

S. 6408--A

A. 9008--A

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

January 14, 2016

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

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

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

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

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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 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, including  
7 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

1 availability of MTA capital resources planned for the capital program,  
2 the current progress and timing of the MTA capital program, the financ-  
3 ing mechanisms employed by the MTA, if any, and any other pertinent  
4 factors.

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

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

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

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

1 capitalized interest, (v) obligations incurred pursuant to section  
2 twelve hundred seven-m of this article, (vi) obligations incurred to  
3 fund the acquisition of certain buses for the New York city transit  
4 authority as identified in a capital program plan approved pursuant to  
5 chapter fifty-three of the laws of nineteen hundred ninety-two, (vii)  
6 obligations incurred in connection with the leasing, selling or trans-  
7 ferring of equipment, and (viii) bond anticipation notes or other obli-  
8 gations payable solely from the proceeds of other bonds, notes or other  
9 obligations which would be included in the aggregate principal amount  
10 specified in the first sentence of this subdivision, whether or not  
11 additionally secured by revenues of the authority, or any of its subsid-  
12 iary corporations, New York city transit authority, or any of its  
13 subsidiary corporations, or Triborough bridge and tunnel authority.

14 S 5. This act shall take effect immediately and shall be deemed to  
15 have been in full force and effect on and after April 1, 2016.

16

## PART B

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

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

42 (b) Section twenty-eight hundred seventy-nine of this chapter shall  
43 apply to the authority's acquisition of goods or services of any kind,  
44 in the actual or estimated amount of fifteen thousand dollars or more,  
45 provided that (I) a contract for [personal] services in the actual or  
46 estimated amount of less than [twenty] ONE HUNDRED thousand dollars  
47 shall not require approval by the board of the authority regardless of  
48 the length of the period over which the services are rendered, and  
49 provided further that a contract for [personal] services in the actual  
50 or estimated amount of [twenty] ONE HUNDRED thousand dollars or more  
51 shall require approval by the board of the authority regardless of the  
52 length of the period over which the services are rendered UNLESS SUCH A  
53 CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE BIDDER AFTER OBTAINING  
54 SEALED BIDS AND (II) THE BOARD OF THE AUTHORITY MAY BY RESOLUTION ADOPT

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

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

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

41 S 3. Subparagraph (i) of paragraph f and subparagraph (i) of paragraph  
42 g of subdivision 9 of section 1209 of the public authorities law,  
43 subparagraph (i) of paragraph f as added by chapter 929 of the laws of  
44 1986, and subparagraph (i) of paragraph g as amended by chapter 725 of  
45 the laws of 1993, are amended to read as follows:

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

55 (i) [The] EXCEPT FOR A CONTRACT THAT IS AWARDED PURSUANT TO THIS PARA-  
56 GRAPH TO THE PROPOSER WHOSE PROPOSAL IS THE LOWEST COST, THE authority

1 may award a contract pursuant to this paragraph only after a resolution  
2 approved by a vote of not less than two-thirds of its members then in  
3 office at a public meeting of the authority with such resolution (A)  
4 disclosing the other proposers and the substance of their proposals, (B)  
5 summarizing the negotiation process including the opportunities, if any,  
6 available to proposers to present and modify their proposals, and (C)  
7 setting forth the criteria upon which the selection was made.

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

11 13. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, THE AUTHORI-  
12 TY SHALL BE ALLOWED TO USE AN ELECTRONIC BIDDING SYSTEM THAT MAY INFORM  
13 BIDDERS WHETHER THEIR BID IS THE CURRENT LOW BID, AND ALLOW BIDDERS TO  
14 SUBMIT NEW BIDS BEFORE THE DATE AND TIME ASSIGNED FOR THE OPENING OF  
15 BIDS. SUCH PROCEDURE SHALL NOT CONSTITUTE DISCLOSURE OF BIDS IN  
16 VIOLATION OF SECTION TWENTY-EIGHT HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

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

19 (A) INTENDS TO SUBJECT TO HIS OR HER APPROVAL A CONTRACT OR CONTRACT  
20 AMENDMENT TO BE AWARDED BY THE AUTHORITY PURSUANT TO THIS SECTION, THE  
21 COMPTROLLER SHALL NOTIFY THE AUTHORITY IN WRITING OF SUCH DETERMINATION  
22 WITHIN FORTY-FIVE DAYS OF HAVING RECEIVED WRITTEN NOTICE OF SUCH  
23 CONTRACT OR CONTRACT AMENDMENT EITHER IN THE AUTHORITY'S ANNUAL REPORT  
24 OR ANY REVISED REPORT;

25 (B) HAS NOTIFIED THE AUTHORITY IN WRITING THAT ANY CONTRACT OR  
26 CONTRACT AMENDMENT AWARDED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO  
27 HIS OR HER APPROVAL, SUCH CONTRACT OR CONTRACT AMENDMENT SHALL BECOME  
28 VALID AND ENFORCEABLE WITHOUT SUCH APPROVAL IF THE COMPTROLLER HAS NOT  
29 APPROVED OR DISAPPROVED SUCH CONTRACT OR CONTRACT AMENDMENT WITHIN  
30 FORTY-FIVE DAYS OF SUBMISSION TO HIS OR HER OFFICE.

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

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

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

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

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

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

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

4 (a) Except as otherwise provided in this section, all purchase  
5 contracts for supplies, materials or equipment involving an estimated  
6 expenditure in excess of [fifteen] ONE HUNDRED thousand dollars and all  
7 contracts for public work involving an estimated expenditure in excess  
8 of [twenty-five] ONE HUNDRED thousand dollars shall be awarded by the  
9 authority to the lowest responsible bidder after obtaining sealed bids  
10 in the manner hereinafter set forth. For purposes hereof, contracts for  
11 public work shall exclude contracts for personal, engineering and archi-  
12 tectural, or professional services. The authority may reject all bids  
13 and obtain new bids in the manner provided by this section when it is  
14 deemed in the public interest to do so or, in cases where two or more  
15 responsible bidders submit identical bids which are the lowest bids,  
16 award the contract to any of such bidders or obtain new bids from such  
17 bidders. Nothing herein shall obligate the authority to seek new bids  
18 after the rejection of bids or after cancellation of an invitation to  
19 bid. Nothing in this section shall prohibit the evaluation of bids on  
20 the basis of costs or savings including life cycle costs of the item to  
21 be purchased, discounts, and inspection services so long as the invita-  
22 tion to bid reasonably sets forth the criteria to be used in evaluating  
23 such costs or savings. Life cycle costs may include but shall not be  
24 limited to costs or savings associated with installation, energy use,  
25 maintenance, operation and salvage or disposal.

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

47 S 9. Subparagraph (i) of paragraph f and subparagraph (i) of paragraph  
48 g of subdivision 4 of section 1265-a of the public authorities law,  
49 subparagraph (i) of paragraph f as added by chapter 929 of the laws of  
50 1986, and subparagraph (i) of paragraph g as amended by chapter 256 of  
51 the laws of 1998, are amended to read as follows:

52 (i) [The] EXCEPT FOR A CONTRACT THAT IS AWARDED PURSUANT TO THIS PARA-  
53 GRAPH TO THE PROPOSER WHOSE PROPOSAL IS THE LOWEST COST, THE authority  
54 may award a contract pursuant to this paragraph only after a resolution  
55 approved by a two-thirds vote of its members then in office at a public  
56 meeting of the authority with such resolution (A) disclosing the other



1 proposers and the substance of their proposals, (B) summarizing the  
2 negotiation process including the opportunities, if any, available to  
3 proposers to present and modify their proposals, and (C) setting forth  
4 the criteria upon which the selection was made.

5 (i) [The] EXCEPT FOR A CONTRACT THAT IS AWARDED PURSUANT TO THIS PARA-  
6 GRAPH TO THE PROPOSER WHOSE PROPOSAL IS THE LOWEST COST, THE authority  
7 may award a contract pursuant to this paragraph only after a resolution  
8 approved by a vote of not less than a two-thirds vote of its members  
9 then in office at a public meeting of the authority with such resolution  
10 (A) disclosing the other proposers and the substance of their proposals,  
11 (B) summarizing the negotiation process including the opportunities, if  
12 any, available to proposers to present and modify their proposals, and  
13 (C) setting forth the criteria upon which the selection was made.

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

17 (a) Advertisement for bids, when required by this section, shall be  
18 published [at least once in a newspaper of general circulation in the  
19 area served by the authority and] in the procurement opportunities news-  
20 letter published pursuant to article four-C of the economic development  
21 law provided that, notwithstanding the provisions of article four-C of  
22 the economic development law, an advertisement shall only be required  
23 for a purchase contract for supplies, materials or equipment when  
24 required by this section. Publication [in a newspaper of general circu-  
25 lation in the area served or] in the procurement opportunities newslet-  
26 ter shall not be required if bids for contracts for supplies, materials  
27 or equipment are of a type regularly purchased by the authority and are  
28 to be solicited from a list of potential suppliers, if such list is or  
29 has been developed consistent with the provisions of subdivision six of  
30 this section. Any such advertisement shall contain a statement of: (i)  
31 the time and place where bids received pursuant to any notice requesting  
32 sealed bids will be publicly opened and read; (ii) the name of the  
33 contracting agency; (iii) the contract identification number; (iv) a  
34 brief description of the public work, supplies, materials, or equipment  
35 sought, the location where work is to be performed, goods are to be  
36 delivered or services provided and the contract term; (v) the address  
37 where bids or proposals are to be submitted; (vi) the date when bids or  
38 proposals are due; (vii) a description of any eligibility or qualifica-  
39 tion requirement or preference; (viii) a statement as to whether the  
40 contract requirements may be fulfilled by a subcontracting, joint  
41 venture, or co-production arrangement; (ix) any other information deemed  
42 useful to potential contractors; and (x) the name, address, and tele-  
43 phone number of the person to be contacted for additional information.  
44 At least fifteen business days shall elapse between the first publica-  
45 tion of such advertisement or the solicitation of bids, as the case may  
46 be, and the date of opening and reading of bids.

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

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

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

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

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

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

17 22. SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE OF THIS CHAPTER SHALL  
18 APPLY TO THE AUTHORITY'S ACQUISITION OF GOODS OR SERVICES OF ANY KIND,  
19 IN THE ACTUAL OR ESTIMATED AMOUNT OF FIFTEEN THOUSAND DOLLARS OR MORE,  
20 PROVIDED THAT (I) A CONTRACT FOR SERVICES IN THE ACTUAL OR ESTIMATED  
21 AMOUNT OF LESS THAN ONE HUNDRED THOUSAND DOLLARS SHALL NOT REQUIRE  
22 APPROVAL BY THE BOARD OF THE AUTHORITY REGARDLESS OF THE LENGTH OF THE  
23 PERIOD OVER WHICH THE SERVICES ARE RENDERED, AND PROVIDED FURTHER THAT A  
24 CONTRACT FOR SERVICES IN THE ACTUAL OR ESTIMATED AMOUNT OF ONE HUNDRED  
25 THOUSAND DOLLARS OR MORE SHALL REQUIRE APPROVAL BY THE BOARD OF THE  
26 AUTHORITY REGARDLESS OF THE LENGTH OF THE PERIOD OVER WHICH THE SERVICES  
27 ARE RENDERED UNLESS SUCH A CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE  
28 BIDDER AFTER OBTAINING SEALED BIDS AND (II) THE BOARD OF THE AUTHORITY  
29 MAY BY RESOLUTION ADOPT GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS  
30 TO SMALL BUSINESS CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES  
31 CERTIFIED PURSUANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR  
32 MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTI-  
33 CLE FIFTEEN-A OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY  
34 THAT ARE RECYCLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR  
35 HUNDRED THOUSAND DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITH-  
36 OUT FURTHER BOARD APPROVAL.

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

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

53 S 14. Subparagraph (B) of paragraph 2 of subsection (a) of section  
54 2504 of the insurance law is amended to read as follows:

55 (B) the city of New York, a public corporation or public authority, in  
56 connection with the construction of electrical generating and trans-

1 mission facilities or construction, extensions and additions of light  
2 rail or heavy rail rapid transit and commuter railroads, OR BRIDGE,  
3 TUNNEL OR OMNIBUS FACILITIES.

4 S 15. This act shall take effect immediately.

5 PART C

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

9 1-A. THE AUTHORITY MAY ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY  
10 MAY DETERMINE NECESSARY, CONVENIENT OR DESIRABLE ENTER INTO ANY JOINT  
11 ARRANGEMENT AS DEFINED IN SUBDIVISION NINE-A OF SECTION TWELVE HUNDRED  
12 SIXTY-ONE OF THIS CHAPTER AND MAY EXERCISE ALL OF ITS POWERS IN  
13 CONNECTION WITH ANY JOINT ARRANGEMENT.

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

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

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

25 9-A. "JOINT ARRANGEMENT" SHALL MEAN AN ARRANGEMENT, INCLUDING A PUBL-  
26 IC-PRIVATE PARTNERSHIP, BETWEEN OR AMONG THE AUTHORITY, ITS SUBSID-  
27 IARIES, NEW YORK CITY TRANSIT AUTHORITY AND ITS SUBSIDIARY, AND ANY  
28 OTHER PARTY OR PARTIES, INCLUDING PUBLIC ENTITIES AND PRIVATE ENTITIES,  
29 ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY, ANY OF ITS SUBSIDIARIES,  
30 NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY, DEEMS NECESSARY OR  
31 APPROPRIATE, IN THE FORM OF A CONTRACT, CONCESSION, LICENSE, LEASE,  
32 ALLIANCE, JOINT VENTURE, CORPORATION, INCLUDING A LIMITED LIABILITY  
33 CORPORATION, A PARTNERSHIP, OR OTHER ARRANGEMENT, IN SUPPORT OF, ASSOCI-  
34 ATED WITH, DERIVATIVE FROM, OR INCIDENTAL TO, THE PLANNING, ACQUISITION,  
35 DESIGN, ESTABLISHMENT, CONSTRUCTION, REHABILITATION, RECONSTRUCTION,  
36 IMPROVEMENT, EXTENSION, RENEWAL, REPAIR, OPERATION, MAINTENANCE, DEVEL-  
37 OPMENT OR FINANCING OF TRANSPORTATION IN WHOLE OR IN PART IN OR UPON ONE  
38 OR MORE TRANSPORTATION FACILITIES LOCATED IN WHOLE OR IN PART WITHIN THE  
39 DISTRICT INCLUDING WITHOUT LIMITATION, AGREEMENTS RELATING TO INTERMODAL  
40 AND SHARED FACILITIES, THE DISTRIBUTION OF FARE AND TOLL PAYMENT MEDIA  
41 AND ELECTRONIC PAYMENT DEVICES, OR THE COLLECTION OF FARES, TOLLS AND  
42 OTHER CHARGES.

43 18-A. "TRANSPORTATION PURPOSE" SHALL MEAN A PURPOSE THAT DIRECTLY OR  
44 INDIRECTLY SUPPORTS ALL OR ANY OF THE MISSIONS OR PURPOSES OF THE  
45 AUTHORITY, ANY OF ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR  
46 ITS SUBSIDIARY, INCLUDING THE PRODUCTION OF REVENUES AVAILABLE FOR THE  
47 COSTS AND EXPENSES OF ALL OR ANY TRANSPORTATION FACILITIES.

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

53 2-A. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, THE  
54 AUTHORITY, ANY OF ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR

1 ITS SUBSIDIARY, MAY ON SUCH TERMS AND CONDITIONS AS THEY MAY DETERMINE  
2 NECESSARY, CONVENIENT OR DESIRABLE ENTER INTO ANY JOINT ARRANGEMENT AS  
3 HEREINAFTER PROVIDED AND MAY EXERCISE ALL OF ITS POWERS IN CONNECTION  
4 WITH ANY JOINT ARRANGEMENT. ANY JOINT ARRANGEMENT SHALL BE AUTHORIZED  
5 ONLY BY RESOLUTION OF THE AUTHORITY APPROVED BY NOT LESS THAN A MAJORITY  
6 VOTE OF THE WHOLE NUMBER OF MEMBERS OF THE AUTHORITY THEN IN OFFICE,  
7 EXCEPT THAT IN THE EVENT OF A TIE VOTE THE CHAIRMAN SHALL CAST ONE ADDI-  
8 TIONAL VOTE.

9 3. The authority may establish, levy and collect or cause to be estab-  
10 lished, levied and collected and, in the case of a joint service  
11 arrangement OR A JOINT ARRANGEMENT, join with others in the establish-  
12 ment, levy and collection of such fares, tolls, rentals, rates, charges  
13 and other fees as it may deem necessary, convenient or desirable for the  
14 use and operation of any transportation facility and related services OR  
15 ACTIVITIES (A) operated by the authority or by a subsidiary corporation  
16 of the authority or under contract, lease or other arrangement, includ-  
17 ing joint service arrangements OR JOINT ARRANGEMENTS, with the authority  
18 OR A SUBSIDIARY CORPORATION OF THE AUTHORITY; OR (B) OPERATED BY NEW  
19 YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY IN CONNECTION WITH A JOINT  
20 ARRANGEMENT INVOLVING ANY TRANSPORTATION FACILITIES OF NEW YORK CITY  
21 TRANSIT AUTHORITY OR ITS SUBSIDIARY. THE AUTHORITY MAY ALSO ENTER INTO  
22 A JOINT ARRANGEMENT WITH AN ENTITY HAVING THE POWER TO ESTABLISH, LEVY  
23 AND COLLECT TAXES AND ASSESSMENTS, WHICH JOINT ARRANGEMENT MAY USE SUCH  
24 ENTITY'S POWER TO ESTABLISH, LEVY AND COLLECT TAXES AND ASSESSMENTS FOR  
25 THE BENEFIT OF SUCH JOINT ARRANGEMENT, AS SUCH JOINT ARRANGEMENT MAY  
26 DEEM NECESSARY, CONVENIENT OR DESIRABLE FOR THE USE AND OPERATION OF ANY  
27 TRANSPORTATION FACILITY AND RELATED SERVICES OR ACTIVITIES OPERATED BY  
28 THE AUTHORITY, A SUBSIDIARY CORPORATION OF THE AUTHORITY, NEW YORK CITY  
29 TRANSIT AUTHORITY OR ITS SUBSIDIARY OR UNDER CONTRACT, LEASE OR OTHER  
30 ARRANGEMENT. Any such fares, tolls, rentals, rates, TAXES, ASSESSMENTS,  
31 charges or other fees for the transportation of passengers shall be  
32 established and changed only if approved by resolution of the authority  
33 adopted by not less than a majority vote of the whole number of members  
34 of the authority then in office, with the chairman having one additional  
35 vote in the event of a tie vote, and only after a public hearing,  
36 provided however, that fares, tolls, rentals, rates, TAXES, ASSESSMENTS,  
37 charges or other fees for the transportation of passengers on any trans-  
38 portation facility which are in effect at the time that the then owner  
39 of such transportation facility becomes a subsidiary corporation of the  
40 authority or at the time that operation of such transportation facility  
41 is commenced by the authority or is commenced under contract, lease or  
42 other arrangement, including joint service arrangements OR JOINT  
43 ARRANGEMENTS, with the authority OR WHICH HAVE BEEN ESTABLISHED BY THE  
44 NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY CORPORATIONS AND ARE  
45 IN EFFECT ON THE DATE THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN  
46 THAT AMENDED THIS SUBDIVISION TAKES EFFECT may be continued in effect  
47 without such a hearing. Such fares, tolls, rentals, rates, TAXES,  
48 ASSESSMENTS, charges and other fees shall be established as may in the  
49 judgment of the authority be necessary to maintain the combined oper-  
50 ations of the authority and its subsidiary corporations on a self-sus-  
51 taining basis. The said operations shall be deemed to be on a self-sus-  
52 taining basis as required by this title, when the authority is able to  
53 pay or cause to be paid from revenue and any other funds or property  
54 actually available to the authority and its subsidiary corporations (a)  
55 as the same shall become due, the principal of and interest on the bonds  
56 and notes and other obligations of the authority and of such subsidiary

1 corporations, together with the maintenance of [proper] reserves, IF  
2 ANY, therefor, (b) the cost and expense of keeping the properties and  
3 assets of the authority and its subsidiary corporations in good condi-  
4 tion and repair, and (c) the capital and operating expenses of the  
5 authority and its subsidiary corporations. The authority may contract  
6 with the holders of bonds [and] , notes AND OTHER OBLIGATIONS with  
7 respect to the exercise of the powers authorized by this section. No  
8 acts or activities taken or proposed to be taken by the authority or any  
9 subsidiary of the authority pursuant to the provisions of this subdivi-  
10 sion shall be deemed to be "actions" for the purposes or within the  
11 meaning of article eight of the environmental conservation law.

12 6. Each of the authority and its subsidiaries, and the New York city  
13 transit authority and its subsidiaries, in its own name or in the name  
14 of the state, may apply for and receive and accept grants of property,  
15 money and services and other assistance offered or made available to it  
16 by any person, government or agency, INCLUDING SUCH GRANTS OR OTHER  
17 ASSISTANCE OFFERED OR MADE AVAILABLE TO IT UNDER A JOINT SERVICE  
18 ARRANGEMENT OR A JOINT ARRANGEMENT, which it may use to meet capital or  
19 operating expenses and for any other use within the scope of its powers,  
20 and to negotiate for the same upon such terms and conditions as the  
21 respective authority may determine to be necessary, convenient or desir-  
22 able.

23 8. The authority may do all things it deems necessary, convenient or  
24 desirable to manage, control and direct the maintenance and operation of  
25 transportation facilities, equipment or real property operated by or  
26 under contract, lease or other arrangement with the authority and its  
27 subsidiaries, and New York city transit authority and its subsidiaries.  
28 [Except as hereinafter specially provided, no] NO municipality or poli-  
29 tical subdivision, including but not limited to a county, city, village,  
30 town or school or other district shall have jurisdiction over any facil-  
31 ities of the authority and its subsidiaries, and New York city transit  
32 authority and its subsidiaries, or any of their activities or operations  
33 EXCEPT WITH THE EXPRESS CONSENT OF THE AUTHORITY OR ONE OF ITS SUBSID-  
34 IARIES OR THE NEW YORK CITY TRANSIT AUTHORITY OR ONE OF ITS  
35 SUBSIDIARIES. [The local] LOCAL laws, resolutions, ordinances, rules and  
36 regulations of a municipality or political subdivision, heretofore or  
37 hereafter adopted, [conflicting with this title or any rule or regu-  
38 lation of the authority or its subsidiaries, or New York city transit  
39 authority or its subsidiaries,] shall not be applicable to the activ-  
40 ities or operations of the authority and its subsidiaries, and New York  
41 city transit authority, or the facilities of the authority and its  
42 subsidiaries, and New York city transit authority and its subsidiaries,  
43 except such ACTIVITIES OR OPERATIONS OR facilities that are devoted  
44 SOLELY AND ENTIRELY to [purposes] A PURPOSE other than A transportation  
45 or transit [purposes] PURPOSE, WHICH TRANSPORTATION OR TRANSIT PURPOSE  
46 MAY BE THE PRODUCTION OF REVENUE AVAILABLE FOR THE COSTS AND EXPENSES OF  
47 ALL OR ANY ACTIVITIES OR OPERATIONS OR FACILITIES OF THE AUTHORITY AND  
48 ITS SUBSIDIARIES, AND NEW YORK CITY TRANSIT AUTHORITY AND ITS SUBSID-  
49 IARIES. Each municipality or political subdivision, including but not  
50 limited to a county, city, village, town or district in which any facil-  
51 ities of the authority or its subsidiaries, or New York city transit  
52 authority or its subsidiaries are located shall provide for such facili-  
53 ties police, fire and health protection services of the same character  
54 and to the same extent as those provided for residents of such munici-  
55 pality or political subdivision.

1 The jurisdiction, supervision, powers and duties of the department of  
2 transportation of the state under the transportation law shall not  
3 extend to the authority in the exercise of any of its powers under this  
4 title. The authority may agree with such department for the execution by  
5 such department of any grade crossing elimination project or any grade  
6 crossing separation reconstruction project along any railroad facility  
7 operated by the authority or by one of its subsidiary corporations or  
8 under contract, lease or other arrangement with the authority. Any such  
9 project shall be executed as provided in article ten of the transporta-  
10 tion law and the railroad law, respectively, and the costs of any such  
11 project shall be borne as provided in such laws, except that the author-  
12 ity's share of such costs shall be borne by the state.

13 11. No project to be constructed upon real property theretofore used  
14 for a transportation purpose, or on an insubstantial addition to such  
15 property contiguous OR ADJACENT AND RELATED thereto, which will not  
16 change in a material respect the general character of such prior trans-  
17 portation use, nor any acts or activities in connection with such  
18 project, shall be subject to the provisions of article eight, nineteen,  
19 twenty-four or twenty-five of the environmental conservation law, or to  
20 any local law or ordinance adopted pursuant to any such article. Nor  
21 shall any acts or activities taken or proposed to be taken by the  
22 authority or by any other person or entity, public or private, in  
23 connection with the planning, design, acquisition, improvement,  
24 construction, reconstruction or rehabilitation of a transportation  
25 facility, other than a marine or aviation facility, be subject to the  
26 provisions of article eight of the environmental conservation law, or to  
27 any local law or ordinance adopted pursuant to any such article if such  
28 acts or activities require the preparation of a statement under or  
29 pursuant to any federal law or regulation as to the environmental impact  
30 thereof. NOR SHALL ANY ACQUISITION OR CONDEMNATION OF REAL PROPERTY, OR  
31 ACTS OR ACTIVITIES TAKEN OR PROPOSED TO BE TAKEN ON SUCH REAL PROPERTY,  
32 BE SUBJECT TO THE PROVISIONS OF ARTICLE EIGHT, NINETEEN, TWENTY-FOUR OR  
33 TWENTY-FIVE OF THE ENVIRONMENTAL CONSERVATION LAW, OR TO ANY LOCAL LAW  
34 OR ORDINANCE ADOPTED PURSUANT TO ANY SUCH ARTICLE, WHEN THE AUTHORITY  
35 HAS CERTIFIED TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION THAT SUCH  
36 REAL PROPERTY IS ACQUIRED OR CONDEMNED IN CONNECTION WITH A FUTURE  
37 PROJECT THAT WILL LIKELY CONSTITUTE A CAPITAL ELEMENT AS DEFINED BY  
38 SECTION TWELVE HUNDRED SIXTY-NINE-B OF THIS TITLE, UNTIL SUCH TIME AS  
39 THAT CAPITAL ELEMENT IS INCLUDED IN A CAPITAL PROGRAM PLAN OR UNTIL SUCH  
40 TIME AS THE PROJECT IS OTHERWISE SUBJECT TO THOSE PROVISIONS.

41 12-A. WHENEVER IN CONNECTION WITH THE IMPROVEMENT, CONSTRUCTION,  
42 RECONSTRUCTION OR REHABILITATION OF A TRANSPORTATION FACILITY, INCLUDING  
43 AS PART OF A JOINT ARRANGEMENT, THE AUTHORITY DETERMINES THAT THE PIPES,  
44 MAINS OR CONDUITS OF ANY PUBLIC SERVICE CORPORATION AND ANY FIXTURES AND  
45 APPLIANCES CONNECTED THEREWITH OR ATTACHED THERETO MUST BE REMOVED OR  
46 OTHERWISE PROTECTED OR REPLACED, THE COST OF SUCH REMOVAL, PROTECTION OR  
47 REPLACEMENT WHETHER PERFORMED BY THE AUTHORITY OR THE PUBLIC SERVICE  
48 CORPORATION SHALL BE BORNE SOLELY BY THE PUBLIC SERVICE CORPORATION.

49 19. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL  
50 LAW, CODE, ORDINANCE, RULE OR REGULATION TO THE CONTRARY, THE AUTHORITY,  
51 ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY AND ITS SUBSIDIARY MAY  
52 ERECT ADVERTISING SIGNS OR DEVICES INCLUDING ILLUMINATED OR DIGITAL  
53 SIGNS OR DEVICES WITHIN OR ON ANY OF ITS TRANSPORTATION FACILITIES AND  
54 MAY INSTALL, MAINTAIN, AND DISPLAY ADVERTISING ON SUCH SIGNS OR DEVICES,  
55 AND MAY RENT, LEASE, LICENSE OR OTHERWISE SELL THE RIGHT TO DO SO TO ANY  
56 PERSON, PRIVATE OR PUBLIC. SUCH ADVERTISING SIGNS OR DEVICES AND THE

1 PRODUCTION OF REVENUE FROM THEM FOR THE AUTHORITY SHALL BE DEEMED A  
2 TRANSPORTATION PURPOSE AND NEITHER THE AUTHORITY, ITS SUBSIDIARIES, NEW  
3 YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY, NOR ANY PERSON, PRIVATE  
4 OR PUBLIC, TO WHOM THE AUTHORITY, ITS SUBSIDIARIES, NEW YORK CITY TRANS-  
5 IT AUTHORITY OR ITS SUBSIDIARY HAS RENTED, LEASED, LICENSED OR OTHERWISE  
6 SOLD THE RIGHT TO INSTALL, MAINTAIN AND DISPLAY SUCH ADVERTISING MAY BE  
7 REQUIRED TO PAY ANY FEES, TAXES OR ASSESSMENTS, WHETHER STATE OR LOCAL,  
8 UPON SUCH ADVERTISING SIGNS OR DEVICES OR THE USE THEREOF OR THE REVENUE  
9 OR INCOME THEREFROM.

10 S 4. The public authorities law is amended by adding a new section  
11 1266-k to read as follows:

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

16 (A) ENTER INTO ANY JOINT ARRANGEMENT;

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

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

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

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

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

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

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

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

40 (A) A DESCRIPTION OF THE PROPOSED JOINT ARRANGEMENT, INCLUDING THE  
41 LOCATION, CONCEPTUAL DESIGN, ANY INTERCONNECTION OF SUCH JOINT ARRANGE-  
42 MENT WITH OTHER EXISTING OR PROPOSED TRANSPORTATION FACILITIES, AND THE  
43 BENEFITS TO THE AUTHORITY OF THE JOINT ARRANGEMENT;

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

46 (C) THE PROPOSED SCHEDULE FOR THE DEVELOPMENT OF THE PROPOSED JOINT  
47 ARRANGEMENT;

48 (D) THE MEANS PROPOSED FOR THE PROCUREMENT OF THE PROPERTY INTERESTS  
49 REQUIRED FOR THE PROPOSED JOINT ARRANGEMENT;

50 (E) INFORMATION RELATING TO THE CONSISTENCY OF THE PROPOSAL WITH THE  
51 CURRENT TRANSPORTATION PLANS OF THE AUTHORITY AND ANY AFFECTED STATE OR  
52 LOCAL JURISDICTION;

53 (F) A LIST OF PERMITS AND APPROVALS REQUIRED FOR THE IMPLEMENTATION OF  
54 THE PROPOSED JOINT ARRANGEMENT AND A SCHEDULE FOR THE ACQUISITION OF  
55 SUCH PERMITS AND APPROVALS FROM THE APPROPRIATE LOCAL, STATE AND FEDERAL  
56 AGENCIES;

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

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

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

8 (IV) AFTER THE RECEIPT OF AN UNSOLICITED PROPOSAL THAT THE AUTHORITY  
9 FINDS (A) TO HAVE FULFILLED THE REQUIREMENTS OF SUBPARAGRAPHS (II) AND  
10 (III) OF THIS PARAGRAPH, (B) TO BE CONSISTENT WITH THE AUTHORITY'S  
11 TRANSPORTATION OBJECTIVES, AND (C) TO BE A CONCEPT THAT THE AUTHORITY  
12 WISHES TO PURSUE, THE AUTHORITY MAY, AFTER CONSULTING WITH THE ENTITY  
13 MAKING THE PROPOSAL, PREPARE AND ISSUE A PUBLIC REQUEST FOR COMPETING  
14 PROPOSALS.

