERED
25 BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW
26 YORK IN THE SAME MANNER AS OTHER PENALTIES ARE RECOVERED BY LAW; ANY
27 AMOUNT SO RECOVERED SHALL BE PAID INTO THE TREASURY.
28

29 10. IN ADDITION TO THE BOND REQUIRED BY SUBDIVISION NINE OF THIS
30 SECTION, EACH APPLICANT FOR A LICENSE TO CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT SHALL EXECUTE AND FILE WITH THE SECRETARY OF
31 STATE A BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION TO BE
32 APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE SECRETARY
33 OF STATE, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF PROFESSIONALS' AND PROFESSIONAL WRESTLERS' PURSES, SALARIES OF CLUB EMPLOYEES LICENSED
34 BY THE COMMISSION, AND THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND
35 ALL ADVERTISING MATERIAL.
36

37 11. ALL PERSONS, PARTIES OR CORPORATIONS HAVING LICENSES AS PROMOTERS
38 OR WHO ARE LICENSED IN ACCORDANCE WITH SECTION ONE THOUSAND SEVENTEEN OF
39 THIS ARTICLE SHALL CONTINUOUSLY PROVIDE ACCIDENT INSURANCE OR SUCH OTHER
40 FORM OF FINANCIAL GUARANTEE DEEMED ACCEPTABLE BY THE COMMISSION, FOR THE
41 PROTECTION OF LICENSED PROFESSIONALS AND PROFESSIONAL WRESTLERS, APPEARING IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS OR WRESTLING EXHIBITIONS. SUCH ACCIDENT INSURANCE OR FINANCIAL GUARANTEE SHALL PROVIDE
42 COVERAGE TO THE LICENSED PROFESSIONAL FOR: MEDICAL, SURGICAL AND HOSPITAL CARE, WITH A MINIMUM LIMIT OF FIFTY THOUSAND DOLLARS FOR INJURIES
43 SUSTAINED WHILE PARTICIPATING IN ANY PROGRAM OPERATED UNDER THE CONTROL
44 OF SUCH LICENSED PROMOTER AND FOR A PAYMENT OF FIFTY THOUSAND DOLLARS TO
45 THE ESTATE OF ANY DECEASED ATHLETE WHERE SUCH DEATH IS OCCASIONED BY
46 INJURIES RECEIVED IN THIS STATE DURING THE COURSE OF A PROGRAM IN WHICH
47 SUCH LICENSED PROFESSIONAL OR PROFESSIONAL WRESTLER PARTICIPATED UNDER
48 THE PROMOTION OR CONTROL OF ANY LICENSED PROMOTER; AND, MEDICAL, SURGICAL AND HOSPITAL CARE WITH A MINIMUM LIMIT OF ONE MILLION DOLLARS FOR
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1 THE TREATMENT OF A LIFE-THREATENING BRAIN INJURY SUSTAINED IN A PROGRAM
2 OPERATED UNDER THE CONTROL OF SUCH LICENSED PROMOTER, WHERE AN IDENTIFI-
3 CABLE, CAUSAL LINK EXISTS BETWEEN THE PROFESSIONAL LICENSEE'S PARTIC-
4 IPATION IN SUCH PROGRAM AND THE LIFE-THREATENING BRAIN INJURY. WHERE
5 APPLICABLE, PROFESSIONAL LICENSEES SHALL BE AFFORDED THE OPTION TO
6 SUPPLEMENT THE PREMIUMS FOR THE ACCIDENT INSURANCE OR FINANCIAL GUARAN-
7 TEE TO INCREASE THE COVERAGE BEYOND THE MINIMUM LIMITS REQUIRED BY THIS
8 SUBDIVISION. THE COMMISSION MAY FROM TIME TO TIME, PROMULGATE REGU-
9 LATIONS TO ADJUST THE AMOUNT OF SUCH MINIMUM LIMITS. THE FAILURE TO
10 PROVIDE SUCH INSURANCE AS IS REQUIRED BY THIS SUBDIVISION SHALL BE CAUSE
11 FOR THE SUSPENSION OR THE REVOCATION OF THE LICENSE OF SUCH DEFAULTING
12 ENTITY.

13 12. (A) EVERY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB HOLDING ANY
14 PROFESSIONAL OR AMATEUR COMBATIVE SPORT, INCLUDING ANY PROFESSIONAL
15 WRESTLING MATCH OR EXHIBITION, FOR WHICH AN ADMISSION FEE IS CHARGED OR
16 RECEIVED, SHALL NOTIFY THE ATHLETIC COMMISSION AT LEAST TEN DAYS IN
17 ADVANCE OF THE HOLDING OF SUCH CONTEST. ALL TICKETS OF ADMISSION TO ANY
18 SUCH PROFESSIONAL OR AMATEUR COMBATIVE SPORT OR PROFESSIONAL WRESTLING
19 MATCH OR EXHIBITION SHALL BE PROCURED FROM A PRINTER DULY AUTHORIZED BY
20 THE STATE ATHLETIC COMMISSION TO PRINT SUCH TICKETS AND SHALL BEAR
21 CLEARLY UPON THE FACE THEREOF THE PURCHASE PRICE AND LOCATION OF SAME.

22 (B) PURSUANT TO DIRECTION BY THE COMMISSIONER OF TAXATION AND FINANCE,
23 EMPLOYEES OR OFFICERS OF THE COMMISSION SHALL ACT AS AGENTS OF THE
24 COMMISSIONER OF TAXATION AND FINANCE TO COLLECT THE TAX IMPOSED BY ARTI-
25 CLE NINETEEN OF THE TAX LAW. THE ATHLETIC COMMISSION SHALL PROVIDE THE
26 COMMISSIONER OF TAXATION AND FINANCE WITH SUCH INFORMATION AND TECHNICAL
27 ASSISTANCE AS MAY BE NECESSARY FOR THE PROPER ADMINISTRATION OF SUCH
28 TAX.

29 S 1016. REQUIRED FILINGS. 1. THE ORGANIZATION THAT PROMOTES, SANCTIONS
30 OR OTHERWISE PARTICIPATES IN THE PROPOSITION, SELECTION, OR ARRANGEMENT
31 OF ONE OR MORE PROFESSIONALS FOR A CONTEST MUST FILE WITH THE COMMISSION
32 A WRITTEN STATEMENT EXECUTED UNDER PENALTY OF PERJURY STATING (A) ALL
33 CHARGES, EXPENSES, FEES, AND COSTS THAT WILL BE ASSESSED AGAINST ANY
34 PROFESSIONAL PARTICIPATING IN THE EVENT; (B) ALL PAYMENTS, BENEFITS,
35 COMPLIMENTARY BENEFITS AND FEES THE ORGANIZATION OR ENTITY WILL RECEIVE
36 FOR ITS AFFILIATION WITH THE EVENT; (C) THE NAME OF THE PROMOTER; (D)
37 SPONSOR OF THE EVENT; AND (E) ALL OTHER SOURCES, AND SUCH OTHER AND
38 ADDITIONAL INFORMATION AS REQUIRED BY THE COMMISSION. SUCH WRITTEN
39 STATEMENT SHALL BE FILED IN A FORM AND MANNER ACCEPTABLE TO THE COMMIS-
40 SION.

41 2. THE PROMOTER, ORGANIZER, PRODUCER OR ANOTHER THAT PARTICIPATES IN
42 THE PROPOSITION, SELECTION, OR ARRANGEMENT OF ONE OR MORE PROFESSIONALS
43 FOR A CONTEST MUST FILE WITH THE COMMISSION A WRITTEN STATEMENT UNDER
44 PENALTY OF PERJURY DETAILING ALL CHARGES, FEES, COSTS AND EXPENSES BY OR
45 THROUGH THE PROMOTER ON THE PROFESSIONAL PERTAINING TO THE EVENT,
46 INCLUDING ANY PORTION OF THE PROFESSIONAL'S PURSE THAT THE PROMOTER WILL
47 RECEIVE AND TRAINING EXPENSES AND ALL PAYMENTS, GIFTS OR BENEFITS THE
48 PROMOTER IS PROVIDING TO ANY SANCTIONING ORGANIZATION AFFILIATED WITH
49 THE EVENT. SUCH WRITTEN STATEMENT SHALL BE FILED IN A FORM AND MANNER
50 ACCEPTABLE TO THE COMMISSION.

51 3. THE PROMOTER, ORGANIZER, PRODUCER OR ANOTHER THAT PARTICIPATES IN
52 THE PROPOSITION, SELECTION, OR ARRANGEMENT OF ONE OR MORE PROFESSIONALS
53 FOR A CONTEST MUST FILE WITH THE COMMISSION A COPY OF ANY AGREEMENT IN
54 WRITING TO WHICH THE PROMOTER IS A PARTY WITH ANY PROFESSIONAL PARTIC-
55 IPATING IN THE MATCH.

1 4. ALL CONTRACTS CALLING FOR THE SERVICES OF A PROFESSIONAL IN AN
2 AUTHORIZED PROFESSIONAL COMBATIVE SPORT AND ENTERED INTO BY LICENSED
3 PROMOTERS, PROFESSIONALS OR MANAGERS AS ONE OR MORE OF THE PARTIES IN
4 SUCH CONTRACTS, INCLUDING THOSE CONTRACTS WHICH RELATE TO THE RIGHTS TO
5 DISTRIBUTE, TELEVISION OR OTHERWISE TRANSMIT ANY AUTHORIZED PROFESSIONAL
6 COMBATIVE SPORT OVER THE AIRWAVES OR BY CABLE SHALL BE SUBJECT TO THE
7 APPROVAL OF THE COMMISSION AND COPIES THEREOF SHALL BE FILED WITH THE
8 COMMISSION BY SUCH CORPORATION, PROFESSIONAL OR MANAGER WITHIN
9 FORTY-EIGHT HOURS AFTER THE EXECUTION OF SUCH CONTRACT AND AT LEAST TEN
10 BUSINESS DAYS PRIOR TO ANY BOUTS, OR THE FIRST OF ANY SERIES OF BOUTS,
11 TO WHICH THEY RELATE. THE COMMISSION MAY WAIVE SUCH FILING DEADLINE FOR
12 GOOD CAUSE SHOWN.

13 S 1017. PROFESSIONAL WRESTLING; PROMOTERS. 1. FOR THE PURPOSES OF THIS
14 ARTICLE, "PROFESSIONAL WRESTLING" SHALL MEAN AN ACTIVITY IN WHICH
15 PARTICIPANTS STRUGGLE HAND-IN-HAND PRIMARILY FOR THE PURPOSE OF PROVID-
16 ING ENTERTAINMENT TO SPECTATORS AND WHICH DOES NOT COMPRISE A BONA FIDE
17 ATHLETIC CONTEST OR COMPETITION.

18 2. EVERY PERSON, PARTNERSHIP OR CORPORATION PROMOTING ONE OR MORE
19 PROFESSIONAL WRESTLING EXHIBITIONS IN THIS STATE SHALL BE REQUIRED TO
20 OBTAIN FROM THE COMMISSION AN ANNUAL LICENSE TO CONDUCT SUCH EXHIBITIONS
21 SUBJECT TO TERMS AND CONDITIONS PROMULGATED BY THE COMMISSION PURSUANT
22 TO RULE AND CONSISTENT WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE.
23 EACH APPLICANT SHALL PAY AN ANNUAL FEE ESTABLISHED BY THE COMMISSION
24 PURSUANT TO RULE.

25 3. A LICENSED PROMOTER OF A PROFESSIONAL WRESTLING EXHIBITION IN THE
26 STATE SHALL NOTIFY THE ATHLETIC COMMISSION AT LEAST TEN DAYS IN ADVANCE
27 OF THE HOLDING OF THE EXHIBITION. EACH SUCH PROMOTER SHALL EXECUTE AND
28 FILE WITH THE COMPTROLLER A BOND IN AN AMOUNT NOT LESS THAN TWENTY THOU-
29 SAND DOLLARS TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THER-
30 EON BY THE COMPTROLLER, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF
31 PROFESSIONAL WRESTLER'S PURSES, SALARIES OF CLUB EMPLOYEES LICENSED BY
32 THE COMMISSION, THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND ALL
33 ADVERTISING MATERIAL, PAYMENTS TO SPONSORING ORGANIZATIONS, AND THE
34 APPLICABLE STATE AND LOCAL SALES AND COMPENSATING USE TAX.

35 4. A LICENSED PROMOTER OF A PROFESSIONAL WRESTLING EXHIBITION SHALL
36 PROVIDE FOR A LICENSED PHYSICIAN TO BE PRESENT AT EACH EXHIBITION, AND
37 SUCH PHYSICIAN SHALL EXAMINE EACH WRESTLER PRIOR TO EACH PERFORMANCE,
38 AND EACH SUCH PRE-PERFORMANCE EXAMINATION SHALL BE CONDUCTED IN ACCORD-
39 ANCE WITH REGULATIONS PRESCRIBED BY THE COMMISSION.

40 5. EVERY LICENSED PROMOTER OF PROFESSIONAL WRESTLING WHO PROMOTES SIX
41 OR MORE EXHIBITIONS IN THE STATE IN A CALENDAR YEAR MUST HAVE IN PLACE
42 AN ANTI-DRUG PLAN AND FILE WITH THE COMMISSION A WRITTEN COPY OF THE
43 PLAN. EACH SUCH PLAN SHALL ADDRESS THE USE OF A CONTROLLED SUBSTANCE
44 DEFINED IN ARTICLE THIRTY-THREE OF THE PUBLIC HEALTH LAW, AND SUCH PLAN
45 SHALL AT MINIMUM PROVIDE FOR THE FOLLOWING:

46 (A) DISSEMINATION OF EDUCATIONAL MATERIALS TO PROFESSIONAL WRESTLERS
47 WHO PERFORM FOR ANY SUCH PROMOTER INCLUDING A LIST OF PROHIBITED DRUGS
48 AND AVAILABLE REHABILITATION SERVICES; AND

49 (B) A REFERRAL PROCEDURE TO PERMIT ANY SUCH PROFESSIONAL WRESTLER TO
50 OBTAIN REHABILITATION SERVICES.

51 S 1018. PROHIBITED CONDUCT. 1. NO CORPORATION OR PERSON SHALL HAVE,
52 EITHER DIRECTLY OR INDIRECTLY, ANY FINANCIAL INTEREST IN A PROFESSIONAL
53 BOXER COMPETING ON PREMISES OWNED OR LEASED BY THE CORPORATION OR
54 PERSON, OR IN WHICH SUCH CORPORATION OR PERSON IS OTHERWISE INTERESTED
55 EXCEPT PURSUANT TO THE SPECIFIC WRITTEN AUTHORIZATION OF THE COMMISSION.

1 2. NO CONTESTANT IN A BOXING OR SPARRING MATCH OR EXHIBITION SHALL BE
2 PAID FOR SERVICES BEFORE THE CONTEST, AND SHOULD IT BE DETERMINED BY THE
3 COMMISSION THAT SUCH CONTESTANT DID NOT GIVE AN HONEST EXHIBITION OF HIS
4 OR HER SKILL, SUCH SERVICES SHALL NOT BE PAID FOR.

5 3. ANY PERSON, INCLUDING ANY CORPORATION AND THE OFFICERS THEREOF, ANY
6 PHYSICIAN, REFEREE, JUDGE, TIMEKEEPER, PROFESSIONAL, MANAGER, TRAINER OR
7 SECOND, WHO SHALL PROMOTE, CONDUCT, GIVE OR PARTICIPATE IN ANY SHAM OR
8 COLLUSIVE AUTHORIZED PROFESSIONAL COMBATIVE SPORTS, SHALL BE DEPRIVED OF
9 HIS OR HER LICENSE BY THE COMMISSION AND ANY OTHER APPROPRIATE LEGAL
10 REMEDIES.

11 4. NO LICENSED PROMOTER OR MATCHMAKER SHALL KNOWINGLY ENGAGE IN A
12 COURSE OF CONDUCT IN WHICH FIGHTS ARE ARRANGED WHERE ONE PROFESSIONAL
13 HAS SKILLS OR EXPERIENCE SIGNIFICANTLY IN EXCESS OF THE OTHER PROFES-
14 SIONAL SO THAT A MISMATCH RESULTS WITH THE POTENTIAL OF PHYSICAL HARM TO
15 THE PROFESSIONAL.

16 S 1019. PENALTIES. 1. A PERSON WHO KNOWINGLY ADVANCES OR PROFITS FROM
17 A PROHIBITED COMBATIVE SPORT SHALL BE GUILTY OF A CLASS A MISDEMEANOR,
18 AND SHALL BE GUILTY OF A CLASS E FELONY IF HE OR SHE HAS BEEN CONVICTED
19 IN THE PREVIOUS FIVE YEARS OF VIOLATING THIS SUBDIVISION.

20 2. ANY PERSON WHO KNOWINGLY ADVANCES OR PROFITS FROM A PROHIBITED
21 COMBATIVE SPORT SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED
22 FOR THE FIRST VIOLATION TEN THOUSAND DOLLARS OR TWICE THE AMOUNT OF GAIN
23 DERIVED THEREFROM WHICHEVER IS GREATER, OR FOR A SUBSEQUENT VIOLATION
24 TWENTY-FIVE THOUSAND DOLLARS OR TWICE THE AMOUNT OF GAIN DERIVED THERE-
25 FROM WHICHEVER IS GREATER. THE ATTORNEY GENERAL IS HEREBY EMPOWERED TO
26 COMMENCE JUDICIAL PROCEEDINGS TO RECOVER SUCH PENALTIES AND TO OBTAIN
27 INJUNCTIVE RELIEF TO ENFORCE THE PROVISIONS OF THIS SECTION.

28 3. ANY PERSON OR CORPORATION WHO DIRECTLY OR INDIRECTLY CONDUCTS ANY
29 COMBATIVE SPORT WITHOUT FIRST HAVING PROCURED AN APPROPRIATE LICENSE, OR
30 HAVING BEEN DESIGNATED AN AUTHORIZED SANCTIONING ENTITY AS PRESCRIBED IN
31 THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR. ANY PERSON WHO PARTIC-
32 IPATES IN A COMBATIVE SPORT AS A REFEREE, JUDGE, MATCH-MAKER, TIMEKEEP-
33 ER, PROFESSIONAL, MANAGER, TRAINER, OR SECOND WITHOUT FIRST HAVING
34 PROCURED AN APPROPRIATE LICENSE AS PRESCRIBED IN THIS ARTICLE, OR WHERE
35 SUCH COMBATIVE SPORT IS PROHIBITED UNDER THIS ARTICLE SHALL BE GUILTY OF
36 A MISDEMEANOR. ANY PERSON, PARTNERSHIP OR CORPORATION WHO PROMOTES A
37 PROFESSIONAL WRESTLING MATCH OR EXHIBITION IN THE STATE WITHOUT FIRST
38 HAVING PROCURED AN APPROPRIATE LICENSE IN ACCORDANCE WITH SECTION ONE
39 THOUSAND SEVENTEEN OF THIS ARTICLE, SHALL BE GUILTY OF A MISDEMEANOR.

40 4. ANY CORPORATION, ENTITY, PERSON OR PERSONS, LICENSED, PERMITTED OR
41 OTHERWISE AUTHORIZED UNDER THE PROVISIONS OF THIS ARTICLE, THAT SHALL
42 KNOWINGLY VIOLATE ANY RULE OR ORDER OF THE COMMISSION OR ANY PROVISION
43 OF THIS ARTICLE, IN ADDITION TO ANY OTHER PENALTY BY LAW PRESCRIBED,
44 SHALL BE LIABLE TO A CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS
45 FOR THE FIRST OFFENSE AND NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR
46 THE SECOND AND EACH SUBSEQUENT OFFENSE, TO BE IMPOSED BY THE COMMISSION,
47 TO BE SUED FOR BY THE ATTORNEY-GENERAL IN THE NAME OF THE PEOPLE OF THE
48 STATE OF NEW YORK IF DIRECTED BY THE COMMISSION. THE COMMISSION, FOR
49 CAUSE SHOWN, MAY EXTEND THE TIME FOR THE PAYMENT OF SUCH PENALTY AND, BY
50 COMPROMISE, MAY ACCEPT LESS THAN THE AMOUNT OF SUCH PENALTY AS IMPOSED
51 IN SETTLEMENT THEREOF. FOR THE PURPOSES OF THIS SECTION, EACH TRANS-
52 ACTION OR STATUTORY VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE,
53 EXCEPT THAT A SECOND OR SUBSEQUENT OFFENSE SHALL NOT BE DEEMED TO EXIST
54 UNLESS A DECISION HAS BEEN RENDERED IN A PRIOR, SEPARATE AND INDEPENDENT
55 PROCEEDING.

1 5. ON THE FIRST INFRACTION OF RULES OR REGULATIONS PROMULGATED PURSU-
2 ANT TO SUBDIVISION TWO OF SECTION ONE THOUSAND NINE OF THIS ARTICLE,
3 WHICH INFRACTION MAY INCLUDE MORE THAN ONE INDIVIDUAL VIOLATION, THE
4 COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO TWO HUNDRED FIFTY DOLLARS
5 FOR EACH HEALTH AND SAFETY VIOLATION AND MAY SUSPEND THE TRAINING FACIL-
6 ITY'S LICENSE UNTIL THE VIOLATION OR VIOLATIONS ARE CORRECTED. ON THE
7 SECOND SUCH INFRACTION, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO
8 FIVE HUNDRED DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY
9 SUSPEND THE TRAINING FACILITY'S LICENSE UNTIL THE VIOLATION OR
10 VIOLATIONS ARE CORRECTED. ON THE THIRD SUCH INFRACTION OR FOR SUBSEQUENT
11 INFRACTIONS, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO SEVEN
12 HUNDRED FIFTY DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY
13 REVOKE THE TRAINING FACILITY'S LICENSE.

14 6. ANY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB FAILING TO FULLY
15 COMPLY WITH PARAGRAPH (A) OF SUBDIVISION TWELVE OF SECTION ONE THOUSAND
16 FIFTEEN OF THIS ARTICLE SHALL BE SUBJECT TO A PENALTY OF FIVE HUNDRED
17 DOLLARS TO BE COLLECTED BY AND PAID TO THE DEPARTMENT OF STATE. ANY
18 INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB IS PROHIBITED FROM OPERAT-
19 ING ANY SHOWS OR EXHIBITIONS UNTIL ALL PENALTIES DUE PURSUANT TO THIS
20 SECTION AND TAXES, INTEREST AND PENALTIES DUE PURSUANT TO ARTICLE NINE-
21 TEEN OF THE TAX LAW HAVE BEEN PAID.

22 7. ALL PENALTIES IMPOSED AND COLLECTED BY THE COMMISSION FROM ANY
23 CORPORATION, ENTITY, PERSON OR PERSONS LICENSED UNDER THE PROVISIONS OF
24 THIS ARTICLE, WHICH FINES AND PENALTIES ARE IMPOSED AND COLLECTED UNDER
25 AUTHORITY HEREBY VESTED SHALL WITHIN THIRTY DAYS AFTER THE RECEIPT THER-
26 EOF BY THE COMMISSION BE PAID BY THEM INTO THE STATE TREASURY.

27 S 1020. SUBPOENAS BY COMMISSION; OATHS. THE COMMISSION SHALL HAVE
28 AUTHORITY TO ISSUE, UNDER THE HAND OF ITS CHAIRPERSON, AND THE SEAL OF
29 THE COMMISSION, SUBPOENAS FOR THE ATTENDANCE OF WITNESSES BEFORE THE
30 COMMISSION. A SUBPOENA ISSUED UNDER THIS SECTION SHALL BE REGULATED BY
31 THE CIVIL PRACTICE LAW AND RULES.