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

16 (A) DESCRIBE THE UNSOLICITED PROPOSAL IN SUCH A WAY THAT, IN THE  
17 DISCRETION OF THE AUTHORITY, IT FAIRLY SOLICITS COMPETITIVE PROPOSALS  
18 THAT COULD ACHIEVE THE TRANSPORTATION BENEFIT PROPOSED BY THE UNSOLICIT-  
19 ED PROPOSAL;

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

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

25 (VI) AFTER RECEIVING ANY SUCH COMPETING PROPOSALS, THE AUTHORITY MAY  
26 REQUIRE SUCH ADDITIONAL INFORMATION FROM ANY PROPOSER AS THE AUTHORITY  
27 DEEMS PERTINENT TO THE CONSIDERATION OF THE APPLICABLE PROPOSAL AND MAY  
28 ALLOW FOR THE SUBMISSION OF ADDITIONAL INFORMATION CONCERNING THE UNSO-  
29 LICITED PROPOSAL OR ANY COMPETING PROPOSAL.

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

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

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

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

43 (D) THE FINANCING OF THE IMPLEMENTATION AND OPERATION OF THE PROPOSED  
44 JOINT ARRANGEMENT IS FEASIBLE; AND

45 (E) THE PROPOSAL PROVIDES THE BEST VALUE TO THE AUTHORITY AND THE  
46 PROPOSED JOINT ARRANGEMENT SATISFIES ANY OTHER CRITERIA APPLIED BY THE  
47 AUTHORITY IN ASCERTAINING WHETHER IMPLEMENTATION AND OPERATION OF THE  
48 PROPOSED JOINT ARRANGEMENT IS IN THE INTERESTS OF THE AUTHORITY.

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

53 (B) NOTHING IN THIS SECTION SHALL BE DEEMED TO (I) SUPERSEDE OR LIMIT  
54 THE APPLICABILITY OF THE AUTHORITY'S EXISTING POWERS AND AUTHORITY, OR  
55 (II) REQUIRE THE AUTHORITY TO ACCEPT ANY PROJECT THROUGH THE PROVISIONS  
56 OF THIS SECTION, OR (III) REQUIRE THE AUTHORITY TO ENTER INTO ANY AGREE-



1 MENTS HEREUNDER, OR (IV) REQUIRE THE AUTHORITY TO TAKE ANY ACTION THAT  
2 WOULD CONTRADICT OR IMPACT AN EXISTING AUTHORITY CONTRACT OR AGREEMENT  
3 WITH ITS BONDHOLDERS.

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

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

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

13 (A) THE PLANNING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION,  
14 REHABILITATION, ESTABLISHMENT, IMPROVEMENT, RENOVATION, EXTENSION,  
15 REPAIR, OPERATION, MAINTENANCE, DEVELOPMENT OR FINANCING OF TRANSPORTA-  
16 TION FACILITIES AND JOINT ARRANGEMENTS AND THE PROVISION OF TRANSPORTA-  
17 TION SERVICES.

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

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

26 6. IN THE EVENT A PUBLIC OR PRIVATE ENTITY MATERIALLY DEFAULTS ON ITS  
27 OBLIGATIONS UNDER A JOINT ARRANGEMENT, THE AUTHORITY IS HEREBY AUTHOR-  
28 IZED TO ACQUIRE ALL OR ANY PORTION OF ANY JOINT ARRANGEMENT CONSTRUCTED  
29 BY OR IN CONJUNCTION WITH SUCH PUBLIC ENTITY OR PRIVATE ENTITY, WITH ANY  
30 DAMAGES SUFFERED TO THE AUTHORITY AS A RESULT OF SUCH DEFAULT BEING AN  
31 OFFSET TO THE COMPENSATION PROVIDED FOR THE ACQUISITION OF THE JOINT  
32 ARRANGEMENT. IN THE EVENT OF SUCH ACQUISITION AND NOTWITHSTANDING ANY  
33 PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY IS HEREBY AUTHORIZED,  
34 BUT NOT REQUIRED, TO OPERATE AND MAINTAIN THE JOINT ARRANGEMENT, INCLUD-  
35 ING THE IMPOSITION AND COLLECTION OF APPLICABLE FEES, FARES, TOLLS OR  
36 OTHER CHARGES.

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

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

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

54 (A) THE CHARACTER OR CONDITION OF THE PROPERTY, THE NATURE OF THE  
55 INTEREST TO BE CONVEYED, OR OTHER UNIQUE CIRCUMSTANCES OF THE DISPOSAL  
56 MAKE IT IMPRACTICABLE TO ADVERTISE PUBLICLY; AN APPRAISAL OF THE ESTI-

1 MATED FAIR MARKET VALUE OF THE PROPERTY HAS BEEN MADE BY AN INDEPENDENT  
2 APPRAISER AND INCLUDED IN THE RECORD OF THE TRANSACTION; AND THE CONSID-  
3 ERATION RECEIVED BY THE AUTHORITY FOR THE PROPERTY, INCLUDING THE VALUE  
4 OF OTHER PROPERTY EXCHANGED, WILL NOT BE LESS THAN THE PROPERTY'S  
5 APPRAISED VALUE; OR

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

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

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

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

23 a. The acquisition, construction, reconstruction, improvement, equip-  
24 ment, maintenance, FINANCING, or operation of one or more mass transpor-  
25 tation projects. Such municipal corporation shall have power to occupy  
26 or use any of the streets, roads, highways, avenues, parks or public  
27 places of such municipal corporation therefor and to agree upon and  
28 contract for the terms and conditions thereof.

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

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

37 d. The making of a contract or contracts for a fair and reasonable  
38 consideration for mass transportation services to be rendered to the  
39 public by a privately-owned or operated mass transportation facility.  
40 Such power shall include but not be limited to the power to appropriate  
41 funds for payment of such consideration, and to provide that all or part  
42 of such consideration shall be in the form of capital equipment to be  
43 furnished to and used and maintained by such privately-owned or operated  
44 mass transportation facility.

45 e. The making of unconditional grants of money or property to a public  
46 authority providing mass transportation services to all or part of such  
47 municipal corporation in order to assist such public authority in meet-  
48 ing its capital or operating expenses, provided such money does not  
49 consist of borrowed funds and such property has not been acquired by the  
50 use of borrowed funds. Such purpose is hereby declared to be county,  
51 city, town or village purposes, respectively. The provisions of this  
52 paragraph are intended as enabling legislation only and shall not be  
53 interpreted as implying that absent their enactment a municipal corpo-  
54 ration would lack the power to authorize any such grant; but they shall  
55 not be interpreted as an authorization to public authorities generally  
56 to accept such grants. The acceptance of any such grant by a public

1 authority shall not operate to make such authority an agency of the  
2 municipal corporation making the grant.

3 F. THE MAKING OF A CONTRACT WITH THE METROPOLITAN TRANSPORTATION  
4 AUTHORITY, BY ITSELF OR WITH ONE OR MORE OTHER MUNICIPAL CORPORATIONS,  
5 WHICH SHALL CONSTITUTE A JOINT ARRANGEMENT AS DEFINED IN SUBDIVISION  
6 NINE-A OF SECTION TWELVE HUNDRED SIXTY-ONE OF THE PUBLIC AUTHORITIES  
7 LAW, TO ASSIST THE AUTHORITY IN MEETING ITS CAPITAL OR OPERATING  
8 EXPENSES IN PROVIDING MASS TRANSPORTATION SERVICES OF BENEFIT TO ALL OR  
9 PART OF SUCH MUNICIPAL CORPORATION, INCLUDING UNDERTAKING A MASS TRANS-  
10 PORTATION CAPITAL PROJECT IN OR NEAR THE MUNICIPAL CORPORATION. UNDER  
11 SUCH A JOINT ARRANGEMENT, A MUNICIPAL CORPORATION MAY, ACCORDING TO THE  
12 TERMS OF THE CONTRACT WITH THE AUTHORITY, ESTABLISH, LEVY AND COLLECT  
13 SUCH FARES, TOLLS, RENTALS, RATES, TAXES, ASSESSMENTS, CHARGES AND OTHER  
14 FEES AND MAY CONDITIONALLY OR UNCONDITIONALLY GRANT OR PLEDGE A PORTION  
15 OF ITS REVENUES ALLOCATED ACCORDING TO SUBDIVISION E OF THIS SECTION.

16 G. THE DESIGNATION OF A MASS TRANSPORTATION CAPITAL PROJECT DISTRICT  
17 THAT A MUNICIPAL CORPORATION DEFINES AS BENEFITTING FROM ANY MASS TRANS-  
18 PORTATION CAPITAL PROJECT. UPON DESIGNATING SUCH A DISTRICT, THE MUNICI-  
19 PAL CORPORATION MAY ALLOCATE A PORTION OF ITS REVENUES FROM THE DISTRICT  
20 ACCORDING TO TERMS IT DESIGNS OR HAS AGREED TO BY CONTRACT. NOTWITH-  
21 STANDING ANY OTHER LAW, THE MUNICIPAL CORPORATION MAY, IN ALLOCATING AND  
22 COLLECTING REVENUES FROM THE DISTRICT, MAKE USE OF ONE OR MORE METHODS  
23 TO CAPTURE THE VALUE CREATED BY A MASS TRANSPORTATION CAPITAL PROJECT,  
24 INCLUDING, BUT NOT LIMITED TO:

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

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

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

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

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

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

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

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

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

1

## PART D

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

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

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

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

30 S 5. This act shall take effect on the one hundred eightieth day after  
31 it shall have become a law and shall expire and be deemed repealed [May  
32 31, 2019] APRIL 1, 2020; provided that any rules and regulations neces-  
33 sary to implement the provisions of this act on its effective date are  
34 authorized and directed to be completed on or before such date.

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

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

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

51 (c-1) In addition to the fees established in paragraphs (b) and (c) of  
52 this subdivision, a fee of fifty cents for each six months or portion  
53 thereof of the period of validity shall be paid upon the issuance of any  
54 permit, license or renewal of a license which is valid for the operation  
55 of a motorcycle, except a limited use motorcycle. Fees collected pursu-

1 ant to this paragraph shall be deposited BY THE COMPTROLLER into the  
2 [motorcycle safety fund established pursuant to section ninety-two-g of  
3 the state finance law] SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF  
4 THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO  
5 SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTAB-  
6 LISHED IN THIS SECTION.

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

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

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

12 5. ALL ASSESSMENTS CHARGED AND COLLECTED BY THE COMMISSIONER PURSUANT  
13 TO THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER INTO THE SPECIAL  
14 OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND  
15 BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE  
16 STATE FINANCE LAW.

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

20 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
21 sion, an order of suspension issued pursuant to paragraph (a) or (e) of  
22 this subdivision may be terminated if the registrant pays to the commis-  
23 sioner a civil penalty in the amount of eight dollars for each day up to  
24 thirty days for which financial security was not in effect, plus ten  
25 dollars for each day from the thirty-first to the sixtieth day for which  
26 financial security was not in effect, plus twelve dollars for each day  
27 from the sixty-first to the ninetieth day for which financial security  
28 was not in effect. Of each eight dollar penalty, six dollars will be  
29 deposited in the general fund and two dollars in the [miscellaneous  
30 special revenue fund - compulsory insurance account] SPECIAL OBLIGATION  
31 RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST  
32 FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE  
33 LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION. Of each ten dollar  
34 penalty collected, six dollars will be deposited in the general fund,  
35 two dollars will be deposited in the [miscellaneous special revenue fund  
36 - compulsory insurance account] SPECIAL OBLIGATION RESERVE AND PAYMENT  
37 ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED  
38 PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE  
39 PURPOSES ESTABLISHED IN THIS SECTION, and two dollars shall be deposited  
40 in the dedicated highway and bridge trust fund established pursuant to  
41 section eighty-nine-b of the state finance law and the dedicated mass  
42 transportation fund established pursuant to section eighty-nine-c of the  
43 state finance law and distributed according to the provisions of subdivi-  
44 sion (d) of section three hundred one-j of the tax law. Of each twelve  
45 dollar penalty collected, six dollars will be deposited into the general  
46 fund, two dollars will be deposited into the [miscellaneous special  
47 revenue fund - compulsory insurance account] SPECIAL OBLIGATION RESERVE  
48 AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND  
49 ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW  
50 FOR THE PURPOSES ESTABLISHED IN THIS SECTION, and four dollars shall be  
51 deposited in the dedicated highway and bridge trust fund established  
52 pursuant to section eighty-nine-b of the state finance law and the dedi-  
53 cated mass transportation fund established pursuant to section eighty-  
54 nine-c of the state finance law and distributed according to the  
55 provisions of subdivision (d) of section three hundred one-j of the tax  
56 law. The foregoing provision shall apply only once during any thirty-six

1 month period and only if the registrant surrendered the certificate of registration and number plates to the commissioner not more than ninety days from the date of termination of financial security or submits to the commissioner new proof of financial security which took effect not more than ninety days from the termination of financial security.

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

6. ALL FUNDS COLLECTED FROM THE DEPARTMENT'S SHARE OF THE SALE OF ASSETS PURSUANT TO THIS SECTION SHALL BE DEPOSITED 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.

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

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred five, two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation AND THE COMMISSIONER OF MOTOR VEHICLES pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five, SECTION FOUR HUNDRED TWENTY-THREE-A, SECTION FOUR HUNDRED TEN, SECTION THREE HUNDRED SEVENTEEN, SECTION THREE HUNDRED EIGHTEEN, ARTICLE TWELVE-C, AND PARAGRAPH (C-1) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED THREE of the vehicle and traffic law, section two of the chapter of the laws of two thousand three that amended this paragraph, subdivision (d) of section three hundred four-a, paragraph one of subdivision (a) and subdivision (d) of section three hundred five, subdivision six-a of section four hundred fifteen and subdivision (g) of section twenty-one hundred twenty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and sections ninety-four, one hundred thirty-five, [one hundred forty-four] and one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, (IV) ANY MONEYS COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES, and [(iv)] (V) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

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

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation AND THE

1 COMMISSIONER OF MOTOR VEHICLES pursuant to section fifty-two, section  
2 three hundred twenty-six, section eighty-eight of the highway law,  
3 subdivision fifteen of section three hundred eighty-five, SECTION FOUR  
4 HUNDRED TWENTY-THREE-A, SECTION FOUR HUNDRED TEN, SECTION THREE HUNDRED  
5 SEVENTEEN, SECTION THREE HUNDRED EIGHTEEN, ARTICLE TWELVE-C, AND PARA-  
6 GRAPH (C-1) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED THREE of the  
7 vehicle and traffic law, section fifteen of this chapter, excepting  
8 moneys deposited with the state on account of betterments performed  
9 pursuant to subdivision twenty-seven or subdivision thirty-five of  
10 section ten of the highway law, and sections ninety-four, one hundred  
11 thirty-five, [one hundred forty-four] and one hundred forty-five of the  
12 transportation law, (iii) any moneys collected by the department of  
13 transportation for services provided pursuant to agreements entered into  
14 in accordance with section ninety-nine-r of the general municipal law,  
15 (IV) ANY MONEYS COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES, and  
16 [(iv)] (V) any other moneys collected therefor or credited or trans-  
17 ferred thereto from any other fund, account or source.

18 S 13. This act shall take effect immediately; provided, however, that  
19 section seven of this act shall take effect April 1, 2020; provided  
20 further, however, that the amendments to section 399-1 of the vehicle  
21 and traffic law made by section one of this act shall not affect the  
22 repeal of such section and shall be deemed repealed therewith; and  
23 provided further, however, that the amendments to paragraph (a) of  
24 subdivision 3 of section 89-b of the state finance law made by section  
25 eleven of this act shall be subject to the expiration and reversion of  
26 such paragraph pursuant to section 13 of part U1 of chapter 62 of the  
27 laws of 2003, as amended, when upon such date the provisions of section  
28 twelve of this act shall take effect.

29

## PART E

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

33 (vi) Farm endorsement. Shall be required to operate a farm vehicle or  
34 a combination of farm vehicles which may not be operated with a class C,  
35 D or E license AND WHICH IS USED TO TRANSPORT HAZARDOUS MATERIALS AS  
36 DEFINED IN SECTION ONE HUNDRED THREE OF THE HAZARDOUS MATERIALS TRANS-  
37 PORTATION ACT, PUBLIC LAW 93-633 TITLE I, WHEN THE VEHICLE TRANSPORTING  
38 SUCH MATERIALS IS REQUIRED TO BE PLACARDED UNDER THE HAZARDOUS MATERIALS  
39 REGULATION, 49 CFR PART 172, SUBPART F OR IS TRANSPORTING ANY QUANTITY  
40 OF MATERIAL LISTED AS A SELECT AGENT OR TOXIN IN 42 CFR PART 73. The  
41 identification and scope of any such endorsement or endorsements shall  
42 be as prescribed by regulation of the commissioner. Such identification  
43 and scope shall, at a minimum, include a distinction between the opera-  
44 tion of a farm vehicle having a GVWR of more than twenty-six thousand  
45 pounds within one hundred fifty miles of the person's farm and the opera-  
46 tion of a combination of farm vehicles having a GVWR of more than twen-  
47 ty-six thousand pounds within one hundred fifty miles of the person's  
48 farm.

49 S 2. Subparagraph (i) of paragraph (b) of subdivision 4 of section  
50 501-a of the vehicle and traffic law, as amended by chapter 36 of the  
51 laws of 2009, is amended to read as follows:

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

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

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

19 9. COVERED FARM VEHICLE. (A) A VEHICLE OR COMBINATION OF VEHICLES  
20 REGISTERED IN THIS STATE, WHICH (I) DISPLAYS A COVERED FARM VEHICLE  
21 DESIGNATION ISSUED BY THE COMMISSIONER, (II) OPERATED BY THE OWNER OR  
22 OPERATOR OF A FARM OR RANCH, OR AN EMPLOYEE OR FAMILY MEMBER OF AN OWNER  
23 OR OPERATOR OF A FARM OR RANCH, (III) USED TO TRANSPORT AGRICULTURAL  
24 COMMODITIES, LIVESTOCK, MACHINERY OR SUPPLIES TO OR FROM A FARM OR  
25 RANCH, (IV) NOT USED IN FOR-HIRE MOTOR CARRIER OPERATIONS; HOWEVER,  
26 FOR-HIRE MOTOR CARRIER OPERATIONS DO NOT INCLUDE OPERATION BY A TENANT  
27 PURSUANT TO A CROP SHARE FARM LEASE AGREEMENT TO TRANSPORT THE LAND-  
28 LORD'S PORTION OF THE CROPS UNDER THAT AGREEMENT; AND (V) NOT USED FOR  
29 THE TRANSPORTATION OF HAZARDOUS MATERIALS.

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

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

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

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

50 S 4. Subparagraph (iv) of paragraph (b) of subdivision 2 of section  
51 501 of the vehicle and traffic law, as added by chapter 173 of the laws  
52 of 1990, is amended to read as follows:

53 (iv) P endorsement. Shall be required to operate a bus as defined in  
54 sections one hundred four and five hundred nine-a of this chapter OR ANY  
55 MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING  
56 OF MORE THAN TWENTY-SIX THOUSAND POUNDS WHICH IS DESIGNED TO TRANSPORT



1 PASSENGERS IN COMMERCE. FOR THE PURPOSES OF THIS SUBPARAGRAPH THE GROSS  
2 VEHICLE WEIGHT OF A VEHICLE SHALL MEAN THE ACTUAL WEIGHT OF THE VEHICLE  
3 AND THE LOAD.

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

6 PART F

7 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174  
8 of the laws of 1968 constituting the New York state urban development  
9 corporation act, as amended by section 1 of part M of chapter 58 of the  
10 laws of 2015, is amended to read as follows:

11 3. The provisions of this section shall expire, notwithstanding any  
12 inconsistent provision of subdivision 4 of section 469 of chapter 309 of  
13 the laws of 1996 or of any other law, on July 1, [2016] 2017.

14 S 2. This act shall take effect immediately and shall be deemed to  
15 have been in full force and effect on and after July 1, 2016.

16 PART G

17 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the  
18 New York state urban development corporation act, relating to the powers  
19 of New York state urban development corporation to make loans, as  
20 amended by section 1 of part N of chapter 58 of the laws of 2015, is  
21 amended to read as follows:

22 S 2. This act shall take effect immediately provided, however, that  
23 section one of this act shall expire on July 1, [2016] 2017, at which  
24 time the provisions of subdivision 26 of section 5 of the New York state  
25 urban development corporation act shall be deemed repealed; provided,  
26 however, that neither the expiration nor the repeal of such subdivision  
27 as provided for herein shall be deemed to affect or impair in any manner  
28 any loan made pursuant to the authority of such subdivision prior to  
29 such expiration and repeal.

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

32 PART H

33 Section 1. This act shall be known and may be cited as the "Transfor-  
34 mational Economic Development Infrastructure and Revitalization Projects  
35 act".

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

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

44 2. "Authorized entity" shall mean the New York State Urban Development  
45 Corporation, the New York Convention Center Development Corporation, and  
46 their subsidiaries.

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

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

- 1 (b) The timeliness of the contractor's performance on previous  
2 projects;
- 3 (c) The level of customer satisfaction with the contractor's perform-  
4 ance on previous projects;
- 5 (d) The contractor's record of performing previous projects on budget  
6 and ability to minimize cost overruns;
- 7 (e) The contractor's ability to limit change orders;
- 8 (f) The contractor's ability to prepare appropriate project plans;
- 9 (g) The contractor's technical capacities;
- 10 (h) The individual qualifications of the contractor's key personnel;
- 11 (i) The contractor's ability to assess and manage risk and minimize  
12 risk impact; and
- 13 (j) The contractor's past record of encouraging women and minority-  
14 owned business enterprise participation and compliance with article 15-A  
15 of the executive law.

16 Such basis shall reflect, wherever possible, objective and quantifi-  
17 able analysis.

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

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

24 6. "Project labor agreement" shall mean a pre-hire collective bargain-  
25 ing agreement between a contractor and a bona fide building and  
26 construction trade labor organization establishing the labor organiza-  
27 tion as the collective bargaining representative for all persons who  
28 will perform work on the project, and which provides that only contrac-  
29 tors and subcontractors who sign a pre-negotiated agreement with the  
30 labor organization can perform project work.

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

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

41 1. Step one. Generation of a list of entities that have demonstrated  
42 the general capability to perform a design-build contract for the  
43 project. Such list shall consist of a specified number of entities, as  
44 determined by the authorized entity, and shall be generated based upon  
45 the authorized entity's review of responses to a publicly advertised  
46 request for qualifications for the project. The authorized entity's  
47 request for qualifications for the project shall include a general  
48 description of the project, the maximum number of entities to be  
49 included on the list, and the selection criteria to be used in generat-  
50 ing the list. Such selection criteria shall include the qualifications  
51 and experience of the design and construction team, organization, demon-  
52 strated responsibility, ability of the team or of a member or members of  
53 the team to comply with applicable requirements, including the  
54 provisions of articles 145, 147 and 148 of the education law, past  
55 record of compliance with the labor law including prevailing wage  
56 requirements under state and federal law; the past record of compliance

1 with existing labor standards and maintaining harmonious labor  
2 relations; the record of protecting the health and safety of workers on  
3 public works projects and job sites as demonstrated by the experience  
4 modification rate for each of the last three years; the prospective  
5 bidder's ability to undertake the particular type and complexity of  
6 work; the financial capability, responsibility and reliability of the  
7 prospective bidder for such type and complexity of work; the prospective  
8 bidder's compliance with equal employment opportunity requirements and  
9 anti-discrimination laws, and demonstrated commitment to working with  
10 minority and women-owned businesses through joint ventures or subcon-  
11 tractor relationships; whether or not the prospective bidder or a person  
12 or entity with an interest of at least ten per centum in the prospective  
13 bidder, is debarred for having disregarded obligations to employees  
14 under the Davis-Bacon Act pursuant to 40 U.S.C. 3144 and 29 C.F.R. 5.12  
15 and such other qualifications the authorized entity deems appropriate  
16 which may include but are not limited to project understanding, finan-  
17 cial capability and record of past performance. The authorized entity  
18 shall evaluate and rate all entities responding to the request for qual-  
19 ifications. Based upon such ratings, the authorized entity shall list  
20 the entities that shall receive a request for proposals in accordance  
21 with subdivision two of this section. To the extent consistent with  
22 applicable federal law, the authorized entity shall consider, when  
23 awarding any contract pursuant to this section, the participation of:  
24 (a) firms certified pursuant to article 15-A of the executive law as  
25 minority or women-owned businesses and the ability of other businesses  
26 under consideration to work with minority and women-owned businesses so  
27 as to promote and assist participation by such businesses; and (b) small  
28 business concerns identified pursuant to subdivision (b) of section  
29 139-g of the state finance law.

30 2. Step two. Selection of the proposal which is the best value to the  
31 authorized entity. The authorized entity shall issue a request for  
32 proposals for the project to the entities listed pursuant to subdivision  
33 one of this section. If such an entity consists of a team of separate  
34 entities, the entities that comprise such a team must remain unchanged  
35 from the entity as listed pursuant to subdivision one of this section  
36 unless otherwise approved by the authorized entity. The request for  
37 proposals for the project shall set forth the project's scope of work,  
38 and other requirements, as determined by the authorized entity. The  
39 request for proposals shall specify the criteria to be used to evaluate  
40 the responses and the relative weight of each such criteria. Such crite-  
41 ria shall include the proposal's cost, the quality of the proposal's  
42 solution, the qualifications and experience of the design-build entity,  
43 and other factors deemed pertinent by the authorized entity, which may  
44 include, but shall not be limited to, the proposal's project implementa-  
45 tion, ability to complete the work in a timely and satisfactory manner,  
46 maintenance costs of the completed project, maintenance of traffic  
47 approach, and community impact. Any contract awarded pursuant to this  
48 act shall be awarded to a responsive and responsible entity that submits  
49 the proposal, which, in consideration of these and other specified  
50 criteria deemed pertinent to the project, offers the best value to the  
51 authorized entity, as determined by the authorized entity. Nothing in  
52 this act shall be construed to prohibit the authorized entity from nego-  
53 tiating final contract terms and conditions including cost.

54 3. Notwithstanding the foregoing provisions of this section, when any  
55 person or entity is debarred for having disregarded obligations to  
56 employees under the Davis-Bacon Act pursuant to 40 U.S.C. 3144 and 29

1 C.F.R. 5.12, such person or entity, and any firm, corporation, partner-  
2 ship or association in which the person or entity owns or controls at  
3 least ten per centum, shall be ineligible to submit a bid on or be  
4 awarded any contract authorized by this act while the name of the person  
5 or entity is published in the list of debarred contractors pursuant to  
6 40 U.S.C. 3144. The department of labor will notify the person or entity  
7 immediately of such ineligibility and such person or entity must be  
8 afforded the opportunity to appeal to the department of labor.

9 S 5. Any contract entered into pursuant to this act shall include a  
10 clause requiring that any professional services regulated by articles  
11 145, 147 and 148 of the education law shall be performed and stamped and  
12 sealed, where appropriate, by a professional licensed in accordance with  
13 such articles.

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

21 S 7. A project labor agreement shall be included in the request for  
22 proposals for the project, provided that, based upon a study done by or  
23 for the authorized entity, the authorized entity determines that its  
24 interests are best met by requiring a project labor agreement. The  
25 authorized entity shall conduct such a study and the project labor  
26 agreement shall be performed consistent with the provisions of section  
27 222 of the labor law. If a project labor agreement is not performed on  
28 the project; (1) the authorized entity shall not utilize a design-build  
29 contract for the project; and (2) sections 101 and 103 of the general  
30 municipal law shall apply to the project.

31 S 8. Each contract entered into by the authorized entity pursuant to  
32 this act shall comply, whenever practical, with the objectives and goals  
33 of minority and women-owned business enterprises pursuant to article  
34 15-A of the executive law or, if the project receives federal aid, shall  
35 comply with applicable federal requirements for disadvantaged business  
36 enterprises.

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

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

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

49 S 12. This act shall take effect immediately.

50

#### PART I

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

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

3 PART J

4 Section 1. Expenditures of moneys by the New York state energy  
5 research and development authority for services and expenses of the  
6 energy research, development and demonstration program, including  
7 grants, the energy policy and planning program, and the Fuel NY program  
8 shall be subject to the provisions of this section. Notwithstanding the  
9 provisions of subdivision 4-a of section 18-a of the public service law,  
10 all moneys committed or expended in an amount not to exceed \$19,700,000  
11 shall be reimbursed by assessment against gas corporations, as defined  
12 in subdivision 11 of section 2 of the public service law and electric  
13 corporations as defined in subdivision 13 of section 2 of the public  
14 service law, where such gas corporations and electric corporations have  
15 gross revenues from intrastate utility operations in excess of \$500,000  
16 in the preceding calendar year, and the total amount which may be  
17 charged to any gas corporation and any electric corporation shall not  
18 exceed one cent per one thousand cubic feet of gas sold and .010 cent  
19 per kilowatt-hour of electricity sold by such corporations in their  
20 intrastate utility operations in calendar year 2014. Such amounts shall  
21 be excluded from the general assessment provisions of subdivision 2 of  
22 section 18-a of the public service law. The chair of the public service  
23 commission shall bill such gas and/or electric corporations for such  
24 amounts on or before August 10, 2016 and such amounts shall be paid to  
25 the New York state energy research and development authority on or  
26 before September 10, 2016. Upon receipt, the New York state energy  
27 research and development authority shall deposit such funds in the ener-  
28 gy research and development operating fund established pursuant to  
29 section 1859 of the public authorities law. The New York state energy  
30 research and development authority is authorized and directed to: (1)  
31 transfer \$1 million to the state general fund for services and expenses  
32 of the department of environmental conservation and to transfer \$750,000  
33 to the University of Rochester laboratory for laser energetics from the  
34 funds received; and (2) commencing in 2016, provide to the chair of the  
35 public service commission and the director of the budget and the chairs  
36 and secretaries of the legislative fiscal committees, on or before  
37 August first of each year, an itemized record, certified by the presi-  
38 dent and chief executive officer of the authority, or his or her desig-  
39 nee, detailing any and all expenditures and commitments ascribable to  
40 moneys received as a result of this assessment by the chair of the  
41 department of public service pursuant to section 18-a of the public  
42 service law. This itemized record shall include an itemized breakdown  
43 of the programs being funded by this section and the amount committed to  
44 each program. The authority shall not commit for any expenditure, any  
45 moneys derived from the assessment provided for in this section, until  
46 the chair of such authority shall have submitted, and the director of  
47 the budget shall have approved, a comprehensive financial plan encom-  
48 passing all moneys available to and all anticipated commitments and  
49 expenditures by such authority from any source for the operations of  
50 such authority. Copies of the approved comprehensive financial plan  
51 shall be immediately submitted by the chair to the chairs and secre-  
52 taries of the legislative fiscal committees. Any such amount not  
53 committed by such authority to contracts or contracts to be awarded or  
54 otherwise expended by the authority during the fiscal year shall be

1 refunded by such authority on a pro-rata basis to such gas and/or elec-  
2 tric corporations, in a manner to be determined by the department of  
3 public service.

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

6 PART K

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

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

14 PART L

15 Section 1. Paragraph (c) of subdivision 12 of section 66 of the public  
16 service law, as amended by chapter 162 of the laws of 1998, is amended  
17 to read as follows:

18 (c) For the purpose of this subdivision, "major changes" shall mean an  
19 increase in the rates and charges which would increase the aggregate  
20 revenues of the applicant more than the greater of three hundred thou-  
21 sand dollars or two and one-half percent, but shall not include changes  
22 in rates, charges or rentals (I) allowed to go into effect by the  
23 commission or made by the utility pursuant to an order of the commission  
24 after hearings held upon notice to the public, OR (II) PROPOSED BY A  
25 MUNICIPALITY.

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

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

1 STAFF OF THE DEPARTMENT TO ESTABLISH TEMPORARY RATES FOR THE PETITIONER,  
2 SUBJECT TO REFUND OR REPARATION AS PROVIDED IN SECTION ONE HUNDRED THIR-  
3 TEEN OF THIS CHAPTER.

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

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

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

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

1 become effective. If any such hearing cannot be concluded within the  
2 period of suspension as above stated, the commission may extend the  
3 suspension for a further period not exceeding [six] TEN months. IF AT  
4 THE END OF SUCH PERIOD, THE FILED PETITION HAS NOT BEEN ACTED UPON BY  
5 THE COMMISSION, THE COMMISSION SHALL UTILIZE THE PROPOSAL FILED BY THE  
6 STAFF OF THE DEPARTMENT TO ESTABLISH TEMPORARY RATES FOR THE PETITIONER,  
7 SUBJECT TO REFUND OR REPARATION AS PROVIDED IN SECTION ONE HUNDRED THIR-  
8 TEEN OF THIS CHAPTER.

9 S 5. This act shall take effect immediately.

10

## PART M

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

17 S 2. This act shall take effect immediately, provided however, that  
18 section one of this act shall be deemed to have been in full force and  
19 effect on and after April 1, 2003 and shall expire March 31, [2016]  
20 2017.

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

23

## PART N

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

26 (d) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL A  
27 COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT OF A  
28 DOMESTIC CORPORATION OR FOREIGN CORPORATION SHALL BE DEEMED TO BE THE  
29 POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS STATE, TO WHICH A PERSON  
30 SHALL MAIL THE PROCESS SERVED AGAINST THE CORPORATION AS REQUIRED BY  
31 THIS ARTICLE. Any designated [post-office] POST OFFICE address to which  
32 the secretary of state OR A PERSON shall mail a copy of ANY process  
33 served upon [him] THE SECRETARY OF STATE as agent of a domestic corpo-  
34 ration or a foreign corporation, shall continue until the filing of a  
35 certificate under this chapter directing the mailing to a different  
36 [post-office] POST OFFICE address.

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

40 (a) In addition to such designation of the secretary of state, every  
41 domestic corporation or authorized foreign corporation may designate a  
42 registered agent in this state upon whom process against such corpo-  
43 ration may be served. The agent shall be a natural person who is a resi-  
44 dent of or has a business address in this state [or], a domestic corpo-  
45 ration or foreign corporation of any type or kind formed[,] or  
46 authorized to do business in this state, under this chapter or under any  
47 other statute of this state, OR DOMESTIC LIMITED LIABILITY COMPANY OR  
48 FOREIGN LIMITED LIABILITY COMPANY FORMED OR AUTHORIZED TO DO BUSINESS IN  
49 THIS STATE.

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



1 (1) Service of process on the secretary of state as agent of a domes-  
2 tic or authorized foreign corporation, OR OTHER BUSINESS ENTITY THAT HAS  
3 DESIGNATED THE SECRETARY OF STATE AS AGENT FOR SERVICE OF PROCESS PURSU-  
4 ANT TO ARTICLE NINE OF THIS CHAPTER, shall be made by [personally deliv-  
5 ering to and leaving with the secretary of state or a deputy, or with  
6 any person authorized by the secretary of state to receive such service,  
7 at the office of the department of state in the city of Albany, dupli-  
8 cate copies of such process together with the statutory fee, which fee  
9 shall be a taxable disbursement] MAILING THE PROCESS AND NOTICE OF  
10 SERVICE THEREOF BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH  
11 CORPORATION OR OTHER BUSINESS ENTITY, AT THE POST OFFICE ADDRESS ON FILE  
12 IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. IF A DOMESTIC OR  
13 AUTHORIZED FOREIGN CORPORATION HAS NO SUCH ADDRESS ON FILE IN THE  
14 DEPARTMENT OF STATE, THE PROCESS AND NOTICE OF SERVICE THEREOF SHALL BE  
15 MAILED, IN THE CASE OF A DOMESTIC CORPORATION, IN CARE OF ANY DIRECTOR  
16 NAMED IN ITS CERTIFICATE OF INCORPORATION AT THE DIRECTOR'S ADDRESS  
17 STATED THEREIN OR, IN THE CASE OF AN AUTHORIZED FOREIGN CORPORATION, TO  
18 SUCH CORPORATION AT THE ADDRESS OF ITS OFFICE WITHIN THIS STATE ON FILE  
19 IN THE DEPARTMENT. ON THE SAME DAY THAT SUCH PROCESS IS MAILED, A DUPLI-  
20 CATE COPY OF SUCH PROCESS AND PROOF OF MAILING TOGETHER WITH THE STATU-  
21 TORY FEE, WHICH FEE SHALL BE A TAXABLE DISBURSEMENT SHALL BE PERSONALLY  
22 DELIVERED TO AND LEFT WITH THE SECRETARY OF STATE OR A DEPUTY, OR WITH  
23 ANY PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE SUCH SERVICE,  
24 AT THE OFFICE OF THE DEPARTMENT OF STATE IN THE CITY OF ALBANY. PROOF OF  
25 MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. Service  
26 of process on such corporation OR OTHER BUSINESS ENTITY shall be  
27 complete when the secretary of state is so served. [The secretary of  
28 state shall promptly send one of such copies by certified mail, return  
29 receipt requested, to such corporation, at the post office address, on  
30 file in the department of state, specified for the purpose. If a domes-  
31 tic or authorized foreign corporation has no such address on file in the  
32 department of state, the secretary of state shall so mail such copy, in  
33 the case of a domestic corporation, in care of any director named in its  
34 certificate of incorporation at the director's address stated therein  
35 or, in the case of an authorized foreign corporation, to such corpo-  
36 ration at the address of its office within this state on file in the  
37 department.]

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

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

46 (3) That sixty days prior to the filing of the certificate of resigna-  
47 tion OR RECEIPT OF PROCESS with the department of state the party has  
48 sent a copy of the certificate of resignation for receipt of process by  
49 registered or certified mail to the address of the registered agent of  
50 the designating corporation, if other than the party filing the certif-  
51 icate of resignation[,] for receipt of process, or if the [resigning]  
52 DESIGNATING corporation has no registered agent, then to the last  
53 address of the designating corporation known to the party, specifying  
54 the address to which the copy was sent. If there is no registered agent  
55 and no known address of the designating corporation, the party shall  
56 attach an affidavit to the certificate stating that a diligent but

1 unsuccessful search was made by the party to locate the corporation,  
2 specifying what efforts were made.

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

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

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

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

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

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

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

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

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

32 (b) A certificate of change which changes only the post office address  
33 to which [the secretary of state] A PERSON shall mail a copy of any  
34 process against a corporation served upon [him or] THE SECRETARY OF  
35 STATE AND/OR the address of the registered agent, provided such address  
36 being changed is the address of a person, partnership, LIMITED LIABILITY  
37 COMPANY or other corporation whose address, as agent, is the address to  
38 be changed or who has been designated as registered agent for such  
39 corporation, may be signed[, verified] and delivered to the department  
40 of state by such agent. The certificate of change shall set forth the  
41 statements required under subparagraphs [(a)] (1), (2) and (3) OF PARA-  
42 GRAPH (A) of this section; that a notice of the proposed change was  
43 mailed to the corporation by the party signing the certificate not less  
44 than thirty days prior to the date of delivery to the department and  
45 that such corporation has not objected thereto; and that the party sign-  
46 ing the certificate is the agent of such corporation to whose address  
47 [the secretary of state] A PERSON is required to mail copies of process  
48 SERVED ON THE SECRETARY OF STATE or the registered agent, if such be the  
49 case. A certificate signed[, verified] and delivered under this para-  
50 graph shall not be deemed to effect a change of location of the office  
51 of the corporation in whose behalf such certificate is filed.

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

55 (8) If the surviving or resulting entity is a foreign corporation or  
56 other business entity, a designation of the secretary of state as its

1 agent upon whom process against it may be served in the manner set forth  
2 in paragraph (b) of section three hundred six of this chapter, in any  
3 action or special proceeding, and a post office address, within or with-  
4 out this state, to which [the secretary of state] A PERSON shall mail a  
5 copy of any process against it served upon [him] THE SECRETARY OF STATE.  
6 Such post office address shall supersede any prior address designated as  
7 the address to which process shall be mailed;

8 S 11. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of  
9 the business corporation law, as amended by chapter 494 of the laws of  
10 1997, is amended to read as follows:

11 (G) A designation of the secretary of state as its agent upon whom  
12 process against it may be served in the manner set forth in paragraph  
13 (b) of section 306 (Service of process), in any action or special  
14 proceeding, and a post office address, within or without this state, to  
15 which [the secretary of state] A PERSON shall mail a copy of any process  
16 against it served upon [him] THE SECRETARY OF STATE. Such post office  
17 address shall supersede any prior address designated as the address to  
18 which process shall be mailed.

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

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

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

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

35 S 14. Subparagraph 2 of paragraph (a) and paragraph (c) of section  
36 1309-A of the business corporation law, subparagraph 2 of paragraph (a)  
37 as added by chapter 725 of the laws of 1964 and paragraph (c) as amended  
38 by chapter 172 of the laws of 1999, are amended to read as follows:

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

42 (c) A certificate of change of application for authority which changes  
43 only the post office address to which [the secretary of state] A PERSON  
44 shall mail a copy of any process against an authorized foreign corpo-  
45 ration served upon [him or which] THE SECRETARY OF STATE AND/OR changes  
46 the address of its registered agent, provided such address is the  
47 address of a person, partnership, LIMITED LIABILITY COMPANY or other  
48 corporation whose address, as agent, is the address to be changed or who  
49 has been designated as registered agent for such authorized foreign  
50 corporation, may be signed and delivered to the department of state by  
51 such agent. The certificate of change of application for authority shall  
52 set forth the statements required under subparagraphs (1), (2), (3) and  
53 (4) of paragraph (b) of this section; that a notice of the proposed  
54 change was mailed by the party signing the certificate to the authorized  
55 foreign corporation not less than thirty days prior to the date of  
56 delivery to the department and that such corporation has not objected

1 thereto; and that the party signing the certificate is the agent of such  
2 foreign corporation to whose address [the secretary of state] A PERSON  
3 is required to mail copies of process SERVED ON THE SECRETARY OF STATE  
4 or the registered agent, if such be the case. A certificate signed and  
5 delivered under this paragraph shall not be deemed to effect a change of  
6 location of the office of the corporation in whose behalf such certif-  
7 icate is filed.

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

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

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

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

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

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

27 S 1311. Termination of existence.

28 When an authorized foreign corporation is dissolved or its authority  
29 or existence is otherwise terminated or cancelled in the jurisdiction of  
30 its incorporation or when such foreign corporation is merged into or  
31 consolidated with another foreign corporation, a certificate of the  
32 secretary of state, or official performing the equivalent function as to  
33 corporate records, of the jurisdiction of incorporation of such foreign  
34 corporation attesting to the occurrence of any such event or a certified  
35 copy of an order or decree of a court of such jurisdiction directing the  
36 dissolution of such foreign corporation, the termination of its exist-  
37 ence or the cancellation of its authority shall be delivered to the  
38 department of state. The filing of the certificate, order or decree  
39 shall have the same effect as the filing of a certificate of surrender  
40 of authority under section 1310 (Surrender of authority). The secretary  
41 of state shall continue as agent of the foreign corporation 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 based upon any liability or obligation incurred by the  
45 foreign corporation within this state prior to the filing of such  
46 certificate, order or decree and [he] THE PERSON SERVING SUCH PROCESS  
47 shall [promptly cause a copy of any such] SEND THE process [to be  
48 mailed] by [registered] CERTIFIED mail, return receipt requested, to  
49 such foreign corporation at the post office address on file in his  
50 office specified for such purpose AND SHALL PROVIDE THE SECRETARY OF  
51 STATE WITH PROOF OF SUCH MAILING IN THE MANNER SET FORTH IN PARAGRAPH  
52 (B) OF SECTION 306 (SERVICE OF PROCESS). The post office address may be  
53 changed by signing and delivering to the department of state a certif-  
54 icate of change setting forth the statements required under section  
55 1309-A (Certificate of change; contents) to effect a change in the post

1 office address under subparagraph SEVEN OF PARAGRAPH (a) [(4)] of  
2 section 1308 (Amendments or changes).

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

6 (6) 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 S 19. Subdivision 10 of section 11 of the cooperative corporations  
12 law, as added by chapter 97 of the laws of 1969, is amended to read as  
13 follows:

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

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

21 10. For service of process on the secretary of state, acting as agent  
22 for a third party pursuant to law, except as otherwise specifically  
23 provided by law, forty dollars. No fee shall be collected for process  
24 served on behalf of [a] ANY STATE OFFICIAL, DEPARTMENT, BOARD, AGENCY,  
25 AUTHORITY, county, city, town or village or other political subdivision  
26 of the state. The fees paid the secretary of state shall be a taxable  
27 disbursement.

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

32 Every association doing business within this state shall file in the  
33 department of state a certificate in its associate name, signed [and  
34 acknowledged] by its president, or a vice-president, or secretary, or  
35 treasurer, or managing director, or trustee, designating the secretary  
36 of state as an agent upon whom process in any action or proceeding  
37 against the association may be served within this state, and setting  
38 forth an address to which [the secretary of state] A PERSON shall mail a  
39 copy of any process against the association which may be served upon  
40 [him] THE SECRETARY OF STATE pursuant to law. Annexed to the certif-  
41 icate of designation shall be a statement, executed in the same manner  
42 as the certificate is required to be executed under this section, which  
43 shall set forth:

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

49 5. ANY DESIGNATED POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL A  
50 COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT IN ANY  
51 ACTION OR PROCEEDING AGAINST THE ASSOCIATION SHALL BE DEEMED TO BE THE  
52 POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS STATE, TO WHICH A PERSON  
53 SHALL MAIL PROCESS SERVED AGAINST THE ASSOCIATION AS REQUIRED BY THIS  
54 ARTICLE. ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF  
55 STATE OR A PERSON SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE  
56 SECRETARY OF STATE AS AGENT IN ANY ACTION OR PROCEEDING AGAINST THE

1 ASSOCIATION SHALL CONTINUE UNTIL THE FILING OF A CERTIFICATE UNDER THIS  
2 CHAPTER DIRECTING THE MAILING TO A DIFFERENT POST OFFICE ADDRESS.

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

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

11 S 19. (A) Service of process. Service of process against an associ-  
12 ation upon the secretary of state shall be made by MAILING THE PROCESS  
13 AND NOTICE OF SERVICE THEREOF BY CERTIFIED MAIL, RETURN RECEIPT  
14 REQUESTED, TO SUCH CORPORATION OR OTHER BUSINESS ENTITY, AT THE POST  
15 OFFICE ADDRESS, ON FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS  
16 PURPOSE. ON THE SAME DAY THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY  
17 OF SUCH PROCESS AND PROOF OF MAILING SHALL BE personally [delivering]  
18 DELIVERED to and [leaving] LEFT with [him] THE SECRETARY OF STATE or a  
19 deputy [secretary of state or an associate attorney, senior attorney or  
20 attorney in the corporation division of the department of state], SO  
21 DESIGNATED [duplicate copies of such process at the office of the  
22 department of state in the city of Albany]. At the time of such service  
23 the plaintiff shall pay a fee of forty dollars to the secretary of state  
24 which shall be a taxable disbursement. [If the cost of registered mail  
25 for transmitting a copy of the process shall exceed two dollars, an  
26 additional fee equal to such excess shall be paid at the time of the  
27 service of such process. The secretary of state shall forthwith send by  
28 registered mail one of such copies to the association at the address  
29 fixed for that purpose, as herein provided.]

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

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

41 2. Service of such process upon the secretary of state shall be made  
42 by personally delivering to and leaving with him [or], a deputy secre-  
43 tary of state, OR WITH A PERSON AUTHORIZED BY THE SECRETARY OF STATE TO  
44 RECEIVE SUCH SERVICE a copy thereof at the office of the department of  
45 state in the city of Albany, and such service shall be sufficient  
46 service provided that notice of such service and a copy of such process  
47 are forthwith sent by the attorney general to such person, partnership,  
48 corporation, company, trust or association, by registered or certified  
49 mail with return receipt requested, at his or its office as set forth in  
50 the "broker-dealer's statement", "salesman's statement" or "investment  
51 advisor's statement" filed in the department of law pursuant to section  
52 three hundred fifty-nine-e or section three hundred fifty-nine-eee of  
53 this article, or in default of the filing of such statement, at the last  
54 address known to the attorney general. Service of such process shall be  
55 complete on receipt by the attorney general of a return receipt purport-  
56 ing to be signed by the addressee or a person qualified to receive his

1 or its registered or certified mail, in accordance with the rules and  
2 customs of the post office department, or, if acceptance was refused by  
3 the addressee or his or its agent, on return to the attorney general of  
4 the original envelope bearing a notation by the postal authorities that  
5 receipt thereof was refused.

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

8 S 686. Designation of secretary of state as agent for service of proc-  
9 ess; service of process. Any person who shall offer to sell or sell a  
10 franchise in this state as a franchisor, subfranchisor or franchise  
11 sales agent shall be deemed to have irrevocably appointed the secretary  
12 of state as his or its agent upon whom may be served any summons,  
13 complaint, subpoena, subpoena duces tecum, notice, order or other proc-  
14 ess directed to such person, or any partner, principal, officer, sales-  
15 man or director thereof, or his or its successor, administrator or exec-  
16 utor, in any action, investigation, or proceeding which arises under  
17 this article or a rule hereunder, with the same force and validity as if  
18 served personally on such person. Service of such process upon the  
19 secretary of state shall be made by personally delivering to and leaving  
20 with [him] THE SECRETARY OF STATE or a deputy [secretary of state], OR  
21 WITH ANY PERSON AUTHORIZED BY THE SECRETARY OF STATE TO RECEIVE SUCH  
22 SERVICE, a copy thereof at the office of the department of state, and  
23 such service shall be sufficient provided that notice of such service  
24 and a copy of such process are sent forthwith by the department to such  
25 person, by registered or certified mail with return receipt requested,  
26 at his address as set forth in the application for registration of his  
27 offering prospectus or in the registered offering prospectus itself  
28 filed with the department of law pursuant to this article, or in default  
29 of the filing of such application or prospectus, at the last address  
30 known to the department. Service of such process shall be complete upon  
31 receipt by the department of a return receipt purporting to be signed by  
32 the addressee or a person qualified to receive his or its registered or  
33 certified mail, in accordance with the rules and customs of the post  
34 office department, or, if acceptance was refused or unclaimed by the  
35 addressee or his or its agent, or if the addressee moved without leaving  
36 a forwarding address, upon return to the department of the original  
37 envelope bearing a notation by the postal authorities that receipt ther-  
38 eof was refused or that such mail was otherwise undeliverable.

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

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

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

51 (4) a statement that the secretary of state has been designated as  
52 agent of the limited liability company upon whom process against it may  
53 be served and the 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 or her] THE SECRETARY OF STATE;

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

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

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

10 S 211-A. Certificate of change. (a) A limited liability company may  
11 amend its articles of organization from time to time to (i) specify or  
12 change the location of the limited liability company's office; (ii)  
13 specify or change the post office address to which [the secretary of  
14 state] A PERSON shall mail a copy of any process against the limited  
15 liability company served upon [him] THE SECRETARY OF STATE; and (iii)  
16 make, revoke or change the designation of a registered agent, or specify  
17 or change the address of the registered agent. Any one or more such  
18 changes may be accomplished by filing a certificate of change which  
19 shall be entitled "Certificate of Change of ..... (name of limited  
20 liability company) under section 211-A of the Limited Liability Company  
21 Law" and shall be signed and delivered to the department of state. It  
22 shall set forth:

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

25 (2) the date the articles of organization were filed by the department  
26 of state; and

27 (3) each change effected thereby.

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

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

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

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



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

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

22 (2) The commissioner of taxation and finance and the secretary of  
23 state may agree to allow limited liability companies to include the  
24 statement specified in paragraph one of this subdivision on tax reports  
25 filed with the department of taxation and finance in lieu of biennial  
26 statements and in a manner prescribed by the commissioner of taxation  
27 and finance. If this agreement is made, starting with taxable years  
28 beginning on or after January first, two thousand sixteen, each limited  
29 liability company required to file the statement specified in paragraph  
30 one of this subdivision that is subject to the filing fee imposed by  
31 paragraph three of subsection (c) of section six hundred fifty-eight of  
32 the tax law shall provide such statement annually on its filing fee  
33 payment form filed with the department of taxation and finance in lieu  
34 of filing a statement under this section with the department of state.  
35 However, each limited liability company required to file a statement  
36 under this section must continue to file the biennial statement required  
37 by this section with the department of state until the limited liability  
38 company in fact has filed a filing fee payment form with the department  
39 of taxation and finance that includes all required information. After  
40 that time, the limited liability company shall continue to provide annu-  
41 ally the statement specified in paragraph one of this subdivision on its  
42 filing fee payment form in lieu of the biennial statement required by  
43 this subdivision.

44 (3) If the agreement described in paragraph two of this subdivision is  
45 made, the department of taxation and finance shall deliver to the  
46 department of state the statement specified in paragraph one of this  
47 subdivision contained on filing fee payment forms. The department of  
48 taxation and finance must, to the extent feasible, also include the  
49 current name of the limited liability company, department of state iden-  
50 tification number for such limited liability company, the name, signa-  
51 ture and capacity of the signer of the statement, name and street  
52 address of the filer of the statement, and the email address, if any, of  
53 the filer of the statement.

54 S 31. Paragraphs 2 and 3 of subdivision (a), subparagraph (ii) of  
55 paragraph 2 and subparagraph (ii) of paragraph 3 of subdivision (e) of

1 section 301-A of the limited liability company law, as added by chapter  
2 448 of the laws of 1998, are amended to read as follows:

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

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

22 (ii) sent by or on behalf of the plaintiff to such limited LIABILITY  
23 company by registered or certified mail with return receipt requested to  
24 the last address of such limited liability company known to the plain-  
25 tiff.

26 (ii) Where service of a copy of process was effected by mailing in  
27 accordance with this section, proof of service shall be by affidavit of  
28 compliance with this section filed, together with the process, within  
29 thirty days after receipt of the return receipt signed by the limited  
30 liability company or other official proof of delivery or of the original  
31 envelope mailed. If a copy of the process is mailed in accordance with  
32 this section, there shall be filed with the affidavit of compliance  
33 either the return receipt signed by such limited LIABILITY company or  
34 other official proof of delivery, if acceptance was refused by it, the  
35 original envelope with a notation by the postal authorities that accept-  
36 ance was refused. If acceptance was refused a copy of the notice and  
37 process together with notice of the mailing by registered or certified  
38 mail and refusal to accept shall be promptly sent to such limited  
39 liability company at the same address by ordinary mail and the affidavit  
40 of compliance shall so state. Service of process shall be complete ten  
41 days after such papers are filed with the clerk of the court. The  
42 refusal to accept delivery of the registered or certified mail or to  
43 sign the return receipt shall not affect the validity of the service and  
44 such limited liability company refusing to accept such registered or  
45 certified mail shall be charged with knowledge of the contents thereof.

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

49 (a) Service of process on the secretary of state as agent of a domes-  
50 tic limited liability company, [or] authorized foreign limited liability  
51 company, OR OTHER BUSINESS ENTITY THAT HAS DESIGNATED THE SECRETARY OF  
52 STATE AS AGENT FOR SERVICE OF PROCESS PURSUANT TO ARTICLE TEN OF THIS  
53 CHAPTER, SHALL BE MADE BY MAILING THE PROCESS AND NOTICE OF SERVICE  
54 THEREOF BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH LIMITED  
55 LIABILITY COMPANY OR OTHER BUSINESS ENTITY, AT THE POST OFFICE ADDRESS,  
56 ON FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. ON THE

1 SAME DAY AS SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND  
2 PROOF OF MAILING shall be [made by] personally [delivering] DELIVERED to  
3 and [leaving] LEFT with the secretary of state or his or her deputy, or  
4 with any person authorized by the secretary of state to receive such  
5 service, at the office of the department of state in the city of Albany,  
6 [duplicate copies of such process] together with the statutory fee,  
7 which fee shall be a taxable disbursement. PROOF OF MAILING SHALL BE BY  
8 AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. Service of process on such  
9 limited liability company OR OTHER BUSINESS ENTITY shall be complete  
10 when the secretary of state is so served. [The secretary of state shall  
11 promptly send one of such copies by certified mail, return receipt  
12 requested, to such limited liability company at the post office address  
13 on file in the department of state specified for that purpose.]

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

16 S 305. Records of process served on the secretary of state. The  
17 [secretary of state] DEPARTMENT OF STATE shall keep a record of each  
18 process served upon the secretary of state under this chapter, including  
19 the date of such service [and the action of the secretary of state with  
20 reference thereto]. IT SHALL, UPON REQUEST MADE WITHIN TEN YEARS OF SUCH  
21 SERVICE, ISSUE A CERTIFICATE UNDER ITS SEAL CERTIFYING AS TO THE RECEIPT  
22 OF THE PROCESS BY AN AUTHORIZED PERSON, THE DATE AND PLACE OF SUCH  
23 SERVICE AND THE RECEIPT OF THE STATUTORY FEE. PROCESS SERVED UPON THE  
24 SECRETARY OF STATE UNDER THIS CHAPTER SHALL BE DESTROYED BY THE DEPART-  
25 MENT OF STATE AFTER A PERIOD OF TEN YEARS FROM SUCH SERVICE.

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

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

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

36 S 804-A. Certificate of change. (a) A foreign limited liability compa-  
37 ny may amend its application for authority from time to time to (i)  
38 specify or change the location of the limited liability company's  
39 office; (ii) specify or change the post office address to which [the  
40 secretary of state] A PERSON shall mail a copy of any process against  
41 the limited liability company served upon [him] THE SECRETARY OF STATE;  
42 and (iii) to make, revoke or change the designation of a registered  
43 agent, or to specify or change the address of a registered agent. Any  
44 one or more such changes may be accomplished by filing a certificate of  
45 change which shall be entitled "Certificate of Change of ..... (name  
46 of limited liability company) under section 804-A of the Limited Liabil-  
47 ity Company Law" and shall be signed and delivered to the department of  
48 state. It shall set forth:

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

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

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

55 (b) A certificate of change which changes only the post office address  
56 to which [the secretary of state] A PERSON shall mail a copy of any

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

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

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

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

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

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

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

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

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

55 (5) a statement that the secretary of state has been designated as  
56 agent of the foreign professional service limited liability company upon

1 whom process against it may be served and the post office address, with-  
2 in or without this state, to which [the secretary of state] A PERSON  
3 shall mail a copy of any process against it served upon [him or her] THE  
4 SECRETARY OF STATE;

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

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

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

22 (a) Every domestic corporation or authorized foreign corporation may  
23 designate a registered agent in this state upon whom process against  
24 such corporation may be served. The agent shall be a natural person who  
25 is a resident of or has a business address in this state or a domestic  
26 corporation or foreign corporation of any kind formed[,] or authorized  
27 to do business in this state, under this chapter or under any other  
28 statute of this state, OR A DOMESTIC LIMITED LIABILITY COMPANY OR A  
29 FOREIGN LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS IN THIS  
30 STATE.

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

34 (b) Service of process on the secretary of state as agent of a domes-  
35 tic corporation formed under article four of this chapter or an author-  
36 ized foreign corporation shall be made by MAILING THE PROCESS AND NOTICE  
37 OF SERVICE THEREOF BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH  
38 CORPORATION OR OTHER BUSINESS ENTITY, AT THE POST OFFICE ADDRESS, ON  
39 FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. ON THE SAME  
40 DAY THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND  
41 PROOF OF MAILING SHALL BE personally [delivering] DELIVERED to and  
42 [leaving] LEFT with the secretary of state or his or her deputy, or with  
43 any person authorized by the secretary of state to receive such service,  
44 at the office of the department of state in the city of Albany, [dupli-  
45 cate copies of such process] together with the statutory fee, which fee  
46 shall be a taxable disbursement. PROOF OF MAILING SHALL BE BY AFFIDAVIT  
47 OF COMPLIANCE WITH THIS SECTION. Service of process on such corporation  
48 OR OTHER BUSINESS ENTITY shall be complete when the secretary of state  
49 is so served. [The secretary of state shall promptly send one of such  
50 copies by certified mail, return receipt requested, to such corporation,  
51 at the post office address, on file in the department of state, speci-  
52 fied for the purpose.] If a domestic corporation formed under article  
53 four of this chapter or an authorized foreign corporation has no such  
54 address on file in the department of state, the [secretary of state  
55 shall so mail such] DUPLICATE copy OF THE PROCESS SHALL BE MAILED to

1 such corporation at the address of its office within this state on file  
2 in the department.