32 S 1021. EXCEPTIONS. THE PROVISIONS OF THIS ARTICLE EXCEPT AS PROVIDED
33 IN SUBDIVISION TWELVE OF SECTION ONE THOUSAND FIFTEEN OF THIS ARTICLE
34 SHALL NOT BE CONSTRUED TO APPLY TO ANY SPARRING OR BOXING CONTEST OR
35 EXHIBITION CONDUCTED UNDER THE SUPERVISION OR THE CONTROL OF THE NEW
36 YORK STATE NATIONAL GUARD OR NAVAL MILITIA WHERE ALL OF THE CONTESTANTS
37 ARE MEMBERS OF THE ACTIVE MILITIA; NOR TO ANY SUCH CONTEST OR EXHIBITION
38 WHERE THE CONTESTANTS ARE ALL AMATEURS, SPONSORED BY AND UNDER THE
39 SUPERVISION OF ANY UNIVERSITY, COLLEGE, SCHOOL OR OTHER INSTITUTION OF
40 LEARNING, RECOGNIZED BY THE REGENTS OF THE STATE OF NEW YORK; NOR TO ANY
41 BUSINESS ENTITY INCORPORATED FOR THE PURPOSES OF PROVIDING INSTRUCTION
42 AND EVALUATION IN A COMBATIVE SPORT TO CUSTOMERS FOR THE PURPOSES OF
43 HEALTH AND FITNESS, PERSONAL DEVELOPMENT, SELF-DEFENSE OR PARTICIPATION
44 IN AMATEUR EVENTS CONDUCTED BY AN AUTHORIZED SANCTIONING ENTITY; NOR TO
45 ANY SUCH CONTEST OR EXHIBITIONS WHERE THE CONTESTANTS ARE ALL AMATEURS
46 SPONSORED BY AND UNDER THE SUPERVISION OF THE AMERICAN OLYMPIC ASSOCI-
47 ATION OR, IN THE CASE OF BOXING, THE U.S. AMATEUR BOXING FEDERATION OR
48 ITS LOCAL AFFILIATES OR THE AMERICAN OLYMPIC ASSOCIATION; NOR EXCEPT AS
49 TO THE EXTENT PROVIDED OTHERWISE IN THIS ARTICLE, TO ANY PROFESSIONAL
50 WRESTLING CONTEST OR EXHIBITION AS DEFINED IN THIS ARTICLE. ANY INDIVID-
51 UAL, ASSOCIATION, CORPORATION OR CLUB, EXCEPT ELEMENTARY OR HIGH SCHOOLS
52 OR EQUIVALENT INSTITUTIONS OF LEARNING RECOGNIZED BY THE REGENTS OF THE
53 STATE OF NEW YORK, WHO OR WHICH CONDUCTS AN AMATEUR CONTEST PURSUANT TO
54 THIS SECTION MUST REGISTER WITH THE U. S. AMATEUR BOXING FEDERATION OR
55 ITS LOCAL AFFILIATES AND ABIDE BY ITS RULES AND REGULATIONS.

1 S 1022. DISPOSITION OF RECEIPTS. ALL RECEIPTS OF THE COMMISSION SHALL
2 BE PAID INTO THE STATE TREASURY, PROVIDED, HOWEVER, THAT RECEIPTS FROM
3 THE TAX IMPOSED BY ARTICLE NINETEEN OF THE TAX LAW SHALL BE DEPOSITED AS
4 PROVIDED BY SECTION ONE HUNDRED SEVENTY-ONE-A OF THE TAX LAW.

5 S 3. Subdivision 1 of section 451 of the tax law, as amended by
6 section 1 of part F of chapter 407 of the laws of 1999, is amended to
7 read as follows:

8 1. "Gross receipts from ticket sales" shall mean the total gross
9 receipts of every person from the sale of tickets to any [professional
10 or amateur boxing, sparring or wrestling match or exhibition] AUTHORIZED
11 COMBATIVE SPORT held in this state, and without any deduction whatsoever
12 for commissions, brokerage, distribution fees, advertising or any other
13 expenses, charges and recoupments in respect thereto.

14 S 4. Section 451 of the tax law is amended by adding a new subdivision
15 4 to read as follows:

16 4. "AUTHORIZED COMBATIVE SPORT" SHALL MEAN ANY COMBATIVE SPORT AUTHOR-
17 IZED PURSUANT TO SECTION ONE THOUSAND ONE OF THE GENERAL BUSINESS LAW.

18 S 5. Section 452 of the tax law, as amended by section 2 of part F of
19 chapter 407 of the laws of 1999, is amended to read as follows:

20 S 452. Imposition of tax. 1. On and after October first, nineteen
21 hundred ninety-nine, a tax is hereby imposed and shall be paid upon the
22 gross receipts of every person holding any professional or amateur
23 boxing, sparring or wrestling match or exhibition in this state. Such
24 tax shall be imposed on such gross receipts, exclusive of any federal
25 taxes, as follows:

26 (a) three percent of gross receipts from ticket sales, except that in
27 no event shall the tax imposed by this [subdivision] PARAGRAPH exceed
28 fifty thousand dollars for any match or exhibition;

29 (b) three percent of gross receipts from broadcasting rights, except
30 that in no event shall the tax imposed by this [subdivision] PARAGRAPH
31 exceed fifty thousand dollars for any match or exhibition.

32 2. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, A TAX IS HERE-
33 BY IMPOSED AND SHALL BE PAID UPON THE GROSS RECEIPTS OF EVERY PERSON
34 HOLDING ANY AUTHORIZED COMBATIVE SPORT IN THIS STATE, OTHER THAN ANY
35 PROFESSIONAL OR AMATEUR BOXING, SPARRING OR WRESTLING EXHIBITION OR
36 MATCH, EXCLUSIVE OF ANY FEDERAL TAXES AS FOLLOWS:

37 (A) EIGHT AND ONE-HALF PERCENT OF GROSS RECEIPTS FROM TICKET SALES;
38 AND

39 (B) THREE PERCENT OF THE SUM OF (I) GROSS RECEIPTS FROM BROADCASTING
40 RIGHTS, AND (II) GROSS RECEIPTS FROM DIGITAL STREAMING OVER THE INTER-
41 NET, EXCEPT THAT IN NO EVENT SHALL SUCH TAX IMPOSED PURSUANT TO THIS
42 PARAGRAPH EXCEED FIFTY THOUSAND DOLLARS FOR ANY MATCH OR EXHIBITION.

43 S 6. The article heading of article 19 of the tax law, as added by
44 chapter 833 of the laws of 1987, is amended to read as follows:

45 [BOXING AND WRESTLING EXHIBITIONS] AUTHORIZED COMBATIVE
46 SPORTS TAX

47 S 7. Paragraph 1 of subdivision (f) of section 1105 of the tax law, as
48 amended by section 100 of part A of chapter 389 of the laws of 1997, is
49 amended to read as follows:

50 (1) Any admission charge where such admission charge is in excess of
51 ten cents to or for the use of any place of amusement in the state,
52 except charges for admission to race tracks[, boxing, sparring or wres-
53 tling matches or exhibitions] OR AUTHORIZED COMBATIVE SPORTS which
54 charges are taxed under any other law of this state, or dramatic or
55 musical arts performances, or live circus performances, or motion
56 picture theaters, and except charges to a patron for admission to, or

1 use of, facilities for sporting activities in which such patron is to be
2 a participant, such as bowling alleys and swimming pools. For any person
3 having the permanent use or possession of a box or seat or a lease or a
4 license, other than a season ticket, for the use of a box or seat at a
5 place of amusement, the tax shall be upon the amount for which a similar
6 box or seat is sold for each performance or exhibition at which the box
7 or seat is used or reserved by the holder, licensee or lessee, and shall
8 be paid by the holder, licensee or lessee.

9 S 8. The section heading of section 1820 of the tax law, as amended
10 by section 32 of subpart I of part V-1 of chapter 57 of the laws of
11 2009, is amended to read as follows:

12 [Boxing and wrestling exhibitions] AUTHORIZED COMBATIVE SPORTS tax.

13 S 9. Paragraph (b) of subdivision 6-c of section 106 of the alcoholic
14 beverage control law, as added by chapter 254 of the laws of 2001, is
15 amended to read as follows:

16 (b) The prohibition contained in paragraph (a) of this subdivision,
17 however, shall not be applied to any [professional match or exhibition
18 which consists of boxing, sparring, wrestling, or martial arts and which
19 is excepted from the definition of the term "combative sport" contained
20 in subdivision one of section five-a of chapter nine hundred twelve of
21 the laws of nineteen hundred twenty, as added by chapter fourteen of the
22 laws of nineteen hundred ninety-seven] AUTHORIZED COMBATIVE SPORT.

23 S 10. The department of state, with the assistance of the state
24 athletic commission, medical advisory board, departments of health and
25 financial services, state insurance fund, division of budget and such
26 other state entities as appropriate, shall carefully consider potential
27 mechanisms to provide financial resources for the payment of expenses
28 related to medical and rehabilitative care for professionals licensed
29 under article forty-one of the general business law who experience
30 debilitating brain injuries associated with repetitive head injuries
31 sustained through their participation in combative sports. The depart-
32 ment of state may consult and contract with third parties for services
33 in the course of this review. The department of state shall report its
34 findings and recommendations to the governor, temporary president of the
35 senate and speaker of the assembly within eighteen months of the effec-
36 tive date of this section. In addition to the foregoing, within twelve
37 months of the effective date of this section, the state athletic commis-
38 sion shall make any recommendations to the governor, temporary president
39 of the senate and speaker of the assembly regarding legislative changes
40 which may be necessary to effectuate the purpose and intent of this
41 chapter, including, but not limited to, appropriate adjustments to the
42 insurance requirements contained therein.

43 S 11. This act shall take effect on the first day of the first month
44 next succeeding the one hundred twentieth day after it shall have become
45 a law and shall apply to gross receipts from combative sports held on or
46 after that date; provided, however, that the addition, amendment and/or
47 repeal of any rule or regulation of the state athletic commission neces-
48 sary for the implementation of this act on its effective date is author-
49 ized to be made on or before such effective date.

50 PART P

51 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the
52 public authorities law relating to the powers and duties of the dormito-
53 ry authority of the state of New York relative to the establishment of

1 subsidiaries for certain purposes, as amended by section 1 of part X of
2 chapter 57 of the laws of 2014, is amended to read as follows:

3 S 2. This act shall take effect immediately and shall expire and be
4 deemed repealed on July 1, [2016] 2018; provided however, that the expi-
5 ration of this act shall not impair or otherwise affect any of the
6 powers, duties, responsibilities, functions, rights or liabilities of
7 any subsidiary duly created pursuant to subdivision twenty-five of
8 section 1678 of the public authorities law prior to such expiration.

9 S 2. This act shall take effect immediately.

10 PART Q

11 Section 1. Subdivisions 10, 11, 12 and 13 of section 351 of the public
12 authorities law are REPEALED and subdivision 14 of such section is
13 renumbered subdivision 10.

14 S 2. Subdivisions 6, 8 and 10 of section 354 of the public authorities
15 law, subdivision 6 as amended by chapter 506 of the laws of 2009, and
16 subdivisions 8 and 10 as amended by chapter 766 of the laws of 1992, are
17 amended to read as follows:

18 6. To appoint officers, agents and employees and fix their compen-
19 sation, provided, however, that the appointment of the executive direc-
20 tor shall be subject to confirmation by the senate in accordance with
21 section twenty-eight hundred fifty-two of this chapter; subject however
22 to the provisions of the civil service law, which shall apply to the
23 authority [and to the subsidiary corporation thereof] as a municipal
24 corporation other than a city;

25 8. Subject to agreements with noteholders or bondholders, to fix and
26 collect such fees, rentals and charges for the use of the thruway
27 [system] or any part thereof necessary or convenient, with an adequate
28 margin of safety, to produce sufficient revenue to meet the expense of
29 maintenance and operation and to fulfill the terms of any agreements
30 made with the holders of its notes or bonds, and to establish the rights
31 and privileges granted upon payment thereof[; provided, however, that
32 tolls may only be imposed for the passage through locks and lift bridges
33 by vessels which are propelled in whole or in part by mechanical power;
34 and provided further that no tolls shall be imposed or collected prior
35 to the first day of April, nineteen hundred ninety-three].

36 10. To construct, reconstruct or improve on or along the thruway
37 [system] in the manner herein provided, suitable facilities for gas
38 stations, restaurants, and other facilities for the public, or to lease
39 the right to construct, reconstruct or improve and operate such facili-
40 ties; such facilities shall be publicly offered for leasing for opera-
41 tion, or the right to construct, reconstruct or improve and operate such
42 facilities shall be publicly offered under rules and regulations to be
43 established by the authority, provided, however, that lessees operating
44 such facilities at the time this act becomes effective, may reconstruct
45 or improve them or may construct additional like facilities, in the
46 manner and upon such terms and conditions as the board shall determine[;
47 and provided further, however, that such facilities constructed, recon-
48 structed or improved on or along the canal system shall be consistent
49 with the canal recreationway plan approved pursuant to section one
50 hundred thirty-eight-c of the canal law and section three hundred eight-
51 y-two of this title];

52 S 3. Section 355 of the public authorities law, as amended by chapter
53 138 of the laws of 1997, is amended to read as follows:

1 S 355. Officers and employees; transfer, promotion and seniority. 1.
2 Officers and employees of state departments, agencies, [or the canal
3 corporation] OR DIVISIONS may be transferred to the authority and offi-
4 cers, agents and employees of the authority may be transferred to state
5 departments, agencies, [or the canal corporation] OR DIVISIONS, without
6 examination and without loss of any civil service status or rights. No
7 such transfer from the authority [or canal corporation] to any state
8 department, agency, or division may, however, be made except with the
9 approval of the head of the state department, agency, or division
10 involved and the director of the budget and in compliance with the rules
11 and regulations of the state civil service commission.

12 2. Promotions from positions in state departments and agencies to
13 positions in the authority [or canal corporation], and vice versa, may
14 be made from interdepartmental promotion lists resulting from promotion
15 examinations in which employees of the authority[, employees of the
16 canal corporation,] and employees of the state are eligible to partic-
17 ipate.

18 3. In computing seniority for purposes of promotion or for purposes of
19 suspension or demotion upon the abolition of positions in the service of
20 the authority or in the service of the state, in the case of an employee
21 of the authority a period of prior employment in the service of the
22 state shall be counted in the same manner as though such period of
23 employment had been in the service of the authority, and in the case of
24 an employee of the state a period of prior employment in the service of
25 the authority shall be counted in the same manner as though such period
26 of employment had been in the service of the state. For the purposes of
27 the establishment and certification of preferred lists, employees
28 suspended from the authority shall be eligible for reinstatement in the
29 service of the state, and employees suspended from the service of the
30 state shall be eligible for reinstatement in the service of the authori-
31 ty, in the same manner as though the authority were a department of the
32 state. [All provisions contained within this subdivision shall apply to
33 the canal corporation in the same manner that they apply to the authori-
34 ty.]

35 S 4. Section 357 of the public authorities law, as amended by chapter
36 766 of the laws of 1992, is amended to read as follows:

37 S 357. Right of authority to use state property; payment for improve-
38 ments. On assuming jurisdiction of a thruway highway section or
39 connection or any part thereof, or of a highway connection, [or of the
40 New York state canal system,] the authority shall have the right to
41 possess and use for its corporate purposes so long as its corporate
42 existence shall continue, any real property and rights in real property
43 theretofore acquired by the state, including all improvements thereon
44 [and state canal lands and properties; provided that the use by the
45 authority of canal lands and properties for highway purposes shall not
46 interfere with the use thereof for canal purposes].

47 S 5. Subdivisions 2 and 3 of section 357-a of the public authorities
48 law are REPEALED and subdivision 1, as added by section 1 of part E of
49 chapter 58 of the laws of 2013, is amended to read as follows:

50 1. Enforcement assistance [shall be] provided by the division of state
51 police at [a level consistent with historical precedents, as a matter of
52 state interest, on all sections of the thruway. The authority shall
53 provide goods and services to the division of state police in connection
54 with its enforcement activity on the thruway. The division of state
55 police and the authority shall enter into an agreement identifying those
56 goods and services that the authority will provide to the division of

1 state police and determine reporting and other requirements related
2 thereto. Any costs borne by the state police outside of such agreement
3 shall not be reimbursed by the authority nor shall they be deemed costs
4 of the authority] THE REQUEST OF THE AUTHORITY SHALL BE REIMBURSED BY
5 THE AUTHORITY TO THE DIVISION OF STATE POLICE FROM THE GENERAL RESERVE
6 FUND ESTABLISHED BY THE AUTHORITY UNDER ITS AGREEMENT WITH BONDHOLDERS,
7 AFTER PAYMENT OF ANY AMOUNTS DUE ON ANY BONDS OR NOTES OF THE AUTHORITY.
8 THE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO DEPOSIT TO THE
9 POLICING NYS THRUWAY ACCOUNT, REVENUES RECEIVED FROM THE AUTHORITY AS
10 REIMBURSEMENT FOR PERSONAL SERVICE EXPENSES INCLUDING GENERAL STATE
11 CHARGES. IN ADDITION, THE AUTHORITY SHALL REIMBURSE THE DIVISION OF
12 STATE POLICE FOR NON-PERSONAL SERVICE EXPENSES CONNECTED WITH SUCH
13 ASSISTANCE. SUCH REIMBURSEMENT SHALL BE MADE FROM SUCH GENERAL RESERVE
14 FUND. THE AUTHORITY SHALL DEPOSIT SAID REIMBURSEMENT FUNDS FOR NON-PER-
15 SONAL SERVICE EXPENSES TO THE CREDIT OF THE DIVISION OF STATE POLICE. NO
16 PAYMENTS MADE BY THE AUTHORITY UNDER THIS SUBSECTION SHALL BE DEEMED
17 OPERATING EXPENSES OF THE AUTHORITY.

18 S 6. Subdivision 1 of section 359 of the public authorities law, as
19 amended by chapter 766 of the laws of 1992, is amended to read as
20 follows:

21 1. On assuming jurisdiction of a thruway section or connection or any
22 part thereof, or of a highway connection, [or of the New York state
23 canal system,] the authority shall proceed with the construction, recon-
24 struction or improvement thereof. All such work shall be done pursuant
25 to a contract or contracts which shall be let to the lowest responsible
26 bidder, by sealed proposals publicly opened, after public advertisement
27 and upon such terms and conditions as the authority shall require;
28 provided, however, that the authority may reject any and all proposals
29 and may advertise for new proposals, as herein provided, if in its opin-
30 ion, the best interests of the authority will thereby be promoted;
31 provided further, however, that at the request of the authority, all or
32 any portion of such work, together with any engineering required by the
33 authority in connection therewith, shall be performed by the commission-
34 er and his subordinates in the department of transportation as agents
35 for, and at the expense of, the authority.

36 S 7. Section 359-a of the public authorities law, as added by chapter
37 140 of the laws of 2002, is amended to read as follows:

38 S 359-a. Procurement contracts. For the purposes of section twenty-
39 eight hundred seventy-nine of this chapter as applied to the authority
40 [or the canal corporation], the term "procurement contract" shall mean
41 any written agreement for the acquisition of goods or services of any
42 kind by the authority [or the canal corporation] in the actual or esti-
43 mated amount of fifteen thousand dollars or more.

44 S 8. Section 360 of the public authorities law, as amended by chapter
45 766 of the laws of 1992, is amended to read as follows:

46 S 360. Operation and maintenance. Operation and maintenance by the
47 authority of any thruway section or connection or any part thereof or of
48 a highway connection[, the New York state canal system] of which it has
49 assumed jurisdiction shall be performed (a) by the use of authority
50 forces and equipment at the expense of the authority or by agreement at
51 the expense of the state or other parties; (b) by contract with munici-
52 palities or independent contractors; (c) at the request of the authori-
53 ty, by the commissioner and his subordinates in the department of trans-
54 portation as agents for, and at the expense of the authority, or (d) by
55 a combination of such methods.

1 S 9. Section 362 of the public authorities law, as amended by chapter
2 766 of the laws of 1992, is amended to read as follows:

3 S 362. Assistance by state officers, departments, boards, divisions
4 and commissions. At the request of the authority, engineering and legal
5 services for such authority shall be performed by forces or officers of
6 the department of transportation and the department of law respectively,
7 and all other state officers, departments, boards, divisions and commis-
8 sions shall render services within their respective functions. At the
9 request of the authority, services in connection with the collection of
10 any charges or fees for the use of the thruway[, the New York state
11 canal system] or any part thereof may be performed by the department of
12 motor vehicles.

13 S 10. Paragraph (a) of subdivision 1, and paragraph (i) of subdivision
14 3 of section 365 of the public authorities law, as amended by chapter
15 766 of the laws of 1992, are amended to read as follows:

16 (a) Subject to the provisions of section three hundred sixty-six of
17 this title, the authority shall have the power and is hereby authorized
18 from time to time to issue its negotiable notes and bonds in conformity
19 with applicable provisions of the uniform commercial code in such prin-
20 cipal amount as, in the opinion of the authority, shall be necessary to
21 provide sufficient moneys for achieving the corporate purposes thereof,
22 including construction, reconstruction and improvement of the thruway
23 sections and connections, and highway connections herein described, [the
24 New York state canal system subject to the provisions of section three
25 hundred eighty-three of this title,] together with suitable facilities
26 and appurtenances, the payment of all indebtedness to the state, the
27 cost of acquisition of all real property, the expense of maintenance and
28 operation, interest on notes and bonds during construction and for a
29 reasonable period thereafter, establishment of reserves to secure notes
30 or bonds, and all other expenditures of the authority incident to and
31 necessary or convenient to carry out its corporate purposes and powers.

32 (i) the acquisition of jurisdiction over, and of property for, thru-
33 ways, [the New York state canal system,] and the construction, recon-
34 struction, improvement, maintenance or operation thereof;

35 S 11. Section 382 of the public authorities law is REPEALED.

36 S 12. Section 383 of the public authorities law is REPEALED.

37 S 13. Section 388 of the public authorities law, as added by chapter
38 500 of the laws of 2011, is amended to read as follows:

39 S 388. Limitation on powers of the authority. A department, authority,
40 division or agency of the state shall not offer or permit any officer or
41 employee of such department, authority, division or agency to use a pass
42 to access and/or use the thruway [system] without the officer's or
43 employee's personal payment of tolls except when the use of such a pass
44 and/or use of the thruway [system] without personal payment of tolls
45 occurs in the normal course of the employment or duties of such officer
46 or employee. This section shall not diminish the rights of any employee
47 pursuant to a collective bargaining agreement.

48 S 14. Subdivisions 18 and 21 of section 2 of the canal law, subdivi-
49 sion 18 as amended and subdivision 21 as renumbered by chapter 335 of
50 the laws of 2001, subdivision 21 as added by chapter 442 of the laws of
51 1996, are amended and a new subdivision 24 is added to read as follows:

52 18. "Authority" shall mean the [New York state thruway authority, a
53 body corporate and politic constituting a public corporation created and
54 constituted pursuant to title nine of article two] POWER AUTHORITY OF
55 THE STATE OF NEW YORK, A BODY CORPORATE AND POLITIC CONSTITUTING A POLI-

TICAL SUBDIVISION OF THE STATE CREATED AND CONSTITUTED PURSUANT TO TITLE ONE OF ARTICLE FIVE of the public authorities law.

21. "Corporation" AND "CANAL CORPORATION" shall mean the New York state canal corporation, [a subsidiary of the New York state thruway authority,] A PUBLIC BENEFIT CORPORATION created pursuant to [section three hundred eighty-two of the public authorities law] CHAPTER SEVEN HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO AND CONTINUED AND RECONSTITUTED AS A SUBSIDIARY CORPORATION OF THE POWER AUTHORITY OF THE STATE OF NEW YORK PURSUANT TO SUBDIVISION ONE OF SECTION ONE THOUSAND FIVE-B OF THE PUBLIC AUTHORITIES LAW.

24. "THRUWAY AUTHORITY" SHALL MEAN THE NEW YORK STATE THRUWAY AUTHORITY, A BODY CORPORATE AND POLITIC CONSTITUTING A PUBLIC CORPORATION CREATED AND CONSTITUTED PURSUANT TO TITLE NINE OF ARTICLE TWO OF THE PUBLIC AUTHORITIES LAW.