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

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

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

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

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

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

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

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

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

35 (b) A certificate of change which changes only the post office address  
36 to which [the secretary of state] A PERSON shall mail a copy of any  
37 process against the corporation served upon [him or] THE SECRETARY OF  
38 STATE AND/OR the address of the registered agent, provided such address  
39 being changed is the address of a person, partnership, LIMITED LIABILITY  
40 COMPANY or other corporation whose address, as agent, is the address to  
41 be changed or who has been designated as registered agent for such  
42 corporation, may be signed and delivered to the department of state by  
43 such agent. The certificate of change shall set forth the statements  
44 required under subparagraphs (1), (2) and (3) of paragraph (a) of this  
45 section; that a notice of the proposed change was mailed to the corpo-  
46 ration by the party signing the certificate not less than thirty days  
47 prior to the date of delivery to the department and that such corpo-  
48 ration has not objected thereto; and that the party signing the certif-  
49 icate is the agent of such corporation to whose address [the secretary  
50 of state] A PERSON is required to mail copies of any process against the  
51 corporation served upon [him] THE SECRETARY OF STATE or the registered  
52 agent, if such be the case. A certificate signed and delivered under  
53 this paragraph shall not be deemed to effect a change of location of the  
54 office of the corporation in whose behalf such certificate is filed.

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

4 (E) 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 paragraph  
6 (b) of section 306 (Service of process), in any action or special  
7 proceeding described in subparagraph (D) and a post office address,  
8 within or without this state, to which [the secretary of state] A PERSON  
9 shall mail a copy of the process in such action or special proceeding  
10 SERVED UPON THE SECRETARY OF STATE.

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

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

20 S 50. Subparagraph 6 of paragraph (a) of section 1304 of the not-for-  
21 profit corporation law, as renumbered by chapter 590 of the laws of  
22 1982, is amended to read as follows:

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

28 S 51. Subparagraph 7 of paragraph (a) of section 1308 of the not-for-  
29 profit corporation law, as renumbered by chapter 186 of the laws of  
30 1983, is amended to read as follows:

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

34 S 52. Subparagraph 2 of paragraph (a) and paragraph (c) of section  
35 1310 of the not-for-profit corporation law, paragraph (c) as amended by  
36 chapter 172 of the laws of 1999, is amended to read as follows:

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

40 (c) A certificate of change of application for authority which changes  
41 only the post office address to which [the secretary of state] A PERSON  
42 shall mail a copy of any process against an authorized foreign corpo-  
43 ration served upon [him or] THE SECRETARY OF STATE AND/OR which changes  
44 the address of its registered agent, provided such address is the  
45 address of a person, partnership, LIMITED LIABILITY COMPANY or other  
46 corporation whose address, as agent, is the address to be changed or who  
47 has been designated as registered agent for such authorized foreign  
48 corporation, may be signed and delivered to the department of state by  
49 such agent. The certificate of change of application for authority shall  
50 set forth the statements required under subparagraphs (1), (2), (3) and  
51 (4) of paragraph (b) of this section; that a notice of the proposed  
52 change was mailed by the party signing the certificate to the authorized  
53 foreign corporation not less than thirty days prior to the date of  
54 delivery to the department and that such corporation has not objected  
55 thereto; and that the party signing the certificate is the agent of such  
56 foreign corporation to whose address [the secretary of state] A PERSON

1 is required to mail copies of process SERVED ON THE SECRETARY OF STATE  
2 or the registered agent, if such be the case. A certificate signed and  
3 delivered under this paragraph shall not be deemed to effect a change of  
4 location of the office of the corporation in whose behalf such certifi-  
5 cate is filed.

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

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

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

15 S 54. Section 1312 of the not-for-profit corporation law, as amended  
16 by chapter 375 of the laws of 1998, is amended to read as follows:  
17 S 1312. Termination of existence.

18 When an authorized foreign corporation is dissolved or its authority  
19 or existence is otherwise terminated or cancelled in the jurisdiction of  
20 its incorporation or when such foreign corporation is merged into or  
21 consolidated with another foreign corporation, a certificate of the  
22 secretary of state, or official performing the equivalent function as to  
23 corporate records, of the jurisdiction of incorporation of such foreign  
24 corporation attesting to the occurrence of any such event or a certified  
25 copy of an order or decree of a court of such jurisdiction directing the  
26 dissolution of such foreign corporation, the termination of its exist-  
27 ence or the cancellation of its authority shall be delivered to the  
28 department of state. The filing of the certificate, order or decree  
29 shall have the same effect as the filing of a certificate of surrender  
30 of authority under section 1311 (Surrender of authority). The secretary  
31 of state shall continue as agent of the foreign corporation upon whom  
32 process against it may be served in the manner set forth in paragraph  
33 (b) of section 306 (Service of process), in any action or special  
34 proceeding based upon any liability or obligation incurred by the  
35 foreign corporation within this state prior to the filing of such  
36 certificate, order or decree and [he] THE PERSON SERVING SUCH PROCESS  
37 shall promptly cause a copy of any such process to be mailed by [regis-  
38 tered] CERTIFIED mail, return receipt requested, to such foreign corpo-  
39 ration at the post office address on file in his office specified for  
40 such purpose. The post office address may be changed by signing and  
41 delivering to the department of state a certificate of change setting  
42 forth the statements required under section 1310 (Certificate of change,  
43 contents) to effect a change in the post office address under subpara-  
44 graph (a) (4) of section 1308 (Amendments or changes).

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

47 (c) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL A  
48 COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS AGENT OF A  
49 DOMESTIC LIMITED PARTNERSHIP OR FOREIGN LIMITED PARTNERSHIP SHALL BE  
50 DEEMED TO BE THE POST OFFICE ADDRESS, WITHIN OR WITHOUT THIS STATE, TO  
51 WHICH A PERSON SHALL MAIL THE PROCESS SERVED AGAINST THE LIMITED PART-  
52 NERSHIP AS REQUIRED BY THIS ARTICLE. Any designated post office address  
53 to which the secretary of state OR A PERSON shall mail a copy of process  
54 served upon [him] THE SECRETARY OF STATE as agent of a domestic limited  
55 partnership or foreign limited partnership shall continue until the



1 filing of a certificate under this article directing the mailing to a  
2 different post office address.

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

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

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

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

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

30 (a) In addition to the designation of the secretary of state, each  
31 limited partnership or authorized foreign limited partnership may desig-  
32 nate a registered agent upon whom process against the limited partner-  
33 ship may be served. The agent must be (i) a natural person who is a  
34 resident of this state or has a business address in this state, [or]  
35 (ii) a domestic corporation or a foreign corporation authorized to do  
36 business in this state, OR A DOMESTIC LIMITED LIABILITY COMPANY OR A  
37 FOREIGN LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS IN THIS  
38 STATE.

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

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

46 (1) By] BY MAILING THE PROCESS AND NOTICE OF SERVICE OF PROCESS PURSU-  
47 ANT TO THIS SECTION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SUCH  
48 DOMESTIC OR AUTHORIZED FOREIGN LIMITED PARTNERSHIP OR OTHER BUSINESS  
49 ENTITY, AT THE POST OFFICE ADDRESS, ON FILE IN THE DEPARTMENT OF STATE,  
50 SPECIFIED FOR THAT PURPOSE. ON THE SAME DAY AS THE PROCESS IS MAILED, A  
51 DUPLICATE COPY OF SUCH PROCESS AND PROOF OF MAILING SHALL BE personally  
52 [delivering] DELIVERED to and [leaving] LEFT with [him or his] THE  
53 SECRETARY OF STATE OR A deputy, or with any person authorized by the  
54 secretary of state to receive such service, at the office of the depart-  
55 ment of state in the city of Albany, [duplicate copies of such process]  
56 together with the statutory fee, which fee shall be a taxable disburse-

1 ment. PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS  
2 SECTION. SERVICE OF PROCESS ON SUCH LIMITED PARTNERSHIP OR OTHER BUSI-  
3 NESS ENTITY SHALL BE COMPLETE WHEN THE SECRETARY OF STATE IS SO SERVED.

4 [(2) The service on the limited partnership is complete when the  
5 secretary of state is so served.]

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

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

19 S 59. Paragraph 3 of subdivision (a) and subparagraph 4 of paragraph  
20 (i) of subdivision (c) of section 121-201 of the partnership law, para-  
21 graph 3 of subdivision (a) as amended by chapter 264 of the laws of  
22 1991, and subparagraph 4 of paragraph (i) of subdivision (c), as amended  
23 by chapter 44 of the laws of 2006, are amended to read as follows:

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

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

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

37 (4) a change in the name of the limited partnership, or a change in  
38 the post office address to which [the secretary of state] A PERSON shall  
39 mail a copy of any process against the limited partnership served on  
40 [him] THE SECRETARY OF STATE, or a change in the name or address of the  
41 registered agent, if such change is made other than pursuant to section  
42 121-104 or 121-105 of this article.

43 S 61. Section 121-202-A of the partnership law, as added by chapter  
44 448 of the laws of 1998, and paragraph 2 of subdivision (a) as amended  
45 by chapter 172 of the laws of 1999, is amended to read as follows:

46 S 121-202-A. Certificate of change. (a) A certificate of limited part-  
47 nership may be changed by filing with the department of state a certif-  
48 icate of change entitled "Certificate of Change of ..... (name of limit-  
49 ed partnership) under Section 121-202-A of the Revised Limited  
50 Partnership Act" and shall be signed and delivered to the department of  
51 state. A certificate of change may (i) specify or change the location of  
52 the limited partnership's office; (ii) specify or change the post office  
53 address to which [the secretary of state] A PERSON shall mail a copy of  
54 process against the limited partnership served upon [him] THE SECRETARY  
55 OF STATE; and (iii) make, revoke or change the designation of a regis-

1 tered agent, or to specify or change the address of its registered  
2 agent. It shall set forth:

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

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

7 (3) each change effected thereby.

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

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

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

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

43 S 63. Section 121-903-A of the partnership law, as added by chapter  
44 448 of the laws of 1998, is amended to read as follows:

45 S 121-903-A. Certificate of change. (a) A foreign limited partnership  
46 may change its application for authority by filing with the department  
47 of state a certificate of change entitled "Certificate of Change  
48 of ..... (name of limited partnership) under Section 121-903-A of the  
49 Revised Limited Partnership Act" and shall be signed and delivered to  
50 the department of state. A certificate of change may (i) change the  
51 location of the limited partnership's office; (ii) change the post  
52 office address to which [the secretary of state] A PERSON shall mail a  
53 copy of process against the limited partnership served upon [him] THE  
54 SECRETARY OF STATE; and (iii) make, revoke or change the designation of  
55 a registered agent, or to specify or change the address of its regis-  
56 tered agent. It shall set forth:

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

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

6 (3) each change effected thereby.

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 foreign limited partnership served upon [him or] THE  
10 SECRETARY OF STATE AND/OR the address of the registered agent, provided  
11 such address being changed is the address of a person, partnership,  
12 LIMITED LIABILITY COMPANY or corporation whose address, as agent, is the  
13 address to be changed or who has been designated as registered agent for  
14 such foreign limited partnership shall be signed and delivered to the  
15 department of state by such agent. The certificate of change shall set  
16 forth the statements required under subdivision (a) of this section;  
17 that a notice of the proposed change was mailed to the foreign limited  
18 partnership by the party signing the certificate not less than thirty  
19 days prior to the date of delivery to the department of state and that  
20 such foreign limited partnership has not objected thereto; and that the  
21 party signing the certificate is the agent of such foreign limited part-  
22 nership to whose address [the secretary of state] A PERSON is required  
23 to mail copies of process SERVED ON THE SECRETARY OF STATE or the regis-  
24 tered agent, if such be the case. A certificate signed and delivered  
25 under this subdivision shall not be deemed to effect a change of  
26 location of the office of the limited partnership in whose behalf such  
27 certificate is filed.

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

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

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

37 (7) A designation of the secretary of state as its agent upon whom  
38 process against it may be served in the manner set forth in section  
39 121-109 of this article in any action or special proceeding, and a post  
40 office address, within or without this state, to which [the secretary of  
41 state] A PERSON shall mail a copy of any process served upon [him] THE  
42 SECRETARY OF STATE. Such post office address shall supersede any prior  
43 address designated as the address to which process shall be mailed.

44 S 66. Subparagraphs 2 and 4 of paragraph (I) of subdivision (a) and  
45 clause 4 of subparagraph (A) of paragraph (II) of section 121-1500 of  
46 the partnership law, subparagraph 2 of paragraph (I) as added by chapter  
47 576 of the laws of 1994, subparagraph 4 of paragraph (I) as amended by  
48 chapter 643 of the laws of 1995 and such paragraph as redesignated by  
49 chapter 767 of the laws of 2005 and clause 4 of subparagraph (A) of  
50 paragraph (II) as amended by chapter 44 of the laws of 2006, are amended  
51 to read as follows:

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

54 (4) a designation of the secretary of state as agent of the partner-  
55 ship without limited partners upon whom process against it may be served  
56 and the post office address, within or without this state, to which the

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

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

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

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

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

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

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

49 (a) In order for a foreign limited liability partnership to carry on  
50 or conduct or transact business or activities as a New York registered  
51 foreign limited liability partnership in this state, such foreign limit-  
52 ed liability partnership shall file with the department of state a  
53 notice which shall set forth: (i) the name under which the foreign  
54 limited liability partnership intends to carry on or conduct or transact  
55 business or activities in this state; (ii) the date on which and the  
56 jurisdiction in which it registered as a limited liability partnership;

1 (iii) the address, WITHIN THIS STATE, of the principal office of the  
2 foreign limited liability partnership; (iv) the profession or  
3 professions to be practiced by such foreign limited liability partner-  
4 ship and a statement that it is a foreign limited liability partnership  
5 eligible to file a notice under this chapter; (v) a designation of the  
6 secretary of state as agent of the foreign limited liability partnership  
7 upon whom process against it may be served and the post office address  
8 within or without this state, to which [the secretary of state] A PERSON  
9 shall mail a copy of any process against it [or] served upon [it] THE  
10 SECRETARY OF STATE; (vi) if the foreign limited liability partnership is  
11 to have a registered agent, its name and address in this state and a  
12 statement that the registered agent is to be the agent of the foreign  
13 limited liability partnership upon whom process against it may be  
14 served; (vii) a statement that its registration as a limited liability  
15 partnership is effective in the jurisdiction in which it registered as a  
16 limited liability partnership at the time of the filing of such notice;  
17 (viii) a statement that the foreign limited liability partnership is  
18 filing a notice in order to obtain status as a New York registered  
19 foreign limited liability partnership; (ix) if the registration of the  
20 foreign limited liability partnership is to be effective on a date later  
21 than the time of filing, the date, not to exceed sixty days from the  
22 date of filing, of such proposed effectiveness; and (x) any other  
23 matters the foreign limited liability partnership determines to include  
24 in the notice. Such notice shall be accompanied by either (1) a copy of  
25 the last registration or renewal registration (or similar filing), if  
26 any, filed by the foreign limited liability partnership with the juris-  
27 diction where it registered as a limited liability partnership or (2) a  
28 certificate, issued by the jurisdiction where it registered as a limited  
29 liability partnership, substantially to the effect that such foreign  
30 limited liability partnership has filed a registration as a limited  
31 liability partnership which is effective on the date of the certificate  
32 (if such registration, renewal registration or certificate is in a  
33 foreign language, a translation thereof under oath of the translator  
34 shall be attached thereto). Such notice shall also be accompanied by a  
35 fee of two hundred fifty dollars.

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

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

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

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

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

1 (i-1) A certificate of change which changes only the post office  
2 address to which [the secretary of state] A PERSON shall mail a copy of  
3 any process against a New York registered foreign limited liability  
4 partnership served upon [him] THE SECRETARY OF STATE AND/or the address  
5 of the registered agent, provided such address being changed is the  
6 address of a person, partnership, LIMITED LIABILITY COMPANY or corpo-  
7 ration whose address, as agent, is the address to be changed or who has  
8 been designated as registered agent of such registered foreign limited  
9 liability partnership shall be signed and delivered to the department of  
10 state by such agent. The certificate of change shall set forth: (i) the  
11 name of the New York registered foreign limited liability partnership;  
12 (ii) the date of filing of its initial registration or notice statement;  
13 (iii) each change effected thereby; (iv) that a notice of the proposed  
14 change was mailed to the limited liability partnership by the party  
15 signing the certificate not less than thirty days prior to the date of  
16 delivery to the department of state and that such limited liability  
17 partnership has not objected thereto; and (v) that the party signing the  
18 certificate is the agent of such limited liability partnership to whose  
19 address [the secretary of state] A PERSON is required to mail copies of  
20 process SERVED ON THE SECRETARY OF STATE or the registered agent, if  
21 such be the case. A certificate signed and delivered under this subdivi-  
22 sion shall not be deemed to effect a change of location of the office of  
23 the limited liability partnership in whose behalf such certificate is  
24 filed. The certificate of change shall be accompanied by a fee of five  
25 dollars.

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

29 (a) Service of process on the secretary of state as agent of a regis-  
30 tered limited liability partnership OR NEW YORK REGISTERED FOREIGN  
31 LIMITED LIABILITY PARTNERSHIP under this article shall be made by MAIL-  
32 ING THE PROCESS AND NOTICE OF SERVICE THEREOF BY CERTIFIED MAIL, RETURN  
33 RECEIPT REQUESTED, TO SUCH REGISTERED LIMITED LIABILITY PARTNERSHIP OR  
34 NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP, AT THE POST  
35 OFFICE ADDRESS ON FILE IN THE DEPARTMENT OF STATE SPECIFIED FOR SUCH  
36 PURPOSE. ON THE SAME DATE THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY  
37 OF SUCH PROCESS AND PROOF OF MAILING TOGETHER WITH THE STATUTORY FEE,  
38 WHICH FEE SHALL BE A TAXABLE DISBURSEMENT SHALL BE personally [deliver-  
39 ing] DELIVERED to and [leaving] LEFT with the secretary of state or a  
40 deputy, or with any person authorized by the secretary of state to  
41 receive such service, at the office of the department of state in the  
42 city of Albany, [duplicate copies of such process] together with the  
43 statutory fee, which fee shall be a taxable disbursement. PROOF OF MAIL-  
44 ING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH THIS SECTION. Service of  
45 process on such registered limited liability partnership OR NEW YORK  
46 REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP shall be complete when  
47 the secretary of state is so served. [The secretary of state shall  
48 promptly send one of such copies by certified mail, return receipt  
49 requested, to such registered limited liability partnership, at the post  
50 office address on file in the department of state specified for such  
51 purpose.]

52 (D) THE DEPARTMENT OF STATE SHALL KEEP A RECORD OF EACH PROCESS SERVED  
53 UPON THE SECRETARY OF STATE UNDER THIS CHAPTER, INCLUDING THE DATE OF  
54 SUCH SERVICE. IT SHALL, UPON REQUEST MADE WITHIN TEN YEARS OF SUCH  
55 SERVICE, ISSUE A CERTIFICATE UNDER ITS SEAL CERTIFYING AS TO THE RECEIPT  
56 OF THE PROCESS BY AN AUTHORIZED PERSON, THE DATE AND PLACE OF SUCH

1 SERVICE AND THE RECEIPT OF THE STATUTORY FEE. PROCESS SERVED UPON THE  
2 SECRETARY OF STATE UNDER THIS CHAPTER SHALL BE DESTROYED BY THE DEPART-  
3 MENT OF STATE AFTER A PERIOD OF TEN YEARS FROM SUCH SERVICE.

4 (E) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE  
5 SHALL MAIL A COPY OF ANY PROCESS SERVED UPON HIM AS AGENT OF A REGIS-  
6 TERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN  
7 LIMITED LIABILITY PARTNERSHIP SHALL BE DEEMED TO BE THE POST OFFICE  
8 ADDRESS TO WHICH A PERSON SHALL MAIL THE PROCESS SERVED AGAINST THE  
9 REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGISTERED FOREIGN  
10 LIMITED LIABILITY PARTNERSHIP PURSUANT TO THIS ARTICLE.

11 (F) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE  
12 OR A PERSON SHALL MAIL ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS  
13 AGENT OF A REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK REGIS-  
14 TERED FOREIGN LIMITED LIABILITY PARTNERSHIP SHALL CONTINUE UNTIL THE  
15 FILING OF A CERTIFICATE UNDER THIS CHAPTER DIRECTING THE MAILING TO A  
16 DIFFERENT POST OFFICE ADDRESS.

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

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

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

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

33 (3) That sixty days prior to the filing of the certificate of resigna-  
34 tion with the department of state the party has sent a copy of the  
35 certificate of resignation for receipt of process by registered or  
36 certified mail to the address of the registered agent of the [desig-  
37 nated] DESIGNATING limited liability partnership, if other than the  
38 party filing the certificate of resignation, for receipt of process, or  
39 if the [resigning] DESIGNATING limited liability partnership has no  
40 registered agent, then to the last address of the [designated] DESIGNAT-  
41 ING limited liability partnership, known to the party, specifying the  
42 address to which the copy was sent. If there is no registered agent and  
43 no known address of the designating limited liability partnership the  
44 party shall attach an affidavit to the certificate stating that a dili-  
45 gent but unsuccessful search was made by the party to locate the limited  
46 liability partnership, specifying what efforts were made.

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

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

55 (16) A designation of the secretary of state as agent of the corpo-  
56 ration upon whom process against it may be served and the post office



1 address, within or without this state, to which [the secretary of state]  
2 A PERSON shall mail a copy of any process against it served upon [him]  
3 THE SECRETARY OF STATE.

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

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

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

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

20 (C) SERVICE OF PROCESS ON THE SECRETARY OF STATE AS AGENT OF A BOARD  
21 OF MANAGERS SHALL BE MADE BY MAILING THE PROCESS AND NOTICE OF SERVICE  
22 OF PROCESS PURSUANT TO THIS SECTION BY CERTIFIED MAIL, RETURN RECEIPT  
23 REQUESTED, TO SUCH BOARD OF MANAGERS, AT THE POST OFFICE ADDRESS, ON  
24 FILE IN THE DEPARTMENT OF STATE, SPECIFIED FOR THIS PURPOSE. ON THE SAME  
25 DAY THAT SUCH PROCESS IS MAILED, A DUPLICATE COPY OF SUCH PROCESS AND  
26 PROOF OF MAILING SHALL BE PERSONALLY DELIVERED TO AND LEFT WITH THE  
27 SECRETARY OF STATE OR A DEPUTY, OR WITH ANY PERSON AUTHORIZED BY THE  
28 SECRETARY OF STATE TO RECEIVE SUCH SERVICE, AT THE OFFICE OF THE DEPART-  
29 MENT OF STATE IN THE CITY OF ALBANY, A DUPLICATE COPY OF SUCH PROCESS  
30 WITH PROOF OF MAILING TOGETHER WITH THE STATUTORY FEE, WHICH SHALL BE A  
31 TAXABLE DISBURSEMENT. PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLI-  
32 ANCE WITH THIS SECTION. SERVICE OF PROCESS ON A BOARD OF MANAGERS SHALL  
33 BE COMPLETE WHEN THE SECRETARY OF STATE IS SO SERVED.

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

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

43 (F) THE DEPARTMENT OF STATE SHALL KEEP A RECORD OF EACH PROCESS SERVED  
44 UNDER THIS SECTION, INCLUDING THE DATE OF SERVICE. IT SHALL, UPON  
45 REQUEST, MADE WITHIN TEN YEARS OF SUCH SERVICE, ISSUE A CERTIFICATE  
46 UNDER ITS SEAL CERTIFYING AS TO THE RECEIPT OF PROCESS BY AN AUTHORIZED  
47 PERSON, THE DATE AND PLACE OF SUCH SERVICE AND THE RECEIPT OF THE STATU-  
48 TORY FEE. PROCESS SERVED ON THE SECRETARY OF STATE UNDER THIS SECTION  
49 SHALL BE DESTROYED BY THE DEPARTMENT OF STATE AFTER A PERIOD OF TEN  
50 YEARS FROM SUCH SERVICE.

51 (G) ANY DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE  
52 SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF STATE AS  
53 AGENT OF THE BOARD OF MANAGERS FILED WITH THE DEPARTMENT OF STATE PURSU-  
54 ANT TO THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL  
55 BE DEEMED TO BE THE POST OFFICE ADDRESS TO WHICH A PERSON SHALL MAIL THE  
56 PROCESS AGAINST THE BOARD OF MANAGERS PURSUANT TO THIS ARTICLE. ANY

1 DESIGNATED POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE OR A  
2 PERSON SHALL MAIL A COPY OF ANY PROCESS SERVED UPON THE SECRETARY OF  
3 STATE AS AGENT OF A BOARD OF MANAGERS, SHALL CONTINUE UNTIL THE FILING  
4 OF A CERTIFICATE UNDER THIS CHAPTER DIRECTING THE MAILING TO A DIFFERENT  
5 POST OFFICE ADDRESS.

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

9 3. Service of such process upon the secretary of state shall be made  
10 by personally delivering to and leaving with [him or his] THE SECRETARY  
11 OF STATE OR A deputy, or with any person authorized by the secretary of  
12 state to receive such service, at the office of the department of state  
13 in the city of Albany, [duplicate copies] A COPY of such process AND  
14 PROOF OF MAILING together with a fee of five dollars if the action is  
15 solely for the recovery of a sum of money not in excess of two hundred  
16 dollars and the process is so endorsed, and a fee of ten dollars in any  
17 other action or proceeding, which fee shall be a taxable disbursement.  
18 If such process is served upon behalf of a county, city, town or  
19 village, or other political subdivision of the state, the fee to be paid  
20 to the secretary of state shall be five dollars, irrespective of the  
21 amount involved or the nature of the action on account of which such  
22 service of process is made. [If the cost of registered mail for trans-  
23 mitting a copy of the process shall exceed two dollars, an additional  
24 fee equal to such excess shall be paid at the time of the service of  
25 such process.] PROOF OF MAILING SHALL BE BY AFFIDAVIT OF COMPLIANCE WITH  
26 THIS SECTION. Proof of service shall be by affidavit of compliance with  
27 this subdivision filed by or on behalf of the plaintiff together with  
28 the process, within ten days after such service, with the clerk of the  
29 court in which the action or special proceeding is pending. Service  
30 made as provided in this section shall be complete ten days after such  
31 papers are filed with the clerk of the court and shall have the same  
32 force and validity as if served on him personally within the state and  
33 within the territorial jurisdiction of the court from which the process  
34 issues.

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

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

42 2. Every foreign corporation (other than a moneyed corporation)  
43 subject to the provisions of this article, except a corporation having a  
44 certificate of authority [under section two hundred twelve of the gener-  
45 al corporation law] or having authority to do business by virtue of  
46 section thirteen hundred five of the business corporation law, shall  
47 file in the department of state a certificate of designation in its  
48 corporate name, signed and acknowledged by its president or a vice-pre-  
49 sident or its secretary or treasurer, under its corporate seal, desig-  
50 nating the secretary of state as its agent upon whom process in any  
51 action provided for by this article may be served within this state, and  
52 setting forth an address to which [the secretary of state] A PERSON  
53 shall mail a copy of any such process against the corporation which may  
54 be served upon [him] THE SECRETARY OF STATE. In case any such corpo-  
55 ration shall have failed to file such certificate of designation, it  
56 shall be deemed to have designated the secretary of state as its agent

1 upon whom such process against it may be served; and until a certificate  
2 of designation shall have been filed the corporation shall be deemed to  
3 have directed [the secretary of state] A PERSON SERVING PROCESS to mail  
4 copies of process served upon [him] THE SECRETARY OF STATE to the corpo-  
5 ration at its last known office address within or without the state.  
6 When a certificate of designation has been filed by such corporation  
7 [the secretary of state] A PERSON SERVING PROCESS shall mail copies of  
8 process thereafter served upon [him] THE SECRETARY OF STATE to the  
9 address set forth in such certificate. Any such corporation, from time  
10 to time, may change the address to which [the secretary of state] A  
11 PERSON is directed to mail copies of process, by filing a certificate to  
12 that effect executed, signed and acknowledged in like manner as a  
13 certificate of designation as herein provided. Service of process upon  
14 any such corporation or upon any corporation having a certificate of  
15 authority [under section two hundred twelve of the general corporation  
16 law] or having authority to do business by virtue of section thirteen  
17 hundred five of the business corporation law, in any action commenced at  
18 any time pursuant to the provisions of this article, may be made by  
19 either (1) personally delivering to and leaving with the secretary of  
20 state, a deputy secretary of state or with any person authorized by the  
21 secretary of state to receive such service [duplicate copies] A COPY  
22 thereof at the office of the department of state in the city of Albany,  
23 in which event [the secretary of state] A PERSON SERVING SUCH PROCESS  
24 shall forthwith send by [registered] CERTIFIED mail, return receipt  
25 requested, [one of such copies] A DUPLICATE COPY to the corporation at  
26 the address designated by it or at its last known office address within  
27 or without the state, or (2) personally delivering to and leaving with  
28 the secretary of state, a deputy secretary of state or with any person  
29 authorized by the secretary of state to receive such service, a copy  
30 thereof at the office of the department of state in the city of Albany  
31 and by delivering a copy thereof to, and leaving such copy with, the  
32 president, vice-president, secretary, assistant secretary, treasurer,  
33 assistant treasurer, or cashier of such corporation, or the officer  
34 performing corresponding functions under another name, or a director or  
35 managing agent of such corporation, personally without the state. Proof  
36 of such personal service without the state shall be filed with the clerk  
37 of the court in which the action is pending within thirty days after  
38 such service, and such service shall be complete ten days after proof  
39 thereof is filed.

40 S 80. Section 216 of the tax law, as added by chapter 415 of the laws  
41 of 1944, the opening paragraph as amended by chapter 100 of the laws of  
42 1964 and redesignated by chapter 613 of the laws of 1976, is amended to  
43 read as follows:

44 S 216. Collection of taxes. Every foreign corporation (other than a  
45 moneyed corporation) subject to the provisions of this article, except a  
46 corporation having a certificate of authority [under section two hundred  
47 twelve of the general corporation law] or having authority to do busi-  
48 ness by virtue of section thirteen hundred five of the business corpo-  
49 ration law, shall file in the department of state a certificate of  
50 designation in its corporate name, signed and acknowledged by its presi-  
51 dent or a vice-president or its secretary or treasurer, under its corpo-  
52 rate seal, designating the secretary of state as its agent upon whom  
53 process in any action provided for by this article may be served within  
54 this state, and setting forth an address to which [the secretary of  
55 state] A PERSON shall mail a copy of any such process against the corpo-  
56 ration which may be served upon him. In case any such corporation shall

1 have failed to file such certificate of designation, it shall be deemed  
2 to have designated the secretary of state as its agent upon whom such  
3 process against it may be served; and until a certificate of designation  
4 shall have been filed the corporation shall be deemed to have directed  
5 [the secretary of state] A PERSON to mail [copies] A COPY of process  
6 served upon [him] THE SECRETARY OF STATE to the corporation at its last  
7 known office address within or without the state. When a certificate of  
8 designation has been filed by such corporation [the secretary of state]  
9 A PERSON SERVING SUCH PROCESS shall mail [copies] A COPY of process  
10 thereafter served upon [him] PERSON SERVING SUCH PROCESS to the address  
11 set forth in such certificate. Any such corporation, from time to time,  
12 may change the address to which [the secretary of state] PERSON is  
13 directed to mail copies of process, by filing a certificate to that  
14 effect executed, signed and acknowledged in like manner as a certificate  
15 of designation as herein provided. Service of process upon any such  
16 corporation or upon any corporation having a certificate of authority  
17 [under section two hundred twelve of the general corporation law] or  
18 having authority to do business by virtue of section thirteen hundred  
19 five of the business corporation law, in any action commenced at any  
20 time pursuant to the provisions of this article, may be made by either  
21 (1) personally delivering to and leaving with the secretary of state, a  
22 deputy secretary of state or with any person authorized by the secretary  
23 of state to receive such service [duplicate copies] A COPY thereof at  
24 the office of the department of state in the city of Albany, in which  
25 event [the secretary of state] A PERSON SERVING SUCH PROCESS shall  
26 forthwith send by [registered] CERTIFIED mail, return receipt requested,  
27 [one of such copies] A DUPLICATE COPY to the corporation at the address  
28 designated by it or at its last known office address within or without  
29 the state, or (2) personally delivering to and leaving with the secre-  
30 tary of state, a deputy secretary of state or with any person authorized  
31 by the secretary of state to receive such service, a copy thereof at the  
32 office of the department of state in the city of Albany and by deliver-  
33 ing a copy thereof to, and leaving such copy with, the president, vice-  
34 president, secretary, assistant secretary, treasurer, assistant treasur-  
35 er, or cashier of such corporation, or the officer performing  
36 corresponding functions under another name, or a director or managing  
37 agent of such corporation, personally without the state. Proof of such  
38 personal service without the state shall be filed with the clerk of the  
39 court in which the action is pending within thirty days after such  
40 service, and such service shall be complete ten days after proof thereof  
41 is filed.