S 15. The article heading of article 1-A of the canal law, as added by chapter 766 of the laws of 1992, is amended to read as follows:

TRANSFER TO [NEW YORK STATE THRUWAY AUTHORITY]
POWER AUTHORITY OF THE STATE OF NEW YORK

S 16. Section 5 of the canal law, as amended by amended chapter 335 of the laws of 2001, is amended to read as follows:

S 5. Transfer of powers and duties relating to canals and canal lands to the [New York state thruway authority] POWER AUTHORITY OF THE STATE OF NEW YORK. The powers and duties of the [commissioner of transportation] THRUWAY AUTHORITY relating to the New York state canal system as set forth in articles one through and including fourteen, except article seven, of this chapter, and except properties in use on the effective date of this article in support of highway maintenance, equipment management and traffic signal operations of the department of transportation, HERETOFORE TRANSFERRED BY THE COMMISSIONER OF TRANSPORTATION TO THE THRUWAY AUTHORITY, are hereby transferred to and merged with the authority, to be exercised by the authority DIRECTLY OR THROUGH THE CANAL CORPORATION on behalf of the people of the state of New York. In addition, the commissioner of transportation and the [chairman] CHAIR of the authority OR HIS OR HER DESIGNEE may, in their discretion, enter into an agreement or agreements transferring the powers and duties of the commissioner of transportation relating to any or all of the bridges and highways as set forth in article seven of this chapter, to be exercised by the authority DIRECTLY OR THROUGH THE CANAL CORPORATION on behalf of the people of the state of New York, and, AS DETERMINED TO BE FEASIBLE AND ADVISABLE BY THE AUTHORITY'S TRUSTEES, shall enter into an agreement or agreements DIRECTLY OR THROUGH THE CANAL CORPORATION for the financing, construction, reconstruction or improvement of lift and movable bridges on the canal system. Such powers shall be in addition to other powers enumerated in title [nine] ONE of article [two] FIVE of the public authorities law. All of the provisions of title [nine] ONE of article [two] FIVE of such law which are not inconsistent with this chapter shall apply to the actions and duties of the authority pursuant to this chapter. The authority shall be deemed to be the state in exercising the powers and duties transferred pursuant to this section but for no other purposes.

S 17. Subdivisions 1, 2, 3, 4 and 5 of section 6 of the canal law, subdivisions 2 and 5 as added by chapter 766 of the laws of 1992, and subdivisions 1, 3 and 4 as amended by chapter 335 of the laws of 2001, are amended to read as follows:

1. The jurisdiction of the [commissioner of transportation] THRUWAY AUTHORITY over the New York state canal system and over all state

1 assets, equipment and property, both tangible and intangible, owned or
2 used in connection with the planning, development, construction, recon-
3 struction, maintenance and operation of the New York state canal system,
4 as set forth in articles one through and including fourteen, except
5 article seven, of this chapter, and except properties in use on the
6 effective date of this article in support of highway maintenance, equip-
7 ment management and traffic signal operations of the department of
8 transportation, HERETOFORE TRANSFERRED BY THE COMMISSIONER OF TRANSPOR-
9 TATION TO THE THRUWAY AUTHORITY, are hereby transferred without consid-
10 eration to the authority, to be held by the authority in the name of the
11 people of the state of New York. In addition the commissioner of trans-
12 portation and the [chairman] CHAIR of the authority OR HIS OR HER DESIG-
13 NEE may, in their discretion, enter into an agreement or agreements
14 transferring jurisdiction over any or all of the bridges and highways
15 set forth in article seven of this chapter, and any or all state assets,
16 equipment and property, both tangible and intangible, owned or used in
17 connection with the planning, development, construction, reconstruction,
18 maintenance and operation of such bridges and highways, which shall be
19 transferred without consideration to the authority, to be held by the
20 authority through the corporation in the name of the people of the state
21 of New York. Any other rights and obligations resulting from or arising
22 out of the planning, development, construction, reconstruction, opera-
23 tion or maintenance of the New York state canal system shall be deemed
24 assigned to and shall be exercised by the authority through the corpo-
25 ration, except that the authority may designate the [commissioner of
26 transportation] CHAIR OF THE THRUWAY AUTHORITY to be its agent for the
27 operation and maintenance of the New York state canal system, provided
28 that such designation shall have no force or effect after [March thir-
29 ty-first, nineteen hundred ninety-three] JANUARY FIRST, TWO THOUSAND
30 SEVENTEEN. Such canal system shall remain the property of the state and
31 under its management and control as exercised by and through the author-
32 ity, through the corporation which shall be deemed to be the state for
33 the purposes of such management and control of the canals but for no
34 other purposes.

35 2. The department of transportation AND THRUWAY AUTHORITY shall deliv-
36 er to the authority all books, policies, procedures, papers, plans,
37 maps, records, equipment and property of such department pertaining to
38 the functions transferred pursuant to this article.

39 3. All rules, regulations, acts, determinations, orders and decisions
40 of the commissioner of transportation [and of the], department of trans-
41 portation, OR THRUWAY AUTHORITY pertaining to the functions transferred
42 pursuant to this article in force at the time of such transfer shall
43 continue in force and effect as rules, regulations, acts, determi-
44 nations, orders and decisions of the authority and corporation until
45 duly modified or abrogated by such authority [and] OR corporation.

46 4. Any business or other matters undertaken or commenced by the
47 [commissioner of transportation or the department of transportation]
48 THRUWAY AUTHORITY, including executed contracts, permits and other
49 agreements, BUT EXCLUDING BONDS, NOTES OR OTHER EVIDENCES OF INDEBT-
50 EDNESS, pertaining to or connected with the [functions,] powers, [obli-
51 gations and] duties AND OBLIGATIONS transferred pursuant to this arti-
52 cle, and in effect on the effective date [hereof] OF THE TRANSFER OF
53 SUCH MATTERS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY PROVIDED FOR IN
54 THIS ARTICLE, shall, EXCEPT AS OTHERWISE AGREED BY THE AUTHORITY AND THE
55 THRUWAY AUTHORITY, be conducted and completed by the authority through
56 the corporation in the same manner and under the same terms and condi-

tions and with the same effect as if conducted and completed by the [commissioner of transportation or the department of transportation] THRUWAY AUTHORITY, PROVIDED THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE THE AUTHORITY TO TAKE ANY ACTION IN A MANNER THAT WOULD IN ITS JUDGMENT BE INCONSISTENT WITH THE PROVISIONS OF ANY BOND OR NOTE RESOLUTION OR ANY OTHER CONTRACT WITH THE HOLDERS OF THE AUTHORITY'S BONDS, NOTES OR OTHER OBLIGATIONS.

5. No existing rights or remedies of the state, [including the] authority, THRUWAY AUTHORITY, OR CANAL CORPORATION shall be lost, impaired or affected by reason of this article.

S 18. Subdivision 6 of section 6 of the canal law, as added by chapter 766 of the laws of 1992, paragraph (b) as amended by chapter 335 of the laws of 2001, is amended and a new subdivision 7 is added to read as follows:

6. (a) No action or proceeding pending on the effective date of [this article,] THE TRANSFER OF POWERS, DUTIES AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY brought by or against THE THRUWAY AUTHORITY, the commissioner of transportation [or], THE CORPORATION, the department of transportation OR THE AUTHORITY shall be affected by this article. Any liability arising out of any act or omission occurring prior to the effective date of the transfer of THE powers [and], duties [authorized herein] AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY, of the officers, employees or agents of THE THRUWAY AUTHORITY, the department of transportation, or any other agency of the state, other than the authority, in the performance of their obligations or duties under the canal law, any other law of the state or any federal law, or pursuant to a contract entered into prior to the effective date of such transfer, shall remain a liability of THE THRUWAY AUTHORITY, the department of transportation or such other agency of the state and not of the authority.

(b) Notwithstanding any provision to the contrary contained in paragraph (a) of this subdivision, the state shall indemnify and hold harmless the THRUWAY authority [and], THE corporation AND THE AUTHORITY for any and all claims, damages, or liabilities, whether or not caused by negligence, including civil and criminal fines, arising out of or relating to any generation, processing, handling, transportation, storage, treatment, or disposal of solid or hazardous wastes in the canal system by any person or entity other than the THRUWAY AUTHORITY OR THE authority occurring prior to [the effective date of the transfer of powers and duties authorized herein] AUGUST THIRD, NINETEEN HUNDRED NINETY-TWO. Such indemnification shall extend to, without limitation, any releases into land, water or air, including but not limited to releases as defined under the federal comprehensive environmental response compensation and liability act of nineteen hundred eighty, occurring or existing prior to [the effective date of this section] AUGUST THIRD, NINETEEN HUNDRED NINETY-TWO; provided that the THRUWAY AUTHORITY, THE CORPORATION AND THE authority shall cooperate in the investigation and remediation of hazardous waste and other environmental problems.

(C) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY CONTAINED IN PARAGRAPH (A) OF THIS SUBDIVISION, THE THRUWAY AUTHORITY SHALL INDEMNIFY AND HOLD HARMLESS THE CORPORATION AND THE AUTHORITY FOR ANY AND ALL CLAIMS, DAMAGES, OR LIABILITIES, WHETHER OR NOT CAUSED BY NEGLIGENCE, INCLUDING CIVIL AND CRIMINAL FINES, ARISING OUT OF OR RELATING TO ANY GENERATION, PROCESSING, HANDLING, TRANSPORTATION, STORAGE, TREATMENT, OR DISPOSAL OF SOLID OR HAZARDOUS WASTES IN THE CANAL SYSTEM BY ANY PERSON OR ENTITY OTHER THAN THE AUTHORITY OCCURRING AFTER AUGUST THIRD, NINETEEN HUNDRED

1 NINETY-TWO AND NO LATER THAN THE EFFECTIVE DATE OF THE TRANSFER OF
2 POWERS, DUTIES AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHOR-
3 ITY. SUCH INDEMNIFICATION SHALL EXTEND TO, WITHOUT LIMITATION, ANY
4 RELEASES INTO LAND, WATER OR AIR, INCLUDING BUT NOT LIMITED TO RELEASES
5 AS DEFINED UNDER THE FEDERAL COMPREHENSIVE ENVIRONMENTAL RESPONSE
6 COMPENSATION AND LIABILITY ACT OF NINETEEN HUNDRED EIGHTY, OCCURRING OR
7 EXISTING PRIOR TO THE EFFECTIVE DATE OF THE TRANSFER OF POWERS, DUTIES
8 AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY; PROVIDED
9 THAT THE CORPORATION AND THE AUTHORITY SHALL COOPERATE IN THE INVESTI-
10 GATION AND REMEDIATION OF HAZARDOUS WASTE AND OTHER ENVIRONMENTAL PROB-
11 LEMS.

12 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, THE THRUWAY AUTHORI-
13 TY SHALL RETAIN ALL LIABILITIES, WHETHER OR NOT CAUSED BY NEGLIGENCE,
14 ARISING OUT OF ANY ACTS OR OMISSIONS OCCURRING ON OR AFTER AUGUST THIRD,
15 NINETEEN HUNDRED NINETY-TWO, IN CONNECTION WITH ITS POWERS, DUTIES AND
16 OBLIGATIONS WITH RESPECT TO THE CORPORATION. THE AUTHORITY AND THE STATE
17 SHALL NOT BE HELD LIABLE IN CONNECTION WITH ANY LIABILITIES ARISING OUT
18 OF SUCH ACTS OR OMISSIONS.

19 7. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN CONNECTION
20 WITH THE TRANSFER OF JURISDICTION OF THE CORPORATION TO THE AUTHORITY
21 AND THE ASSUMPTION OF MANAGEMENT OF THE CORPORATION AS A SUBSIDIARY
22 CORPORATION OF THE AUTHORITY PURSUANT TO THE CHAPTER OF THE LAWS OF TWO
23 THOUSAND SIXTEEN WHICH ADDED THIS SUBDIVISION, THE THRUWAY AUTHORITY
24 SHALL HAVE THE POWER TO FULFILL ANY EXISTING AGREEMENTS OR OBLIGATIONS,
25 MAKE ANY AGREEMENTS, RECEIVE, RETAIN OR PAY ANY FUNDS, DEEMED NECESSARY
26 AND IN THE PUBLIC INTEREST TO EFFECTUATE THE PROVISIONS AND INTENT OF
27 THIS CHAPTER, INCLUDING BUT NOT LIMITED TO, THE ENTERING INTO ANY AGREE-
28 MENTS WITH THE CORPORATION, THE AUTHORITY AND ANY OTHER FEDERAL, STATE,
29 MUNICIPAL OR OTHER ENTITIES, AND TO RECEIVE FUNDS FROM THE FEDERAL EMER-
30 GENCY MANAGEMENT AGENCY OR THE STATE, TO FULFILL THE THRUWAY AUTHORITY'S
31 EXISTING FINANCIAL OR OTHER OBLIGATIONS ARISING FROM ITS JURISDICTION
32 OVER THE CANAL SYSTEM AND THE CORPORATION.

33 S 19. Subdivisions 2 and 5 of section 92-u of the state finance law,
34 subdivision 2 as added by chapter 766 of the laws of 1992, and subdivi-
35 sion 5 as amended by chapter 483 of the laws of 1996, are amended to
36 read as follows:

37 2. Such fund shall consist of all revenues received from the operation
38 of the New York state canal system as defined in section three hundred
39 fifty-one of the public authorities law and section two of the canal
40 law, including payments on leases for use of canal lands, terminals and
41 terminal lands, tolls received for lock and lift bridge passage,
42 payments for hydroelectric easements and sales, for purchase of other
43 abandoned canal lands, payments for any permits and leases for use of
44 the water and lands of the system and payments for use of dry docks and
45 other moneys made available to the fund from any other source other than
46 a grant, loan or other inter-corporate transfer of funds of the [New
47 York state thruway authority] POWER AUTHORITY OF THE STATE OF NEW YORK,
48 and any income earned by, or incremental to, the fund due to investment
49 thereof, or any repayment of any moneys advanced by the fund.

50 5. Moneys of the fund, following appropriation by the legislature,
51 shall be available to the [New York state thruway authority] POWER
52 AUTHORITY OF THE STATE OF NEW YORK and shall be expended by such author-
53 ity or [subsidiary corporation thereof] THE CANAL CORPORATION only for
54 the maintenance, construction, reconstruction, development or promotion
55 of the canal system[; provided, however, that in the initial years,
56 expenditures of moneys of the fund for the development and/or promotion

1 of the canal system shall be accorded a priority by the authority or
2 subsidiary corporation thereof]. In addition, moneys of the fund may be
3 used for the purposes of interpretive signage and promotion for appro-
4 priate historically significant Erie canal lands and related sites.
5 Moneys shall be paid out of the fund by the state comptroller on certifi-
6 cates issued by the director of the budget.

7 S 20. Notwithstanding any other provision of law, the power authority
8 of the state of New York ("power authority"), New York state thruway
9 authority and New York state canal corporation ("canal corporation"),
10 and any other state or municipal agency, department, office, board,
11 division, commission, public authority or public benefit corporation may
12 enter into such agreements and understandings relating to the transition
13 of the canal corporation to its status as a subsidiary of the power
14 authority and for the administration, maintenance and operation of the
15 canal corporation and the canal system as they may deem necessary or
16 desirable.

17 S 21. Section 1005 of the public authorities law is amended by adding
18 a new subdivision 25 to read as follows:

19 25. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TO ACCEPT GIFTS,
20 GRANTS, LOANS, OR CONTRIBUTIONS OF FUNDS OR PROPERTY IN ANY FORM FROM
21 THE FEDERAL GOVERNMENT OR ANY AGENCY OR INSTRUMENTALLY THEREOF OR FROM
22 THE STATE OR ANY OTHER SOURCE (COLLECTIVELY, "RESOURCES"), AND ENTER
23 INTO CONTRACTS OR OTHER TRANSACTIONS REGARDING SUCH RESOURCES, AND TO
24 USE SUCH RESOURCES FOR ANY OF ITS CORPORATE PURPOSES.

25 S 22. The public authorities law is amended by adding a new section
26 1005-b to read as follows:

27 S 1005-B. NEW YORK STATE CANAL CORPORATION. 1. THE PUBLIC BENEFIT
28 CORPORATION KNOWN AS THE "NEW YORK STATE CANAL CORPORATION" (HEREINAFTER
29 REFERRED TO AS THE "CANAL CORPORATION") CREATED AS A SUBSIDIARY CORPO-
30 RATION OF THE NEW YORK STATE THRUWAY AUTHORITY PURSUANT TO CHAPTER SEVEN
31 HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO IS HEREBY
32 CONTINUED AND RECONSTITUTED AS A SUBSIDIARY CORPORATION OF THE AUTHORITY
33 AND SHALL HAVE ONLY THE POWER TO OPERATE, MAINTAIN, CONSTRUCT, RECON-
34 STRUCT, IMPROVE, DEVELOP, FINANCE, AND PROMOTE ALL OF THE CANALS, CANAL
35 LANDS, FEEDER CANALS, RESERVOIRS, CANAL TERMINALS, CANAL TERMINAL LANDS
36 AND OTHER PROPERTY UNDER THE JURISDICTION OF THE CANAL CORPORATION
37 PURSUANT TO ARTICLE ONE-A OF THE CANAL LAW (HEREINAFTER REFERRED TO AS
38 THE "CANAL SYSTEM"). REFERENCE IN ANY PROVISION OF LAW, GENERAL, SPECIAL
39 OR LOCAL, OR IN ANY RULE, REGULATION OR PUBLIC DOCUMENT TO THE CANAL
40 CORPORATION OR THE CANAL CORPORATION AS A SUBSIDIARY OF THE NEW YORK
41 STATE THRUWAY AUTHORITY SHALL BE DEEMED TO BE AND CONSTRUED AS A REFER-
42 ENCE TO THE CANAL CORPORATION CONTINUED BY THIS SECTION.

43 2. THE MANAGEMENT AND ADMINISTRATION OF THE CANAL CORPORATION SHALL BE
44 AN ADDITIONAL CORPORATE PURPOSE OF THE AUTHORITY. TO THE EXTENT THAT THE
45 TRUSTEES DEEM IT FEASIBLE AND ADVISABLE, THE AUTHORITY MAY TRANSFER TO
46 THE CANAL CORPORATION ANY MONEYS, REAL, PERSONAL, OR MIXED PROPERTY OR
47 ANY PERSONNEL IN ORDER TO CARRY OUT THE PURPOSES OF THIS SECTION,
48 PROVIDED THAT NOTHING IN THIS SECTION SHALL BE DEEMED TO REQUIRE THE
49 AUTHORITY TO APPLY ANY MONEYS, REVENUES OR PROPERTY OR TO TAKE ANY
50 ACTION IN A MANNER THAT WOULD BE INCONSISTENT WITH THE PROVISIONS OF ANY
51 BOND OR NOTE RESOLUTION OR ANY OTHER CONTRACT WITH THE HOLDERS OF THE
52 AUTHORITY'S BONDS, NOTES OR OTHER OBLIGATIONS.

53 3. THE CANAL CORPORATION AND ANY OF ITS PROPERTY, FUNCTIONS, AND
54 ACTIVITIES SHALL HAVE ALL OF THE PRIVILEGES, IMMUNITIES, TAX EXEMPTIONS
55 AND OTHER EXEMPTIONS OF THE AUTHORITY AND OF THE AUTHORITY'S PROPERTY,
56 FUNCTIONS, AND ACTIVITIES. THE CANAL CORPORATION SHALL BE SUBJECT TO THE

1 RESTRICTIONS AND LIMITATIONS TO WHICH THE AUTHORITY MAY BE SUBJECT. THE
2 CANAL CORPORATION MAY DELEGATE TO ONE OR MORE OF ITS MEMBERS, OR ITS
3 OFFICERS, AGENTS AND EMPLOYEES, SUCH DUTIES AND POWERS AS IT MAY DEEM
4 PROPER.

5 4. EXCLUSIVE JURISDICTION IS CONFERRED UPON THE COURT OF CLAIMS TO
6 HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE CANAL CORPO-
7 RATION (A) FOR ITS TORTIOUS ACTS AND THOSE OF ITS AGENTS, AND (B) FOR
8 BREACH OF A CONTRACT, RELATING TO CONSTRUCTION, RECONSTRUCTION, IMPROVE-
9 MENT, MAINTENANCE OR OPERATION, IN THE SAME MANNER AND TO THE EXTENT
10 PROVIDED BY AND SUBJECT TO THE PROVISIONS OF THE COURT OF CLAIMS ACT
11 WITH RESPECT TO CLAIMS AGAINST THE STATE, AND TO MAKE AWARDS AND RENDER
12 JUDGMENTS THEREFOR. ALL AWARDS AND JUDGMENTS ARISING FROM SUCH CLAIMS
13 SHALL BE PAID OUT OF MONEYS OF THE CANAL CORPORATION.

14 5. THE MEMBERS OF THE CANAL CORPORATION SHALL BE THE SAME PERSONS
15 HOLDING THE OFFICES OF TRUSTEES OF THE AUTHORITY.

16 6. NO OFFICER OR MEMBER OF THE CANAL CORPORATION SHALL RECEIVE ANY
17 ADDITIONAL COMPENSATION, EITHER DIRECT OR INDIRECT, OTHER THAN
18 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORM-
19 ANCE OF HIS OR HER DUTIES, BY REASON OF HIS OR HER SERVING AS A MEMBER,
20 DIRECTOR, OR TRUSTEE OF THE CANAL CORPORATION.

21 7. THE EMPLOYEES OF THE CANAL CORPORATION SHALL NOT BE DEEMED TO BE
22 EMPLOYEES OF THE AUTHORITY BY REASON OF THEIR EMPLOYMENT BY THE CANAL
23 CORPORATION. ALL OFFICERS AND EMPLOYEES OF THE CANAL CORPORATION SHALL
24 BE SUBJECT TO THE PROVISIONS OF THE CIVIL SERVICE LAW WHICH SHALL APPLY
25 TO THE CANAL CORPORATION AS A MUNICIPAL CORPORATION OTHER THAN A CITY.
26 THE CANAL CORPORATION SHALL PARTICIPATE IN THE NEW YORK STATE AND LOCAL
27 EMPLOYEES' RETIREMENT SYSTEM. NOTHING CONTAINED IN A CHAPTER OF THE LAWS
28 OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION SHALL BE CONSTRUED TO
29 AFFECT THE RIGHTS OF THE CANAL CORPORATION OR ANY OF ITS EMPLOYEES UNDER
30 ANY COLLECTIVE BARGAINING AGREEMENT IN EFFECT AS OF THE EFFECTIVE DATE
31 OF TRANSFER OF THE CANAL CORPORATION FROM THE THRUWAY AUTHORITY TO THE
32 AUTHORITY.

33 8. THE FISCAL YEAR OF THE CANAL CORPORATION SHALL BE THE SAME AS THE
34 FISCAL YEAR FOR THE AUTHORITY.

35 9. THE CANAL CORPORATION SHALL HAVE THE POWER TO:

36 (A) OPERATE, MAINTAIN, CONSTRUCT, RECONSTRUCT, IMPROVE, DEVELOP,
37 FINANCE, AND PROMOTE THE CANAL SYSTEM;

38 (B) SUE AND BE SUED;

39 (C) HAVE A SEAL AND ALTER THE SAME AT PLEASURE;

40 (D) MAKE AND ALTER BY-LAWS FOR ITS ORGANIZATION AND INTERNAL MANAGE-
41 MENT AND MAKE RULES AND REGULATIONS GOVERNING THE USE OF ITS PROPERTY
42 AND FACILITIES;

43 (E) APPOINT OFFICERS AND EMPLOYEES AND FIX THEIR COMPENSATION;

44 (F) MAKE AND EXECUTE CONTRACTS AND ALL OTHER INSTRUMENTS NECESSARY OR
45 CONVENIENT FOR THE EXERCISE OF ITS POWERS AND FUNCTIONS UNDER THIS CHAP-
46 TER;

47 (G) ACQUIRE, HOLD, AND DISPOSE OF REAL OR PERSONAL PROPERTY FOR ITS
48 CORPORATE PURPOSES;

49 (H) ENGAGE THE SERVICES OF PRIVATE CONSULTANTS ON A CONTRACT BASIS FOR
50 RENDERING PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE;

51 (I) PROCURE INSURANCE AGAINST ANY LOSS IN CONNECTION WITH ITS ACTIV-
52 ITIES, PROPERTIES, AND OTHER ASSETS, IN SUCH AMOUNT AND FROM SUCH INSUR-
53 ERS AS IT DEEMS DESIRABLE;

54 (J) INVEST ANY FUNDS OF THE CANAL CORPORATION, OR ANY OTHER MONIES
55 UNDER ITS CUSTODY AND CONTROL NOT REQUIRED FOR IMMEDIATE USE OR
56 DISBURSEMENT, AT THE DISCRETION OF THE CANAL CORPORATION, IN OBLIGATIONS

1 OF THE STATE OR THE UNITED STATES GOVERNMENT OR OBLIGATIONS THE PRINCI-
2 PAL AND INTEREST OF WHICH ARE GUARANTEED BY THE STATE OR THE UNITED
3 STATES GOVERNMENT, OR IN ANY OTHER OBLIGATIONS IN WHICH THE COMPTROLLER
4 OF THE STATE IS AUTHORIZED TO INVEST PURSUANT TO SECTION NINETY-EIGHT-A
5 OF THE STATE FINANCE LAW;

6 (K) EXERCISE THOSE POWERS AND DUTIES OF THE AUTHORITY DELEGATED TO IT
7 BY THE AUTHORITY;

8 (L) PREPARE AND SUBMIT A CAPITAL PROGRAM PLAN PURSUANT TO SECTION TEN
9 OF THE CANAL LAW;

10 (M) APPROVE AND IMPLEMENT THE NEW YORK STATE CANAL RECREATIONWAY PLAN
11 SUBMITTED PURSUANT TO SECTION ONE HUNDRED THIRTY-EIGHT-C OF THE CANAL
12 LAW. THE CANAL CORPORATION'S REVIEW AND APPROVAL OF THE CANAL RECREA-
13 TIONWAY PLAN SHALL BE BASED UPON ITS CONSIDERATION OF A GENERIC ENVIRON-
14 MENTAL IMPACT STATEMENT PREPARED BY THE CANAL CORPORATION IN ACCORDANCE
15 WITH ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND THE REGU-
16 LATIONS THEREUNDER. PRIOR TO THE IMPLEMENTATION OF ANY SUBSTANTIAL
17 IMPROVEMENT BY THE CANAL CORPORATION ON CANAL LANDS, CANAL TERMINALS, OR
18 CANAL TERMINAL LANDS, OR THE LEASE OF CANAL LANDS, CANAL TERMINALS, OR
19 CANAL TERMINAL LANDS FOR SUBSTANTIAL COMMERCIAL IMPROVEMENT, THE CANAL
20 CORPORATION, IN ADDITION TO ANY REVIEW TAKEN PURSUANT TO SECTION 14.09
21 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW, SHALL CONDUCT A
22 RECONNAISSANCE LEVEL SURVEY WITHIN THREE THOUSAND FEET OF SUCH LANDS TO
23 BE IMPROVED OF THE TYPE, LOCATION, AND SIGNIFICANCE OF HISTORIC BUILD-
24 INGS, SITES, AND DISTRICTS LISTED ON, OR WHICH MAY BE ELIGIBLE, FOR THE
25 STATE OR NATIONAL REGISTERS OF HISTORIC PLACES. THE FINDINGS OF SUCH
26 SURVEY SHALL BE USED TO IDENTIFY SIGNIFICANT HISTORICAL RESOURCES AND TO
27 DETERMINE WHETHER THE PROPOSED IMPROVEMENTS ARE COMPATIBLE WITH SUCH
28 HISTORIC BUILDINGS, SITES, AND DISTRICTS;

29 (N) ENTER ON ANY LANDS, WATERS, OR PREMISES FOR THE PURPOSE OF MAKING
30 BORINGS, SOUNDINGS, AND SURVEYS;

31 (O) ACCEPT ANY GIFTS OR ANY GRANT OF FUNDS OR PROPERTY FROM THE FEDER-
32 AL GOVERNMENT OR FROM THE STATE OR ANY OTHER FEDERAL OR STATE PUBLIC
33 BODY OR POLITICAL SUBDIVISION OR ANY OTHER PERSON AND TO COMPLY WITH THE
34 TERMS AND CONDITIONS THEREOF; AND

35 (P) WAIVE ANY FEE FOR A WORK PERMIT WHICH IT HAS THE POWER TO ISSUE IF
36 IN ITS DISCRETION THE PROJECT WHICH IS SUBJECT TO A WORK PERMIT WOULD
37 ADD VALUE TO CANAL LANDS WITHOUT ANY COST TO THE CANAL CORPORATION, THE
38 AUTHORITY, OR THE STATE.

39 10. (A) THE CANAL CORPORATION SHALL REVIEW THE BUDGET REQUEST SUBMIT-
40 TED BY THE CANAL RECREATIONWAY COMMISSION PURSUANT TO SECTION ONE
41 HUNDRED THIRTY-EIGHT-B OF THE CANAL LAW.

42 (B) THE CANAL CORPORATION, ON OR BEFORE THE FIFTEENTH DAY OF SEPTEMBER
43 OF EACH YEAR, SHALL SUBMIT TO THE DIRECTOR OF THE BUDGET A REQUEST FOR
44 THE EXPENDITURE OF FUNDS AVAILABLE FROM THE NEW YORK STATE CANAL SYSTEM
45 DEVELOPMENT FUND PURSUANT TO SECTION NINETY-TWO-U OF THE STATE FINANCE
46 LAW OR AVAILABLE FROM ANY OTHER NON-FEDERAL SOURCES APPROPRIATED FROM
47 THE STATE TREASURY.

48 (C) IN THE EVENT THAT THE REQUEST SUBMITTED BY THE CANAL CORPORATION
49 TO THE DIRECTOR OF THE BUDGET DIFFERS FROM THE REQUEST SUBMITTED BY THE
50 COMMISSION TO THE CANAL CORPORATION, THEN THE REQUEST SUBMITTED BY THE
51 CANAL CORPORATION TO THE DIRECTOR OF THE BUDGET SHALL SPECIFY THE
52 DIFFERENCES AND SHALL SET FORTH THE REASONS FOR SUCH DIFFERENCES.

53 11. THE CANAL CORPORATION SHALL NOT HAVE THE POWER TO ISSUE BONDS,
54 NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS; PROVIDED THAT NOTWITHSTANDING
55 THE FOREGOING, THE CANAL CORPORATION MAY AGREE TO REPAY AMOUNTS ADVANCED

1 TO THE CANAL CORPORATION BY THE AUTHORITY AND TO EVIDENCE SUCH AGREEMENT
2 BY DELIVERY OF A PROMISSORY NOTE OR NOTES TO THE AUTHORITY.

3 12. THE CANAL CORPORATION MAY DO ANY AND ALL THINGS NECESSARY OR
4 CONVENIENT TO CARRY OUT AND EXERCISE THE POWERS GIVEN AND GRANTED BY
5 THIS SECTION.

6 13. THE AUTHORITY AND ALL OTHER STATE OFFICERS, DEPARTMENTS, BOARDS,
7 DIVISIONS, COMMISSIONS, PUBLIC AUTHORITIES, AND PUBLIC BENEFIT CORPO-
8 RATIONS MAY RENDER SUCH SERVICES TO THE CANAL CORPORATION WITHIN THEIR
9 RESPECTIVE FUNCTIONS AS MAY BE REQUESTED BY THE CANAL CORPORATION.

10 14. WHENEVER ANY STATE POLITICAL SUBDIVISION, MUNICIPALITY, COMMIS-
11 SION, AGENCY, OFFICER, DEPARTMENT, BOARD, DIVISION, OR PERSON IS AUTHOR-
12 IZED AND EMPOWERED FOR ANY OF THE PURPOSES OF THIS TITLE TO COOPERATE
13 AND ENTER INTO AGREEMENTS WITH THE AUTHORITY, SUCH STATE POLITICAL
14 SUBDIVISION, MUNICIPALITY, COMMISSION, AGENCY, OFFICER, DEPARTMENT,
15 BOARD, DIVISION, OR PERSON SHALL HAVE THE SAME AUTHORIZATION AND POWER
16 FOR ANY SUCH PURPOSES TO COOPERATE AND ENTER INTO AGREEMENTS WITH THE
17 CANAL CORPORATION.

18 S 23. The public authorities law is amended by adding a new section
19 1005-c to read as follows:

20 S 1005-C. ADDITIONAL POWERS OF THE AUTHORITY TO FINANCE CERTAIN
21 PROJECTS IN CONNECTION WITH THE NEW YORK STATE CANAL SYSTEM. 1. (A) THE
22 AUTHORITY IS HEREBY AUTHORIZED, AS AN ADDITIONAL CORPORATE PURPOSE THER-
23 EOF, TO ISSUE ITS BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS IN
24 CONFORMITY WITH APPLICABLE PROVISIONS OF THE UNIFORM COMMERCIAL CODE FOR
25 PURPOSES OF FINANCING THE CONSTRUCTION, RECONSTRUCTION, DEVELOPMENT AND
26 IMPROVEMENT OF THE NEW YORK STATE CANAL SYSTEM.

27 (B) THE AUTHORITY SHALL ISSUE ANY SUCH BONDS, NOTES, OR EVIDENCES OF
28 INDEBTEDNESS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION ON A BASIS
29 SUBORDINATE IN LIEN AND PRIORITY OF PAYMENT TO THE AUTHORITY'S SENIOR
30 LIEN INDEBTEDNESS AS THE AUTHORITY SHALL PROVIDE BY RESOLUTION.

31 2. ALL OF THE PROVISIONS OF THIS TITLE RELATING TO BONDS, NOTES AND
32 OTHER EVIDENCE OF INDEBTEDNESS, WHICH ARE NOT INCONSISTENT WITH THIS
33 SECTION, SHALL APPLY TO OBLIGATIONS AUTHORIZED BY THIS SECTION, INCLUD-
34 ING BUT NOT LIMITED TO THE POWER TO ISSUE RENEWAL NOTES OR REFUNDING
35 BONDS THEREOF.

36 3. SUBJECT TO AGREEMENTS WITH NOTEHOLDERS OR BONDHOLDERS, THE AUTHORI-
37 TY SHALL HAVE THE AUTHORITY TO FIX AND COLLECT SUCH FEES, RENTALS AND
38 CHARGES FOR THE USE OF THE CANAL SYSTEM OR ANY PART THEREOF NECESSARY OR
39 CONVENIENT, WITH AN ADEQUATE MARGIN OF SAFETY, TO PRODUCE SUFFICIENT
40 REVENUE TO MEET THE EXPENSE OF MAINTENANCE AND OPERATION AND TO FULFILL
41 THE TERMS OF ANY AGREEMENTS MADE WITH THE HOLDERS OF ITS NOTES OR BONDS,
42 AND TO ESTABLISH THE RIGHTS AND PRIVILEGES GRANTED UPON PAYMENT THEREOF;
43 PROVIDED, HOWEVER, THAT TOLLS MAY ONLY BE IMPOSED FOR THE PASSAGE
44 THROUGH LOCKS AND LIFT BRIDGES BY VESSELS WHICH ARE PROPELLED IN WHOLE
45 OR IN PART BY MECHANICAL POWER.

46 S 24. Paragraph (i) of subdivision 1 of section 19 of the public offi-
47 cers law, as added by chapter 115 of the laws of 2000, is REPEALED and a
48 new paragraph (j) is added to read as follows:

49 (J) FOR PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE
50 DIRECTORS, OFFICERS AND EMPLOYEES OF THE THRUWAY AUTHORITY, AND THE
51 DIRECTORS, OFFICERS AND EMPLOYEES OF THE CANAL CORPORATION. IN THOSE
52 CASES WHERE THE DEFINITION OF THE TERM "EMPLOYEE" PROVIDED IN THIS PARA-
53 GRAPH IS APPLICABLE, THE TERM "STATE", AS UTILIZED IN SUBDIVISIONS TWO,
54 THREE, AND FOUR OF THIS SECTION, SHALL MEAN THE THRUWAY AUTHORITY WHEN
55 THE EMPLOYEE IS A DIRECTOR, OFFICER, OR EMPLOYEE OF THE THRUWAY AUTHORI-

1 TY, OR THE CANAL CORPORATION, WHEN THE EMPLOYEE IS A DIRECTOR, OFFICER,
2 OR EMPLOYEE OF THE CANAL CORPORATION.

3 S 25. Subdivisions 9 and 10 of section 481 of the transportation law,
4 as added by section 1 of part A of chapter 60 of the laws of 2005, are
5 amended to read as follows:

6 9. "Canal corporation" shall mean the New York state canal corporation
7 created [pursuant to section three hundred eighty-two] AS A SUBSIDIARY
8 CORPORATION OF THE NEW YORK STATE THRUWAY AUTHORITY PURSUANT TO CHAPTER
9 SEVEN HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO AND
10 CONTINUED AND RECONSTITUTED AS A SUBSIDIARY CORPORATION OF THE POWER
11 AUTHORITY OF THE STATE OF NEW YORK PURSUANT TO SUBDIVISION ONE OF
12 SECTION ONE THOUSAND FIVE-B of the public authorities law.

13 10. "Canal system" shall mean the "New York state canal system"[, as
14 such term is defined by subdivision ten of section three hundred fifty-
15 one of the public authorities law] SHALL MEAN ALL OF THE CANALS, CANAL
16 LANDS, FEEDER CANALS, RESERVOIRS, CANAL TERMINALS, CANAL TERMINAL LANDS
17 AND OTHER PROPERTY UNDER THE JURISDICTION OF THE CANAL CORPORATION OF
18 THE STATE OF NEW YORK PURSUANT TO ARTICLE ONE-A OF THE CANAL LAW.

19 S 26. Section 33.01 of the parks, recreation and historic preservation
20 law, as amended by chapter 317 of the laws of 2009, is amended to read
21 as follows:

22 S 33.01 New York state heritage areas advisory council. There shall
23 continue to be in the office a New York state heritage areas advisory
24 council which shall consist of twenty-six members or their designated
25 representatives. The commissioner shall be a member of the advisory
26 council. In addition, the advisory council shall consist of the follow-
27 ing twenty-five other members: the commissioner of economic development,
28 to advise and assist regarding related tourism and economic revitaliza-
29 tion; the commissioner of education, to advise and assist regarding the
30 interpretive and educational aspects of the programs; the secretary of
31 state, to advise and assist regarding matters of community development
32 and state planning and to advise on the identification and preservation
33 of rural resources; the commissioner of transportation, to advise and
34 assist regarding matters of transportation to and within heritage areas;
35 the president of the New York state urban development corporation, to
36 advise and assist regarding matters of economic development; the commis-
37 sioner of environmental conservation, to advise and assist regarding
38 matters of conservation and use of natural resources; the chairman of
39 the state board for historic preservation, to advise and assist in
40 matters regarding historic preservation; the commissioner of housing and
41 community renewal to advise and assist regarding neighborhood and commu-
42 nity development and preservation programs; the [chairman of the New
43 York state thruway authority] PRESIDENT AND CHIEF EXECUTIVE OFFICER OF
44 THE POWER AUTHORITY OF THE STATE OF NEW YORK regarding the operation of
45 the New York state canal system; the commissioner of agriculture and
46 markets regarding agriculture in heritage areas; a representative of the
47 State Heritage Area Association; the director or chief executive officer
48 of the Hudson River National Heritage Area, the Erie Canalway National
49 Heritage Corridor, the Champlain Valley National Heritage Partnership
50 and the Niagara Falls National Heritage Area; and ten members to be
51 appointed by the governor, three of such members shall be municipal
52 officers, elected officials or representatives of local government
53 interest and seven of such members shall be, by professional training or
54 experience or attainment, qualified to analyze or interpret matters
55 relevant to the establishment and maintenance of state designated herit-
56 age areas including urban cultural parks and heritage corridors, one of

1 whom shall be the director of a heritage area. Of these last seven, two
2 are to be appointed from names recommended by the majority leader of the
3 senate, two are to be appointed from names recommended by the speaker of
4 the assembly, one is to be appointed from names recommended by the
5 minority leader of the senate and one is to be appointed from names
6 recommended by the minority leader of the assembly. The governor may
7 designate such ex-officio members who shall be from the executive
8 department, state agencies or public corporations as he or she deems
9 appropriate; provided that such ex-officio members shall not vote on
10 matters before the advisory council. For the ten members appointed by
11 the governor, each shall hold office for a term of five years and until
12 his or her successor shall have been appointed or until he or she shall
13 resign. The members of the advisory council shall elect a chair from
14 amongst its members for a term of three years. Eleven members of the
15 advisory council shall constitute a quorum for the transaction of any
16 business at both regular and special meetings. Any ex-officio member may
17 delegate all his or her duties of membership, including voting rights,
18 to an officer or employee of such member's organization. No member shall
19 receive any compensation.

20 S 27. Paragraph (h-1) of subdivision 2 of section 35.07 of the parks,
21 recreation and historic preservation law, as amended by chapter 666 of
22 the laws of 1994, is amended to read as follows:

23 (h-1) [Chairman of the New York state thruway authority] PRESIDENT AND
24 CHIEF EXECUTIVE OFFICER OF THE POWER AUTHORITY OF THE STATE OF NEW YORK
25 regarding [its] operation of the New York state canal system;

26 S 28. Notwithstanding any other provision of law, the power authority
27 of the state of New York (power authority) and the New York state thru-
28 way authority (thruway authority) are hereby authorized to enter into an
29 agreement, effective April 1, 2016, whereby the power authority shall
30 reimburse the thruway authority, monthly, for any and all operating and
31 capital costs, expended by the thruway authority for the operation and
32 maintenance of the New York state canal system (canal system), and the
33 operation of the New York state canal corporation (canal corporation),
34 for the period of April 1, 2016 through January 1, 2017. The thruway
35 authority shall provide the power authority with a monthly report of all
36 expenditures related to the canal corporation and the canal system, and
37 provide access to all necessary financial records to carry out the
38 intent of this section.

39 S 29. This act, being necessary for the welfare of the state and its
40 inhabitants, shall be liberally construed to effect the purposes there-
41 of.

42 S 30. This act shall take effect on January 1, 2017; provided, howev-
43 er, that sections five and twenty-eight of this act shall take effect
44 immediately.

45 PART R

46 Section 1. Short title. This act shall be known and may be cited as
47 the "private activity bond allocation act of 2016".

48 S 2. Legislative findings and declaration. The legislature hereby
49 finds and declares that the federal tax reform act of 1986 established a
50 statewide bond volume ceiling on the issuance of certain tax exempt
51 private activity bonds and notes and, under certain circumstances,
52 governmental use bonds and notes issued by the state and its public
53 authorities, local governments, agencies which issue on behalf of local
54 governments, and certain other issuers. The federal tax reform act

1 establishes a formula for the allocation of the bond volume ceiling
2 which was subject to temporary modification by gubernatorial executive
3 order until December 31, 1987. That act also permits state legislatures
4 to establish, by statute, an alternative formula for allocating the
5 volume ceiling. Bonds and notes subject to the volume ceiling require
6 an allocation from the state's annual volume ceiling in order to qualify
7 for federal tax exemption.

8 It is hereby declared to be the policy of the state to maximize the
9 public benefit through the issuance of private activity bonds for the
10 purposes of, among other things, allocating a fair share of the bond
11 volume ceiling upon initial allocation and from a bond reserve to local
12 agencies and for needs identified by local governments; providing hous-
13 ing and promoting economic development; job creation; an economical
14 energy supply; and resource recovery and to provide for an orderly and
15 efficient volume ceiling allocation process for state and local agencies
16 by establishing an alternative formula for making such allocations.

17 S 3. Definitions. As used in this act, unless the context requires
18 otherwise:

19 1. "Bonds" means bonds, notes or other obligations.

20 2. "Carryforward" means an amount of unused private activity bond
21 ceiling available to an issuer pursuant to an election filed with the
22 internal revenue service pursuant to section 146(f) of the code.

23 3. "Code" means the internal revenue code of 1986, as amended.

24 4. "Commissioner" means the commissioner of the New York state depart-
25 ment of economic development.

26 5. "Covered bonds" means those tax exempt private activity bonds and
27 that portion of the non-qualified amount of an issue of governmental use
28 bonds for which an allocation of the statewide ceiling is required for
29 the interest earned by holders of such bonds to be excluded from the
30 gross income of such holders for federal income tax purposes under the
31 code.

32 6. "Director" means the director of the New York state division of the
33 budget.

34 7. "Issuer" means a local agency, state agency or other issuer.

35 8. "Local agency" means an industrial development agency established
36 or operating pursuant to article 18-A of the general municipal law, the
37 Troy industrial development authority and the Auburn industrial develop-
38 ment authority.

39 9. "Other issuer" means any agency, political subdivision or other
40 entity, other than a local agency or state agency, that is authorized to
41 issue covered bonds.

42 10. "Qualified small issue bonds" means qualified small issue bonds,
43 as defined in section 144(a) of the code.

44 11. "State agency" means the state of New York, the New York state
45 energy research and development authority, the New York job development
46 authority, the New York state environmental facilities corporation, the
47 New York state urban development corporation and its subsidiaries, the
48 Battery Park city authority, the port authority of New York and New
49 Jersey, the power authority of the state of New York, the dormitory
50 authority of the state of New York, the New York state housing finance
51 agency, the state of New York mortgage agency, and any other public
52 benefit corporation or public authority designated by the governor for
53 the purposes of this act.

54 12. "Statewide ceiling" means for any calendar year the highest state
55 ceiling (as such term is used in section 146 of the code) applicable to
56 New York state.

1 13. "Future allocations" means allocations of statewide ceiling for up
2 to two future years.

3 14. "Multi-year housing development project" means a project (a) which
4 qualifies for covered bonds;

5 (b) which is to be constructed over two or more years; and

6 (c) in which at least twenty percent of the dwelling units will be
7 occupied by persons and families of low income.

8 S 4. Local agency set-aside. (a) A set-aside of statewide ceiling for
9 local agencies for any calendar year shall be an amount which bears the
10 same ratio to one-third of the statewide ceiling as the population of
11 the jurisdiction of such local agency bears to the population of the
12 entire state. The commissioner shall administer allocations of such
13 set-aside to local agencies.

14 (b) Any financings or bond issuances that utilize the local agency
15 set-aside authorized by this section and executed by entities or succes-
16 sor entities defined by subdivisions 8 and 9 of section 3 of this act,
17 including entities established pursuant to article 18-A of the general
18 municipal law, and corporations established pursuant to section 1411 of
19 the not-for-profit corporation law and article 12 of the private housing
20 finance law, shall be subject to the provisions of article 1-A of the
21 public authorities law.

22 S 5. State agency set-aside. A set-aside of statewide ceiling for all
23 state agencies for any calendar year shall be one-third of the statewide
24 ceiling. The director shall administer allocations of such set-aside to
25 state agencies and may grant an allocation to any state agency upon
26 receipt of an application in such form as the director shall require.

27 S 6. Statewide bond reserve. One-third of the statewide ceiling is
28 hereby set aside as a statewide bond reserve to be administered by the
29 director. 1. Allocation of the statewide bond reserve among state agen-
30 cies, local agencies and other issuers. The director shall transfer a
31 portion of the statewide bond reserve to the commissioner for allocation
32 to and use by local agencies and other issuers in accordance with the
33 terms of this section. The remainder of the statewide bond reserve may
34 be allocated by the director to state agencies in accordance with the
35 terms of this section.

36 2. Allocation of statewide bond reserve to local agencies or other
37 issuers. (a) Local agencies or other issuers may at any time apply to
38 the commissioner for an allocation from the statewide bond reserve. Such
39 application shall demonstrate:

40 (i) that the requested allocation is required under the code for the
41 interest earned on the bonds to be excluded from the gross income of
42 bondholders for federal income tax purposes;

43 (ii) that the local agency's remaining unused allocation provided
44 pursuant to section four of this act, and other issuer's remaining
45 unused allocation, or any available carryforward will be insufficient
46 for the specific project or projects for which the reserve allocation is
47 requested; and

48 (iii) that, except for those allocations made pursuant to section
49 twelve of this act to enable carryforward elections, the requested allo-
50 cation is reasonably expected to be used during the calendar year, and
51 the requested future allocation is reasonably expected to be used in the
52 calendar year to which the future allocation relates.

53 (b) In reviewing and approving or disapproving applications, the
54 commissioner shall exercise discretion to ensure an equitable distrib-
55 ution of allocations from the statewide bond reserve to local agencies
56 and other issuers. Prior to making a determination on such applications,

1 the commissioner shall notify and seek the recommendation of the presi-
2 dent and chief executive officer of the New York state housing finance
3 agency in the case of an application related to the issuance of multi-
4 family housing or mortgage revenue bonds, and in the case of other
5 requests, such state officers, departments, divisions and agencies as
6 the commissioner deems appropriate.