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

44 (a) Designation for service of process.--Every petroleum business  
45 which is a corporation, except such a petroleum business having a  
46 certificate of authority [under section two hundred twelve of the gener-  
47 al corporation law] or having authority to do business by virtue of  
48 section thirteen hundred five of the business corporation law, shall  
49 file in the department of state a certificate of designation in its  
50 corporate name, signed and acknowledged by its president or vice-presi-  
51 dent or its secretary or treasurer, under its corporate seal, designat-  
52 ing the secretary of state as its agent upon whom process in any action  
53 provided for by this article may be served within this state, and  
54 setting forth an address to which [the secretary of state] A PERSON  
55 shall mail a copy of any such process against such petroleum business  
56 which may be served upon [him] THE SECRETARY OF STATE. In case any such

1 petroleum business shall have failed to file such certificate of design-  
2 nation, it shall be deemed to have designated the secretary of state as  
3 its agent upon whom such process against it may be served; and until a  
4 certificate of designation shall have been filed such a petroleum busi-  
5 ness shall be deemed to have directed [the secretary of state] A PERSON  
6 to mail copies of process served upon [him] THE SECRETARY OF STATE to  
7 such petroleum business at its last known office address within or with-  
8 out the state. When a certificate of designation has been filed by such  
9 a petroleum business [the secretary of state] A PERSON SERVING PROCESS  
10 shall mail copies of process thereafter served upon [him] THE SECRETARY  
11 OF STATE to the address set forth in such certificate. Any such petrole-  
12 um business, from time to time, may change the address to which [the  
13 secretary of state] A PERSON is directed to mail copies of process, by  
14 filing a certificate to that effect executed, signed and acknowledged in  
15 like manner as a certificate of designation as herein provided.

16 (b) Service of process.--Service of process upon any petroleum busi-  
17 ness which is a corporation (including any such petroleum business  
18 having a certificate of authority [under section two hundred twelve of  
19 the general corporation law] or having authority to do business by  
20 virtue of section thirteen hundred five of the business corporation  
21 law), in any action commenced at any time pursuant to the provisions of  
22 this article, may be made by either (1) personally delivering to and  
23 leaving with the secretary of state, a deputy secretary of state or with  
24 any person authorized by the secretary of state to receive such service  
25 [duplicate copies] A COPY thereof at the office of the department of  
26 state in the city of Albany, in which event [the secretary of state] A  
27 PERSON SERVING PROCESS shall forthwith send by [registered] CERTIFIED  
28 mail, return receipt requested, [one of such copies] A DUPLICATE COPY to  
29 such petroleum business at the address designated by it or at its last  
30 known office address within or without the state, or (2) personally  
31 delivering to and leaving with the secretary of state, a deputy secre-  
32 tary of state or with any person authorized by the secretary of state to  
33 receive such service, a copy thereof at the office of the department of  
34 state in the city of Albany and by delivering a copy thereof to, and  
35 leaving such copy with, the president, vice-president, secretary,  
36 assistant secretary, treasurer, assistant treasurer, or cashier of such  
37 petroleum business, or the officer performing corresponding functions  
38 under another name, or a director or managing agent of such petroleum  
39 business, personally without the state. Proof of such personal service  
40 without the state shall be filed with the clerk of the court in which  
41 the action is pending within thirty days after such service, and such  
42 service shall be complete ten days after proof thereof is filed.

43 S 82. This act shall take effect on the one hundred twentieth day  
44 after it shall have become a law.

45

## PART O

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

48 S 2. Article 40 and sections 900 and 901 of the general business law,  
49 as renumbered by chapter 407 of the laws of 1973, are renumbered article  
50 43 and sections 1200 and 1201, respectively, and a new article 41 is  
51 added to read as follows:

52

## ARTICLE 41

53

## COMBATIVE SPORTS

54

SECTION 1000. DEFINITIONS.

- 1 1001. COMBATIVE SPORTS AUTHORIZED.
- 2 1002. COMBATIVE SPORTS PROHIBITED.
- 3 1003. STATE ATHLETIC COMMISSION.
- 4 1004. JURISDICTION OF THE COMMISSION.
- 5 1005. OFFICERS AND EMPLOYEES OF THE COMMISSION.
- 6 1006. SANCTIONING ENTITIES.
- 7 1007. LICENSES; GENERAL PROVISIONS.
- 8 1008. LICENSES; JUDGES.
- 9 1009. LICENSES; ENTITIES.
- 10 1010. LICENSES; PROFESSIONALS.
- 11 1011. TEMPORARY WORKING PERMITS.
- 12 1012. TEMPORARY TRAINING FACILITIES.
- 13 1013. MEDICAL ADVISORY BOARD.
- 14 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.
- 15 1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.
- 16 1016. REQUIRED FILINGS.
- 17 1017. PROFESSIONAL WRESTLING; PROMOTERS.
- 18 1018. PROHIBITED CONDUCT.
- 19 1019. PENALTIES.
- 20 1020. SUBPOENAS BY COMMISSION; OATHS.
- 21 1021. EXCEPTIONS.
- 22 1022. DISPOSITION OF RECEIPTS.

23 S 1000. DEFINITIONS. AS USED IN THIS ARTICLE: 1. "AMATEUR" MEANS ANY  
24 PARTICIPANT IN A COMBATIVE SPORT AUTHORIZED PURSUANT TO THIS ARTICLE WHO  
25 IS NOT RECEIVING OR COMPETING FOR, AND WHO HAS NEVER RECEIVED OR  
26 COMPETED FOR, ANY PURSE, MONEY, PRIZE, PECUNIARY GAIN, OR OTHER THING OF  
27 VALUE EXCEEDING SEVENTY-FIVE DOLLARS OR THE ALLOWABLE AMOUNT ESTABLISHED  
28 BY THE AUTHORIZED AMATEUR SANCTIONING ENTITY OVERSEEING THE COMPETITION.

29 2. "AUTHORIZED SANCTIONING ENTITY" MEANS AN ENTITY ALLOWED TO OVERSEE  
30 AND CONDUCT COMBATIVE SPORTS PURSUANT TO REGULATIONS PROMULGATED BY THE  
31 COMMISSION.

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

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

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

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

49 S 1001. COMBATIVE SPORTS AUTHORIZED. COMBATIVE SPORTS CONDUCTED UNDER  
50 THE SUPERVISION OF THE COMMISSION, UNDER THE SUPERVISION OF AN AUTHOR-  
51 IZED SANCTIONING ENTITY, OR AS PROVIDED FOR IN SECTION ONE THOUSAND  
52 TWENTY-ONE OF THIS ARTICLE, ARE HEREBY AUTHORIZED. AUTHORIZED COMBATIVE  
53 SPORTS INCLUDE, AMATEUR AND PROFESSIONAL BOXING, WRESTLING, SPARRING,  
54 KICK BOXING, SINGLE DISCIPLINE MARTIAL ARTS AND MIXED MARTIAL ARTS,  
55 PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

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

4 2. A PERSON ADVANCES A PROHIBITED COMBATIVE SPORT WHEN, ACTING OTHER  
5 THAN AS A SPECTATOR, HE OR SHE ENGAGES IN CONDUCT WHICH MATERIALLY AIDS  
6 ANY UNAUTHORIZED COMBATIVE SPORT. SUCH CONDUCT INCLUDES BUT IS NOT  
7 LIMITED TO CONDUCT DIRECTED TOWARD THE CREATION, ESTABLISHMENT OR  
8 PERFORMANCE OF A PROHIBITED COMBATIVE SPORT, TOWARD THE ACQUISITION OR  
9 MAINTENANCE OF PREMISES, PARAPHERNALIA, EQUIPMENT OR APPARATUS THEREFOR,  
10 TOWARD THE SOLICITATION OR INDUCEMENT OF PERSONS TO ATTEND OR PARTIC-  
11 IPATE THEREIN, TOWARD THE ACTUAL CONDUCT OF THE PERFORMANCE THEREOF,  
12 TOWARD THE ARRANGEMENT OF ANY OF ITS FINANCIAL OR PROMOTIONAL PHASES, OR  
13 TOWARD ANY OTHER PHASE OF A PROHIBITED COMBATIVE SPORT. ONE ADVANCES A  
14 PROHIBITED COMBATIVE SPORT WHEN, HAVING SUBSTANTIAL PROPRIETARY OR OTHER  
15 AUTHORITATIVE CONTROL OVER PREMISES BEING USED WITH HIS OR HER KNOWLEDGE  
16 FOR PURPOSES OF A PROHIBITED COMBATIVE SPORT, HE OR SHE PERMITS SUCH TO  
17 OCCUR OR CONTINUE OR MAKES NO EFFORT TO PREVENT ITS OCCURRENCE OR  
18 CONTINUATION.

19 3. A PERSON PROFITS FROM A PROHIBITED COMBATIVE SPORT WHEN HE OR SHE  
20 ACCEPTS OR RECEIVES MONEY OR OTHER PROPERTY WITH INTENT TO PARTICIPATE  
21 IN THE PROCEEDS OF A PROHIBITED COMBATIVE SPORT, OR PURSUANT TO AN  
22 AGREEMENT OR UNDERSTANDING WITH ANY PERSON WHEREBY HE OR SHE PARTIC-  
23 IPATES OR IS TO PARTICIPATE IN THE PROCEEDS OF A PROHIBITED COMBATIVE  
24 SPORT.

25 S 1003. STATE ATHLETIC COMMISSION. 1. THE STATE ATHLETIC COMMISSION,  
26 AS NAMED BY CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED  
27 TWENTY, AS AMENDED BY CHAPTER SIX HUNDRED THREE OF THE LAWS OF NINETEEN  
28 HUNDRED EIGHTY-ONE, IS CONTINUED AS A DIVISION OF THE DEPARTMENT OF  
29 STATE. THE COMMISSION SHALL ACT IN THE BEST INTERESTS OF COMBATIVE  
30 SPORTS. THE COMMISSION IS ENACTED TO PROTECT THE HEALTH, SAFETY AND  
31 GENERAL WELFARE OF ALL PARTICIPANTS IN COMBATIVE SPORTS AND SPECTATORS  
32 THEREOF, TO PRESERVE THE INTEGRITY OF COMBATIVE SPORTS THROUGH THE MEANS  
33 OF LICENSING, OVERSIGHT, ENFORCEMENT AND THE AUTHORIZATION OF SANCTION-  
34 ING ENTITIES, AND TO FACILITATE THE DEVELOPMENT AND RESPONSIBLE CONDUCT  
35 OF COMBATIVE SPORTS THROUGHOUT THE ENTIRE STATE. THE COMMISSION SHALL  
36 CONSIST OF FIVE MEMBERS WHO SHALL BE APPOINTED BY THE GOVERNOR BY AND  
37 WITH THE ADVICE AND CONSENT OF THE SENATE. THE GOVERNOR SHALL DESIGNATE  
38 ONE OF THE MEMBERS AS CHAIRPERSON OF THE COMMISSION. THE MEMBERS OF THE  
39 COMMISSION SHALL BE APPOINTED FOR TERMS OF THREE YEARS. ANY VACANCY IN  
40 THE MEMBERSHIP OF THE COMMISSION CAUSED OTHERWISE THAN BY EXPIRATION OF  
41 TERM SHALL BE FILLED ONLY FOR THE BALANCE OF THE TERM OF THE MEMBER IN  
42 WHOSE POSITION THE VACANCY OCCURS.

43 2. THE COMMISSIONERS SHALL BE PAID THEIR ACTUAL AND NECESSARY TRAVEL-  
44 ING AND OTHER EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR  
45 OFFICIAL DUTIES. THE MEMBERS OF THE COMMISSION SHALL ADOPT A SEAL FOR  
46 THE COMMISSION, AND MAKE SUCH RULES FOR THE ADMINISTRATION OF THEIR  
47 OFFICE, NOT INCONSISTENT HERewith, AS THEY MAY DEEM EXPEDIENT; AND THEY  
48 MAY AMEND OR ABROGATE SUCH RULES. THREE OF THE MEMBERS OF THE COMMISSION  
49 SHALL CONSTITUTE A QUORUM TO DO BUSINESS; AND THE CONCURRENCE OF A  
50 MAJORITY OF THE COMMISSIONERS PRESENT SHALL BE NECESSARY TO RENDER A  
51 DETERMINATION BY THE COMMISSION. THE COMMISSION IS VESTED WITH THE  
52 AUTHORITY TO ADOPT SUCH RULES AND REGULATIONS AS NECESSARY TO EFFECTUATE  
53 THE PROVISIONS OF THIS ARTICLE.

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

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

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

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

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

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

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

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

18 S 1006. SANCTIONING ENTITIES. 1. THE COMMISSION SHALL PROMULGATE REGU-  
19 LATIONS ESTABLISHING A PROCESS BY WHICH ENTITIES MAY BE RECOGNIZED AND  
20 APPROVED BY THE COMMISSION AS AUTHORIZED SANCTIONING ENTITIES FOR A  
21 PERIOD OF TIME TO BE ESTABLISHED BY THE COMMISSION, DURING WHICH THE  
22 ENTITY WILL BE ALLOWED TO OVERSEE AND CONDUCT COMBATIVE SPORTS WITHIN  
23 THE STATE OF NEW YORK. THE COMMISSION MAY, IN ITS REASONABLE DISCRETION,  
24 LIMIT THE SCOPE OF ANY RECOGNITION AND APPROVAL OF A SANCTIONING ENTITY  
25 TO THE OVERSIGHT AND CONDUCT OF ONE OR MORE SPECIFIC COMBAT DISCIPLINES,  
26 AMATEUR OR PROFESSIONAL COMBATIVE SPORTS, OR TO ANY COMBINATION OF THE  
27 FOREGOING BASED ON THE QUALIFICATIONS, INTEGRITY AND HISTORY OF THE  
28 ENTITY SEEKING AUTHORIZATION AS A SANCTIONING ENTITY.

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

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

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

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

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

39 S 1007. LICENSES; GENERAL PROVISIONS. 1. EXCEPT AS OTHERWISE PROVIDED  
40 IN SECTIONS ONE THOUSAND SIX, ONE THOUSAND ELEVEN, AND ONE THOUSAND  
41 SEVENTEEN OF THIS ARTICLE, WITH RESPECT TO ALL AUTHORIZED PROFESSIONAL  
42 COMBATIVE SPORTS IN THIS STATE, ALL CORPORATIONS, ENTITIES, PERSONS,  
43 REFEREES, JUDGES, MATCH-MAKERS, TIMEKEEPERS, PROFESSIONALS, AND THEIR  
44 MANAGERS, TRAINERS, AND SECONDS SHALL BE LICENSED BY THE COMMISSION. NO  
45 SUCH CORPORATION, ENTITY OR PERSON SHALL BE PERMITTED TO PARTICIPATE,  
46 EITHER DIRECTLY OR INDIRECTLY, IN ANY AUTHORIZED PROFESSIONAL COMBATIVE  
47 SPORT, OR THE HOLDING THEREOF, OR THE OPERATION OF ANY TRAINING FACILITY  
48 PROVIDING CONTACT SPARRING MAINTAINED EITHER EXCLUSIVELY OR IN PART FOR  
49 THE USE OF PROFESSIONAL BOXERS OR PROFESSIONAL MIXED MARTIAL ARTS  
50 PARTICIPANTS, UNLESS SUCH CORPORATION OR PERSONS SHALL HAVE FIRST  
51 PROCURED A LICENSE FROM THE COMMISSION. THE COMMISSION SHALL ESTABLISH  
52 BY RULE AND REGULATION LICENSING STANDARDS FOR ALL LICENSEES.

53 2. EVERY APPLICATION FOR A LICENSE SHALL BE IN A FORM PRESCRIBED BY  
54 THE COMMISSION, SHALL BE ADDRESSED TO THE COMMISSION, SHALL BE  
55 SUBSCRIBED BY THE APPLICANT, AND AFFIRMED BY HIM OR HER AS TRUE UNDER  
56 THE PENALTIES OF PERJURY, AND SHALL SET FORTH SUCH FACTS AS THE



1 PROVISIONS HEREOF AND THE RULES AND REGULATIONS OF THE COMMISSION MAY  
2 REQUIRE.

3 3. (A) THE COMMISSION SHALL ESTABLISH REASONABLE FEES, TERMS AND  
4 RENEWAL TERMS FOR LICENSES, PERMITS AND OTHER AUTHORIZATIONS ISSUED  
5 PURSUANT TO THIS ARTICLE, PROVIDED, HOWEVER, THAT ALL TERMS, RENEWAL  
6 TERMS AND FEES IN EFFECT PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE  
7 LAWS OF NINETEEN HUNDRED TWENTY, AND ANY SUBSEQUENT AMENDMENTS THERETO,  
8 IMMEDIATELY PRIOR TO THE ENACTMENT OF THIS ARTICLE, SHALL REMAIN FIXED  
9 AT THEIR PRIOR STATUTORY LEVELS FOR A PERIOD OF TWO YEARS FROM ENACTMENT  
10 OF THIS ARTICLE. THE COMMISSION SHALL PUBLISH ALL FEES, INCLUDING THE  
11 AFOREMENTIONED, IN A SINGLE LOCATION ON ITS WEBSITE. ALL FEES SET BY THE  
12 COMMISSION PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE APPROVAL OF  
13 THE DIRECTOR OF THE BUDGET.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 4. EACH PERSON SEEKING A LICENSE TO JUDGE AUTHORIZED PROFESSIONAL  
21 COMBATIVE SPORTS IN THE STATE SHALL BE REQUIRED TO FILL OUT A FINANCIAL  
22 QUESTIONNAIRE CERTIFYING UNDER PENALTY OF PERJURY FULL DISCLOSURE OF THE  
23 JUDGE'S FINANCIAL SITUATION ON A QUESTIONNAIRE TO BE PROMULGATED BY THE  
24 COMMISSION. SUCH QUESTIONNAIRE SHALL BE IN A FORM AND MANNER APPROVED  
25 BY THE COMMISSION AND SHALL PROVIDE INFORMATION AS TO AREAS OF ACTUAL OR  
26 POTENTIAL CONFLICT OF INTEREST AS WELL AS APPEARANCES OF SUCH CONFLICTS,  
27 INCLUDING FINANCIAL RESPONSIBILITY. WITHIN FORTY-EIGHT HOURS OF ANY  
28 MATCH, EACH JUDGE OF A PROFESSIONAL COMBATIVE SPORT SHALL FILE WITH THE  
29 COMMISSION A FINANCIAL DISCLOSURE STATEMENT IN SUCH FORM AND MANNER AS  
30 SHALL BE ACCEPTABLE TO THE COMMISSION.

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

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

42 (C) UPON WRITTEN APPLICATION THE COMMISSION MAY GRANT TO ANY ENTITY  
43 HOLDING A LICENSE ISSUED HEREUNDER, THE PRIVILEGE OF HOLDING SUCH A  
44 MATCH OR EXHIBITION ON A SPECIFIED DATE IN OTHER PREMISES, OR IN ANOTHER  
45 LOCATION, THAN THE PREMISES OR LOCATION PREVIOUSLY APPROVED BY THE  
46 COMMISSION, SUBJECT HOWEVER TO APPROVAL OF THE COMMISSION AND THE RULES  
47 AND REGULATIONS OF THE COMMISSION.

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

54 (I) FIRST AID MATERIALS TO BE STORED IN AN ACCESSIBLE LOCATION ON THE  
55 PREMISES AND FOR THE PRESENCE ON THE PREMISES OF A PERSON TRAINED AND  
56 CERTIFIED IN THE USE OF SUCH MATERIALS AND PROCEDURES FOR CARDIO-PULMO-

1 NARY RESUSCITATION AT ALL TIMES DURING WHICH THE FACILITY IS OPEN FOR  
2 TRAINING PURPOSES;

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

4 (III) ADEQUATE VENTILATION AND LIGHTING OF ACCESSIBLE AREAS OF THE  
5 TRAINING FACILITY;

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

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

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

12 (VII) ESTABLISHMENT OF A POLICY FOR POSTING ALL COMMISSION LICENSE  
13 SUSPENSIONS AND LICENSE REVOCATIONS RECEIVED FROM THE COMMISSION INCLUD-  
14 ING PROVISIONS FOR ENFORCEMENT OF SUCH SUSPENSIONS AND REVOCATIONS BY  
15 THE FACILITY OPERATOR.

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

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

25 2. ANY PROFESSIONAL APPLYING FOR A LICENSE OR RENEWAL OF A LICENSE TO  
26 PARTICIPATE IN COMBATIVE SPORTS UNDER THIS ARTICLE SHALL UNDERGO A  
27 COMPREHENSIVE PHYSICAL EXAMINATION INCLUDING CLINICAL NEUROLOGICAL EXAM-  
28 INATIONS BY A PHYSICIAN APPROVED BY THE COMMISSION. IF, AT THE TIME OF  
29 SUCH EXAMINATION, THERE IS ANY INDICATION OF BRAIN INJURY, OR FOR ANY  
30 OTHER REASON THE PHYSICIAN DEEMS IT APPROPRIATE, THE PROFESSIONAL SHALL  
31 BE REQUIRED TO UNDERGO FURTHER NEUROLOGICAL EXAMINATIONS BY A NEUROLO-  
32 GIST INCLUDING MAGNETIC RESONANCE IMAGING OR OTHER MEDICALLY EQUIVALENT  
33 PROCEDURES. THE COMMISSION SHALL NOT ISSUE A LICENSE TO A PROFESSIONAL  
34 UNTIL SUCH EXAMINATIONS ARE COMPLETED AND REVIEWED BY THE COMMISSION.  
35 THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART  
36 OF THE PROFESSIONAL'S PERMANENT MEDICAL RECORD AS MAINTAINED BY THE  
37 COMMISSION. THE COSTS OF ALL SUCH EXAMINATIONS SHALL BE ASSUMED BY THE  
38 APPLICANT OR PROMOTER WITH WHICH THE PROFESSIONAL BOXER OR MIXED MARTIAL  
39 ARTS PARTICIPANT IS AFFILIATED, REGARDLESS OF PROVIDER.

40 3. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE SHALL, AS A CONDITION  
41 OF LICENSURE, WAIVE RIGHT OF CONFIDENTIALITY OF MEDICAL RECORDS RELATING  
42 TO TREATMENT OF ANY PHYSICAL CONDITION WHICH RELATES TO HIS OR HER ABIL-  
43 ITY TO FIGHT. ALL MEDICAL REPORTS SUBMITTED TO, AND ALL MEDICAL RECORDS  
44 OF THE MEDICAL ADVISORY BOARD OR THE COMMISSION RELATIVE TO THE PHYSICAL  
45 EXAMINATION OR CONDITION OF PROFESSIONALS SHALL BE CONSIDERED CONFIDEN-  
46 TIAL, AND SHALL BE OPEN TO EXAMINATION ONLY TO THE COMMISSION OR ITS  
47 AUTHORIZED REPRESENTATIVE, TO THE LICENSED PROFESSIONAL OR MANAGER UPON  
48 WRITTEN APPLICATION TO EXAMINE SAID RECORDS, OR UPON THE ORDER OF A  
49 COURT OF COMPETENT JURISDICTION IN AN APPROPRIATE CASE.

50 S 1011. TEMPORARY WORKING PERMITS. THE COMMISSION MAY ISSUE TEMPORARY  
51 WORKING PERMITS TO PROFESSIONALS, THEIR MANAGERS, TRAINERS AND SECONDS.  
52 A TEMPORARY WORKING PERMIT SHALL AUTHORIZE THE EMPLOYMENT OF THE HOLDER  
53 OF SUCH PERMIT TO ENGAGE IN A SINGLE AUTHORIZED PROFESSIONAL COMBATIVE  
54 SPORT AT A SPECIFIED TIME AND PLACE. THE COMMISSION MAY REQUIRE THAT  
55 PROFESSIONALS APPLYING FOR TEMPORARY WORKING PERMITS UNDERGO A PHYSICAL  
56 EXAMINATION AND NEUROLOGICAL TEST OR PROCEDURE, INCLUDING MAGNETIC RESO-

1 NANCE IMAGING OR MEDICALLY EQUIVALENT PROCEDURE. TEMPORARY WORKING  
2 PERMITS SHALL EXPIRE UPON THE COMPLETION OF THE SINGLE AUTHORIZED  
3 PROFESSIONAL COMBATIVE SPORT AND ANY SUBSEQUENT EVALUATIONS OR  
4 INSPECTIONS REQUIRED BY THE COMMISSION. THE FEE FOR SUCH TEMPORARY  
5 WORKING PERMIT SHALL BE ESTABLISHED BY THE COMMISSION PURSUANT TO RULE.

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

12 S 1013. MEDICAL ADVISORY BOARD. 1. THE MEDICAL ADVISORY BOARD CREATED  
13 PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED  
14 TWENTY, AND SUBSEQUENT AMENDMENTS THERETO IS HEREBY CONTINUED WITHOUT  
15 INTERRUPTION. IT SHALL REMAIN A DIVISION OF THE STATE ATHLETIC COMMIS-  
16 SION, AND SHALL CONSIST OF NINE MEMBERS TO BE APPOINTED BY THE GOVERNOR.  
17 THE GOVERNOR SHALL DESIGNATE ONE OF SUCH MEMBERS AS CHAIRPERSON OF THE  
18 ADVISORY BOARD. THE TERM OF A MEMBER THEREAFTER APPOINTED, EXCEPT TO  
19 FILL A VACANCY, SHALL BE THREE YEARS FROM THE EXPIRATION OF THE TERM OF  
20 HIS PREDECESSOR. UPON THE APPOINTMENT OF A SUCCESSOR TO THE CHAIRPERSON  
21 OF THE ADVISORY BOARD, THE GOVERNOR SHALL DESIGNATE SUCH SUCCESSOR OR  
22 OTHER MEMBER OF THE ADVISORY BOARD AS CHAIRPERSON. A VACANCY OCCURRING  
23 OTHERWISE THAN BY EXPIRATION OF TERM, SHALL BE FILLED BY APPOINTMENT BY  
24 THE GOVERNOR FOR THE REMAINDER ONLY OF THE TERM. EACH MEMBER OF THE  
25 ADVISORY BOARD SHALL BE DULY LICENSED TO PRACTICE MEDICINE IN THE STATE  
26 OF NEW YORK, AND AT THE TIME OF HIS OR HER APPOINTMENT HAVE HAD AT LEAST  
27 FIVE YEARS' EXPERIENCE IN THE PRACTICE OF HIS OR HER PROFESSION. THE  
28 MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE SUCH COMPENSATION AS MAY BE  
29 FIXED BY THE COMMISSION WITHIN THE AMOUNT PROVIDED BY APPROPRIATION, AND  
30 SHALL BE ALLOWED AND PAID NECESSARY TRAVELING AND OTHER EXPENSES  
31 INCURRED BY THEM, RESPECTIVELY, IN THE PERFORMANCE OF THEIR DUTIES HERE-  
32 UNDER.

33 2. THE ADVISORY BOARD SHALL HAVE POWER AND IT SHALL BE THE DUTY OF THE  
34 BOARD TO PREPARE AND SUBMIT TO THE COMMISSION FOR APPROVAL REGULATIONS  
35 AND STANDARDS FOR THE PHYSICAL EXAMINATION OF PROFESSIONALS INCLUDING,  
36 WITHOUT LIMITATION, PRE-FIGHT AND POST-FIGHT EXAMINATIONS AND PERIODIC  
37 COMPREHENSIVE EXAMINATIONS. THE BOARD SHALL CONTINUE TO SERVE IN AN  
38 ADVISORY CAPACITY TO THE COMMISSION AND FROM TIME TO TIME PREPARE AND  
39 SUBMIT TO THE COMMISSION FOR APPROVAL, SUCH ADDITIONAL REGULATIONS AND  
40 STANDARDS OF EXAMINATION AS IN THEIR JUDGMENT WILL SAFEGUARD THE PHYS-  
41 ICAL WELFARE OF PROFESSIONALS LICENSED BY THE COMMISSION. THE ADVISORY  
42 BOARD SHALL RECOMMEND TO THE COMMISSION FROM TIME TO TIME SUCH QUALIFIED  
43 PHYSICIANS, WHO MAY BE DESIGNATED AND EMPLOYED BY THE COMMISSION FOR THE  
44 PURPOSE OF CONDUCTING PHYSICAL EXAMINATIONS OF PROFESSIONALS AND OTHER  
45 SERVICES AS THE RULES OF THE COMMISSION SHALL PROVIDE. SUCH PHYSICIANS,  
46 IF SO EMPLOYED, SHALL RECEIVE COMPENSATION AS FIXED BY THE COMMISSION  
47 WITHIN AMOUNTS APPROPRIATED THEREFOR. THE PROVISIONS OF SECTION SEVEN-  
48 TEEN OF THE PUBLIC OFFICERS LAW SHALL APPLY TO ANY PHYSICIAN WHO:

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

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

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

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

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

6 S 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. THE  
7 COMMISSION SHALL PROMULGATE REGULATIONS GOVERNING THE CONDUCT OF AUTHOR-  
8 IZED PROFESSIONAL COMBATIVE SPORTS THAT:

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

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

13 3. ESTABLISH THE REQUIREMENTS FOR THE PRESENCE OF MEDICAL EQUIPMENT,  
14 MEDICAL PERSONNEL, AN AMBULANCE, OTHER EMERGENCY APPARATUS AND AN EMER-  
15 GENCY MEDICAL PLAN;

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

18 5. DEFINE UNSPORTSMANLIKE PRACTICES;

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

22 7. ESTABLISH PARAMETERS AND STANDARDS FOR REQUIRED AND ALLOWED EQUIP-  
23 MENT ITEMS UTILIZED BY PROFESSIONALS;

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

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

28 S 1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. 1. ALL  
29 BUILDINGS OR STRUCTURES USED OR INTENDED TO BE USED FOR CONDUCTING  
30 AUTHORIZED PROFESSIONAL COMBATIVE SPORTS SHALL BE PROPERLY VENTILATED  
31 AND PROVIDED WITH FIRE EXITS AND FIRE ESCAPES, AND IN ALL MANNER CONFORM  
32 TO THE LAWS, ORDINANCES AND REGULATIONS PERTAINING TO BUILDINGS IN THE  
33 CITY, TOWN OR VILLAGE WHERE SITUATED.