7 (c) Applications for allocations shall be made in such form and
8 contain such information and reports as the commissioner shall require.

9 3. Allocation of statewide bond reserve to state agencies. The direc-
10 tor may make an allocation from the statewide bond reserve to any state
11 agency. Before making any allocation of statewide bond reserve to state
12 agencies the director shall be satisfied: (a) that the allocation is
13 required under the code for the interest earned on the bonds to be
14 excluded from the gross income of bondholders for federal income tax
15 purposes;

16 (b) that the state agency's remaining unused allocation provided
17 pursuant to section five of this act or any available carryforward will
18 be insufficient to accommodate the specific bond issue or issues for
19 which the reserve allocation is requested; and

20 (c) that, except for those allocations made pursuant to section twelve
21 of this act to enable carryforward elections, the requested allocation
22 is reasonably expected to be used during the calendar year, and the
23 requested future allocation is reasonably expected to be used in the
24 calendar year to which the future allocation relates.

25 S 7. Access to employment opportunities. 1. All issuers shall require
26 that any new employment opportunities created in connection with the
27 industrial or manufacturing projects financed through the issuance of
28 qualified small issue bonds shall be listed with the New York state
29 department of labor and with the one-stop career center established
30 pursuant to the federal workforce investment act (Pub. L. No. 105-220)
31 serving the locality in which the employment opportunities are being
32 created. Such listing shall be in a manner and form prescribed by the
33 commissioner. All issuers shall further require that for any new employ-
34 ment opportunities created in connection with an industrial or manufac-
35 turing project financed through the issuance of qualified small issue
36 bonds by such issuer, industrial or manufacturing firms shall first
37 consider persons eligible to participate in workforce investment act
38 (Pub. L. No. 105-220) programs who shall be referred to the industrial
39 or manufacturing firm by one-stop centers in local workforce investment
40 areas or by the department of labor. Issuers of qualified small issue
41 bonds are required to monitor compliance with the provisions of this
42 section as prescribed by the commissioner.

43 2. Nothing in this section shall be construed to require users of
44 qualified small issue bonds to violate any existing collective bargain-
45 ing agreement with respect to the hiring of new employees. Failure on
46 the part of any user of qualified small issue bonds to comply with the
47 requirements of this section shall not affect the allocation of bonding
48 authority to the issuer of the bonds or the validity or tax exempt
49 status of such bonds.

50 S 8. Overlapping jurisdictions. In a geographic area represented by a
51 county local agency and one or more sub-county local agencies, the allo-
52 cation granted by section four of this act with respect to such area of
53 overlapping jurisdiction shall be apportioned one-half to the county
54 local agency and one-half to the sub-county local agency or agencies.
55 Where there is a local agency for the benefit of a village within the
56 geographic area of a town for the benefit of which there is a local

1 agency, the allocation of the village local agency shall be based on the
2 population of the geographic area of the village, and the allocation of
3 the town local agency shall be based upon the population of the
4 geographic area of the town outside of the village. Notwithstanding the
5 foregoing, a local agency may surrender all or part of its allocation
6 for such calendar year to another local agency with an overlapping
7 jurisdiction. Such surrender shall be made at such time and in such
8 manner as the commissioner shall prescribe.

9 S 9. Ineligible local agencies. To the extent that any allocation of
10 the local agency set-aside would be made by this act to a local agency
11 which is ineligible to receive such allocation under the code or under
12 regulations interpreting the state volume ceiling provisions of the
13 code, such allocation shall instead be made to the political subdivision
14 for whose benefit that local agency was created.

15 S 10. Municipal reallocation. The chief executive officer of any poli-
16 tical subdivision or, if such political subdivision has no chief execu-
17 tive officer, the governing board of the political subdivision for the
18 benefit of which a local agency has been established, may withdraw all
19 or any portion of the allocation granted by section four of this act to
20 such local agency. The political subdivision may then reallocate all or
21 any portion of such allocation, as well as all or any portion of the
22 allocation received pursuant to section nine of this act, to itself or
23 any other issuer established for the benefit of that political subdivi-
24 sion or may assign all or any portion of the allocation received pursu-
25 ant to section nine of this act to the local agency created for its
26 benefit. The chief executive officer or governing board of the political
27 subdivision, as the case may be, shall notify, and receive prior
28 approval from the commissioner before any such reallocation.

29 S 11. Future allocations for multi-year housing development projects.
30 1. In addition to other powers granted under this act, the commissioner
31 is authorized to make the following future allocations of statewide
32 ceiling for any multi-year housing development project for which the
33 commissioner also makes an allocation of statewide ceiling for the
34 current year under this act: (a) to local agencies from the local agen-
35 cy set-aside (but only with the approval of the chief executive officer
36 of the political subdivision to which the local agency set-aside relates
37 or the governing body of a political subdivision having no chief execu-
38 tive officer) and

39 (b) to other issuers from that portion, if any, of the statewide bond
40 reserve transferred to the commissioner by the director. Any future
41 allocation made by the commissioner shall constitute an allocation of
42 statewide ceiling for the future year specified by the commissioner and
43 shall be deemed to have been made on the first day of the future year so
44 specified.

45 2. In addition to other powers granted under this act, the director is
46 authorized to make future allocations of statewide ceiling from the
47 state agency set-aside or from the statewide bond reserve to state agen-
48 cies for any multi-year housing development project for which the direc-
49 tor also makes an allocation of statewide ceiling from the current year
50 under this act, and is authorized to make transfers of the statewide
51 bond reserve to the commissioner for future allocations to other issuers
52 for multi-year housing development projects for which the commissioner
53 has made an allocation of statewide ceiling for the current year. Any
54 such future allocation or transfer of the statewide bond reserve for
55 future allocation made by the director shall constitute an allocation of
56 statewide ceiling or transfer of the statewide bond reserve for the

future years specified by the director and shall be deemed to have been made on the first day of the future year so specified.

3. (a) If an allocation made with respect to a multi-year housing development project is not used by October fifteenth of the year to which the allocation relates, the allocation with respect to the then current year shall be subject to recapture in accordance with the provisions of section twelve of this act, and in the event of such a recapture, unless a carryforward election by another issuer shall have been approved by the commissioner or a carryforward election by a state agency shall have been approved by the director, all future allocations made with respect to such project pursuant to subdivision one or two of this section shall be canceled.

(b) The commissioner and the director shall have the authority to make future allocations from recaptured current year allocations and canceled future allocations to multi-year housing development projects in a manner consistent with the provisions of this act.

(c) The commissioner and the director shall establish procedures consistent with the provisions of this act relating to carryforward of future allocations.

4. The aggregate future allocations from either of the two succeeding years shall not exceed six hundred fifty million dollars for each such year.

S 12. Year end allocation recapture. On or before October first of each year, each state agency shall report to the director and each local agency and each other issuer shall report to the commissioner the amount of bonds subject to allocation under this act that will be issued prior to the end of the then current calendar year, and the amount of the issuer's then total allocation that will remain unused. As of October fifteenth of each year, the unused portion of each local agency's and other issuer's then total allocation as reported and the unallocated portion of the set-aside for state agencies shall be recaptured and added to the statewide bond reserve and shall no longer be available to covered bond issuers except as otherwise provided herein. From October fifteenth through the end of the year, each local agency or other issuer having an allocation shall immediately report to the commissioner and each state agency having an allocation shall immediately report to the director any changes to the status of its allocation or the status of projects for which allocations have been made which should affect the timing or likelihood of the issuance of covered bonds therefor. If the commissioner determines that a local agency or other issuer has overestimated the amount of covered bonds subject to allocation that will be issued prior to the end of the calendar year, the commissioner may recapture the amount of the allocation to such local agency or other issuer represented by such overestimation by notice to the local agency or other issuer, and add such allocation to the statewide bond reserve. The director may likewise make such determination and recapture with respect to state agency allocations.

S 13. Allocation carryforward. 1. No local agency or other issuer shall make a carryforward election utilizing any unused allocation (pursuant to section 146(f) of the code) without the prior approval of the commissioner. Likewise no state agency shall make or file such an election, or elect to issue or carryforward mortgage credit certificates, without the prior approval of the director.

2. On or before November fifteenth of each year, each state agency seeking unused statewide ceiling for use in future years shall make a request for an allocation for a carryforward to the director, whose

1 approval shall be required before a carryforward election is filed by or
2 on behalf of any state agency. A later request may also be considered by
3 the director, who may file a carryforward election for any state agency
4 with the consent of such agency.

5 3. On or before November fifteenth of each year, each local agency or
6 other issuer seeking unused statewide ceiling for use in future years
7 shall make a request for an allocation for a carryforward to the commis-
8 sioner, whose approval shall be required before a carryforward election
9 is filed by or on behalf of any local or other agency. A later request
10 may also be considered by the commissioner.

11 S 14. New York state bond allocation policy advisory panel. 1. There
12 is hereby created a policy advisory panel and process to provide policy
13 advice regarding the priorities for distribution of the statewide ceil-
14 ing.

15 2. The panel shall consist of five members, one designee being
16 appointed by each of the following: the governor, the temporary presi-
17 dent of the senate, the speaker of the assembly, the minority leader of
18 the senate and the minority leader of the assembly. The designee of the
19 governor shall chair the panel. The panel shall monitor the allocation
20 process through the year, and in that regard, the division of the budget
21 and the department of economic development shall assist and cooperate
22 with the panel as provided in this section. The advisory process shall
23 operate through the issuance of advisory opinions by members of the
24 panel as provided in subdivisions six and seven of this section. A meet-
25 ing may be held at the call of the chair with the unanimous consent of
26 the members.

27 3. (a) Upon receipt of a request for allocation or a request for
28 approval of a carryforward election from the statewide reserve from a
29 local agency or other issuer, the commissioner shall, within five work-
30 ing days, notify the panel of such request and provide the panel with
31 copies of all application materials submitted by the applicant.

32 (b) Upon receipt of a request for allocation or a request for approval
33 of carryforward election from the statewide reserve from a state agency,
34 the director shall, within five working days, notify the panel of such
35 request and provide the panel with copies of all application materials
36 submitted by the applicant.

37 4. (a) Following receipt of a request for allocation from a local
38 agency or other issuer, the commissioner shall notify the panel of a
39 decision to approve or exclude from further consideration such request,
40 and the commissioner shall state the reasons. Such notification shall be
41 made with or after the transmittal of the information specified in
42 subdivision three of this section and at least five working days before
43 formal notification is made to the applicant.

44 (b) Following receipt of a request for allocation from a state agency,
45 the director shall notify the panel of a decision to approve or exclude
46 from further consideration such request, and shall state the reasons.
47 Such notification shall be made with or after the transmission of the
48 information specified in subdivision three of this section and at least
49 five working days before formal notification is made to the state agen-
50 cy.

51 5. The requirements of subdivisions three and four of this section
52 shall not apply to adjustments to allocations due to bond sizing chang-
53 es.

54 6. In the event that any decision to approve or to exclude from
55 further consideration a request for allocation is made within ten work-
56 ing days of the end of the calendar year and in the case of all requests

for consent to a carryforward election, the commissioner or director, as is appropriate, shall provide the panel with the longest possible advance notification of the action, consistent with the requirements of the code, and shall, wherever possible, solicit the opinions of the members of the panel before formally notifying any applicant of the action. Such notification may be made by means of telephone communication to the members or by written notice delivered to the Albany office of the appointing authority of the respective members.

7. Upon notification by the director or the commissioner, any member of the panel may, within five working days, notify the commissioner or the director of any policy objection concerning the expected action. If three or more members of the panel shall submit policy objections in writing to the intended action, the commissioner or the director shall respond in writing to the objection prior to taking the intended action unless exigent circumstances make it necessary to respond after the action has been taken.

8. On or before the first day of July, in any year, the director shall report to the members of the New York state bond allocation policy advisory panel on the actual utilization of volume cap for the issuance of bonds during the prior calendar year and the amount of such cap allocated for carryforwards for future bond issuance. The report shall include, for each local agency or other issuer and each state agency the initial allocation, the amount of bonds issued subject to the allocation, the amount of the issuer's allocation that remained unused, the allocation of the statewide bond reserve, carryforward allocations and recapture of allocations. Further, the report shall include projections regarding private activity bond issuance for state and local issuers for the calendar year, as well as any recommendations for legislative action.

S 15. Severability. If any clause, sentence, paragraph, 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, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 16. Chapter 49 of the laws of 2014 is REPEALED.

S 17. Section 51 of the public authorities law is amended by adding a new subdivision 6 to read as follows:

6. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, THE BOARD SHALL HAVE THE POWER AND IT SHALL BE ITS DUTY TO RECEIVE APPLICATIONS FOR APPROVAL FOR ANY FINANCING OR BOND ISSUANCES THAT UTILIZE THE LOCAL AGENCY SET-ASIDE, AS AUTHORIZED BY THE "PRIVATE ACTIVITY BOND ALLOCATION ACT OF 2016", EXECUTED BY ENTITIES OR SUCCESSOR ENTITIES AS DEFINED BY SUBDIVISIONS EIGHT AND NINE OF SECTION THREE OF THAT ACT, INCLUDING ENTITIES ESTABLISHED PURSUANT TO ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, AND CORPORATIONS ESTABLISHED PURSUANT TO SECTION FOURTEEN HUNDRED ELEVEN OF THE NOT-FOR-PROFIT CORPORATION LAW AND ARTICLE TWELVE OF THE PRIVATE HOUSING FINANCE LAW.

S 18. This act shall take effect immediately.

PART S

Section 1. Section 258-aa and article 25 of the agriculture and markets law are REPEALED.

1 S 2. Section 1 of chapter 174 of the laws of 1968, constituting the
2 New York state urban development corporation act, is amended by adding
3 three new sections 16-x, 16-y and 16-z to read as follows:

4 S 16-X. DAIRY PROMOTION ACT. 1. DECLARATION OF POLICY. (A) IT IS HERE-
5 BY DECLARED THAT THE MISSION OF THE CORPORATION IS TO PROMOTE A VIGOROUS
6 AND GROWING STATE ECONOMY. IN IMPLEMENTING THIS MISSION, THE CORPORATION
7 HAS UNDERTAKEN A VIGOROUS CAMPAIGN TO MARKET THE STATE'S ASSETS AND, BY
8 CARRYING OUT THE PROVISIONS OF THIS SECTION, WOULD FURTHER THIS MISSION
9 BY PROMOTING THE STATE'S DAIRY INDUSTRY.

10 (B) IT IS FURTHER DECLARED THAT THE CONTINUED EXISTENCE OF THE STATE
11 DAIRY INDUSTRY, AND THE CONTINUED PRODUCTION OF MILK ON THE FARMS OF
12 THIS STATE, IS OF VAST ECONOMIC IMPORTANCE TO THE STATE AND TO THE
13 HEALTH AND WELFARE OF THE INHABITANTS THEREOF; THAT IT IS ESSENTIAL, IN
14 ORDER TO ASSURE SUCH CONTINUED PRODUCTION OF MILK AND ITS HANDLING AND
15 DISTRIBUTION, THAT PRICES TO PRODUCERS BE SUCH AS TO RETURN REASONABLE
16 COSTS OF PRODUCTION, AND AT THE SAME TIME TO ASSURE AN ADEQUATE SUPPLY
17 OF MILK AND DAIRY PRODUCTS TO CONSUMERS AT REASONABLE PRICES; AND TO
18 THESE ENDS IT IS ESSENTIAL THAT CONSUMERS AND OTHERS BE ADEQUATELY
19 INFORMED AS TO THE DIETARY NEEDS AND ADVANTAGES OF MILK AND DAIRY
20 PRODUCTS AND AS TO THE ECONOMIES RESULTING FROM THE USE OF MILK AND
21 DAIRY PRODUCTS, AND TO COMMAND FOR MILK AND DAIRY PRODUCTS, CONSUMER
22 ATTENTION AND DEMAND CONSISTENT WITH THEIR IMPORTANCE AND VALUE. IT IS
23 FURTHER DECLARED THAT CONTINUED DECLINE IN THE CONSUMPTION OF FLUID MILK
24 AND SOME OTHER DAIRY PRODUCTS WILL JEOPARDIZE THE PRODUCTION OF ADEQUATE
25 SUPPLIES OF MILK AND DAIRY PRODUCTS BECAUSE OF INCREASING SURPLUSES
26 NECESSARILY RETURNING LESS TO PRODUCERS; AND THAT CONTINUED ADEQUATE
27 SUPPLIES OF MILK AND DAIRY PRODUCTS IS A MATTER OF VITAL CONCERN AS
28 AFFECTING THE HEALTH AND GENERAL WELFARE OF THE PEOPLE OF THIS STATE. IT
29 IS THEREFORE DECLARED TO BE THE LEGISLATIVE INTENT AND POLICY OF THE
30 STATE:

31 (I) TO ENABLE MILK PRODUCERS AND OTHERS IN THE DAIRY INDUSTRY, WITH
32 THE AID OF THE STATE, TO MORE EFFECTIVELY PROMOTE THE CONSUMPTION OF
33 MILK AND DAIRY PRODUCTS,

34 (II) TO PROVIDE METHODS AND MEANS FOR THE DEVELOPMENT OF NEW AND
35 IMPROVED DAIRY PRODUCTS, AND TO PROMOTE THEIR USE, AND

36 (III) TO THIS END, TO ELIMINATE THE POSSIBLE IMPAIRMENT OF THE
37 PURCHASING POWER OF THE MILK PRODUCERS OF THIS STATE AND TO ASSURE AN
38 ADEQUATE SUPPLY OF MILK FOR CONSUMERS AT REASONABLE PRICES.

39 2. DEFINITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE
40 THE FOLLOWING MEANINGS:

41 (A) "PRESIDENT" MEANS THE PRESIDENT OF THE CORPORATION.

42 (B) "DAIRY PRODUCTS" MEANS MILK AND PRODUCTS DERIVED THEREFROM, AND
43 PRODUCTS OF WHICH MILK OR A PORTION THEREOF IS A SIGNIFICANT PART.

44 (C) "PRODUCER" MEANS ANY PERSON IN THIS STATE WHO IS ENGAGED IN THE
45 PRODUCTION OF MILK OR WHO CAUSES MILK TO BE PRODUCED FOR ANY MARKET IN
46 THIS OR ANY OTHER STATE.

47 (D) "ADVISORY BOARD" MEANS THE PERSONS APPOINTED BY THE PRESIDENT FROM
48 NOMINATIONS FROM PRODUCERS TO ASSIST THE PRESIDENT IN ADMINISTERING A
49 DAIRY PROMOTION ORDER.

50 (E) "MILK DEALER" MEANS ANY PERSON WHO PURCHASES OR HANDLES OR
51 RECEIVES OR SELLS MILK, INCLUDING INDIVIDUALS, PARTNERSHIPS, CORPO-
52 RATIONS, COOPERATIVE ASSOCIATIONS, AND UNINCORPORATED COOPERATIVE ASSO-
53 CIATIONS.

54 (F) "DAIRY PROMOTION ORDER" MEANS AN ORDER ISSUED BY THE PRESIDENT,
55 PURSUANT TO THE PROVISIONS OF THIS SECTION.

1 (G) "COOPERATIVE" MEANS AN ASSOCIATION OR FEDERATION OR COOPERATIVE OF
2 MILK PRODUCERS ORGANIZED UNDER THE LAWS OF NEW YORK STATE, OR ANY OTHER
3 STATE, HAVING AGREEMENTS WITH THEIR PRODUCER MEMBERS TO MARKET, BARGAIN
4 FOR OR SELL THE MILK OF SUCH PRODUCERS, AND IS ACTUALLY PERFORMING ONE
5 OR MORE OF THESE SERVICES IN THE MARKETING OF THE MILK PRODUCED BY THEIR
6 MEMBERS, THROUGH THE COOPERATIVE OR THROUGH A FEDERATION OF MILK COOPER-
7 ATIVES IN WHICH THE COOPERATIVE HAS MEMBERSHIP.

8 (H) "STATE" MEANS THE STATE OF NEW YORK.

9 3. POWERS AND DUTIES OF THE PRESIDENT. (A) THE PRESIDENT SHALL ADMIN-
10 ISTER AND ENFORCE THE PROVISIONS OF THIS SECTION. IN ORDER TO EFFECTUATE
11 THE DECLARED POLICY OF THIS SECTION THE PRESIDENT, IN CONSULTATION WITH
12 THE COMMISSIONER OF AGRICULTURE AND MARKETS, MAY, AFTER DUE NOTICE AND
13 HEARING, MAKE AND ISSUE A DAIRY PROMOTION ORDER, OR ORDERS.

14 (B) SUCH ORDER OR ORDERS SHALL BE ISSUED AND AMENDED OR TERMINATED IN
15 ACCORDANCE WITH THE FOLLOWING PROCEDURES:

16 (I) BEFORE ANY SUCH ORDER MAY BECOME EFFECTIVE IT MUST BE APPROVED BY
17 FIFTY-ONE PER CENTUM OF THE PRODUCERS OF MILK VOTING IN THE REFERENDUM
18 FOR THE AREA TO BE REGULATED BY SUCH ORDER. SUCH REFERENDUM SHALL NOT
19 CONSTITUTE VALID APPROVAL UNLESS FIFTY-ONE PER CENTUM OF ALL MILK
20 PRODUCERS FOR THE AREA TO BE REGULATED VOTE IN THE REFERENDUM. PRODUCERS
21 MAY VOTE BY INDIVIDUAL BALLOT OR THROUGH THEIR COOPERATIVES IN ACCORD-
22 ANCE WITH THE FOLLOWING PROCEDURES:

23 (A) COOPERATIVES MAY SUBMIT WRITTEN APPROVAL OF SUCH ORDER WITHIN A
24 PERIOD OF ONE HUNDRED TWENTY DAYS AFTER THE PRESIDENT HAS ANNOUNCED A
25 REFERENDUM ON A PROPOSED ORDER, FOR SUCH PRODUCERS WHO ARE LISTED AND
26 CERTIFIED TO THE PRESIDENT AS MEMBERS OF SUCH COOPERATIVE; PROVIDED,
27 HOWEVER, THAT ANY COOPERATIVE BEFORE SUBMITTING SUCH WRITTEN APPROVAL
28 SHALL GIVE AT LEAST SIXTY DAYS PRIOR WRITTEN NOTICE TO EACH PRODUCER WHO
29 IS ITS MEMBER, OF THE INTENTION OF THE COOPERATIVE TO APPROVE SUCH
30 PROPOSED ORDER, AND FURTHER PROVIDE THAT IF SUCH COOPERATIVE DOES NOT
31 INTEND TO APPROVE SUCH PROPOSED ORDER, IT SHALL LIKEWISE GIVE WRITTEN
32 NOTICE TO EACH SUCH PRODUCER WHO IS ITS MEMBER, OF ITS INTENTION NOT TO
33 APPROVE OF SUCH PROPOSED ORDER.

34 (B) ANY PRODUCER MAY OBTAIN A BALLOT FROM THE PRESIDENT SO THAT HE OR
35 SHE MAY REGISTER HIS OR HER OWN APPROVAL OR DISAPPROVAL OF THE PROPOSED
36 ORDER.

37 (C) A PRODUCER WHO IS A MEMBER OF A COOPERATIVE WHICH HAS NOTIFIED HIM
38 OR HER OF ITS INTENT TO APPROVE OR NOT TO APPROVE OF A PROPOSED ORDER,
39 AND WHO OBTAINS A BALLOT AND WITH SUCH BALLOT EXPRESSES HIS OR HER
40 APPROVAL OR DISAPPROVAL OF THE PROPOSED ORDER, SHALL NOTIFY THE PRESI-
41 DENT AS TO THE NAME OF THE COOPERATIVE OF WHICH HE OR SHE IS A MEMBER,
42 AND THE PRESIDENT SHALL REMOVE SUCH PRODUCER'S NAME FROM THE LIST CERTI-
43 FIED BY SUCH COOPERATIVE.