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

39 3. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE  
40 THOUSAND SEVENTEEN OF THIS ARTICLE, AT EACH AUTHORIZED PROFESSIONAL  
41 COMBATIVE SPORT, EXCEPT WHERE CONDUCTED SOLELY FOR TRAINING PURPOSES,  
42 THERE SHALL BE IN ATTENDANCE A DULY LICENSED REFEREE WHO SHALL DIRECT  
43 AND CONTROL THE SAME. THERE SHALL ALSO BE IN ATTENDANCE, EXCEPT WHERE  
44 CONDUCTED SOLELY FOR TRAINING PURPOSES, THREE DULY LICENSED JUDGES WHO  
45 SHALL AT THE TERMINATION OF EACH SUCH AUTHORIZED PROFESSIONAL COMBATIVE  
46 SPORT RENDER THEIR DECISION. THE WINNER SHALL BE DETERMINED IN ACCORD-  
47 ANCE WITH A SCORING SYSTEM PRESCRIBED BY THE COMMISSION.

48 4. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE  
49 THOUSAND SEVENTEEN OF THIS ARTICLE, THE COMMISSION SHALL DIRECT AN  
50 EMPLOYEE OF THE COMMISSION TO BE PRESENT AT EACH PLACE WHERE AUTHORIZED  
51 PROFESSIONAL COMBATIVE SPORTS ARE TO BE CONDUCTED. SUCH EMPLOYEE OF THE  
52 COMMISSION SHALL ASCERTAIN THE EXACT CONDITIONS SURROUNDING SUCH AUTHOR-  
53 IZED PROFESSIONAL COMBATIVE SPORT AND MAKE A WRITTEN REPORT OF THE SAME  
54 IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSION. WHERE AUTHORIZED  
55 PROFESSIONAL COMBATIVE SPORTS ARE APPROVED TO BE HELD IN A STATE OR CITY

1 OWNED ARMORY, THE PROVISION OF THE MILITARY LAW IN RESPECT THERETO MUST  
2 BE COMPLIED WITH.

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

7 6. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE  
8 THOUSAND SEVENTEEN OF THIS ARTICLE, ALL PROFESSIONALS MUST BE EXAMINED  
9 BY A PHYSICIAN DESIGNATED BY THE COMMISSION BEFORE ENTERING THE RING OR  
10 COMBAT SURFACE AND EACH SUCH PHYSICIAN SHALL IMMEDIATELY FILE WITH THE  
11 COMMISSION A WRITTEN REPORT OF SUCH EXAMINATION. THE COST OF ANY SUCH  
12 EXAMINATION, AS PRESCRIBED BY A SCHEDULE OF FEES ESTABLISHED BY THE  
13 COMMISSION, SHALL BE PAID BY THE CORPORATION CONDUCTING THE AUTHORIZED  
14 PROFESSIONAL COMBATIVE SPORT TO THE COMMISSION. IT SHALL BE THE DUTY OF  
15 EVERY PERSON OR CORPORATION LICENSED TO CONDUCT AN AUTHORIZED PROFES-  
16 SIONAL COMBATIVE SPORT, TO HAVE IN ATTENDANCE AT EVERY AUTHORIZED  
17 PROFESSIONAL COMBATIVE SPORT, AT LEAST ONE PHYSICIAN DESIGNATED BY THE  
18 COMMISSION AS THE RULES SHALL PROVIDE. THE COMMISSION MAY ESTABLISH A  
19 SCHEDULE OF FEES TO BE PAID BY THE LICENSEE TO COVER THE COST OF SUCH  
20 ATTENDANCE.

21 7. THE PHYSICIAN SHALL TERMINATE ANY AUTHORIZED PROFESSIONAL COMBATIVE  
22 SPORT IF IN THE OPINION OF SUCH PHYSICIAN ANY PROFESSIONAL HAS RECEIVED  
23 SEVERE PUNISHMENT OR IS IN DANGER OF SERIOUS PHYSICAL INJURY. IN THE  
24 EVENT OF ANY SERIOUS PHYSICAL INJURY, SUCH PHYSICIAN SHALL IMMEDIATELY  
25 RENDER ANY EMERGENCY TREATMENT NECESSARY, RECOMMEND FURTHER TREATMENT OR  
26 HOSPITALIZATION IF REQUIRED, AND FULLY REPORT THE ENTIRE MATTER TO THE  
27 COMMISSION WITHIN TWENTY-FOUR HOURS AND IF NECESSARY, SUBSEQUENTLY THER-  
28 EAFTER. SUCH PHYSICIAN MAY ALSO REQUIRE THAT THE INJURED PROFESSIONAL  
29 AND HIS OR HER MANAGER REMAIN IN THE RING OR ON THE PREMISES OR REPORT  
30 TO A HOSPITAL AFTER THE CONTEST FOR SUCH PERIOD OF TIME AS SUCH PHYSI-  
31 CIAN DEEMS ADVISABLE. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE  
32 RENDERED UNCONSCIOUS OR SUFFERING HEAD TRAUMA AS DETERMINED BY THE  
33 ATTENDING PHYSICIAN SHALL BE IMMEDIATELY EXAMINED BY THE ATTENDING  
34 COMMISSION PHYSICIAN AND SHALL BE REQUIRED TO UNDERGO NEUROLOGICAL EXAM-  
35 INATIONS BY A NEUROLOGIST INCLUDING BUT NOT LIMITED TO MAGNETIC RESO-  
36 NANCE IMAGING OR MEDICALLY EQUIVALENT PROCEDURE.

37 8. SUCH PHYSICIAN MAY ENTER THE RING AT ANY TIME DURING AN AUTHORIZED  
38 PROFESSIONAL COMBATIVE SPORT AND MAY TERMINATE THE MATCH IF IN HIS OR  
39 HER OPINION THE SAME IS NECESSARY TO PREVENT SEVERE PUNISHMENT OR SERI-  
40 OUS PHYSICAL INJURY TO A PROFESSIONAL.

41 9. BEFORE A LICENSE SHALL BE GRANTED TO A PERSON OR CORPORATION TO  
42 CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT, THE APPLICANT SHALL  
43 EXECUTE AND FILE WITH THE SECRETARY OF STATE A BOND IN AN AMOUNT TO BE  
44 DETERMINED BY THE COMMISSION, TO BE APPROVED AS TO FORM AND SUFFICIENCY  
45 OF SURETIES THEREON BY THE SECRETARY OF STATE, CONDITIONED FOR THE  
46 FAITHFUL PERFORMANCE BY SAID CORPORATION OF THE PROVISIONS OF THIS ARTI-  
47 CLE AND THE RULES AND REGULATIONS OF THE COMMISSION, AND UPON THE FILING  
48 AND APPROVAL OF SAID BOND THE SECRETARY OF STATE SHALL ISSUE TO SAID  
49 APPLICANT A CERTIFICATE OF SUCH FILING AND APPROVAL, WHICH SHALL BE, BY  
50 SAID APPLICANT, FILED IN THE OFFICE OF THE COMMISSION WITH ITS APPLICA-  
51 TION FOR LICENSE, AND NO SUCH LICENSE SHALL BE ISSUED UNTIL SUCH CERTIF-  
52 ICATE SHALL BE FILED. IN CASE OF DEFAULT IN SUCH PERFORMANCE, THE  
53 COMMISSION MAY IMPOSE UPON THE DELINQUENT A PENALTY IN THE SUM OF NOT  
54 MORE THAN ONE THOUSAND DOLLARS FOR EACH OFFENSE, WHICH MAY BE RECOVERED  
55 BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW

1 YORK IN THE SAME MANNER AS OTHER PENALTIES ARE RECOVERED BY LAW; ANY  
2 AMOUNT SO RECOVERED SHALL BE PAID INTO THE TREASURY.

3 10. IN ADDITION TO THE BOND REQUIRED BY SUBDIVISION NINE OF THIS  
4 SECTION, EACH APPLICANT FOR A LICENSE TO CONDUCT AN AUTHORIZED PROFES-  
5 SIONAL COMBATIVE SPORT SHALL EXECUTE AND FILE WITH THE SECRETARY OF  
6 STATE A BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION TO BE  
7 APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE SECRETARY  
8 OF STATE, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF PROFESSIONALS'  
9 AND PROFESSIONAL WRESTLERS' PURSES, SALARIES OF CLUB EMPLOYEES LICENSED  
10 BY THE COMMISSION, AND THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND  
11 ALL ADVERTISING MATERIAL.

12 11. ALL PERSONS, PARTIES OR CORPORATIONS HAVING LICENSES AS PROMOTERS  
13 OR WHO ARE LICENSED IN ACCORDANCE WITH SECTION ONE THOUSAND SEVENTEEN OF  
14 THIS ARTICLE SHALL CONTINUOUSLY PROVIDE ACCIDENT INSURANCE OR SUCH OTHER  
15 FORM OF FINANCIAL GUARANTEE DEEMED ACCEPTABLE BY THE COMMISSION, FOR THE  
16 PROTECTION OF LICENSED PROFESSIONALS AND PROFESSIONAL WRESTLERS, APPEAR-  
17 ING IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS OR WRESTLING EXHIBI-  
18 TIONS. SUCH ACCIDENT INSURANCE OR FINANCIAL GUARANTEE SHALL PROVIDE  
19 COVERAGE TO THE LICENSED PROFESSIONAL FOR: MEDICAL, SURGICAL AND HOSPI-  
20 TAL CARE, WITH A MINIMUM LIMIT OF FIFTY THOUSAND DOLLARS FOR INJURIES  
21 SUSTAINED WHILE PARTICIPATING IN ANY PROGRAM OPERATED UNDER THE CONTROL  
22 OF SUCH LICENSED PROMOTER AND FOR A PAYMENT OF FIFTY THOUSAND DOLLARS TO  
23 THE ESTATE OF ANY DECEASED ATHLETE WHERE SUCH DEATH IS OCCASIONED BY  
24 INJURIES RECEIVED IN THIS STATE DURING THE COURSE OF A PROGRAM IN WHICH  
25 SUCH LICENSED PROFESSIONAL OR PROFESSIONAL WRESTLER PARTICIPATED UNDER  
26 THE PROMOTION OR CONTROL OF ANY LICENSED PROMOTER; AND, MEDICAL, SURGI-  
27 CAL AND HOSPITAL CARE WITH A MINIMUM LIMIT OF ONE MILLION DOLLARS FOR  
28 THE TREATMENT OF A LIFE-THREATENING BRAIN INJURY SUSTAINED IN A PROGRAM  
29 OPERATED UNDER THE CONTROL OF SUCH LICENSED PROMOTER, WHERE AN IDENTIFI-  
30 CABLE, CAUSAL LINK EXISTS BETWEEN THE PROFESSIONAL LICENSEE'S PARTIC-  
31 IPATION IN SUCH PROGRAM AND THE LIFE-THREATENING BRAIN INJURY. WHERE  
32 APPLICABLE, PROFESSIONAL LICENSEES SHALL BE AFFORDED THE OPTION TO  
33 SUPPLEMENT THE PREMIUMS FOR THE ACCIDENT INSURANCE OR FINANCIAL GUARAN-  
34 TEE TO INCREASE THE COVERAGE BEYOND THE MINIMUM LIMITS REQUIRED BY THIS  
35 SUBDIVISION. THE COMMISSION MAY FROM TIME TO TIME, PROMULGATE REGU-  
36 LATIONS TO ADJUST THE AMOUNT OF SUCH MINIMUM LIMITS. THE FAILURE TO  
37 PROVIDE SUCH INSURANCE AS IS REQUIRED BY THIS SUBDIVISION SHALL BE CAUSE  
38 FOR THE SUSPENSION OR THE REVOCATION OF THE LICENSE OF SUCH DEFAULTING  
39 ENTITY.

40 12. (A) EVERY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB HOLDING ANY  
41 PROFESSIONAL OR AMATEUR COMBATIVE SPORT, INCLUDING ANY PROFESSIONAL  
42 WRESTLING MATCH OR EXHIBITION, FOR WHICH AN ADMISSION FEE IS CHARGED OR  
43 RECEIVED, SHALL NOTIFY THE ATHLETIC COMMISSION AT LEAST TEN DAYS IN  
44 ADVANCE OF THE HOLDING OF SUCH CONTEST. ALL TICKETS OF ADMISSION TO ANY  
45 SUCH PROFESSIONAL OR AMATEUR COMBATIVE SPORT OR PROFESSIONAL WRESTLING  
46 MATCH OR EXHIBITION SHALL BE PROCURED FROM A PRINTER DULY AUTHORIZED BY  
47 THE STATE ATHLETIC COMMISSION TO PRINT SUCH TICKETS AND SHALL BEAR  
48 CLEARLY UPON THE FACE THEREOF THE PURCHASE PRICE AND LOCATION OF SAME.

49 (B) PURSUANT TO DIRECTION BY THE COMMISSIONER OF TAXATION AND FINANCE,  
50 EMPLOYEES OR OFFICERS OF THE COMMISSION SHALL ACT AS AGENTS OF THE  
51 COMMISSIONER OF TAXATION AND FINANCE TO COLLECT THE TAX IMPOSED BY ARTI-  
52 CLE NINETEEN OF THE TAX LAW. THE ATHLETIC COMMISSION SHALL PROVIDE THE  
53 COMMISSIONER OF TAXATION AND FINANCE WITH SUCH INFORMATION AND TECHNICAL  
54 ASSISTANCE AS MAY BE NECESSARY FOR THE PROPER ADMINISTRATION OF SUCH  
55 TAX.

1 S 1016. REQUIRED FILINGS. 1. THE ORGANIZATION THAT PROMOTES, SANCTIONS  
2 OR OTHERWISE PARTICIPATES IN THE PROPOSITION, SELECTION, OR ARRANGEMENT  
3 OF ONE OR MORE PROFESSIONALS FOR A CONTEST MUST FILE WITH THE COMMISSION  
4 A WRITTEN STATEMENT EXECUTED UNDER PENALTY OF PERJURY STATING (A) ALL  
5 CHARGES, EXPENSES, FEES, AND COSTS THAT WILL BE ASSESSED AGAINST ANY  
6 PROFESSIONAL PARTICIPATING IN THE EVENT; (B) ALL PAYMENTS, BENEFITS,  
7 COMPLIMENTARY BENEFITS AND FEES THE ORGANIZATION OR ENTITY WILL RECEIVE  
8 FOR ITS AFFILIATION WITH THE EVENT; (C) THE NAME OF THE PROMOTER; (D)  
9 SPONSOR OF THE EVENT; AND (E) ALL OTHER SOURCES, AND SUCH OTHER AND  
10 ADDITIONAL INFORMATION AS REQUIRED BY THE COMMISSION. SUCH WRITTEN  
11 STATEMENT SHALL BE FILED IN A FORM AND MANNER ACCEPTABLE TO THE COMMIS-  
12 SION.

13 2. THE PROMOTER, ORGANIZER, PRODUCER OR ANOTHER THAT PARTICIPATES IN  
14 THE PROPOSITION, SELECTION, OR ARRANGEMENT OF ONE OR MORE PROFESSIONALS  
15 FOR A CONTEST MUST FILE WITH THE COMMISSION A WRITTEN STATEMENT UNDER  
16 PENALTY OF PERJURY DETAILING ALL CHARGES, FEES, COSTS AND EXPENSES BY OR  
17 THROUGH THE PROMOTER ON THE PROFESSIONAL PERTAINING TO THE EVENT,  
18 INCLUDING ANY PORTION OF THE PROFESSIONAL'S PURSE THAT THE PROMOTER WILL  
19 RECEIVE AND TRAINING EXPENSES AND ALL PAYMENTS, GIFTS OR BENEFITS THE  
20 PROMOTER IS PROVIDING TO ANY SANCTIONING ORGANIZATION AFFILIATED WITH  
21 THE EVENT. SUCH WRITTEN STATEMENT SHALL BE FILED IN A FORM AND MANNER  
22 ACCEPTABLE TO THE COMMISSION.

23 3. THE PROMOTER, ORGANIZER, PRODUCER OR ANOTHER THAT PARTICIPATES IN  
24 THE PROPOSITION, SELECTION, OR ARRANGEMENT OF ONE OR MORE PROFESSIONALS  
25 FOR A CONTEST MUST FILE WITH THE COMMISSION A COPY OF ANY AGREEMENT IN  
26 WRITING TO WHICH THE PROMOTER IS A PARTY WITH ANY PROFESSIONAL PARTIC-  
27 IPATING IN THE MATCH.

28 4. ALL CONTRACTS CALLING FOR THE SERVICES OF A PROFESSIONAL IN AN  
29 AUTHORIZED PROFESSIONAL COMBATIVE SPORT AND ENTERED INTO BY LICENSED  
30 PROMOTERS, PROFESSIONALS OR MANAGERS AS ONE OR MORE OF THE PARTIES IN  
31 SUCH CONTRACTS, INCLUDING THOSE CONTRACTS WHICH RELATE TO THE RIGHTS TO  
32 DISTRIBUTE, TELEVISION OR OTHERWISE TRANSMIT ANY AUTHORIZED PROFESSIONAL  
33 COMBATIVE SPORT OVER THE AIRWAVES OR BY CABLE SHALL BE SUBJECT TO THE  
34 APPROVAL OF THE COMMISSION AND COPIES THEREOF SHALL BE FILED WITH THE  
35 COMMISSION BY SUCH CORPORATION, PROFESSIONAL OR MANAGER WITHIN  
36 FORTY-EIGHT HOURS AFTER THE EXECUTION OF SUCH CONTRACT AND AT LEAST TEN  
37 BUSINESS DAYS PRIOR TO ANY BOUTS, OR THE FIRST OF ANY SERIES OF BOUTS,  
38 TO WHICH THEY RELATE. THE COMMISSION MAY WAIVE SUCH FILING DEADLINE FOR  
39 GOOD CAUSE SHOWN.

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

45 2. EVERY PERSON, PARTNERSHIP OR CORPORATION PROMOTING ONE OR MORE  
46 PROFESSIONAL WRESTLING EXHIBITIONS IN THIS STATE SHALL BE REQUIRED TO  
47 OBTAIN FROM THE COMMISSION AN ANNUAL LICENSE TO CONDUCT SUCH EXHIBITIONS  
48 SUBJECT TO TERMS AND CONDITIONS PROMULGATED BY THE COMMISSION PURSUANT  
49 TO RULE AND CONSISTENT WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE.  
50 EACH APPLICANT SHALL PAY AN ANNUAL FEE ESTABLISHED BY THE COMMISSION  
51 PURSUANT TO RULE.

52 3. A LICENSED PROMOTER OF A PROFESSIONAL WRESTLING EXHIBITION IN THE  
53 STATE SHALL NOTIFY THE ATHLETIC COMMISSION AT LEAST TEN DAYS IN ADVANCE  
54 OF THE HOLDING OF THE EXHIBITION. EACH SUCH PROMOTER SHALL EXECUTE AND  
55 FILE WITH THE COMPTROLLER A BOND IN AN AMOUNT NOT LESS THAN TWENTY THOU-  
56 SAND DOLLARS TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THER-



1 EON BY THE COMPTROLLER, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF  
2 PROFESSIONAL WRESTLER'S PURSES, SALARIES OF CLUB EMPLOYEES LICENSED BY  
3 THE COMMISSION, THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND ALL  
4 ADVERTISING MATERIAL, PAYMENTS TO SPONSORING ORGANIZATIONS, AND THE  
5 APPLICABLE STATE AND LOCAL SALES AND COMPENSATING USE TAX.

6 4. A LICENSED PROMOTER OF A PROFESSIONAL WRESTLING EXHIBITION SHALL  
7 PROVIDE FOR A LICENSED PHYSICIAN TO BE PRESENT AT EACH EXHIBITION, AND  
8 SUCH PHYSICIAN SHALL EXAMINE EACH WRESTLER PRIOR TO EACH PERFORMANCE,  
9 AND EACH SUCH PRE-PERFORMANCE EXAMINATION SHALL BE CONDUCTED IN ACCORD-  
10 ANCE WITH REGULATIONS PRESCRIBED BY THE COMMISSION.

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

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

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

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

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

31 3. ANY PERSON, INCLUDING ANY CORPORATION AND THE OFFICERS THEREOF, ANY  
32 PHYSICIAN, REFEREE, JUDGE, TIMEKEEPER, PROFESSIONAL, MANAGER, TRAINER OR  
33 SECOND, WHO SHALL PROMOTE, CONDUCT, GIVE OR PARTICIPATE IN ANY SHAM OR  
34 COLLUSIVE AUTHORIZED PROFESSIONAL COMBATIVE SPORTS, SHALL BE DEPRIVED OF  
35 HIS OR HER LICENSE BY THE COMMISSION AND ANY OTHER APPROPRIATE LEGAL  
36 REMEDIES.

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

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

46 2. ANY PERSON WHO KNOWINGLY ADVANCES OR PROFITS FROM A PROHIBITED  
47 COMBATIVE SPORT SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED  
48 FOR THE FIRST VIOLATION TEN THOUSAND DOLLARS OR TWICE THE AMOUNT OF GAIN  
49 DERIVED THEREFROM WHICHEVER IS GREATER, OR FOR A SUBSEQUENT VIOLATION  
50 TWENTY-FIVE THOUSAND DOLLARS OR TWICE THE AMOUNT OF GAIN DERIVED THERE-  
51 FROM WHICHEVER IS GREATER. THE ATTORNEY GENERAL IS HEREBY EMPOWERED TO  
52 COMMENCE JUDICIAL PROCEEDINGS TO RECOVER SUCH PENALTIES AND TO OBTAIN  
53 INJUNCTIVE RELIEF TO ENFORCE THE PROVISIONS OF THIS SECTION.

54 3. ANY PERSON OR CORPORATION WHO DIRECTLY OR INDIRECTLY CONDUCTS ANY  
55 COMBATIVE SPORT WITHOUT FIRST HAVING PROCURED AN APPROPRIATE LICENSE, OR  
56 HAVING BEEN DESIGNATED AN AUTHORIZED SANCTIONING ENTITY AS PRESCRIBED IN

1 THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR. ANY PERSON WHO PARTIC-  
2 IPATES IN A COMBATIVE SPORT AS A REFEREE, JUDGE, MATCH-MAKER, TIMEKEEP-  
3 ER, PROFESSIONAL, MANAGER, TRAINER, OR SECOND WITHOUT FIRST HAVING  
4 PROCURED AN APPROPRIATE LICENSE AS PRESCRIBED IN THIS ARTICLE, OR WHERE  
5 SUCH COMBATIVE SPORT IS PROHIBITED UNDER THIS ARTICLE SHALL BE GUILTY OF  
6 A MISDEMEANOR. ANY PERSON, PARTNERSHIP OR CORPORATION WHO PROMOTES A  
7 PROFESSIONAL WRESTLING MATCH OR EXHIBITION IN THE STATE WITHOUT FIRST  
8 HAVING PROCURED AN APPROPRIATE LICENSE IN ACCORDANCE WITH SECTION ONE  
9 THOUSAND SEVENTEEN OF THIS ARTICLE, SHALL BE GUILTY OF A MISDEMEANOR.

10 4. ANY CORPORATION, ENTITY, PERSON OR PERSONS, LICENSED, PERMITTED OR  
11 OTHERWISE AUTHORIZED UNDER THE PROVISIONS OF THIS ARTICLE, THAT SHALL  
12 KNOWINGLY VIOLATE ANY RULE OR ORDER OF THE COMMISSION OR ANY PROVISION  
13 OF THIS ARTICLE, IN ADDITION TO ANY OTHER PENALTY BY LAW PRESCRIBED,  
14 SHALL BE LIABLE TO A CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS  
15 FOR THE FIRST OFFENSE AND NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR  
16 THE SECOND AND EACH SUBSEQUENT OFFENSE, TO BE IMPOSED BY THE COMMISSION,  
17 TO BE SUED FOR BY THE ATTORNEY-GENERAL IN THE NAME OF THE PEOPLE OF THE  
18 STATE OF NEW YORK IF DIRECTED BY THE COMMISSION. THE COMMISSION, FOR  
19 CAUSE SHOWN, MAY EXTEND THE TIME FOR THE PAYMENT OF SUCH PENALTY AND, BY  
20 COMPROMISE, MAY ACCEPT LESS THAN THE AMOUNT OF SUCH PENALTY AS IMPOSED  
21 IN SETTLEMENT THEREOF. FOR THE PURPOSES OF THIS SECTION, EACH TRANS-  
22 ACTION OR STATUTORY VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE,  
23 EXCEPT THAT A SECOND OR SUBSEQUENT OFFENSE SHALL NOT BE DEEMED TO EXIST  
24 UNLESS A DECISION HAS BEEN RENDERED IN A PRIOR, SEPARATE AND INDEPENDENT  
25 PROCEEDING.

26 5. ON THE FIRST INFRACTION OF RULES OR REGULATIONS PROMULGATED PURSU-  
27 ANT TO SUBDIVISION TWO OF SECTION ONE THOUSAND NINE OF THIS ARTICLE,  
28 WHICH INFRACTION MAY INCLUDE MORE THAN ONE INDIVIDUAL VIOLATION, THE  
29 COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO TWO HUNDRED FIFTY DOLLARS  
30 FOR EACH HEALTH AND SAFETY VIOLATION AND MAY SUSPEND THE TRAINING FACIL-  
31 ITY'S LICENSE UNTIL THE VIOLATION OR VIOLATIONS ARE CORRECTED. ON THE  
32 SECOND SUCH INFRACTION, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO  
33 FIVE HUNDRED DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY  
34 SUSPEND THE TRAINING FACILITY'S LICENSE UNTIL THE VIOLATION OR  
35 VIOLATIONS ARE CORRECTED. ON THE THIRD SUCH INFRACTION OR FOR SUBSEQUENT  
36 INFRACTIONS, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO SEVEN  
37 HUNDRED FIFTY DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY  
38 REVOKE THE TRAINING FACILITY'S LICENSE.

39 6. ANY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB FAILING TO FULLY  
40 COMPLY WITH PARAGRAPH (A) OF SUBDIVISION TWELVE OF SECTION ONE THOUSAND  
41 FIFTEEN OF THIS ARTICLE SHALL BE SUBJECT TO A PENALTY OF FIVE HUNDRED  
42 DOLLARS TO BE COLLECTED BY AND PAID TO THE DEPARTMENT OF STATE. ANY  
43 INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB IS PROHIBITED FROM OPERAT-  
44 ING ANY SHOWS OR EXHIBITIONS UNTIL ALL PENALTIES DUE PURSUANT TO THIS  
45 SECTION AND TAXES, INTEREST AND PENALTIES DUE PURSUANT TO ARTICLE NINE-  
46 TEEN OF THE TAX LAW HAVE BEEN PAID.

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

52 S 1020. SUBPOENAS BY COMMISSION; OATHS. THE COMMISSION SHALL HAVE  
53 AUTHORITY TO ISSUE, UNDER THE HAND OF ITS CHAIRPERSON, AND THE SEAL OF  
54 THE COMMISSION, SUBPOENAS FOR THE ATTENDANCE OF WITNESSES BEFORE THE  
55 COMMISSION. A SUBPOENA ISSUED UNDER THIS SECTION SHALL BE REGULATED BY  
56 THE CIVIL PRACTICE LAW AND RULES.

1 S 1021. EXCEPTIONS. THE PROVISIONS OF THIS ARTICLE EXCEPT AS PROVIDED  
2 IN SUBDIVISION TWELVE OF SECTION ONE THOUSAND FIFTEEN OF THIS ARTICLE  
3 SHALL NOT BE CONSTRUED TO APPLY TO ANY SPARRING OR BOXING CONTEST OR  
4 EXHIBITION CONDUCTED UNDER THE SUPERVISION OR THE CONTROL OF THE NEW  
5 YORK STATE NATIONAL GUARD OR NAVAL MILITIA WHERE ALL OF THE CONTESTANTS  
6 ARE MEMBERS OF THE ACTIVE MILITIA; NOR TO ANY SUCH CONTEST OR EXHIBITION  
7 WHERE THE CONTESTANTS ARE ALL AMATEURS, SPONSORED BY AND UNDER THE  
8 SUPERVISION OF ANY UNIVERSITY, COLLEGE, SCHOOL OR OTHER INSTITUTION OF  
9 LEARNING, RECOGNIZED BY THE REGENTS OF THE STATE OF NEW YORK; NOR TO ANY  
10 BUSINESS ENTITY INCORPORATED FOR THE PURPOSES OF PROVIDING INSTRUCTION  
11 AND EVALUATION IN A COMBATIVE SPORT TO CUSTOMERS FOR THE PURPOSES OF  
12 HEALTH AND FITNESS, PERSONAL DEVELOPMENT, SELF-DEFENSE OR PARTICIPATION  
13 IN AMATEUR EVENTS CONDUCTED BY AN AUTHORIZED SANCTIONING ENTITY; NOR TO  
14 ANY SUCH CONTEST OR EXHIBITIONS WHERE THE CONTESTANTS ARE ALL AMATEURS  
15 SPONSORED BY AND UNDER THE SUPERVISION OF THE AMERICAN OLYMPIC ASSOCI-  
16 ATION OR, IN THE CASE OF BOXING, THE U.S. AMATEUR BOXING FEDERATION OR  
17 ITS LOCAL AFFILIATES OR THE AMERICAN OLYMPIC ASSOCIATION; NOR EXCEPT AS  
18 TO THE EXTENT PROVIDED OTHERWISE IN THIS ARTICLE, TO ANY PROFESSIONAL  
19 WRESTLING CONTEST OR EXHIBITION AS DEFINED IN THIS ARTICLE. ANY INDIVID-  
20 UAL, ASSOCIATION, CORPORATION OR CLUB, EXCEPT ELEMENTARY OR HIGH SCHOOLS  
21 OR EQUIVALENT INSTITUTIONS OF LEARNING RECOGNIZED BY THE REGENTS OF THE  
22 STATE OF NEW YORK, WHO OR WHICH CONDUCTS AN AMATEUR CONTEST PURSUANT TO  
23 THIS SECTION MUST REGISTER WITH THE U. S. AMATEUR BOXING FEDERATION OR  
24 ITS LOCAL AFFILIATES AND ABIDE BY ITS RULES AND REGULATIONS.