44 (D) IN ORDER TO ENSURE THAT ALL MILK PRODUCERS ARE INFORMED REGARDING
45 A PROPOSED ORDER, THE PRESIDENT SHALL NOTIFY ALL MILK PRODUCERS THAT AN
46 ORDER IS BEING CONSIDERED AND THAT EACH PRODUCER MAY REGISTER HIS OR HER
47 APPROVAL OR DISAPPROVAL WITH THE PRESIDENT EITHER DIRECTLY OR THROUGH
48 HIS OR HER COOPERATIVE.

49 (E) THE PRESIDENT MAY APPOINT A REFERENDUM ADVISORY COMMITTEE TO
50 ASSIST AND ADVISE HIM OR HER IN THE CONDUCT OF THE REFERENDUM. SUCH
51 COMMITTEE SHALL REVIEW REFERENDUM PROCEDURES AND THE TABULATION OF
52 RESULTS, AND SHALL ADVISE THE PRESIDENT OF ITS FINDINGS. THE FINAL
53 CERTIFICATION OF THE REFERENDUM RESULTS SHALL BE MADE BY THE PRESIDENT.
54 THE COMMITTEE SHALL CONSIST OF NOT LESS THAN THREE MEMBERS, NONE OF WHOM
55 SHALL BE PERSONS DIRECTLY AFFECTED BY THE PROMOTION ORDER BEING VOTED
56 UPON. TWO MEMBERS SHALL BE REPRESENTATIVES OF GENERAL FARM ORGANIZA-

TIONS WHICH ARE NOT DIRECTLY AFFECTED BY THE ORDER BEING VOTED UPON. THE MEMBERS OF THE COMMITTEE SHALL NOT RECEIVE A SALARY BUT SHALL BE ENTITLED TO ACTUAL AND REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(II) THE PRESIDENT MAY, AND UPON WRITTEN PETITION OF NOT LESS THAN TEN PER CENTUM OF THE PRODUCERS IN THE AREA, EITHER AS INDIVIDUALS OR THROUGH COOPERATIVE REPRESENTATION, SHALL CALL A HEARING TO AMEND OR TERMINATE SUCH ORDER, AND ANY SUCH AMENDMENT OR TERMINATION SHALL BE EFFECTIVE ONLY UPON APPROVAL OF FIFTY-ONE PER CENTUM OF THE PRODUCERS OF MILK FOR THE AREA REGULATED PARTICIPATING IN A REFERENDUM VOTE AS PROVIDED PURSUANT TO THIS PARAGRAPH.

(C) THE PRESIDENT SHALL ADMINISTER AND ENFORCE ANY SUCH DAIRY PROMOTION ORDER WHILE IT IS IN EFFECT, FOR THE PURPOSE OF:

(I) ENCOURAGING THE CONSUMPTION OF MILK AND DAIRY PRODUCTS BY ACQUAINTING CONSUMERS AND OTHERS WITH THE ADVANTAGES AND ECONOMY OF USING MORE OF SUCH PRODUCTS,

(II) PROTECTING THE HEALTH AND WELFARE OF CONSUMERS BY ASSURING AN ADEQUATE SUPPLY OF MILK AND DAIRY PRODUCTS,

(III) PROVIDING FOR RESEARCH PROGRAMS DESIGNED TO DEVELOP NEW AND IMPROVED DAIRY PRODUCTS,

(IV) PROVIDING FOR RESEARCH PROGRAMS DESIGNED TO ACQUAINT CONSUMERS AND THE PUBLIC GENERALLY WITH THE EFFECTS OF THE USE OF MILK AND DAIRY PRODUCTS ON THE HEALTH OF SUCH CONSUMERS,

(V) CARRYING OUT, IN OTHER WAYS, THE DECLARED POLICY AND INTENT OF THIS SECTION.

4. PROVISIONS OF DAIRY PROMOTION ORDERS. ANY DAIRY PROMOTION ORDER OR ORDERS MAY CONTAIN, AMONG OTHERS, ANY OR ALL OF THE FOLLOWING:

(A) PROVISION FOR LEVYING AN ASSESSMENT AGAINST ALL PRODUCERS SUBJECT TO THE REGULATION FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF SUCH ORDER AND TO PAY THE COST OF ADMINISTERING AND ENFORCING SUCH ORDER. IN ORDER TO COLLECT ANY SUCH ASSESSMENTS, PROVISION SHALL BE MADE FOR EACH MILK DEALER WHO RECEIVES MILK FROM PRODUCERS TO DEDUCT THE AMOUNT OF ASSESSMENT FROM MONEYS OTHERWISE DUE TO PRODUCERS FOR THE MILK SO DELIVERED. THE RATE OF SUCH ASSESSMENT SHALL NOT EXCEED TWO PERCENT PER HUNDREDWEIGHT OF THE GROSS VALUE OF THE PRODUCERS' MILK, AND THERE MAY BE CREDITED AGAINST ANY SUCH ASSESSMENT THE AMOUNTS PER HUNDREDWEIGHT OTHERWISE PAID BY ANY PRODUCER COVERED BY THE ORDER BY VOLUNTARY CONTRIBUTION OR OTHERWISE PURSUANT TO ANY OTHER FEDERAL OR STATE MILK MARKET ORDER FOR ANY SIMILAR RESEARCH PROMOTION OR ADVERTISING PROGRAM. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION, THE PRESIDENT, UPON WRITTEN PETITION OF NO LESS THAN TWENTY-FIVE PERCENT OF PRODUCERS IN THE AREA, EITHER AS INDIVIDUALS OR THROUGH COOPERATIVE REPRESENTATION, MAY CALL A HEARING FOR THE SOLE PURPOSE OF ESTABLISHING A NEW RATE OF ASSESSMENT HEREUNDER AND MAY SUBMIT A PROPOSED CHANGE IN THE RATE OF ASSESSMENT TO THE PRODUCERS FOR ACCEPTANCE OR REJECTION WITHOUT OTHERWISE AFFECTING THE ORDER. THE PRODUCERS IN THE AREA MAY VOTE ON THE PROPOSED RATE EITHER AS INDIVIDUALS OR THROUGH COOPERATIVE REPRESENTATION. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS PARAGRAPH AND OF PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION, OR THE PROVISIONS OF ANY ORDER PROMULGATED PURSUANT TO THIS SECTION, THE RATE OF ASSESSMENT, FOR ANY PERIOD DURING WHICH A DAIRY PRODUCTS PROMOTION AND RESEARCH ORDER ESTABLISHED PURSUANT TO THE FEDERAL DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983 IS IN EFFECT, SHALL NOT BE LESS THAN AN AMOUNT EQUAL TO THE MAXIMUM CREDIT WHICH PRODUCERS PARTICIPATING IN THIS STATE'S DAIRY PRODUCTS PROMOTION OR NUTRITION

1 EDUCATION PROGRAMS MAY RECEIVE PURSUANT TO SUBDIVISION (G) OF SEC. 113
2 OF SAID FEDERAL ACT.

3 (B) PROVISION FOR PAYMENTS TO ORGANIZATIONS ENGAGED IN CAMPAIGNS BY
4 ADVERTISEMENTS OR OTHERWISE, INCLUDING PARTICIPATION IN SIMILAR REGIONAL
5 OR NATIONAL PLANS OR CAMPAIGNS TO PROMOTE THE INCREASED CONSUMPTION OF
6 MILK AND DAIRY PRODUCTS, TO ACQUAINT THE PUBLIC WITH THE DIETARY ADVAN-
7 TAGES OF MILK AND DAIRY PRODUCTS AND WITH THE ECONOMY OF THEIR INCLUSION
8 IN THE DIET AND TO COMMAND, FOR MILK AND DAIRY PRODUCTS, CONSUMER ATTEN-
9 TION CONSISTENT WITH THEIR IMPORTANCE AND VALUE.

10 (C) PROVISION FOR PAYMENTS TO INSTITUTIONS OR ORGANIZATIONS ENGAGED IN
11 RESEARCH LEADING TO THE DEVELOPMENT OF NEW OR IMPROVED DAIRY PRODUCTS OR
12 RESEARCH WITH RESPECT TO THE VALUE OF MILK AND DAIRY PRODUCTS IN THE
13 HUMAN DIET.

14 (D) PROVISION FOR REQUIRING RECORDS TO BE KEPT AND REPORTS TO BE FILED
15 BY MILK DEALERS WITH RESPECT TO MILK RECEIVED FROM PRODUCERS AND WITH
16 RESPECT TO ASSESSMENTS ON THE MILK OF SUCH PRODUCERS.

17 (E) PROVISION FOR THE AUDITING OF THE RECORDS OF SUCH MILK DEALERS FOR
18 THE PURPOSE OF VERIFYING PAYMENT OF PRODUCER ASSESSMENTS.

19 (F) PROVISION FOR AN ADVISORY BOARD PURSUANT TO SUBDIVISION 10 OF THIS
20 SECTION.

21 (G) PROVISION FOR THE PRESIDENT TO RETAIN MONEY COLLECTED UNDER ANY
22 MARKETING ORDER ISSUED PURSUANT TO THIS SECTION, TO DEFRAY THE COSTS AND
23 EXPENSES IN THE ADMINISTRATION THEREOF.

24 (H) SUCH OTHER PROVISIONS AS MAY BE NECESSARY TO EFFECTUATE THE
25 DECLARED POLICIES OF THIS SECTION.

26 5. MATTERS TO BE CONSIDERED. IN CARRYING OUT THE PROVISIONS OF THIS
27 SECTION AND PARTICULARLY IN DETERMINING WHETHER OR NOT A DAIRY PROMOTION
28 ORDER SHALL BE ISSUED, THE PRESIDENT, IN CONSULTATION WITH THE COMMIS-
29 SIONER OF AGRICULTURE AND MARKETS, SHALL TAKE INTO CONSIDERATION, AMONG
30 OTHERS, FACTS AVAILABLE TO HIM OR HER WITH RESPECT TO THE FOLLOWING:

31 (A) THE TOTAL PRODUCTION OF MILK IN THE AREA AND THE PROPORTION OF
32 SUCH MILK BEING UTILIZED IN FLUID FORM AND IN OTHER PRODUCTS,

33 (B) THE PRICES BEING RECEIVED FOR MILK BY PRODUCERS IN THE AREA,

34 (C) THE LEVEL OF CONSUMPTION PER CAPITA FOR FLUID MILK AND OF OTHER
35 DAIRY PRODUCTS,

36 (D) THE PURCHASING POWER OF CONSUMERS,

37 (E) OTHER PRODUCTS WHICH COMPETE WITH MILK AND DAIRY PRODUCTS AND
38 PRICES OF SUCH PRODUCTS.

39 6. INTERSTATE ORDERS FOR COMPACTS. THE PRESIDENT, IN CONSULTATION WITH
40 THE COMMISSIONER OF AGRICULTURE AND MARKETS, IS AUTHORIZED TO CONFER AND
41 COOPERATE WITH THE LEGALLY CONSTITUTED AUTHORITIES OF OTHER STATES AND
42 OF THE UNITED STATES WITH RESPECT TO THE ISSUANCE AND OPERATION OF JOINT
43 AND CONCURRENT DAIRY PROMOTION ORDERS OR OTHER ACTIVITIES TENDING TO
44 CARRY OUT THE DECLARED INTENT OF THE ACT. HE OR SHE MAY JOIN WITH SUCH
45 OTHER AUTHORITIES IN CONDUCTING JOINT INVESTIGATIONS, HOLDING JOINT
46 HEARINGS AND ISSUING JOINT OR CONCURRENT ORDER OR ORDERS COMPLEMENTARY
47 TO THOSE OF THE FEDERAL GOVERNMENT AND SHALL HAVE THE AUTHORITY TO
48 EMPLOY OR DESIGNATE A JOINT AGENT OR JOINT AGENCIES TO CARRY OUT AND
49 ENFORCE SUCH JOINT, CONCURRENT OR SUPPLEMENTARY ORDERS.

50 7. PRIOR ASSESSMENTS. PRIOR TO THE EFFECTIVE DATE OF ANY DAIRY
51 PROMOTION ORDER AS PROVIDED IN THIS SECTION, THE PRESIDENT MAY REQUIRE
52 THAT COOPERATIVE ASSOCIATIONS WHICH HAVE PETITIONED FOR SUCH AN ORDER
53 AND THAT HAVE APPROVED OF THE ISSUANCE OF SUCH AN ORDER, TO DEPOSIT WITH
54 THE PRESIDENT SUCH AMOUNTS AS HE OR SHE MAY DEEM NECESSARY TO DEFRAY THE
55 EXPENSE OF ADMINISTERING AND ENFORCING SUCH ORDER UNTIL SUCH TIME AS THE
56 ASSESSMENTS AS HEREIN BEFORE PROVIDED ARE ADEQUATE FOR THAT PURPOSE.

1 SUCH FUNDS SHALL BE RECEIVED, DEPOSITED AND DISBURSED BY THE PRESIDENT
2 IN THE SAME MANNER AS OTHER FUNDS RECEIVED BY HIM OR HER PURSUANT TO
3 THIS SECTION AND THE PRESIDENT SHALL REIMBURSE THOSE WHO PAID THESE
4 PRIOR ASSESSMENTS FROM OTHER FUNDS RECEIVED BY HIM OR HER PURSUANT TO
5 THIS SECTION.

6 8. STATUS OF FUNDS. ANY MONEYS COLLECTED UNDER ANY MARKET ORDER ISSUED
7 PURSUANT TO THIS SECTION SHALL NOT BE DEEMED TO BE STATE FUNDS AND SHALL
8 BE DEPOSITED IN A BANK OR OTHER DEPOSITORY OF THE CORPORATION, APPROVED
9 BY THE PRESIDENT, ALLOCATED TO EACH DAIRY PROMOTION ORDER UNDER WHICH
10 THEY WERE COLLECTED, AND SHALL BE DISBURSED BY THE PRESIDENT ONLY FOR
11 THE NECESSARY EXPENSES INCURRED BY THE PRESIDENT WITH RESPECT TO EACH
12 SEPARATE ORDER, ALL IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE
13 PRESIDENT. ALL SUCH EXPENSES SHALL BE AUDITED BY THE CORPORATION AT
14 LEAST ANNUALLY. ANY MONEYS REMAINING IN SUCH FUND ALLOCABLE TO A
15 PARTICULAR ORDER, AFTER THE TERMINATION OF SUCH ORDER AND NOT REQUIRED
16 BY THE PRESIDENT TO DEFRAY THE EXPENSES OF OPERATING SUCH ORDER, MAY IN
17 THE DISCRETION OF THE PRESIDENT BE REFUNDED ON A PRO-RATA BASIS TO ALL
18 PERSONS FROM WHOM ASSESSMENTS THEREFOR WERE COLLECTED; PROVIDED, HOWEV-
19 ER, THAT IF THE PRESIDENT FINDS THAT THE AMOUNTS SO REFUNDABLE ARE SO
20 SMALL AS TO MAKE IMPRACTICABLE THE COMPUTATION AND REFUNDING OF SUCH
21 MONEYS, THE PRESIDENT MAY USE SUCH MONEYS TO DEFRAY THE EXPENSES
22 INCURRED BY HIM OR HER IN THE PROMULGATION, ISSUANCE, ADMINISTRATION OR
23 ENFORCEMENT OF ANY OTHER SIMILAR DAIRY PROMOTION ORDER OR IN THE ABSENCE
24 OF ANY OTHER SUCH DAIRY PROMOTION ORDER, THE PRESIDENT MAY PAY SUCH
25 MONEYS TO ANY ORGANIZATION OR INSTITUTION AS PROVIDED IN PARAGRAPH (B)
26 OR (C) OF SUBDIVISION FOUR OF THIS SECTION.

27 9. BUDGET. THE PRESIDENT SHALL PREPARE A BUDGET FOR THE ADMINISTRATION
28 AND OPERATING COSTS AND EXPENSES INCLUDING ADVERTISING AND SALES
29 PROMOTION WHEN REQUIRED IN ANY DAIRY PROMOTION ORDER EXECUTED HEREUNDER
30 AND TO PROVIDE FOR THE COLLECTION OF SUCH NECESSARY FEES OR ASSESSMENTS
31 TO DEFRAY COSTS AND EXPENSES, IN NO CASE TO EXCEED TWO PERCENT PER
32 HUNDREDWEIGHT OF THE GROSS VALUE OF MILK MARKETING BY PRODUCERS IN THE
33 AREA COVERED BY THE ORDER.

34 10. ADVISORY BOARD. (A) ANY DAIRY PROMOTION ORDER ISSUED PURSUANT TO
35 THIS SECTION SHALL PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY BOARD TO
36 ADVISE AND ASSIST THE PRESIDENT IN THE ADMINISTRATION OF SUCH ORDER.
37 THIS BOARD SHALL CONSIST OF NOT LESS THAN FIVE MEMBERS AND SHALL BE
38 APPOINTED BY THE PRESIDENT FROM NOMINATIONS SUBMITTED BY PRODUCERS
39 MARKETING MILK IN THE AREA TO WHICH THE ORDER APPLIES. NOMINATING PROCE-
40 DURE, QUALIFICATION, REPRESENTATION, AND SIZE OF THE ADVISORY BOARD
41 SHALL BE PRESCRIBED IN THE ORDER FOR WHICH SUCH BOARD WAS APPOINTED.

42 (B) NO MEMBER OF AN ADVISORY BOARD SHALL RECEIVE A SALARY BUT SHALL BE
43 ENTITLED TO HIS OR HER ACTUAL AND REASONABLE EXPENSES INCURRED WHILE
44 PERFORMING HIS OR HER DUTIES AS AUTHORIZED IN THIS SECTION.

45 (C) THE DUTIES AND RESPONSIBILITIES OF THE ADVISORY BOARD SHALL BE
46 PRESCRIBED BY THE PRESIDENT AND HE OR SHE MAY SPECIFICALLY DELEGATE TO
47 THE ADVISORY BOARD, BY INCLUSION IN THE DAIRY PROMOTION ORDER, ALL OR
48 ANY OF THE FOLLOWING DUTIES AND RESPONSIBILITIES:

49 (I) THE RECOMMENDATION TO THE PRESIDENT OF ADMINISTRATIVE RULES AND
50 REGULATIONS RELATING TO THE ORDER.

51 (II) RECOMMENDING TO THE PRESIDENT SUCH AMENDMENTS TO THE ORDER AS
52 DEEMED ADVISABLE.

53 (III) THE PREPARATION AND SUBMISSION TO THE PRESIDENT OF AN ESTIMATED
54 BUDGET REQUIRED FOR THE PROPER OPERATION OF THE ORDER.

55 (IV) RECOMMENDING TO THE PRESIDENT METHODS FOR ASSESSING PRODUCERS AND
56 METHODS FOR COLLECTING THE NECESSARY FUNDS.

1 (V) ASSISTING THE PRESIDENT IN THE COLLECTION AND ASSEMBLY OF INFORMA-
2 TION AND DATA NECESSARY FOR THE PROPER ADMINISTRATION OF THE ORDER.

3 (VI) THE PERFORMANCE OF SUCH OTHER DUTIES IN CONNECTION WITH THE ORDER
4 AS THE PRESIDENT SHALL DESIGNATE.

5 11. RULES AND REGULATIONS; ENFORCEMENT. (A) THE PRESIDENT MAY, WITH
6 THE ADVICE AND ASSISTANCE OF THE ADVISORY BOARD, MAKE AND ISSUE SUCH
7 RULES AND REGULATIONS AS MAY BE NECESSARY TO EFFECTUATE THE PROVISIONS
8 AND INTENT OF THIS SECTION AND TO ENFORCE THE PROVISIONS OF ANY DAIRY
9 PROMOTION ORDER, ALL OF WHICH SHALL HAVE THE FORCE AND EFFECT OF LAW.

10 (B) THE PRESIDENT MAY INSTITUTE SUCH ACTION AT LAW OR IN EQUITY AS MAY
11 APPEAR NECESSARY TO ENFORCE COMPLIANCE WITH ANY PROVISION OF THIS
12 SECTION, OR ANY RULE OR REGULATION, OR DAIRY PROMOTION ORDER COMMITTED
13 TO HIS OR HER ADMINISTRATION, AND MAY APPLY FOR RELIEF BY INJUNCTION IF
14 NECESSARY TO PROTECT THE PUBLIC INTEREST WITHOUT BEING COMPELLED TO
15 ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES NOT EXIST. SUCH
16 APPLICATION SHALL BE MADE TO THE SUPREME COURT IN ANY DISTRICT OR COUNTY
17 PROVIDED IN THE CIVIL PRACTICE LAW AND RULES, OR TO THE SUPREME COURT IN
18 THE THIRD JUDICIAL DISTRICT.

19 12. COOPERATION BY THE DEPARTMENT OF AGRICULTURE AND MARKETS. THE
20 PRESIDENT OF THE CORPORATION MAY REQUEST AND RECEIVE, WITHIN NINETY DAYS
21 OF SUCH REQUEST FROM THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND
22 MARKETS (HEREAFTER REFERRED TO IN THIS SUBDIVISION AS THE "DEPARTMENT")
23 SUCH ASSISTANCE, INFORMATION AND COOPERATION AS MAY BE NECESSARY FOR THE
24 CORPORATION TO PROVIDE SERVICES WITH RESPECT TO THE ADMINISTRATION OF
25 THE PROCEDURES SET FORTH FOR THE ISSUANCE, TERMINATION OR AMENDMENT OF
26 ANY DAIRY PROMOTION ORDER AND/OR THE ADMINISTRATION OF ANY SUCH ORDER.
27 THE CORPORATION SHALL RETAIN AN AMOUNT EQUAL TO THE EXPENSES INCURRED BY
28 THE CORPORATION IN PERFORMING ITS DUTIES PURSUANT TO THIS SECTION AND
29 REIMBURSE THE DEPARTMENT AN AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE
30 DEPARTMENT IN SUPPLYING SUCH SERVICES, SUBSEQUENT TO SUBMISSION AND
31 AUDIT OF A VOUCHER THEREFOR. SUCH REIMBURSEMENT SHALL NOT EXCEED THE
32 TOTAL AMOUNT OF FUNDS COLLECTED BY THE CORPORATION PURSUANT TO THIS
33 SECTION LESS THE REASONABLE EXPENSES INCURRED BY THE CORPORATION IN
34 PERFORMING ITS DUTIES PURSUANT TO THIS SECTION.

35 13. INDEMNIFICATION. THE STATE SHALL DEFEND, INDEMNIFY AND HOLD HARM-
36 LESS THE CORPORATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES, FROM AND
37 AGAINST ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, DAMAGES, COSTS
38 AND EXPENSES WHATSOEVER ARISING DIRECTLY OR INDIRECTLY FROM, OR RELATING
39 TO, THE ADMINISTRATION OF A DAIRY PROMOTION ORDER ISSUED OR ADMINISTERED
40 PURSUANT TO THIS SECTION. IN CONNECTION WITH THE FOREGOING, THE CORPO-
41 RATION SHALL GIVE THE STATE (A) PROMPT WRITTEN NOTICE OF ANY ACTION,
42 CLAIM OR THREAT OF SUIT, (B) THE OPPORTUNITY TO TAKE OVER, SETTLE OR
43 DEFEND SUCH ACTION, CLAIM OR SUIT AT THE STATE'S SOLE EXPENSE, AND (C)
44 ASSISTANCE IN THE DEFENSE OF ANY SUCH ACTION AT THE EXPENSE OF THE
45 STATE.

46 14. CONTRACTUAL PROVISIONS. THE CORPORATION MAY CONTRACT FOR SERVICES
47 WITH RESPECT TO THE IMPLEMENTATION OF THIS SECTION IN ACCORDANCE WITH
48 THE CORPORATION'S POLICIES, PROCEDURES AND GUIDELINES. NOTWITHSTANDING
49 SECTION 2879 OF THE PUBLIC AUTHORITIES LAW OR ANY OTHER LAW TO THE
50 CONTRARY, ANY SUCH CONTRACT MAY BE PROCURED BY THE CORPORATION ON A
51 SOLE-SOURCE BASIS, AND SHALL NOT BE SUBJECT TO COMPETITIVE BID OR
52 COMPETITIVE REQUEST FOR PROPOSAL REQUIREMENTS.

53 S 16-Y. MARKETING OF AGRICULTURAL PRODUCTS. DECLARATION OF POLICY. (A)
54 IT IS HEREBY DECLARED THAT THE MISSION OF THE CORPORATION IS TO PROMOTE
55 A VIGOROUS AND GROWING STATE ECONOMY. IN IMPLEMENTING THIS MISSION, THE
56 CORPORATION HAS UNDERTAKEN A VIGOROUS CAMPAIGN TO MARKET THE STATE'S

ASSETS AND BY CARRYING OUT THE PROVISIONS OF THIS SECTION, WOULD FURTHER THIS MISSION BY PROMOTING THE DEVELOPMENT OF MARKETS FOR AGRICULTURAL PRODUCTS GROWN AND PRODUCED IN THE STATE.

(B) IT IS FURTHER DECLARED THAT THE MARKETING OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS IN THIS STATE, IN EXCESS OF REASONABLE AND NORMAL MARKET DEMANDS THEREFOR; DISORDERLY MARKETING OF SUCH COMMODITIES; IMPROPER PREPARATION FOR MARKET AND LACK OF UNIFORM GRADING AND CLASSIFICATION OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS; UNFAIR METHODS OF COMPETITION IN THE MARKETING OF SUCH COMMODITIES AND THE INABILITY OF INDIVIDUAL PRODUCERS TO DEVELOP NEW AND LARGER MARKETS FOR AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS, RESULT IN AN UNREASONABLE AND UNNECESSARY ECONOMIC WASTE OF THE AGRICULTURAL WEALTH OF THIS STATE. SUCH CONDITIONS AND THE ACCOMPANYING WASTE JEOPARDIZE THE FUTURE CONTINUED PRODUCTION OF ADEQUATE FOOD SUPPLIES FOR THE PEOPLE OF THIS AND OTHER STATES. THESE CONDITIONS VITALLY CONCERN THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PEOPLE OF THIS STATE.

IT IS THEREFORE DECLARED THE LEGISLATIVE PURPOSE AND THE POLICY OF THIS STATE:

(I) TO ENABLE AGRICULTURAL PRODUCERS AND AQUATIC PRODUCERS OF THIS STATE, WITH THE AID OF THE STATE, MORE EFFECTIVELY TO CORRELATE THE MARKETING OF THEIR AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS WITH MARKET DEMANDS THEREFOR.

(II) TO ESTABLISH ORDERLY, EFFICIENT AND EQUITABLE MARKETING OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS.

(III) TO PROVIDE FOR UNIFORM GRADING AND PROPER PREPARATION OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS FOR MARKET.

(IV) TO PROVIDE METHODS AND MEANS FOR THE DEVELOPMENT OF NEW AND LARGER MARKETS FOR AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS PRODUCED IN NEW YORK.

(V) TO ELIMINATE OR REDUCE THE ECONOMIC WASTE IN THE MARKETING OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS.

(VI) TO ELIMINATE UNJUST IMPAIRMENT OF THE PURCHASING POWER OF AQUATIC PRODUCERS AND THE AGRICULTURAL PRODUCERS OF THIS STATE; AND

(VII) TO AID AGRICULTURAL AND AQUATIC PRODUCERS IN MAINTAINING AN INCOME AT AN ADEQUATE AND EQUITABLE LEVEL.

2. DEFINITIONS. (A) "AGRICULTURAL COMMODITY" MEANS ANY AND ALL AGRICULTURAL, HORTICULTURAL, VINEYARD PRODUCTS, CORN FOR GRAIN, OATS, SOYBEANS, BARLEY, WHEAT, POULTRY OR POULTRY PRODUCTS, BEES, MAPLE SAP AND PURE MAPLE PRODUCTS PRODUCED THEREFROM, CHRISTMAS TREES, LIVESTOCK, INCLUDING SWINE, AND HONEY, SOLD IN THE STATE EITHER IN THEIR NATURAL STATE OR AS PROCESSED BY THE PRODUCER THEREOF BUT DOES NOT INCLUDE MILK, TIMBER OR TIMBER PRODUCTS, OTHER THAN CHRISTMAS TREES, ALL HAY, RYE AND LEGUMES EXCEPT FOR SOYBEANS.

(B) "AQUACULTURE" MEANS THE CULTURE, CULTIVATION AND HARVEST OF AQUATIC PLANTS AND ANIMALS.

(C) "AQUATIC PRODUCTS" MEANS ANY FOOD OR FIBER PRODUCTS OBTAINED THROUGH THE PRACTICE OF AQUACULTURE, INCLUDING MARICULTURE; OR BY HARVEST FROM THE SEA WHEN SUCH PRODUCTS ARE CULTURED OR LANDED IN THIS STATE. SUCH PRODUCTS INCLUDE BUT ARE NOT LIMITED TO FISH, SHELLFISH, SEAWEED OR OTHER WATER BASED PLANT LIFE.

(D) "PRODUCER" MEANS ANY PERSON ENGAGED WITHIN THIS STATE IN THE BUSINESS OF PRODUCING, OR CAUSING TO BE PRODUCED FOR ANY MARKET, ANY AGRICULTURAL COMMODITY OR AQUATIC PRODUCT.

(E) "HANDLER" MEANS ANY PERSON ENGAGED IN THE OPERATION OF PACKING, GRADING, SELLING, OFFERING FOR SALE OR MARKETING ANY MARKETABLE AGRICUL-

1 TURAL COMMODITIES OR AQUATIC PRODUCTS, WHO AS OWNER, AGENT OR OTHERWISE
2 SHIPS OR CAUSES AN AGRICULTURAL COMMODITY TO BE SHIPPED.

3 (F) "PROCESSOR" MEANS ANY PERSON ENGAGED WITHIN THIS STATE IN PROCESS-
4 ING, OR IN THE OPERATION OF RECEIVING, GRADING, PACKING, CANNING, FREEZ-
5 ING, DEHYDRATING, FERMENTING, DISTILLING, EXTRACTING, PRESERVING, GRIND-
6 ING, CRUSHING, OR IN ANY OTHER WAY PRESERVING OR CHANGING THE FORM OF AN
7 AGRICULTURAL PRODUCT OR AQUATIC PRODUCT FOR THE PURPOSE OF MARKETING
8 SUCH COMMODITY BUT SHALL NOT INCLUDE A PERSON ENGAGED IN MANUFACTURING
9 FROM AN AGRICULTURAL COMMODITY OR AQUATIC PRODUCT ANOTHER AND DIFFERENT
10 PRODUCT.

11 (G) "DISTRIBUTOR" MEANS ANY PERSON ENGAGED WITHIN THIS STATE, IN SELL-
12 ING, OFFERING FOR SALE, MARKETING OR DISTRIBUTING AN AGRICULTURAL
13 COMMODITY OR AQUATIC PRODUCT WHICH HE OR SHE HAS PURCHASED OR ACQUIRED
14 FROM A PRODUCER OR OTHER PERSON OR WHICH HE OR SHE IS MARKETING ON
15 BEHALF OF A PRODUCER OR OTHER PERSON, WHETHER AS OWNER, AGENT, EMPLOYEE,
16 BROKER OR OTHERWISE, BUT SHALL NOT INCLUDE A RETAILER, EXCEPT SUCH
17 RETAILER WHO PURCHASES OR ACQUIRES FROM, OR HANDLES ON BEHALF OF ANY
18 PRODUCER OR OTHER PERSON, AN AGRICULTURAL COMMODITY OR AQUATIC PRODUCT
19 SUBJECT TO REGULATION BY THE MARKETING AGREEMENT OR ORDER COVERING SUCH
20 COMMODITY.

21 (H) "PRESIDENT" MEANS THE PRESIDENT OF THE CORPORATION.

22 (I) "MARKETING AGREEMENT" MEANS AN AGREEMENT ENTERED INTO, WITH THE
23 APPROVAL OF THE PRESIDENT, BY PRODUCERS WITH DISTRIBUTORS, PROCESSORS
24 AND HANDLERS REGULATING THE PREPARATION, SALE AND HANDLING OF AGRICUL-
25 TURAL COMMODITIES OR AQUATIC PRODUCTS.

26 (J) "MARKETING ORDER" MEANS AN ORDER ISSUED BY THE PRESIDENT PURSUANT
27 TO THIS SECTION, PRESCRIBING RULES AND REGULATIONS GOVERNING THE MARKET-
28 ING FOR PROCESSING, THE DISTRIBUTING, THE SALE OF, OR THE HANDLING IN
29 ANY MANNER OF ANY AGRICULTURAL COMMODITY OR AQUATIC PRODUCT SOLD IN THIS
30 STATE DURING ANY SPECIFIED PERIOD OR PERIODS.

31 3. POWERS AND DUTIES OF THE PRESIDENT. (A) IN ORDER TO EFFECTUATE THE
32 DECLARED POLICY OF THIS SECTION, THE PRESIDENT, IN CONSULTATION WITH THE
33 COMMISSIONER OF AGRICULTURE AND MARKETS, MAY, AFTER DUE NOTICE AND
34 OPPORTUNITY FOR HEARING, APPROVE MARKETING AGREEMENTS, WHICH MARKETING
35 AGREEMENTS SHALL THEREUPON BE BINDING UPON THE SIGNATORIES THERETO
36 EXCLUSIVELY.

37 (B) THE PRESIDENT MAY MAKE AND ISSUE MARKETING ORDERS, AFTER DUE
38 NOTICE AND OPPORTUNITY FOR HEARING, SUBJECT TO:

39 (I) APPROVAL OF NOT LESS THAN SIXTY-SIX AND TWO-THIRDS PER CENTUM OF
40 THE PRODUCERS PARTICIPATING IN A REFERENDUM IN THE AREA AFFECTED, OR

41 (II) APPROVAL OF NOT LESS THAN SIXTY-FIVE PER CENTUM OF THE PRODUCERS
42 PARTICIPATING IN A REFERENDUM VOTE, IN THE AREA AFFECTED, AND HAVING
43 MARKETING NOT LESS THAN FIFTY-ONE PER CENTUM OF THE TOTAL QUANTITY OF THE
44 COMMODITY WHICH WAS MARKETING IN THE NEXT PRECEDING, ORDINARY MARKETING
45 SEASON BY ALL PRODUCERS THAT VOTED IN THE REFERENDUM, OR

46 (III) APPROVAL OF NOT LESS THAN FIFTY-ONE PER CENTUM OF THE PRODUCERS
47 PARTICIPATING IN A REFERENDUM VOTE, IN THE AREA AFFECTED, AND HAVING
48 MARKETING NOT LESS THAN SIXTY-FIVE PER CENTUM OF THE TOTAL QUANTITY OF
49 THE COMMODITY WHICH WAS MARKETING IN THE NEXT PRECEDING, ORDINARY MARKET-
50 ING SEASON BY ALL PRODUCERS THAT VOTED IN THE REFERENDUM. THE PRESIDENT
51 MAY, AND UPON WRITTEN PETITION DULY SIGNED BY TWENTY-FIVE PER CENTUM OF
52 THE PRODUCERS IN THE AREA AMEND OR TERMINATE SUCH ORDER AFTER DUE NOTICE
53 AND OPPORTUNITY FOR HEARING, BUT SUBJECT TO THE APPROVAL OF NOT LESS
54 THAN FIFTY PER CENTUM OF SUCH PRODUCERS PARTICIPATING IN A REFERENDUM
55 VOTE.

1 (C) THE PRESIDENT SHALL ADMINISTER AND ENFORCE ANY MARKETING ORDER,
2 WHILE IT IS IN EFFECT, TO:

3 (I) ENCOURAGE AND MAINTAIN STABLE PRICES RECEIVED BY PRODUCERS FOR
4 SUCH AGRICULTURAL COMMODITY AND AQUATIC PRODUCT AT A LEVEL WHICH IS
5 CONSISTENT WITH THE PROVISIONS AND AIMS OF THIS ACT.

6 (II) PREVENT THE UNREASONABLE OR UNNECESSARY WASTE OF LAND OR WATER
7 BASED WEALTH.

8 (III) PROTECT THE INTERESTS OF CONSUMERS OF SUCH COMMODITY, BY EXER-
9 CISING THE POWERS OF THIS SECTION TO SUCH EXTENT AS IS NECESSARY TO
10 EFFECTUATE THE PURPOSES OF THIS ACT.

11 (IV) PREPARE A BUDGET FOR THE ADMINISTRATION AND OPERATING COSTS AND
12 EXPENSES INCLUDING ADVERTISING AND SALES PROMOTION WHEN REQUIRED IN ANY
13 MARKETING AGREEMENT OR ORDER EXECUTED IN THIS SECTION AND TO PROVIDE FOR
14 THE COLLECTION AND RETENTION OF SUCH NECESSARY FEES TO DEFRAY SUCH COSTS
15 AND EXPENSES, IN NO CASE TO EXCEED FIVE PERCENT OF THE GROSS DOLLAR
16 VOLUME OF SALES OR DOLLAR VOLUME OF PURCHASES OR AMOUNTS HANDLED, TO BE
17 COLLECTED FROM EACH PERSON ENGAGED IN THE PRODUCTION, PROCESSING,
18 DISTRIBUTING OR THE HANDLING OF ANY MARKETABLE AGRICULTURAL COMMODITY
19 AND AQUATIC PRODUCT PRODUCED OR LANDED IN THIS STATE AND DIRECTLY
20 AFFECTED BY ANY MARKETING ORDER ISSUED PURSUANT TO THIS SECTION FOR SUCH
21 COMMODITY.

22 (V) CONFER AND COOPERATE WITH THE LEGALLY CONSTITUTED AUTHORITIES OF
23 OTHER STATES AND THE UNITED STATES.

24 (D) ANY MARKETING AGREEMENT OR ORDER ISSUED BY THE PRESIDENT PURSUANT
25 TO THIS SECTION MAY CONTAIN ANY OR ALL OF THE FOLLOWING:

26 (I) PROVISIONS FOR DETERMINING THE EXISTENCE AND EXTENT OF THE SURPLUS
27 OF ANY AGRICULTURAL COMMODITY, OR OF ANY GRADE, SIZE OR QUALITY THEREOF,
28 AND PROVIDING FOR THE REGULATION AND DISPOSITION OF SUCH SURPLUS.

29 (II) PROVISIONS FOR LIMITING THE TOTAL QUANTITY OF ANY AGRICULTURAL
30 PRODUCT, OR OF ANY GRADE OR GRADES, SIZE OR SIZES, OR QUALITY OR
31 PORTIONS OR COMBINATIONS THEREOF, WHICH MAY BE MARKETING DURING ANY SPEC-
32 IFIED PERIOD OR PERIODS. SUCH TOTAL QUANTITY OF ANY SUCH COMMODITY SO
33 REGULATED SHALL NOT BE LESS THAN THE QUANTITY WHICH THE PRESIDENT SHALL
34 FIND IS REASONABLY NECESSARY TO SUPPLY THE MARKET DEMAND OF CONSUMERS
35 FOR SUCH COMMODITY.

36 (III) PROVISIONS REGULATING TO THE PERIOD, OR PERIODS, DURING WHICH
37 ANY AGRICULTURAL COMMODITY, OR ANY GRADE OR GRADES, SIZE OR SIZES OR
38 QUALITY OR PORTIONS OR COMBINATIONS OF SUCH COMMODITY, MAY BE MARKETING.

39 (IV) PROVISIONS FOR THE ESTABLISHMENT OF UNIFORM GRADING, STANDARDS,
40 AND INSPECTION OF ANY AGRICULTURAL COMMODITY DELIVERED BY PRODUCERS OR
41 OTHER PERSONS TO HANDLERS, PROCESSORS, DISTRIBUTORS OR OTHERS ENGAGING
42 IN THE HANDLING THEREOF, AND FOR THE ESTABLISHMENT OF GRADING OR STAND-
43 ARDS OF QUALITY, CONDITION, SIZE, MATURITY OR PACK FOR ANY AGRICULTURAL
44 COMMODITY, AND THE INSPECTION AND GRADING OF SUCH COMMODITY IN ACCORD-
45 ANCE WITH SUCH GRADING OR STANDARDS SO ESTABLISHED; AND FOR PROVISIONS
46 THAT NO PRODUCER, HANDLER, PROCESSOR OR DISTRIBUTOR OF ANY AGRICULTURAL
47 COMMODITY FOR WHICH GRADING OR STANDARDS ARE SO ESTABLISHED MAY, EXCEPT
48 AS OTHERWISE PROVIDED IN SUCH MARKETING AGREEMENT OR ORDER, SELL, OFFER
49 FOR SALE, PROCESS, DISTRIBUTE OR OTHERWISE HANDLE ANY SUCH COMMODITY
50 WHETHER PRODUCED WITHIN OR WITHOUT THIS STATE, NOT MEETING AND COMPLYING
51 WITH SUCH ESTABLISHED GRADING OR STANDARDS. FOR THE PURPOSES OF THIS
52 SECTION, THE FEDERAL-STATE INSPECTION SERVICE SHALL PERFORM ALL
53 INSPECTIONS MADE NECESSARY BY SUCH PROVISIONS.

54 (V) PROVISIONS FOR THE ESTABLISHMENT OF RESEARCH PROGRAMS DESIGNED TO
55 BENEFIT A SPECIFIED COMMODITY OR NEW YORK AGRICULTURE IN GENERAL.

1 (VI) PROVISIONS FOR THE PRESIDENT TO RETAIN MONEY COLLECTED UNDER ANY
2 MARKETING ORDER ISSUED PURSUANT TO THIS SECTION TO DEFRAY THE COSTS AND
3 EXPENSES IN THE ADMINISTRATION THEREOF.

4 (VII) SUCH OTHER PROVISIONS AS MAY BE NECESSARY TO EFFECTUATE THE
5 DECLARED POLICIES OF THIS SECTION.

6 (VIII) PROVISIONS TO ESTABLISH MARKETING PROMOTION AND RESEARCH
7 PROGRAMS FOR AQUATIC PRODUCTS WHICH MAY INCLUDE SUBPARAGRAPHS (I)
8 THROUGH (VII) OF THIS PARAGRAPH.

9 (E) THE PRESIDENT MAY TEMPORARILY SUSPEND THE OPERATION OF AN EFFEC-
10 TIVE MARKETING ORDER FOR A CONTINUING PERIOD OF NOT LONGER THAN ONE
11 GROWING AND MARKETING SEASON, IF THE PURPOSES OF THIS SECTION ARE DEEMED
12 UNNECESSARY DURING SUCH SEASON.

13 (F) IN CARRYING OUT THE PURPOSES OF THIS SECTION, THE PRESIDENT, IN
14 CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS, SHALL
15 TAKE INTO CONSIDERATION ANY AND ALL FACTS AVAILABLE TO HIM OR HER WITH
16 RESPECT TO THE FOLLOWING ECONOMIC FACTORS:

17 (I) THE QUANTITY OF SUCH AGRICULTURAL COMMODITY AVAILABLE FOR DISTRIB-
18 UTION.

19 (II) THE QUANTITY OF SUCH AGRICULTURAL COMMODITY NORMALLY REQUIRED BY
20 CONSUMERS.

21 (III) THE COST OF PRODUCING SUCH AGRICULTURAL COMMODITY.

22 (IV) THE PURCHASING POWER OF CONSUMERS.

23 (V) THE LEVEL OF PRICES OF COMMODITIES, SERVICES AND SECTIONS WHICH
24 THE FARMERS COMMONLY BUY.

25 (VI) THE LEVEL OF PRICES OF OTHER COMMODITIES WHICH COMPETE WITH OR
26 ARE UTILIZED AS SUBSTITUTES FOR SUCH AGRICULTURAL COMMODITY.

27 (G) THE EXECUTION OF SUCH MARKETING AGREEMENTS SHALL IN NO MANNER
28 AFFECT THE ISSUANCE, ADMINISTRATION OR ENFORCEMENT OF ANY MARKETING
29 ORDER PROVIDED FOR IN THIS SECTION. THE PRESIDENT MAY ISSUE SUCH MARKET-
30 ING ORDER WITHOUT EXECUTING A MARKETING AGREEMENT OR MAY EXECUTE A
31 MARKETING AGREEMENT WITHOUT ISSUING A MARKETING ORDER COVERING THE SAME
32 COMMODITY. THE PRESIDENT, IN HIS OR HER DISCRETION, MAY HOLD A CONCUR-
33 RENT HEARING UPON A PROPOSED MARKETING AGREEMENT AND A PROPOSED MARKET-
34 ING ORDER IN THE MANNER PROVIDED FOR GIVING DUE NOTICE AND OPPORTUNITY
35 FOR HEARING FOR A MARKETING ORDER AS PROVIDED IN THIS SECTION.

36 (H) PRIOR TO THE ISSUANCE, AMENDMENT OR TERMINATION OF ANY MARKETING
37 ORDER, THE PRESIDENT MAY REQUIRE THE APPLICANTS FOR SUCH ISSUANCE,
38 AMENDMENT OR TERMINATION TO DEPOSIT WITH HIM OR HER SUCH AMOUNT AS HE OR
39 SHE MAY DEEM NECESSARY TO DEFRAY THE EXPENSES OF PREPARING AND MAKING
40 EFFECTIVE AMENDING OR TERMINATING A MARKETING ORDER. SUCH FUNDS SHALL BE
41 RECEIVED, DEPOSITED AND DISBURSED BY THE PRESIDENT IN THE SAME MANNER AS
42 OTHER FEES RECEIVED BY HIM OR HER UNDER THIS SECTION AND, IN THE EVENT
43 THE APPLICATION FOR ADOPTION, AMENDMENT OR TERMINATION OF A MARKETING
44 ORDER IS APPROVED IN A REFERENDUM, THE PRESIDENT SHALL REIMBURSE ANY
45 SUCH APPLICANT IN THE AMOUNT OF ANY SUCH DEPOSIT FROM ANY UNEXPENDED
46 MONIES COLLECTED UNDER THE MARKETING ORDER AFFECTED BY SUCH REFERENDUM.

47 (I) ANY MONEYS COLLECTED BY THE PRESIDENT PURSUANT TO THIS SECTION
48 SHALL NOT BE DEEMED STATE FUNDS AND SHALL BE DEPOSITED IN A BANK OR
49 OTHER DEPOSITORY OF THE CORPORATION, APPROVED BY THE PRESIDENT, ALLO-
50 CATED TO EACH MARKETING ORDER UNDER WHICH THEY ARE COLLECTED, AND SHALL
51 BE DISBURSED BY THE PRESIDENT ONLY FOR THE NECESSARY EXPENSES INCURRED
52 BY THE PRESIDENT WITH RESPECT TO EACH SUCH SEPARATE MARKETING ORDER, ALL
53 IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE PRESIDENT. ALL SUCH
54 EXPENDITURES SHALL BE AUDITED BY THE CORPORATION AT LEAST ANNUALLY. ANY
55 MONEYS REMAINING IN SUCH FUND ALLOCABLE TO ANY PARTICULAR COMMODITY
56 AFFECTED BY A MARKETING ORDER MAY, IN THE DISCRETION OF THE PRESIDENT,

1 BE REFUNDED AT THE CLOSE OF ANY MARKETING SEASON UPON A PRO-RATA BASIS
2 TO ALL PERSONS FROM WHOM ASSESSMENTS THEREFOR WERE COLLECTED OR, WHENEVER
3 THE PRESIDENT FINDS THAT SUCH MONEYS MAY BE NECESSARY TO DEFRAY THE
4 COST OF OPERATING SUCH MARKETING ORDER IN A SUCCEEDING MARKETING SEASON,
5 HE OR SHE MAY CARRY OVER ALL OR ANY PORTION OF SUCH MONEYS INTO THE NEXT
6 SUCH SUCCEEDING SEASON. UPON THE TERMINATION BY THE PRESIDENT OF ANY
7 MARKETING ORDER, ALL MONEYS REMAINING AND NOT REQUIRED BY THE PRESIDENT
8 TO DEFRAY THE EXPENSES OF OPERATING SUCH MARKETING ORDER, SHALL BE
9 REFUNDED BY THE PRESIDENT UPON A PRO-RATA BASIS TO ALL PERSONS FROM WHOM
10 ASSESSMENTS THEREFOR WERE COLLECTED; PROVIDED, HOWEVER, THAT IF THE
11 PRESIDENT FINDS THAT THE AMOUNTS SO REFUNDABLE ARE SO SMALL AS TO MAKE
12 IMPRACTICABLE THE COMPUTATION AND REFUNDING OF SUCH REFUNDS, THE PRESIDENT
13 MAY USE SUCH MONEYS TO DEFRAY THE EXPENSES INCURRED BY HIM OR HER
14 IN THE FORMULATION, ISSUANCE, ADMINISTRATION OR ENFORCEMENT OF ANY
15 SUBSEQUENT MARKETING ORDER FOR SUCH COMMODITY.