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

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

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

38 S 4. Section 451 of the tax law is amended by adding a new subdivision  
39 4 to read as follows:

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

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

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

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

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

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

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

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

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

14 [BOXING AND WRESTLING EXHIBITIONS] AUTHORIZED COMBATIVE  
15 SPORTS TAX

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

19 (1) Any admission charge where such admission charge is in excess of  
20 ten cents to or for the use of any place of amusement in the state,  
21 except charges for admission to race tracks[, boxing, sparring or wres-  
22 tling matches or exhibitions] OR AUTHORIZED COMBATIVE SPORTS which  
23 charges are taxed under any other law of this state, or dramatic or  
24 musical arts performances, or live circus performances, or motion  
25 picture theaters, and except charges to a patron for admission to, or  
26 use of, facilities for sporting activities in which such patron is to be  
27 a participant, such as bowling alleys and swimming pools. For any person  
28 having the permanent use or possession of a box or seat or a lease or a  
29 license, other than a season ticket, for the use of a box or seat at a  
30 place of amusement, the tax shall be upon the amount for which a similar  
31 box or seat is sold for each performance or exhibition at which the box  
32 or seat is used or reserved by the holder, licensee or lessee, and shall  
33 be paid by the holder, licensee or lessee.

34 S 8. The section heading of section 1820 of the tax law, as amended  
35 by section 32 of subpart I of part V-1 of chapter 57 of the laws of  
36 2009, is amended to read as follows:

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

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

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

48 S 10. The department of state, with the assistance of the state  
49 athletic commission, medical advisory board, departments of health and  
50 financial services, state insurance fund, division of budget and such  
51 other state entities as appropriate, shall carefully consider potential  
52 mechanisms to provide financial resources for the payment of expenses  
53 related to medical and rehabilitative care for professionals licensed  
54 under article forty-one of the general business law who experience  
55 debilitating brain injuries associated with repetitive head injuries  
56 sustained through their participation in combative sports. The depart-

1 ment of state may consult and contract with third parties for services  
2 in the course of this review. The department of state shall report its  
3 findings and recommendations to the governor, temporary president of the  
4 senate and speaker of the assembly within eighteen months of the effec-  
5 tive date of this section. In addition to the foregoing, within twelve  
6 months of the effective date of this section, the state athletic commis-  
7 sion shall make any recommendations to the governor, temporary president  
8 of the senate and speaker of the assembly regarding legislative changes  
9 which may be necessary to effectuate the purpose and intent of this  
10 chapter, including, but not limited to, appropriate adjustments to the  
11 insurance requirements contained therein.

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

19

## PART P

20 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the  
21 public authorities law relating to the powers and duties of the dormito-  
22 ry authority of the state of New York relative to the establishment of  
23 subsidiaries for certain purposes, as amended by section 1 of part X of  
24 chapter 57 of the laws of 2014, is amended to read as follows:

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

31 S 2. This act shall take effect immediately.

32

## PART Q

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

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

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

47 8. Subject to agreements with noteholders or bondholders, to fix and  
48 collect such fees, rentals and charges for the use of the thruway  
49 [system] or any part thereof necessary or convenient, with an adequate  
50 margin of safety, to produce sufficient revenue to meet the expense of  
51 maintenance and operation and to fulfill the terms of any agreements  
52 made with the holders of its notes or bonds, and to establish the rights

1 and privileges granted upon payment thereof[; provided, however, that  
2 tolls may only be imposed for the passage through locks and lift bridges  
3 by vessels which are propelled in whole or in part by mechanical power;  
4 and provided further that no tolls shall be imposed or collected prior  
5 to the first day of April, nineteen hundred ninety-three].

6 10. To construct, reconstruct or improve on or along the thruway  
7 [system] in the manner herein provided, suitable facilities for gas  
8 stations, restaurants, and other facilities for the public, or to lease  
9 the right to construct, reconstruct or improve and operate such facili-  
10 ties; such facilities shall be publicly offered for leasing for opera-  
11 tion, or the right to construct, reconstruct or improve and operate such  
12 facilities shall be publicly offered under rules and regulations to be  
13 established by the authority, provided, however, that lessees operating  
14 such facilities at the time this act becomes effective, may reconstruct  
15 or improve them or may construct additional like facilities, in the  
16 manner and upon such terms and conditions as the board shall determine[;  
17 and provided further, however, that such facilities constructed, recon-  
18 structed or improved on or along the canal system shall be consistent  
19 with the canal recreationway plan approved pursuant to section one  
20 hundred thirty-eight-c of the canal law and section three hundred eight-  
21 y-two of this title];

22 S 3. Section 355 of the public authorities law, as amended by chapter  
23 138 of the laws of 1997, is amended to read as follows:

24 S 355. Officers and employees; transfer, promotion and seniority. 1.  
25 Officers and employees of state departments, agencies, [or the canal  
26 corporation] OR DIVISIONS may be transferred to the authority and offi-  
27 cers, agents and employees of the authority may be transferred to state  
28 departments, agencies, [or the canal corporation] OR DIVISIONS, without  
29 examination and without loss of any civil service status or rights. No  
30 such transfer from the authority [or canal corporation] to any state  
31 department, agency, or division may, however, be made except with the  
32 approval of the head of the state department, agency, or division  
33 involved and the director of the budget and in compliance with the rules  
34 and regulations of the state civil service commission.

35 2. Promotions from positions in state departments and agencies to  
36 positions in the authority [or canal corporation], and vice versa, may  
37 be made from interdepartmental promotion lists resulting from promotion  
38 examinations in which employees of the authority[, employees of the  
39 canal corporation,] and employees of the state are eligible to partic-  
40 ipate.

41 3. In computing seniority for purposes of promotion or for purposes of  
42 suspension or demotion upon the abolition of positions in the service of  
43 the authority or in the service of the state, in the case of an employee  
44 of the authority a period of prior employment in the service of the  
45 state shall be counted in the same manner as though such period of  
46 employment had been in the service of the authority, and in the case of  
47 an employee of the state a period of prior employment in the service of  
48 the authority shall be counted in the same manner as though such period  
49 of employment had been in the service of the state. For the purposes of  
50 the establishment and certification of preferred lists, employees  
51 suspended from the authority shall be eligible for reinstatement in the  
52 service of the state, and employees suspended from the service of the  
53 state shall be eligible for reinstatement in the service of the authori-  
54 ty, in the same manner as though the authority were a department of the  
55 state. [All provisions contained within this subdivision shall apply to

1 the canal corporation in the same manner that they apply to the authori-  
2 ty.]

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

5 S 357. Right of authority to use state property; payment for improve-  
6 ments. On assuming jurisdiction of a thruway highway section or  
7 connection or any part thereof, or of a highway connection, [or of the  
8 New York state canal system,] the authority shall have the right to  
9 possess and use for its corporate purposes so long as its corporate  
10 existence shall continue, any real property and rights in real property  
11 theretofore acquired by the state, including all improvements thereon  
12 [and state canal lands and properties; provided that the use by the  
13 authority of canal lands and properties for highway purposes shall not  
14 interfere with the use thereof for canal purposes].

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

18 1. Enforcement assistance [shall be] provided by the division of state  
19 police at [a level consistent with historical precedents, as a matter of  
20 state interest, on all sections of the thruway. The authority shall  
21 provide goods and services to the division of state police in connection  
22 with its enforcement activity on the thruway. The division of state  
23 police and the authority shall enter into an agreement identifying those  
24 goods and services that the authority will provide to the division of  
25 state police and determine reporting and other requirements related  
26 thereto. Any costs borne by the state police outside of such agreement  
27 shall not be reimbursed by the authority nor shall they be deemed costs  
28 of the authority] THE REQUEST OF THE AUTHORITY SHALL BE REIMBURSED BY  
29 THE AUTHORITY TO THE DIVISION OF STATE POLICE FROM THE GENERAL RESERVE  
30 FUND ESTABLISHED BY THE AUTHORITY UNDER ITS AGREEMENT WITH BONDHOLDERS,  
31 AFTER PAYMENT OF ANY AMOUNTS DUE ON ANY BONDS OR NOTES OF THE AUTHORITY.  
32 THE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO DEPOSIT TO THE  
33 POLICING NYS THRUWAY ACCOUNT, REVENUES RECEIVED FROM THE AUTHORITY AS  
34 REIMBURSEMENT FOR PERSONAL SERVICE EXPENSES INCLUDING GENERAL STATE  
35 CHARGES. IN ADDITION, THE AUTHORITY SHALL REIMBURSE THE DIVISION OF  
36 STATE POLICE FOR NON-PERSONAL SERVICE EXPENSES CONNECTED WITH SUCH  
37 ASSISTANCE. SUCH REIMBURSEMENT SHALL BE MADE FROM SUCH GENERAL RESERVE  
38 FUND. THE AUTHORITY SHALL DEPOSIT SAID REIMBURSEMENT FUNDS FOR NON-PER-  
39 SONAL SERVICE EXPENSES TO THE CREDIT OF THE DIVISION OF STATE POLICE. NO  
40 PAYMENTS MADE BY THE AUTHORITY UNDER THIS SUBSECTION SHALL BE DEEMED  
41 OPERATING EXPENSES OF THE AUTHORITY.

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

45 1. On assuming jurisdiction of a thruway section or connection or any  
46 part thereof, or of a highway connection, [or of the New York state  
47 canal system,] the authority shall proceed with the construction, recon-  
48 struction or improvement thereof. All such work shall be done pursuant  
49 to a contract or contracts which shall be let to the lowest responsible  
50 bidder, by sealed proposals publicly opened, after public advertisement  
51 and upon such terms and conditions as the authority shall require;  
52 provided, however, that the authority may reject any and all proposals  
53 and may advertise for new proposals, as herein provided, if in its opin-  
54 ion, the best interests of the authority will thereby be promoted;  
55 provided further, however, that at the request of the authority, all or  
56 any portion of such work, together with any engineering required by the

1 authority in connection therewith, shall be performed by the commission-  
2 er and his subordinates in the department of transportation as agents  
3 for, and at the expense of, the authority.

4 S 7. Section 359-a of the public authorities law, as added by chapter  
5 140 of the laws of 2002, is amended to read as follows:

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

12 S 8. Section 360 of the public authorities law, as amended by chapter  
13 766 of the laws of 1992, is amended to read as follows:

14 S 360. Operation and maintenance. Operation and maintenance by the  
15 authority of any thruway section or connection or any part thereof or of  
16 a highway connection[, the New York state canal system] of which it has  
17 assumed jurisdiction shall be performed (a) by the use of authority  
18 forces and equipment at the expense of the authority or by agreement at  
19 the expense of the state or other parties; (b) by contract with munici-  
20 palities or independent contractors; (c) at the request of the authori-  
21 ty, by the commissioner and his subordinates in the department of trans-  
22 portation as agents for, and at the expense of the authority, or (d) by  
23 a combination of such methods.

24 S 9. Section 362 of the public authorities law, as amended by chapter  
25 766 of the laws of 1992, is amended to read as follows:

26 S 362. Assistance by state officers, departments, boards, divisions  
27 and commissions. At the request of the authority, engineering and legal  
28 services for such authority shall be performed by forces or officers of  
29 the department of transportation and the department of law respectively,  
30 and all other state officers, departments, boards, divisions and commis-  
31 sions shall render services within their respective functions. At the  
32 request of the authority, services in connection with the collection of  
33 any charges or fees for the use of the thruway[, the New York state  
34 canal system] or any part thereof may be performed by the department of  
35 motor vehicles.

36 S 10. Paragraph (a) of subdivision 1, and paragraph (i) of subdivision  
37 3 of section 365 of the public authorities law, as amended by chapter  
38 766 of the laws of 1992, are amended to read as follows:

39 (a) Subject to the provisions of section three hundred sixty-six of  
40 this title, the authority shall have the power and is hereby authorized  
41 from time to time to issue its negotiable notes and bonds in conformity  
42 with applicable provisions of the uniform commercial code in such prin-  
43 cipal amount as, in the opinion of the authority, shall be necessary to  
44 provide sufficient moneys for achieving the corporate purposes thereof,  
45 including construction, reconstruction and improvement of the thruway  
46 sections and connections, and highway connections herein described, [the  
47 New York state canal system subject to the provisions of section three  
48 hundred eighty-three of this title,] together with suitable facilities  
49 and appurtenances, the payment of all indebtedness to the state, the  
50 cost of acquisition of all real property, the expense of maintenance and  
51 operation, interest on notes and bonds during construction and for a  
52 reasonable period thereafter, establishment of reserves to secure notes  
53 or bonds, and all other expenditures of the authority incident to and  
54 necessary or convenient to carry out its corporate purposes and powers.



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

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

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

6 S 13. Section 388 of the public authorities law, as added by chapter  
7 500 of the laws of 2011, is amended to read as follows:

8 S 388. Limitation on powers of the authority. A department, authority,  
9 division or agency of the state shall not offer or permit any officer or  
10 employee of such department, authority, division or agency to use a pass  
11 to access and/or use the thruway [system] without the officer's or  
12 employee's personal payment of tolls except when the use of such a pass  
13 and/or use of the thruway [system] without personal payment of tolls  
14 occurs in the normal course of the employment or duties of such officer  
15 or employee. This section shall not diminish the rights of any employee  
16 pursuant to a collective bargaining agreement.

17 S 14. Subdivisions 18 and 21 of section 2 of the canal law, subdivi-  
18 sion 18 as amended and subdivision 21 as renumbered by chapter 335 of  
19 the laws of 2001, subdivision 21 as added by chapter 442 of the laws of  
20 1996, are amended and a new subdivision 24 is added to read as follows:

21 18. "Authority" shall mean the [New York state thruway authority, a  
22 body corporate and politic constituting a public corporation created and  
23 constituted pursuant to title nine of article two] POWER AUTHORITY OF  
24 THE STATE OF NEW YORK, A BODY CORPORATE AND POLITIC CONSTITUTING A POLI-  
25 TICAL SUBDIVISION OF THE STATE CREATED AND CONSTITUTED PURSUANT TO TITLE  
26 ONE OF ARTICLE FIVE of the public authorities law.

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

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

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

41 TRANSFER TO [NEW YORK STATE THRUWAY AUTHORITY]

42 POWER AUTHORITY OF THE STATE OF NEW YORK

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

45 S 5. Transfer of powers and duties relating to canals and canal lands  
46 to the [New York state thruway authority] POWER AUTHORITY OF THE STATE  
47 OF NEW YORK. The powers and duties of the [commissioner of transporta-  
48 tion] THRUWAY AUTHORITY relating to the New York state canal system as  
49 set forth in articles one through and including fourteen, except article  
50 seven, of this chapter, and except properties in use on the effective  
51 date of this article in support of highway maintenance, equipment  
52 management and traffic signal operations of the department of transpor-  
53 tation, HERETOFORE TRANSFERRED BY THE COMMISSIONER OF TRANSPORTATION TO  
54 THE THRUWAY AUTHORITY, are hereby transferred to and merged with the  
55 authority, to be exercised by the authority DIRECTLY OR THROUGH THE  
56 CANAL CORPORATION on behalf of the people of the state of New York. In

1 addition, the commissioner of transportation and the [chairman] CHAIR of  
2 the authority OR HIS OR HER DESIGNEE may, in their discretion, enter  
3 into an agreement or agreements transferring the powers and duties of  
4 the commissioner of transportation relating to any or all of the bridges  
5 and highways as set forth in article seven of this chapter, to be exer-  
6 cised by the authority DIRECTLY OR THROUGH THE CANAL CORPORATION on  
7 behalf of the people of the state of New York, and, AS DETERMINED TO BE  
8 FEASIBLE AND ADVISABLE BY THE AUTHORITY'S TRUSTEES, shall enter into an  
9 agreement or agreements DIRECTLY OR THROUGH THE CANAL CORPORATION for  
10 the financing, construction, reconstruction or improvement of lift and  
11 movable bridges on the canal system. Such powers shall be in addition to  
12 other powers enumerated in title [nine] ONE of article [two] FIVE of the  
13 public authorities law. All of the provisions of title [nine] ONE of  
14 article [two] FIVE of such law which are not inconsistent with this  
15 chapter shall apply to the actions and duties of the authority pursuant  
16 to this chapter. The authority shall be deemed to be the state in exer-  
17 cising the powers and duties transferred pursuant to this section but  
18 for no other purposes.

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

23 1. The jurisdiction of the [commissioner of transportation] THRUWAY  
24 AUTHORITY over the New York state canal system and over all state  
25 assets, equipment and property, both tangible and intangible, owned or  
26 used in connection with the planning, development, construction, recon-  
27 struction, maintenance and operation of the New York state canal system,  
28 as set forth in articles one through and including fourteen, except  
29 article seven, of this chapter, and except properties in use on the  
30 effective date of this article in support of highway maintenance, equip-  
31 ment management and traffic signal operations of the department of  
32 transportation, HERETOFORE TRANSFERRED BY THE COMMISSIONER OF TRANSPOR-  
33 TATION TO THE THRUWAY AUTHORITY, are hereby transferred without consid-  
34 eration to the authority, to be held by the authority in the name of the  
35 people of the state of New York. In addition the commissioner of trans-  
36 portation and the [chairman] CHAIR of the authority OR HIS OR HER DESIG-  
37 NEE may, in their discretion, enter into an agreement or agreements  
38 transferring jurisdiction over any or all of the bridges and highways  
39 set forth in article seven of this chapter, and any or all state assets,  
40 equipment and property, both tangible and intangible, owned or used in  
41 connection with the planning, development, construction, reconstruction,  
42 maintenance and operation of such bridges and highways, which shall be  
43 transferred without consideration to the authority, to be held by the  
44 authority through the corporation in the name of the people of the state  
45 of New York. Any other rights and obligations resulting from or arising  
46 out of the planning, development, construction, reconstruction, opera-  
47 tion or maintenance of the New York state canal system shall be deemed  
48 assigned to and shall be exercised by the authority through the corpo-  
49 ration, except that the authority may designate the [commissioner of  
50 transportation] CHAIR OF THE THRUWAY AUTHORITY to be its agent for the  
51 operation and maintenance of the New York state canal system, provided  
52 that such designation shall have no force or effect after [March thir-  
53 ty-first, nineteen hundred ninety-three] JANUARY FIRST, TWO THOUSAND  
54 SEVENTEEN. Such canal system shall remain the property of the state and  
55 under its management and control as exercised by and through the author-  
56 ity, through the corporation which shall be deemed to be the state for

1 the purposes of such management and control of the canals but for no  
2 other purposes.

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

7 3. All rules, regulations, acts, determinations, orders and decisions  
8 of the commissioner of transportation [and of the], department of trans-  
9 portation, OR THRUWAY AUTHORITY pertaining to the functions transferred  
10 pursuant to this article in force at the time of such transfer shall  
11 continue in force and effect as rules, regulations, acts, determi-  
12 nations, orders and decisions of the authority and corporation until  
13 duly modified or abrogated by such authority [and] OR corporation.

14 4. Any business or other matters undertaken or commenced by the  
15 [commissioner of transportation or the department of transportation]  
16 THRUWAY AUTHORITY, including executed contracts, permits and other  
17 agreements, BUT EXCLUDING BONDS, NOTES OR OTHER EVIDENCES OF INDEBT-  
18 EDNESS, pertaining to or connected with the [functions,] powers, [obli-  
19 gations and] duties AND OBLIGATIONS transferred pursuant to this arti-  
20 cle, and in effect on the effective date [hereof] OF THE TRANSFER OF  
21 SUCH MATTERS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY PROVIDED FOR IN  
22 THIS ARTICLE, shall, EXCEPT AS OTHERWISE AGREED BY THE AUTHORITY AND THE  
23 THRUWAY AUTHORITY, be conducted and completed by the authority through  
24 the corporation in the same manner and under the same terms and condi-  
25 tions and with the same effect as if conducted and completed by the  
26 [commissioner of transportation or the department of transportation]  
27 THRUWAY AUTHORITY, PROVIDED THAT NOTHING IN THIS SUBDIVISION SHALL BE  
28 DEEMED TO REQUIRE THE AUTHORITY TO TAKE ANY ACTION IN A MANNER THAT  
29 WOULD IN ITS JUDGMENT BE INCONSISTENT WITH THE PROVISIONS OF ANY BOND OR  
30 NOTE RESOLUTION OR ANY OTHER CONTRACT WITH THE HOLDERS OF THE AUTHORI-  
31 TY'S BONDS, NOTES OR OTHER OBLIGATIONS.

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

35 S 18. Subdivision 6 of section 6 of the canal law, as added by chapter  
36 766 of the laws of 1992, paragraph (b) as amended by chapter 335 of the  
37 laws of 2001, is amended and a new subdivision 7 is added to read as  
38 follows:

39 6. (a) No action or proceeding pending on the effective date of [this  
40 article,] THE TRANSFER OF POWERS, DUTIES AND OBLIGATIONS FROM THE THRU-  
41 WAY AUTHORITY TO THE AUTHORITY brought by or against THE THRUWAY AUTHOR-  
42 ITY, the commissioner of transportation [or], THE CORPORATION, the  
43 department of transportation OR THE AUTHORITY shall be affected by this  
44 article. Any liability arising out of any act or omission occurring  
45 prior to the effective date of the transfer of THE powers [and], duties  
46 [authorized herein] AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE  
47 AUTHORITY, of the officers, employees or agents of THE THRUWAY AUTHORI-  
48 TY, the department of transportation, or any other agency of the state,  
49 other than the authority, in the performance of their obligations or  
50 duties under the canal law, any other law of the state or any federal  
51 law, or pursuant to a contract entered into prior to the effective date  
52 of such transfer, shall remain a liability of THE THRUWAY AUTHORITY, the  
53 department of transportation or such other agency of the state and not  
54 of the authority.

55 (b) Notwithstanding any provision to the contrary contained in para-  
56 graph (a) of this subdivision, the state shall indemnify and hold harm-

1 less the THRUWAY authority [and], THE corporation AND THE AUTHORITY for  
2 any and all claims, damages, or liabilities, whether or not caused by  
3 negligence, including civil and criminal fines, arising out of or relat-  
4 ing to any generation, processing, handling, transportation, storage,  
5 treatment, or disposal of solid or hazardous wastes in the canal system  
6 by any person or entity other than the THRUWAY AUTHORITY OR THE authori-  
7 ty occurring prior to [the effective date of the transfer of powers and  
8 duties authorized herein] AUGUST THIRD, NINETEEN HUNDRED NINETY-TWO.  
9 Such indemnification shall extend to, without limitation, any releases  
10 into land, water or air, including but not limited to releases as  
11 defined under the federal comprehensive environmental response compen-  
12 sation and liability act of nineteen hundred eighty, occurring or exist-  
13 ing prior to [the effective date of this section] AUGUST THIRD, NINETEEN  
14 HUNDRED NINETY-TWO; provided that the THRUWAY AUTHORITY, THE CORPORATION  
15 AND THE authority shall cooperate in the investigation and remediation  
16 of hazardous waste and other environmental problems.

17 (C) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY CONTAINED IN PARA-  
18 GRAPH (A) OF THIS SUBDIVISION, THE THRUWAY AUTHORITY SHALL INDEMNIFY AND  
19 HOLD HARMLESS THE CORPORATION AND THE AUTHORITY FOR ANY AND ALL CLAIMS,  
20 DAMAGES, OR LIABILITIES, WHETHER OR NOT CAUSED BY NEGLIGENCE, INCLUDING  
21 CIVIL AND CRIMINAL FINES, ARISING OUT OF OR RELATING TO ANY GENERATION,  
22 PROCESSING, HANDLING, TRANSPORTATION, STORAGE, TREATMENT, OR DISPOSAL OF  
23 SOLID OR HAZARDOUS WASTES IN THE CANAL SYSTEM BY ANY PERSON OR ENTITY  
24 OTHER THAN THE AUTHORITY OCCURRING AFTER AUGUST THIRD, NINETEEN HUNDRED  
25 NINETY-TWO AND NO LATER THAN THE EFFECTIVE DATE OF THE TRANSFER OF  
26 POWERS, DUTIES AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHOR-  
27 ITY. SUCH INDEMNIFICATION SHALL EXTEND TO, WITHOUT LIMITATION, ANY  
28 RELEASES INTO LAND, WATER OR AIR, INCLUDING BUT NOT LIMITED TO RELEASES  
29 AS DEFINED UNDER THE FEDERAL COMPREHENSIVE ENVIRONMENTAL RESPONSE  
30 COMPENSATION AND LIABILITY ACT OF NINETEEN HUNDRED EIGHTY, OCCURRING OR  
31 EXISTING PRIOR TO THE EFFECTIVE DATE OF THE TRANSFER OF POWERS, DUTIES  
32 AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY; PROVIDED  
33 THAT THE CORPORATION AND THE AUTHORITY SHALL COOPERATE IN THE INVESTI-  
34 GATION AND REMEDIATION OF HAZARDOUS WASTE AND OTHER ENVIRONMENTAL PROB-  
35 LEMS.

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

43 7. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN CONNECTION  
44 WITH THE TRANSFER OF JURISDICTION OF THE CORPORATION TO THE AUTHORITY  
45 AND THE ASSUMPTION OF MANAGEMENT OF THE CORPORATION AS A SUBSIDIARY  
46 CORPORATION OF THE AUTHORITY PURSUANT TO THE CHAPTER OF THE LAWS OF TWO  
47 THOUSAND SIXTEEN WHICH ADDED THIS SUBDIVISION, THE THRUWAY AUTHORITY  
48 SHALL HAVE THE POWER TO FULFILL ANY EXISTING AGREEMENTS OR OBLIGATIONS,  
49 MAKE ANY AGREEMENTS, RECEIVE, RETAIN OR PAY ANY FUNDS, DEEMED NECESSARY  
50 AND IN THE PUBLIC INTEREST TO EFFECTUATE THE PROVISIONS AND INTENT OF  
51 THIS CHAPTER, INCLUDING BUT NOT LIMITED TO, THE ENTERING INTO ANY AGREE-  
52 MENTS WITH THE CORPORATION, THE AUTHORITY AND ANY OTHER FEDERAL, STATE,  
53 MUNICIPAL OR OTHER ENTITIES, AND TO RECEIVE FUNDS FROM THE FEDERAL EMER-  
54 GENCY MANAGEMENT AGENCY OR THE STATE, TO FULFILL THE THRUWAY AUTHORITY'S  
55 EXISTING FINANCIAL OR OTHER OBLIGATIONS ARISING FROM ITS JURISDICTION  
56 OVER THE CANAL SYSTEM AND THE CORPORATION.

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

5 2. Such fund shall consist of all revenues received from the operation  
6 of the New York state canal system as defined in section three hundred  
7 fifty-one of the public authorities law and section two of the canal  
8 law, including payments on leases for use of canal lands, terminals and  
9 terminal lands, tolls received for lock and lift bridge passage,  
10 payments for hydroelectric easements and sales, for purchase of other  
11 abandoned canal lands, payments for any permits and leases for use of  
12 the water and lands of the system and payments for use of dry docks and  
13 other moneys made available to the fund from any other source other than  
14 a grant, loan or other inter-corporate transfer of funds of the [New  
15 York state thruway authority] POWER AUTHORITY OF THE STATE OF NEW YORK,  
16 and any income earned by, or incremental to, the fund due to investment  
17 thereof, or any repayment of any moneys advanced by the fund.

18 5. Moneys of the fund, following appropriation by the legislature,  
19 shall be available to the [New York state thruway authority] POWER  
20 AUTHORITY OF THE STATE OF NEW YORK and shall be expended by such author-  
21 ity or [subsidiary corporation thereof] THE CANAL CORPORATION only for  
22 the maintenance, construction, reconstruction, development or promotion  
23 of the canal system[; provided, however, that in the initial years,  
24 expenditures of moneys of the fund for the development and/or promotion  
25 of the canal system shall be accorded a priority by the authority or  
26 subsidiary corporation thereof]. In addition, moneys of the fund may be  
27 used for the purposes of interpretive signage and promotion for appro-  
28 priate historically significant Erie canal lands and related sites.  
29 Moneys shall be paid out of the fund by the state comptroller on certif-  
30 icates issued by the director of the budget.

31 S 20. Notwithstanding any other provision of law, the power authority  
32 of the state of New York ("power authority"), New York state thruway  
33 authority and New York state canal corporation ("canal corporation"),  
34 and any other state or municipal agency, department, office, board,  
35 division, commission, public authority or public benefit corporation may  
36 enter into such agreements and understandings relating to the transition  
37 of the canal corporation to its status as a subsidiary of the power  
38 authority and for the administration, maintenance and operation of the  
39 canal corporation and the canal system as they may deem necessary or  
40 desirable.

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

43 25. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TO ACCEPT GIFTS,  
44 GRANTS, LOANS, OR CONTRIBUTIONS OF FUNDS OR PROPERTY IN ANY FORM FROM  
45 THE FEDERAL GOVERNMENT OR ANY AGENCY OR INSTRUMENTALLY THEREOF OR FROM  
46 THE STATE OR ANY OTHER SOURCE (COLLECTIVELY, "RESOURCES"), AND ENTER  
47 INTO CONTRACTS OR OTHER TRANSACTIONS REGARDING SUCH RESOURCES, AND TO  
48 USE SUCH RESOURCES FOR ANY OF ITS CORPORATE PURPOSES.

49 S 22. The public authorities law is amended by adding a new section  
50 1005-b to read as follows:

51 S 1005-B. NEW YORK STATE CANAL CORPORATION. 1. THE PUBLIC BENEFIT  
52 CORPORATION KNOWN AS THE "NEW YORK STATE CANAL CORPORATION" (HEREINAFTER  
53 REFERRED TO AS THE "CANAL CORPORATION") CREATED AS A SUBSIDIARY CORPO-  
54 RATION OF THE NEW YORK STATE THRUWAY AUTHORITY PURSUANT TO CHAPTER SEVEN  
55 HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO IS HEREBY  
56 CONTINUED AND RECONSTITUTED AS A SUBSIDIARY CORPORATION OF THE AUTHORITY

1 AND SHALL HAVE ONLY THE POWER TO OPERATE, MAINTAIN, CONSTRUCT, RECON-  
2 STRUCT, IMPROVE, DEVELOP, FINANCE, AND PROMOTE ALL OF THE CANALS, CANAL  
3 LANDS, FEEDER CANALS, RESERVOIRS, CANAL TERMINALS, CANAL TERMINAL LANDS  
4 AND OTHER PROPERTY UNDER THE JURISDICTION OF THE CANAL CORPORATION  
5 PURSUANT TO ARTICLE ONE-A OF THE CANAL LAW (HEREINAFTER REFERRED TO AS  
6 THE "CANAL SYSTEM"). REFERENCE IN ANY PROVISION OF LAW, GENERAL, SPECIAL  
7 OR LOCAL, OR IN ANY RULE, REGULATION OR PUBLIC DOCUMENT TO THE CANAL  
8 CORPORATION OR THE CANAL CORPORATION AS A SUBSIDIARY OF THE NEW YORK  
9 STATE THRUWAY AUTHORITY SHALL BE DEEMED TO BE AND CONSTRUED AS A REFER-  
10 ENCE TO THE CANAL CORPORATION CONTINUED BY THIS SECTION.