16 (J) ADVISORY BOARD. (I) ANY MARKETING ORDER ISSUED PURSUANT TO THIS
17 SECTION SHALL PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY BOARD, TO
18 CONSIST OF NOT LESS THAN FIVE MEMBERS NOR MORE THAN NINE MEMBERS, TO
19 ADVISE THE PRESIDENT IN THE ADMINISTRATION OF SUCH MARKETING ORDER IN
20 ACCORDANCE WITH ITS TERMS AND PROVISIONS. THE MEMBERS OF SAID BOARD
21 SHALL BE APPOINTED BY THE PRESIDENT FROM NOMINATIONS RECEIVED FROM THE
22 COMMODITY GROUP FOR WHICH THE MARKETING ORDER IS ESTABLISHED. NOMINATING
23 PROCEDURE, QUALIFICATION, REPRESENTATION AND SIZE OF THE ADVISORY BOARD
24 SHALL BE PRESCRIBED IN EACH MARKETING ORDER FOR WHICH SUCH BOARD IS
25 APPOINTED. EACH ADVISORY BOARD SHALL BE COMPOSED OF SUCH PRODUCERS AND
26 HANDLERS OR PROCESSORS AS ARE DIRECTLY AFFECTED BY THE MARKETING ORDER
27 IN SUCH PROPORTION OF REPRESENTATION AS THE ORDER SHALL PRESCRIBE. THE
28 PRESIDENT MAY APPOINT ONE PERSON WHO IS NEITHER A PRODUCER, PROCESSOR OR
29 OTHER HANDLER TO REPRESENT THE DEPARTMENT OF AGRICULTURE AND MARKETS,
30 THE CORPORATION, OR THE PUBLIC GENERALLY.

31 (II) NO MEMBER OF AN ADVISORY BOARD SHALL RECEIVE A SALARY, BUT EACH
32 SHALL BE ENTITLED TO HIS OR HER ACTUAL EXPENSES INCURRED WHILE ENGAGED
33 IN PERFORMING HIS OR HER DUTIES HEREIN AUTHORIZED.

34 (III) THE DUTIES AND RESPONSIBILITIES OF EACH ADVISORY BOARD SHALL BE
35 PRESCRIBED BY THE PRESIDENT, AND HE OR SHE MAY SPECIFICALLY DELEGATE TO
36 THE ADVISORY BOARD, BY INCLUSION IN THE MARKETING ORDER, ALL OR ANY OF
37 THE FOLLOWING DUTIES AND RESPONSIBILITIES:

38 (A) THE RECOMMENDATION TO THE PRESIDENT OF ADMINISTRATIVE RULES AND
39 REGULATIONS RELATING TO THE MARKETING ORDER.

40 (B) RECOMMENDING TO THE PRESIDENT SUCH AMENDMENTS TO THE MARKETING
41 ORDER AS DEEMED ADVISABLE.

42 (C) THE PREPARATION AND SUBMISSION TO THE PRESIDENT OF THE ESTIMATED
43 BUDGET REQUIRED FOR THE PROPER OPERATION OF THE MARKETING ORDER.

44 (D) RECOMMENDING TO THE PRESIDENT METHODS FOR ASSESSING MEMBERS OF THE
45 INDUSTRY AND METHODS FOR COLLECTING THE NECESSARY FUNDS.

46 (E) ASSISTING THE PRESIDENT IN THE COLLECTION AND ASSEMBLING OF INFORMATION
47 AND DATA NECESSARY TO THE PROPER ADMINISTRATION OF THE ORDER.

48 (F) THE PERFORMANCE OF SUCH OTHER DUTIES IN CONNECTION WITH THE
49 MARKETING ORDER AS THE PRESIDENT SHALL DESIGNATE.

50 4. RULES AND REGULATIONS; ENFORCEMENT. THE PRESIDENT MAY MAKE AND
51 PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO EFFECTUATE
52 THE PROVISIONS AND INTENT OF THIS SECTION AND TO ENFORCE THE PROVISION
53 OF ANY MARKETING AGREEMENT OR ORDER, ALL OF WHICH SHALL HAVE THE FORCE
54 AND EFFECT OF LAW.

55 THE PRESIDENT MAY INSTITUTE SUCH ACTION AT LAW OR IN EQUITY AS MAY
56 APPEAR NECESSARY TO ENFORCE COMPLIANCE WITH ANY PROVISION OF THIS

1 SECTION, OR ANY RULE OR REGULATION, MARKETING AGREEMENT OR ORDER,
2 COMMITTED TO HIS OR HER ADMINISTRATION, AND IN ADDITION MAY APPLY FOR
3 RELIEF BY INJUNCTION IF NECESSARY TO PROTECT THE PUBLIC INTEREST WITHOUT
4 BEING COMPELLED TO ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES
5 NOT EXIST. SUCH APPLICATION MAY BE MADE TO THE SUPREME COURT IN ANY
6 DISTRICT OR COUNTY AS PROVIDED IN THE CIVIL PRACTICE LAW AND RULES, OR
7 TO THE SUPREME COURT IN THE THIRD JUDICIAL DISTRICT.

8 5. COOPERATION BY THE DEPARTMENT OF AGRICULTURE AND MARKETS. THE PRES-
9 IDENT OF THE CORPORATION MAY REQUEST AND RECEIVE, WITHIN NINETY DAYS OF
10 SUCH REQUEST, FROM THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND
11 MARKETS (HEREINAFTER REFERRED TO IN THIS SUBDIVISION AS THE "DEPART-
12 MENT") SUCH ASSISTANCE, INFORMATION AND COOPERATION AS MAY BE NECESSARY
13 FOR THE CORPORATION TO PROVIDE SERVICES WITH RESPECT TO THE ADMINIS-
14 TRATION OF THE PROCEDURES SET FORTH FOR THE ISSUANCE, TERMINATION OR
15 AMENDMENT OF ANY AGRICULTURAL, COMMODITIES OR AQUATIC ORDER AND/OR THE
16 ADMINISTRATION OF ANY SUCH ORDER. THE CORPORATION SHALL RETAIN AN
17 AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE CORPORATION IN PERFORMING
18 ITS DUTIES PURSUANT TO THIS SECTION AND REIMBURSE THE DEPARTMENT AN
19 AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE DEPARTMENT IN SUPPLYING
20 SUCH SERVICES, SUBSEQUENT TO SUBMISSION AND AUDIT OF A VOUCHER THEREFOR.
21 SUCH REIMBURSEMENT SHALL NOT EXCEED THE TOTAL AMOUNT OF FUNDS COLLECTED
22 BY THE CORPORATION PURSUANT TO THIS SECTION LESS THE REASONABLE EXPENSES
23 INCURRED BY THE CORPORATION IN PERFORMING ITS DUTIES PURSUANT TO THIS
24 SECTION.

25 6. INDEMNIFICATION. THE STATE SHALL DEFEND, INDEMNIFY AND HOLD HARM-
26 LESS THE CORPORATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES, FROM AND
27 AGAINST ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, DAMAGES, COSTS
28 AND EXPENSES WHATSOEVER ARISING DIRECTLY OR INDIRECTLY FROM, OR RELATING
29 TO, THE ADMINISTRATION OF ANY AGRICULTURAL, COMMODITIES OR AQUATIC
30 PROMOTION ORDER ISSUED OR ADMINISTERED PURSUANT TO THIS SECTION. IN
31 CONNECTION WITH THE FOREGOING, THE CORPORATION SHALL GIVE THE STATE (A)
32 PROMPT WRITTEN NOTICE OF ANY ACTION, CLAIM OR THREAT OF SUIT, (B) THE
33 OPPORTUNITY TO TAKE OVER, SETTLE OR DEFEND SUCH ACTION, CLAIM OR SUIT AT
34 THE STATE'S SOLE EXPENSE, AND (C) ASSISTANCE IN THE DEFENSE OF ANY SUCH
35 ACTION AT THE EXPENSE OF THE STATE.

36 7. CONTRACTUAL PROVISIONS. THE CORPORATION MAY CONTRACT FOR SERVICES
37 WITH RESPECT TO THE IMPLEMENTATION OF THIS SECTION IN ACCORDANCE WITH
38 THE CORPORATION'S POLICIES, PROCEDURES AND GUIDELINES. NOTWITHSTANDING
39 SECTION 2879 OF THE PUBLIC AUTHORITIES LAW OR ANY OTHER LAW TO THE
40 CONTRARY, ANY SUCH CONTRACT MAY BE PROCURED BY THE CORPORATION ON A
41 SOLE-SOURCE BASIS, AND SHALL NOT BE SUBJECT TO COMPETITIVE BID OR
42 COMPETITIVE REQUEST FOR PROPOSAL REQUIREMENTS.

43 S 16-Z. MARKETING ORDERS. THE MARKETING ORDERS, THE REGULATORY
44 PROVISIONS RELATING THERETO, SET FORTH IN TITLE ONE OF THE OFFICIAL
45 COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
46 PARTS 40, 200, 201, 203, 204, AND 205, AND THE CONTRACTS RELATING THERE-
47 TO SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL AMENDED OR REPEALED
48 PURSUANT TO THE STATUTORY AUTHORITY SET FORTH IN SECTIONS 16-X AND 16-Y
49 OF THIS ACT EXCEPT THAT: (A) SUCH MARKETING ORDERS, THE REGULATORY
50 PROVISIONS RELATING THERETO, AND THE CONTRACTS RELATING THERETO SHALL BE
51 ADMINISTERED BY AND UNDER THE SUPERVISION OF THE PRESIDENT OF THE CORPO-
52 RATION AS OF THE EFFECTIVE DATE OF SECTIONS 16-X AND 16-Y OF THIS ACT;
53 (B) ALL UNDISBURSED FUNDS UNDER THE CONTROL OF THE DEPARTMENT OF AGRI-
54 CULTURE AND MARKETS SHALL BE TRANSFERRED TO THE CORPORATION ON OR BEFORE
55 SUCH EFFECTIVE DATE; AND (C) ANY ASSESSMENTS DUE AND PAYABLE UNDER SUCH

1 MARKETING ORDERS SHALL BE REMITTED TO THE CORPORATION STARTING 30 DAYS
2 AFTER THE EFFECTIVE DATE OF THIS SECTION.

3 S 3. This act shall take effect on the ninetieth day after it shall
4 have become a law and shall expire and be deemed repealed five years
5 after such date; provided, however, that any assessment due and payable
6 under such marketing orders shall be remitted to the urban development
7 corporation starting 30 days after such effective date.

8 PART T

9 Section 1. Subdivision 1 and the opening paragraph of subdivision 2 of
10 section 27-1905 of the environmental conservation law, as amended by
11 section 1 of part G of chapter 58 of the laws of 2013, are amended to
12 read as follows:

13 1. [Until December thirty-first, two thousand sixteen, accept] ACCEPT
14 from a customer, waste tires of approximately the same size and in a
15 quantity equal to the number of new tires purchased or installed by the
16 customer; and

17 [Until December thirty-first, two thousand sixteen, post] POST written
18 notice in a prominent location, which must be at least eight and one-
19 half inches by fourteen inches in size and contain the following
20 language:

21 S 2. The opening paragraph of subdivisions 1, 2 and 3 and paragraph
22 (a) of subdivision 6 of section 27-1913 of the environmental conserva-
23 tion law, as amended by section 2 of part G of chapter 58 of the laws of
24 2013, are amended to read as follows:

25 [Until December thirty-first, two thousand sixteen, a] A waste tire
26 management and recycling fee of two dollars and fifty cents shall be
27 charged on each new tire sold. The fee shall be paid by the purchaser to
28 the tire service at the time the new tire or new motor vehicle is
29 purchased.

30 [Until December thirty-first, two thousand sixteen, the] THE tire
31 service shall collect the waste tire management and recycling fee from
32 the purchaser at the time of the sale and shall remit such fee to the
33 department of taxation and finance with the quarterly report filed
34 pursuant to subdivision three of this section.

35 [Until March thirty-first, two thousand seventeen, each] EACH tire
36 service maintaining a place of business in this state shall make a
37 return to the department of taxation and finance on a quarterly basis,
38 with the return for December, January, and February being due on or
39 before the immediately following March thirty-first; the return for
40 March, April, and May being due on or before the immediately following
41 June thirtieth; the return for June, July, and August being due on or
42 before the immediately following September thirtieth; and the return for
43 September, October, and November being due on or before the immediately
44 following December thirty-first.

45 (a) [Until December thirty-first, two thousand sixteen, any] ANY addi-
46 tional waste tire management and recycling costs of the tire service in
47 excess of the amount authorized to be retained pursuant to paragraph (b)
48 of subdivision two of this section may be included in the published
49 selling price of the new tire, or charged as a separate per-tire charge
50 on each new tire sold. When such costs are charged as a separate per-
51 tire charge: (i) such charge shall be stated as an invoice item separate
52 and distinct from the selling price of the tire; (ii) the invoice shall
53 state that the charge is imposed at the sole discretion of the tire
54 service; and (iii) the amount of such charge shall reflect the actual

1 cost to the tire service for the management and recycling of waste tires
2 accepted by the tire service pursuant to section 27-1905 of this title,
3 provided however, that in no event shall such charge exceed two dollars
4 and fifty cents on each new tire sold.

5 S 3. This act shall take effect immediately.

6 PART U

7 Section 1. Paragraph a of subdivision 2 of section 92-s of the state
8 finance law, as added by chapter 610 of the laws of 1993, is amended to
9 read as follows:

10 a. The comptroller shall establish the following separate and distinct
11 accounts within the environmental protection fund:

- 12 (i) solid waste account;
- 13 (ii) parks, recreation and historic preservation account;
- 14 (iii) open space account; [and]
- 15 (iv) CLIMATE CHANGE MITIGATION AND ADAPTATION ACCOUNT; AND
- 16 (V) environmental protection transfer account.

17 S 2. Paragraph (b) of subdivision 6 of section 92-s of the state
18 finance law, as amended by chapter 432 of the laws of 1997, is amended
19 to read as follows:

20 (b) Moneys from the solid waste account shall be available, pursuant
21 to appropriation and upon certificate of approval of availability by the
22 director of the budget, for any non-hazardous municipal landfill closure
23 project; municipal waste reduction or recycling project, as defined in
24 article fifty-four of the environmental conservation law; for the
25 purposes of section two hundred sixty-one and section two hundred
26 sixty-four of the economic development law; any project for the develop-
27 ment, updating or revision of local solid waste management plans pursu-
28 ant to sections 27-0107 and 27-0109 of the environmental conservation
29 law; ENVIRONMENTAL JUSTICE PROGRAMS, PROJECTS AND GRANTS; and for the
30 development of the pesticide sales and use data base [in conjunction
31 with Cornell University] pursuant to title twelve of article thirty-
32 three of the environmental conservation law.

33 S 3. Subdivision 6 of section 92-s of the state finance law is amended
34 by adding a new paragraph (f) to read as follows:

35 (F) MONEYS FROM THE CLIMATE CHANGE MITIGATION AND ADAPTATION ACCOUNT
36 SHALL BE AVAILABLE, PURSUANT TO APPROPRIATION AND UPON CERTIFICATE OF
37 APPROVAL OF AVAILABILITY BY THE DIRECTOR OF THE BUDGET, FOR PROGRAMS AND
38 PROJECTS TO REDUCE GREENHOUSE GASSES; FOR THE DEVELOPMENT, UPDATING OR
39 REVISION OF LOCAL WATERFRONT REVITALIZATION PLANS PURSUANT TO TITLE
40 ELEVEN OF ARTICLE FIFTY-FOUR OF THE ENVIRONMENTAL CONSERVATION LAW TO
41 ADAPT FOR CLIMATE CHANGE, OR FOR OTHER PLANNING UNDERTAKEN TO IMPROVE
42 RESILIENCY FROM IMPACTS OF CLIMATE CHANGE; FOR SMART GROWTH PROGRAMS;
43 AND FOR ADAPTIVE INFRASTRUCTURE, INCLUDING GRANTS PURSUANT TO THE
44 CLIMATE SMART COMMUNITIES PROGRAM; RESILIENCY PLANTING PROJECTS; THE
45 CLIMATE RESILIENT FARMS PROGRAM; STATE VULNERABILITY ASSESSMENTS; AND
46 PROGRAMS AND PROJECTS TO IMPLEMENT AND COMPLY WITH THE PROVISIONS OF
47 CHAPTER THREE HUNDRED FIFTY-FIVE OF THE LAWS OF TWO THOUSAND FOURTEEN,
48 KNOWN AS THE "COMMUNITY RISK AND RESILIENCY ACT".

49 S 4. Section 54-1101 of the environmental conservation law, as amended
50 by chapter 309 of the laws of 1996, subdivisions 1 and 5 as amended by
51 chapter 355 of the laws of 2014, is amended to read as follows:

52 S 54-1101. Local waterfront revitalization programs.

53 1. The secretary is authorized to provide on a competitive basis,
54 within amounts appropriated, state assistance payments AND/OR TECHNICAL

1 ASSISTANCE to municipalities toward the [cost] DEVELOPMENT of any local
2 waterfront revitalization program, including planning projects to miti-
3 gate future physical climate risks. Eligible costs include planning,
4 studies, preparation of local laws, and construction projects.

5 2. State assistance payments AND/OR TECHNICAL ASSISTANCE shall not
6 exceed fifty percent of the cost of the program, EXCEPT WHERE THE MUNI-
7 CIPALITY HAS A POPULATION, AS DETERMINED IN THE MOST RECENT UNITED
8 STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN HOUSEHOLD
9 INCOME OF LESS THAN OR EQUAL TO ONE HUNDRED TWENTY-FIVE PERCENT OF THE
10 STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT UNITED STATES
11 CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMULGATED BY THE
12 DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE FUTURE PHYS-
13 ICAL CLIMATE RISKS, IN WHICH CASE STATE ASSISTANCE PAYMENTS AND/OR TECH-
14 NICAL ASSISTANCE SHALL NOT EXCEED NINETY PERCENT OF THE COST OF THE
15 PROGRAM. For the purpose of determining the amount of state assistance
16 payments, costs shall not be more than the amount set forth in the
17 application for state assistance payments approved by the secretary. The
18 state assistance payments shall be paid on audit and warrant of the
19 state comptroller on a certificate of availability of the director of
20 the budget.

21 3. THE SECRETARY IS AUTHORIZED TO PROVIDE ON A NONCOMPETITIVE BASIS,
22 WITHIN AMOUNTS APPROPRIATED, STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL
23 ASSISTANCE TOWARD THE DEVELOPMENT OF PLANNING PROJECTS TO MITIGATE
24 FUTURE PHYSICAL CLIMATE RISKS TO MUNICIPALITIES THAT HAVE BEEN AWARDED
25 STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE UNDER SUBDIVISION
26 ONE OF THIS SECTION. SUCH PAYMENTS MAY BE USED FOR UPDATES DESIGNED TO
27 MITIGATE FUTURE PHYSICAL CLIMATE RISKS.

28 4. The secretary shall have the power to approve vouchers for payments
29 pursuant to an approved contract.

30 [4.] 5. No moneys shall be expended as authorized by this section
31 except pursuant to an appropriation therefor.

32 [5.] 6. The secretary shall impose such contractual requirements and
33 conditions upon any municipality which receives state assistance
34 payments pursuant to this article as may be necessary and appropriate to
35 ensure that a public benefit shall accrue from the use of such funds by
36 the municipality including but not limited to, a demonstration that
37 future physical climate risk due to sea level rise, and/or storm surges
38 and/or flooding, based on available data predicting the likelihood of
39 future extreme weather events, including hazard risk analysis data if
40 applicable, has been considered.

41 S 5. Section 912 of the executive law is amended by adding a new
42 subdivision 17 to read as follows:

43 17. TO ENCOURAGE STATE AGENCIES AND LOCAL GOVERNMENTS TO CONSIDER
44 PHYSICAL CLIMATE RISKS IN PLANNING AND DEVELOPMENT EFFORTS.

45 S 6. Subdivision 1 of section 918 of the executive law, as added by
46 chapter 840 of the laws of 1981, is amended to read as follows:

47 1. The secretary may enter into a contract or contracts for grants OR
48 PAYMENTS to be made, within the limits of any appropriations therefor,
49 for the following:

50 a. To any local governments, or to two or more local governments, for
51 projects approved by the secretary which lead to preparation of a water-
52 front revitalization program; provided, however, that such grants OR
53 PAYMENTS shall not exceed fifty percent of the approved cost of such
54 projects, EXCEPT WHERE EACH LOCAL GOVERNMENT HAS A POPULATION, AS DETER-
55 MINED IN THE MOST RECENT UNITED STATES CENSUS, OF UNDER THREE HUNDRED
56 THOUSAND AND A MEDIAN HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE

HUNDRED TWENTY-FIVE PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMULGATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE SUCH GRANTS OR PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST OF SUCH PROJECTS;

b. TO SERVICE PROVIDERS, ON BEHALF OF AND IN CONSULTATION WITH ANY LOCAL GOVERNMENTS OR TWO OR MORE LOCAL GOVERNMENTS, FOR PROJECTS APPROVED BY THE SECRETARY WHICH LEAD TO PREPARATION OF A WATERFRONT REVITALIZATION PROGRAM; HOWEVER, THAT SUCH GRANTS OR PAYMENTS SHALL NOT EXCEED FIFTY PERCENT OF THE APPROVED COST OF SUCH PROJECTS, EXCEPT WHERE EACH LOCAL GOVERNMENT HAS A POPULATION, AS DETERMINED IN THE MOST RECENT UNITED STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE HUNDRED TWENTY-FIVE PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMULGATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE SUCH GRANTS OR PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST OF SUCH PROJECTS;

C. To any local government or local government agency for research, design, and other activities which serve to facilitate construction projects provided for in an approved waterfront revitalization program; provided, however, that such grants or payments shall not exceed ten percent of the estimated cost of such construction project.

S 7. This act shall take effect immediately.

PART V

Section 1. Subdivision 3 of section 79-b of the navigation law, as amended by section 1 of part D of chapter 109 of the laws of 2010, is amended to read as follows:

3. The amount of state aid to be allocated to eligible governmental entities pursuant to this article shall be determined by the commissioner as hereinafter provided. The commissioner shall determine the percentage proportion which the authorized expenditures of each individual entity, not exceeding four hundred thousand dollars for each county including municipalities therein, shall bear to the total authorized expenditures of all entities. Such percentage proportion shall then be applied against an amount equal to one-half of the total of the amount received by the state in each preceding program year in vessel registration fees as provided in section twenty-two hundred fifty-one of the vehicle and traffic law, less no more than thirty percent, subject to appropriation, which may be used by the commissioner and the commissioner of motor vehicles for administrative costs of the program, including training and equipment, and by the department of environmental conservation, the division of state police and other state agencies, subject to the approval of the commissioner, for the purposes of this article, plus the entire amount received pursuant to subdivision nine of section forty-four of this chapter. The amount thus determined shall constitute the maximum amount of state aid to which each such entity shall be entitled; provided, however, that no entity shall receive state aid in an amount in excess of [fifty] TWENTY-FIVE percent of its authorized expenditures as approved by the commissioner for such program year. The commissioner shall certify to the comptroller the amount thus determined for each eligible local governmental entity as the amount of state aid to be apportioned to such eligible local governmental entity. The allo-

1 cation of state aid to any county, town or village within the Lake
2 George park shall not be reduced because of the allocation of state aid
3 to the Lake George park commission. Of the remaining funds received by
4 the state for the registration of vessels as provided in section twen-
5 ty-two hundred fifty-one of the vehicle and traffic law, no less than
6 six percent shall be made available to the commissioner for the expenses
7 of the office in providing navigation law enforcement training and
8 administering the provisions of this section.

9 S 2. This act shall take effect immediately and shall be deemed to
10 have been in full force and effect on and after April 1, 2016.

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

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