11 2. THE MANAGEMENT AND ADMINISTRATION OF THE CANAL CORPORATION SHALL BE  
12 AN ADDITIONAL CORPORATE PURPOSE OF THE AUTHORITY. TO THE EXTENT THAT THE  
13 TRUSTEES DEEM IT FEASIBLE AND ADVISABLE, THE AUTHORITY MAY TRANSFER TO  
14 THE CANAL CORPORATION ANY MONEYS, REAL, PERSONAL, OR MIXED PROPERTY OR  
15 ANY PERSONNEL IN ORDER TO CARRY OUT THE PURPOSES OF THIS SECTION,  
16 PROVIDED THAT NOTHING IN THIS SECTION SHALL BE DEEMED TO REQUIRE THE  
17 AUTHORITY TO APPLY ANY MONEYS, REVENUES OR PROPERTY OR TO TAKE ANY  
18 ACTION IN A MANNER THAT WOULD BE INCONSISTENT WITH THE PROVISIONS OF ANY  
19 BOND OR NOTE RESOLUTION OR ANY OTHER CONTRACT WITH THE HOLDERS OF THE  
20 AUTHORITY'S BONDS, NOTES OR OTHER OBLIGATIONS.

21 3. THE CANAL CORPORATION AND ANY OF ITS PROPERTY, FUNCTIONS, AND  
22 ACTIVITIES SHALL HAVE ALL OF THE PRIVILEGES, IMMUNITIES, TAX EXEMPTIONS  
23 AND OTHER EXEMPTIONS OF THE AUTHORITY AND OF THE AUTHORITY'S PROPERTY,  
24 FUNCTIONS, AND ACTIVITIES. THE CANAL CORPORATION SHALL BE SUBJECT TO THE  
25 RESTRICTIONS AND LIMITATIONS TO WHICH THE AUTHORITY MAY BE SUBJECT. THE  
26 CANAL CORPORATION MAY DELEGATE TO ONE OR MORE OF ITS MEMBERS, OR ITS  
27 OFFICERS, AGENTS AND EMPLOYEES, SUCH DUTIES AND POWERS AS IT MAY DEEM  
28 PROPER.

29 4. EXCLUSIVE JURISDICTION IS CONFERRED UPON THE COURT OF CLAIMS TO  
30 HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE CANAL CORPO-  
31 RATION (A) FOR ITS TORTIOUS ACTS AND THOSE OF ITS AGENTS, AND (B) FOR  
32 BREACH OF A CONTRACT, RELATING TO CONSTRUCTION, RECONSTRUCTION, IMPROVE-  
33 MENT, MAINTENANCE OR OPERATION, IN THE SAME MANNER AND TO THE EXTENT  
34 PROVIDED BY AND SUBJECT TO THE PROVISIONS OF THE COURT OF CLAIMS ACT  
35 WITH RESPECT TO CLAIMS AGAINST THE STATE, AND TO MAKE AWARDS AND RENDER  
36 JUDGMENTS THEREFOR. ALL AWARDS AND JUDGMENTS ARISING FROM SUCH CLAIMS  
37 SHALL BE PAID OUT OF MONEYS OF THE CANAL CORPORATION.

38 5. THE MEMBERS OF THE CANAL CORPORATION SHALL BE THE SAME PERSONS  
39 HOLDING THE OFFICES OF TRUSTEES OF THE AUTHORITY.

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

45 7. THE EMPLOYEES OF THE CANAL CORPORATION SHALL NOT BE DEEMED TO BE  
46 EMPLOYEES OF THE AUTHORITY BY REASON OF THEIR EMPLOYMENT BY THE CANAL  
47 CORPORATION. ALL OFFICERS AND EMPLOYEES OF THE CANAL CORPORATION SHALL  
48 BE SUBJECT TO THE PROVISIONS OF THE CIVIL SERVICE LAW WHICH SHALL APPLY  
49 TO THE CANAL CORPORATION AS A MUNICIPAL CORPORATION OTHER THAN A CITY.  
50 THE CANAL CORPORATION SHALL PARTICIPATE IN THE NEW YORK STATE AND LOCAL  
51 EMPLOYEES' RETIREMENT SYSTEM. NOTHING CONTAINED IN A CHAPTER OF THE LAWS  
52 OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION SHALL BE CONSTRUED TO  
53 AFFECT THE RIGHTS OF THE CANAL CORPORATION OR ANY OF ITS EMPLOYEES UNDER  
54 ANY COLLECTIVE BARGAINING AGREEMENT IN EFFECT AS OF THE EFFECTIVE DATE  
55 OF TRANSFER OF THE CANAL CORPORATION FROM THE THRUWAY AUTHORITY TO THE  
56 AUTHORITY.

1 8. THE FISCAL YEAR OF THE CANAL CORPORATION SHALL BE THE SAME AS THE  
2 FISCAL YEAR FOR THE AUTHORITY.

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

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

6 (B) SUE AND BE SUED;

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

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

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

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

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

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

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

22 (J) INVEST ANY FUNDS OF THE CANAL CORPORATION, OR ANY OTHER MONIES  
23 UNDER ITS CUSTODY AND CONTROL NOT REQUIRED FOR IMMEDIATE USE OR  
24 DISBURSEMENT, AT THE DISCRETION OF THE CANAL CORPORATION, IN OBLIGATIONS  
25 OF THE STATE OR THE UNITED STATES GOVERNMENT OR OBLIGATIONS THE PRINCI-  
26 PAL AND INTEREST OF WHICH ARE GUARANTEED BY THE STATE OR THE UNITED  
27 STATES GOVERNMENT, OR IN ANY OTHER OBLIGATIONS IN WHICH THE COMPTROLLER  
28 OF THE STATE IS AUTHORIZED TO INVEST PURSUANT TO SECTION NINETY-EIGHT-A  
29 OF THE STATE FINANCE LAW;

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

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

34 (M) APPROVE AND IMPLEMENT THE NEW YORK STATE CANAL RECREATIONWAY PLAN  
35 SUBMITTED PURSUANT TO SECTION ONE HUNDRED THIRTY-EIGHT-C OF THE CANAL  
36 LAW. THE CANAL CORPORATION'S REVIEW AND APPROVAL OF THE CANAL RECREA-  
37 TIONWAY PLAN SHALL BE BASED UPON ITS CONSIDERATION OF A GENERIC ENVIRON-  
38 MENTAL IMPACT STATEMENT PREPARED BY THE CANAL CORPORATION IN ACCORDANCE  
39 WITH ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND THE REGU-  
40 LATIONS THEREUNDER. PRIOR TO THE IMPLEMENTATION OF ANY SUBSTANTIAL  
41 IMPROVEMENT BY THE CANAL CORPORATION ON CANAL LANDS, CANAL TERMINALS, OR  
42 CANAL TERMINAL LANDS, OR THE LEASE OF CANAL LANDS, CANAL TERMINALS, OR  
43 CANAL TERMINAL LANDS FOR SUBSTANTIAL COMMERCIAL IMPROVEMENT, THE CANAL  
44 CORPORATION, IN ADDITION TO ANY REVIEW TAKEN PURSUANT TO SECTION 14.09  
45 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW, SHALL CONDUCT A  
46 RECONNAISSANCE LEVEL SURVEY WITHIN THREE THOUSAND FEET OF SUCH LANDS TO  
47 BE IMPROVED OF THE TYPE, LOCATION, AND SIGNIFICANCE OF HISTORIC BUILD-  
48 INGS, SITES, AND DISTRICTS LISTED ON, OR WHICH MAY BE ELIGIBLE, FOR THE  
49 STATE OR NATIONAL REGISTERS OF HISTORIC PLACES. THE FINDINGS OF SUCH  
50 SURVEY SHALL BE USED TO IDENTIFY SIGNIFICANT HISTORICAL RESOURCES AND TO  
51 DETERMINE WHETHER THE PROPOSED IMPROVEMENTS ARE COMPATIBLE WITH SUCH  
52 HISTORIC BUILDINGS, SITES, AND DISTRICTS;

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

55 (O) ACCEPT ANY GIFTS OR ANY GRANT OF FUNDS OR PROPERTY FROM THE FEDER-  
56 AL GOVERNMENT OR FROM THE STATE OR ANY OTHER FEDERAL OR STATE PUBLIC

1 BODY OR POLITICAL SUBDIVISION OR ANY OTHER PERSON AND TO COMPLY WITH THE  
2 TERMS AND CONDITIONS THEREOF; AND

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

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

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

16 (C) IN THE EVENT THAT THE REQUEST SUBMITTED BY THE CANAL CORPORATION  
17 TO THE DIRECTOR OF THE BUDGET DIFFERS FROM THE REQUEST SUBMITTED BY THE  
18 COMMISSION TO THE CANAL CORPORATION, THEN THE REQUEST SUBMITTED BY THE  
19 CANAL CORPORATION TO THE DIRECTOR OF THE BUDGET SHALL SPECIFY THE  
20 DIFFERENCES AND SHALL SET FORTH THE REASONS FOR SUCH DIFFERENCES.

21 11. THE CANAL CORPORATION SHALL NOT HAVE THE POWER TO ISSUE BONDS,  
22 NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS; PROVIDED THAT NOTWITHSTANDING  
23 THE FOREGOING, THE CANAL CORPORATION MAY AGREE TO REPAY AMOUNTS ADVANCED  
24 TO THE CANAL CORPORATION BY THE AUTHORITY AND TO EVIDENCE SUCH AGREEMENT  
25 BY DELIVERY OF A PROMISSORY NOTE OR NOTES TO THE AUTHORITY.

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

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

33 14. WHENEVER ANY STATE POLITICAL SUBDIVISION, MUNICIPALITY, COMMIS-  
34 SION, AGENCY, OFFICER, DEPARTMENT, BOARD, DIVISION, OR PERSON IS AUTHOR-  
35 IZED AND EMPOWERED FOR ANY OF THE PURPOSES OF THIS TITLE TO COOPERATE  
36 AND ENTER INTO AGREEMENTS WITH THE AUTHORITY, SUCH STATE POLITICAL  
37 SUBDIVISION, MUNICIPALITY, COMMISSION, AGENCY, OFFICER, DEPARTMENT,  
38 BOARD, DIVISION, OR PERSON SHALL HAVE THE SAME AUTHORIZATION AND POWER  
39 FOR ANY SUCH PURPOSES TO COOPERATE AND ENTER INTO AGREEMENTS WITH THE  
40 CANAL CORPORATION.

41 S 23. The public authorities law is amended by adding a new section  
42 1005-c to read as follows:

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

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

54 2. ALL OF THE PROVISIONS OF THIS TITLE RELATING TO BONDS, NOTES AND  
55 OTHER EVIDENCE OF INDEBTEDNESS, WHICH ARE NOT INCONSISTENT WITH THIS  
56 SECTION, SHALL APPLY TO OBLIGATIONS AUTHORIZED BY THIS SECTION, INCLUD-



1 ING BUT NOT LIMITED TO THE POWER TO ISSUE RENEWAL NOTES OR REFUNDING  
2 BONDS THEREOF.

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

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

16 (J) FOR PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE  
17 DIRECTORS, OFFICERS AND EMPLOYEES OF THE THRUWAY AUTHORITY, AND THE  
18 DIRECTORS, OFFICERS AND EMPLOYEES OF THE CANAL CORPORATION. IN THOSE  
19 CASES WHERE THE DEFINITION OF THE TERM "EMPLOYEE" PROVIDED IN THIS PARA-  
20 GRAPH IS APPLICABLE, THE TERM "STATE", AS UTILIZED IN SUBDIVISIONS TWO,  
21 THREE, AND FOUR OF THIS SECTION, SHALL MEAN THE THRUWAY AUTHORITY WHEN  
22 THE EMPLOYEE IS A DIRECTOR, OFFICER, OR EMPLOYEE OF THE THRUWAY AUTHORI-  
23 TY, OR THE CANAL CORPORATION, WHEN THE EMPLOYEE IS A DIRECTOR, OFFICER,  
24 OR EMPLOYEE OF THE CANAL CORPORATION.

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

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

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

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

44 S 33.01 New York state heritage areas advisory council. There shall  
45 continue to be in the office a New York state heritage areas advisory  
46 council which shall consist of twenty-six members or their designated  
47 representatives. The commissioner shall be a member of the advisory  
48 council. In addition, the advisory council shall consist of the follow-  
49 ing twenty-five other members: the commissioner of economic development,  
50 to advise and assist regarding related tourism and economic revitaliza-  
51 tion; the commissioner of education, to advise and assist regarding the  
52 interpretive and educational aspects of the programs; the secretary of  
53 state, to advise and assist regarding matters of community development  
54 and state planning and to advise on the identification and preservation  
55 of rural resources; the commissioner of transportation, to advise and  
56 assist regarding matters of transportation to and within heritage areas;

1 the president of the New York state urban development corporation, to  
2 advise and assist regarding matters of economic development; the commis-  
3 sioner of environmental conservation, to advise and assist regarding  
4 matters of conservation and use of natural resources; the chairman of  
5 the state board for historic preservation, to advise and assist in  
6 matters regarding historic preservation; the commissioner of housing and  
7 community renewal to advise and assist regarding neighborhood and commu-  
8 nity development and preservation programs; the [chairman of the New  
9 York state thruway authority] PRESIDENT AND CHIEF EXECUTIVE OFFICER OF  
10 THE POWER AUTHORITY OF THE STATE OF NEW YORK regarding the operation of  
11 the New York state canal system; the commissioner of agriculture and  
12 markets regarding agriculture in heritage areas; a representative of the  
13 State Heritage Area Association; the director or chief executive officer  
14 of the Hudson River National Heritage Area, the Erie Canalway National  
15 Heritage Corridor, the Champlain Valley National Heritage Partnership  
16 and the Niagara Falls National Heritage Area; and ten members to be  
17 appointed by the governor, three of such members shall be municipal  
18 officers, elected officials or representatives of local government  
19 interest and seven of such members shall be, by professional training or  
20 experience or attainment, qualified to analyze or interpret matters  
21 relevant to the establishment and maintenance of state designated herit-  
22 age areas including urban cultural parks and heritage corridors, one of  
23 whom shall be the director of a heritage area. Of these last seven, two  
24 are to be appointed from names recommended by the majority leader of the  
25 senate, two are to be appointed from names recommended by the speaker of  
26 the assembly, one is to be appointed from names recommended by the  
27 minority leader of the senate and one is to be appointed from names  
28 recommended by the minority leader of the assembly. The governor may  
29 designate such ex-officio members who shall be from the executive  
30 department, state agencies or public corporations as he or she deems  
31 appropriate; provided that such ex-officio members shall not vote on  
32 matters before the advisory council. For the ten members appointed by  
33 the governor, each shall hold office for a term of five years and until  
34 his or her successor shall have been appointed or until he or she shall  
35 resign. The members of the advisory council shall elect a chair from  
36 amongst its members for a term of three years. Eleven members of the  
37 advisory council shall constitute a quorum for the transaction of any  
38 business at both regular and special meetings. Any ex-officio member may  
39 delegate all his or her duties of membership, including voting rights,  
40 to an officer or employee of such member's organization. No member shall  
41 receive any compensation.

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

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

48 S 28. Notwithstanding any other provision of law, the power authority  
49 of the state of New York (power authority) and the New York state thru-  
50 way authority (thruway authority) are hereby authorized to enter into an  
51 agreement, effective April 1, 2016, whereby the power authority shall  
52 reimburse the thruway authority, monthly, for any and all operating and  
53 capital costs, expended by the thruway authority for the operation and  
54 maintenance of the New York state canal system (canal system), and the  
55 operation of the New York state canal corporation (canal corporation),  
56 for the period of April 1, 2016 through January 1, 2017. The thruway

1 authority shall provide the power authority with a monthly report of all  
2 expenditures related to the canal corporation and the canal system, and  
3 provide access to all necessary financial records to carry out the  
4 intent of this section.

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

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

11 PART R

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

14 S 2. Legislative findings and declaration. The legislature hereby  
15 finds and declares that the federal tax reform act of 1986 established a  
16 statewide bond volume ceiling on the issuance of certain tax exempt  
17 private activity bonds and notes and, under certain circumstances,  
18 governmental use bonds and notes issued by the state and its public  
19 authorities, local governments, agencies which issue on behalf of local  
20 governments, and certain other issuers. The federal tax reform act  
21 establishes a formula for the allocation of the bond volume ceiling  
22 which was subject to temporary modification by gubernatorial executive  
23 order until December 31, 1987. That act also permits state legislatures  
24 to establish, by statute, an alternative formula for allocating the  
25 volume ceiling. Bonds and notes subject to the volume ceiling require  
26 an allocation from the state's annual volume ceiling in order to qualify  
27 for federal tax exemption.

28 It is hereby declared to be the policy of the state to maximize the  
29 public benefit through the issuance of private activity bonds for the  
30 purposes of, among other things, allocating a fair share of the bond  
31 volume ceiling upon initial allocation and from a bond reserve to local  
32 agencies and for needs identified by local governments; providing hous-  
33 ing and promoting economic development; job creation; an economical  
34 energy supply; and resource recovery and to provide for an orderly and  
35 efficient volume ceiling allocation process for state and local agencies  
36 by establishing an alternative formula for making such allocations.

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

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

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

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

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

46 5. "Covered bonds" means those tax exempt private activity bonds and  
47 that portion of the non-qualified amount of an issue of governmental use  
48 bonds for which an allocation of the statewide ceiling is required for  
49 the interest earned by holders of such bonds to be excluded from the  
50 gross income of such holders for federal income tax purposes under the  
51 code.

52 6. "Director" means the director of the New York state division of the  
53 budget.

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

1 8. "Local agency" means an industrial development agency established  
2 or operating pursuant to article 18-A of the general municipal law, the  
3 Troy industrial development authority and the Auburn industrial develop-  
4 ment authority.

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

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

10 11. "State agency" means the state of New York, the New York state  
11 energy research and development authority, the New York job development  
12 authority, the New York state environmental facilities corporation, the  
13 New York state urban development corporation and its subsidiaries, the  
14 Battery Park city authority, the port authority of New York and New  
15 Jersey, the power authority of the state of New York, the dormitory  
16 authority of the state of New York, the New York state housing finance  
17 agency, the state of New York mortgage agency, and any other public  
18 benefit corporation or public authority designated by the governor for  
19 the purposes of this act.

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

23 13. "Future allocations" means allocations of statewide ceiling for up  
24 to two future years.

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

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

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

30 S 4. Local agency set-aside. (a) A set-aside of statewide ceiling for  
31 local agencies for any calendar year shall be an amount which bears the  
32 same ratio to one-third of the statewide ceiling as the population of  
33 the jurisdiction of such local agency bears to the population of the  
34 entire state. The commissioner shall administer allocations of such  
35 set-aside to local agencies.

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

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

49 S 6. Statewide bond reserve. One-third of the statewide ceiling is  
50 hereby set aside as a statewide bond reserve to be administered by the  
51 director. 1. Allocation of the statewide bond reserve among state agen-  
52 cies, local agencies and other issuers. The director shall transfer a  
53 portion of the statewide bond reserve to the commissioner for allocation  
54 to and use by local agencies and other issuers in accordance with the  
55 terms of this section. The remainder of the statewide bond reserve may

1 be allocated by the director to state agencies in accordance with the  
2 terms of this section.

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

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

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

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

20 (b) In reviewing and approving or disapproving applications, the  
21 commissioner shall exercise discretion to ensure an equitable distrib-  
22 ution of allocations from the statewide bond reserve to local agencies  
23 and other issuers. Prior to making a determination on such applications,  
24 the commissioner shall notify and seek the recommendation of the presi-  
25 dent and chief executive officer of the New York state housing finance  
26 agency in the case of an application related to the issuance of multi-  
27 family housing or mortgage revenue bonds, and in the case of other  
28 requests, such state officers, departments, divisions and agencies as  
29 the commissioner deems appropriate.

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

32 3. Allocation of statewide bond reserve to state agencies. The direc-  
33 tor may make an allocation from the statewide bond reserve to any state  
34 agency. Before making any allocation of statewide bond reserve to state  
35 agencies the director shall be satisfied: (a) that the allocation is  
36 required under the code for the interest earned on the bonds to be  
37 excluded from the gross income of bondholders for federal income tax  
38 purposes;

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

43 (c) that, except for those allocations made pursuant to section twelve  
44 of this act to enable carryforward elections, the requested allocation  
45 is reasonably expected to be used during the calendar year, and the  
46 requested future allocation is reasonably expected to be used in the  
47 calendar year to which the future allocation relates.

48 S 7. Access to employment opportunities. 1. All issuers shall require  
49 that any new employment opportunities created in connection with the  
50 industrial or manufacturing projects financed through the issuance of  
51 qualified small issue bonds shall be listed with the New York state  
52 department of labor and with the one-stop career center established  
53 pursuant to the federal workforce investment act (Pub. L. No. 105-220)  
54 serving the locality in which the employment opportunities are being  
55 created. Such listing shall be in a manner and form prescribed by the  
56 commissioner. All issuers shall further require that for any new employ-

1 ment opportunities created in connection with an industrial or manufac-  
2 turing project financed through the issuance of qualified small issue  
3 bonds by such issuer, industrial or manufacturing firms shall first  
4 consider persons eligible to participate in workforce investment act  
5 (Pub. L. No. 105-220) programs who shall be referred to the industrial  
6 or manufacturing firm by one-stop centers in local workforce investment  
7 areas or by the department of labor. Issuers of qualified small issue  
8 bonds are required to monitor compliance with the provisions of this  
9 section as prescribed by the commissioner.

10 2. Nothing in this section shall be construed to require users of  
11 qualified small issue bonds to violate any existing collective bargain-  
12 ing agreement with respect to the hiring of new employees. Failure on  
13 the part of any user of qualified small issue bonds to comply with the  
14 requirements of this section shall not affect the allocation of bonding  
15 authority to the issuer of the bonds or the validity or tax exempt  
16 status of such bonds.

17 S 8. Overlapping jurisdictions. In a geographic area represented by a  
18 county local agency and one or more sub-county local agencies, the allo-  
19 cation granted by section four of this act with respect to such area of  
20 overlapping jurisdiction shall be apportioned one-half to the county  
21 local agency and one-half to the sub-county local agency or agencies.  
22 Where there is a local agency for the benefit of a village within the  
23 geographic area of a town for the benefit of which there is a local  
24 agency, the allocation of the village local agency shall be based on the  
25 population of the geographic area of the village, and the allocation of  
26 the town local agency shall be based upon the population of the  
27 geographic area of the town outside of the village. Notwithstanding the  
28 foregoing, a local agency may surrender all or part of its allocation  
29 for such calendar year to another local agency with an overlapping  
30 jurisdiction. Such surrender shall be made at such time and in such  
31 manner as the commissioner shall prescribe.

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

38 S 10. Municipal reallocation. The chief executive officer of any poli-  
39 tical subdivision or, if such political subdivision has no chief execu-  
40 tive officer, the governing board of the political subdivision for the  
41 benefit of which a local agency has been established, may withdraw all  
42 or any portion of the allocation granted by section four of this act to  
43 such local agency. The political subdivision may then reallocate all or  
44 any portion of such allocation, as well as all or any portion of the  
45 allocation received pursuant to section nine of this act, to itself or  
46 any other issuer established for the benefit of that political subdivi-  
47 sion or may assign all or any portion of the allocation received pursu-  
48 ant to section nine of this act to the local agency created for its  
49 benefit. The chief executive officer or governing board of the political  
50 subdivision, as the case may be, shall notify, and receive prior  
51 approval from the commissioner before any such reallocation.

52 S 11. Future allocations for multi-year housing development projects.  
53 1. In addition to other powers granted under this act, the commissioner  
54 is authorized to make the following future allocations of statewide  
55 ceiling for any multi-year housing development project for which the  
56 commissioner also makes an allocation of statewide ceiling for the

1 current year under this act: (a) to local agencies from the local agen-  
2 cy set-aside (but only with the approval of the chief executive officer  
3 of the political subdivision to which the local agency set-aside relates  
4 or the governing body of a political subdivision having no chief execu-  
5 tive officer) and

6 (b) to other issuers from that portion, if any, of the statewide bond  
7 reserve transferred to the commissioner by the director. Any future  
8 allocation made by the commissioner shall constitute an allocation of  
9 statewide ceiling for the future year specified by the commissioner and  
10 shall be deemed to have been made on the first day of the future year so  
11 specified.

12 2. In addition to other powers granted under this act, the director is  
13 authorized to make future allocations of statewide ceiling from the  
14 state agency set-aside or from the statewide bond reserve to state agen-  
15 cies for any multi-year housing development project for which the direc-  
16 tor also makes an allocation of statewide ceiling from the current year  
17 under this act, and is authorized to make transfers of the statewide  
18 bond reserve to the commissioner for future allocations to other issuers  
19 for multi-year housing development projects for which the commissioner  
20 has made an allocation of statewide ceiling for the current year. Any  
21 such future allocation or transfer of the statewide bond reserve for  
22 future allocation made by the director shall constitute an allocation of  
23 statewide ceiling or transfer of the statewide bond reserve for the  
24 future years specified by the director and shall be deemed to have been  
25 made on the first day of the future year so specified.

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

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

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

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

46 S 12. Year end allocation recapture. On or before October first of  
47 each year, each state agency shall report to the director and each local  
48 agency and each other issuer shall report to the commissioner the amount  
49 of bonds subject to allocation under this act that will be issued prior  
50 to the end of the then current calendar year, and the amount of the  
51 issuer's then total allocation that will remain unused. As of October  
52 fifteenth of each year, the unused portion of each local agency's and  
53 other issuer's then total allocation as reported and the unallocated  
54 portion of the set-aside for state agencies shall be recaptured and  
55 added to the statewide bond reserve and shall no longer be available to  
56 covered bond issuers except as otherwise provided herein. From October

1 fifteenth through the end of the year, each local agency or other issuer  
2 having an allocation shall immediately report to the commissioner and  
3 each state agency having an allocation shall immediately report to the  
4 director any changes to the status of its allocation or the status of  
5 projects for which allocations have been made which should affect the  
6 timing or likelihood of the issuance of covered bonds therefor. If the  
7 commissioner determines that a local agency or other issuer has overes-  
8 timated the amount of covered bonds subject to allocation that will be  
9 issued prior to the end of the calendar year, the commissioner may  
10 recapture the amount of the allocation to such local agency or other  
11 issuer represented by such overestimation by notice to the local agency  
12 or other issuer, and add such allocation to the statewide bond reserve.  
13 The director may likewise make such determination and recapture with  
14 respect to state agency allocations.

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

21 2. On or before November fifteenth of each year, each state agency  
22 seeking unused statewide ceiling for use in future years shall make a  
23 request for an allocation for a carryforward to the director, whose  
24 approval shall be required before a carryforward election is filed by or  
25 on behalf of any state agency. A later request may also be considered by  
26 the director, who may file a carryforward election for any state agency  
27 with the consent of such agency.

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

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

38 2. The panel shall consist of five members, one designee being  
39 appointed by each of the following: the governor, the temporary presi-  
40 dent of the senate, the speaker of the assembly, the minority leader of  
41 the senate and the minority leader of the assembly. The designee of the  
42 governor shall chair the panel. The panel shall monitor the allocation  
43 process through the year, and in that regard, the division of the budget  
44 and the department of economic development shall assist and cooperate  
45 with the panel as provided in this section. The advisory process shall  
46 operate through the issuance of advisory opinions by members of the  
47 panel as provided in subdivisions six and seven of this section. A meet-  
48 ing may be held at the call of the chair with the unanimous consent of  
49 the members.

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

55 (b) Upon receipt of a request for allocation or a request for approval  
56 of carryforward election from the statewide reserve from a state agency,



1 the director shall, within five working days, notify the panel of such  
2 request and provide the panel with copies of all application materials  
3 submitted by the applicant.

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

11 (b) Following receipt of a request for allocation from a state agency,  
12 the director shall notify the panel of a decision to approve or exclude  
13 from further consideration such request, and shall state the reasons.  
14 Such notification shall be made with or after the transmission of the  
15 information specified in subdivision three of this section and at least  
16 five working days before formal notification is made to the state agen-  
17 cy.

18 5. The requirements of subdivisions three and four of this section  
19 shall not apply to adjustments to allocations due to bond sizing chang-  
20 es.

21 6. In the event that any decision to approve or to exclude from  
22 further consideration a request for allocation is made within ten work-  
23 ing days of the end of the calendar year and in the case of all requests  
24 for consent to a carryforward election, the commissioner or director, as  
25 is appropriate, shall provide the panel with the longest possible  
26 advance notification of the action, consistent with the requirements of  
27 the code, and shall, wherever possible, solicit the opinions of the  
28 members of the panel before formally notifying any applicant of the  
29 action. Such notification may be made by means of telephone communi-  
30 cation to the members or by written notice delivered to the Albany  
31 office of the appointing authority of the respective members.

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

40 8. On or before the first day of July, in any year, the director shall  
41 report to the members of the New York state bond allocation policy advi-  
42 sory panel on the actual utilization of volume cap for the issuance of  
43 bonds during the prior calendar year and the amount of such cap allo-  
44 cated for carryforwards for future bond issuance. The report shall  
45 include, for each local agency or other issuer and each state agency the  
46 initial allocation, the amount of bonds issued subject to the allo-  
47 cation, the amount of the issuer's allocation that remained unused, the  
48 allocation of the statewide bond reserve, carryforward allocations and  
49 recapture of allocations. Further, the report shall include projections  
50 regarding private activity bond issuance for state and local issuers for  
51 the calendar year, as well as any recommendations for legislative  
52 action.

53 S 15. Severability. If any clause, sentence, paragraph, section, or  
54 part of this act shall be adjudged by any court of competent jurisdic-  
55 tion to be invalid, such judgment shall not affect, impair, or invali-  
56 date the remainder thereof, but shall be confined in its operation to

1 the clause, sentence, paragraph, section, or part thereof directly  
2 involved in the controversy in which such judgment shall have been  
3 rendered.

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

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

7 6. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, THE BOARD SHALL HAVE  
8 THE POWER AND IT SHALL BE ITS DUTY TO RECEIVE APPLICATIONS FOR APPROVAL  
9 FOR ANY FINANCING OR BOND ISSUANCES THAT UTILIZE THE LOCAL AGENCY SET-  
10 ASIDE, AS AUTHORIZED BY THE "PRIVATE ACTIVITY BOND ALLOCATION ACT OF  
11 2016", EXECUTED BY ENTITIES OR SUCCESSOR ENTITIES AS DEFINED BY SUBDIVI-  
12 SIONS EIGHT AND NINE OF SECTION THREE OF THAT ACT, INCLUDING ENTITIES  
13 ESTABLISHED PURSUANT TO ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW,  
14 AND CORPORATIONS ESTABLISHED PURSUANT TO SECTION FOURTEEN HUNDRED ELEVEN  
15 OF THE NOT-FOR-PROFIT CORPORATION LAW AND ARTICLE TWELVE OF THE PRIVATE  
16 HOUSING FINANCE LAW.

17 S 18. This act shall take effect immediately.

18

#### PART S

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

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

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

30 (B) IT IS FURTHER DECLARED THAT THE CONTINUED EXISTENCE OF THE STATE  
31 DAIRY INDUSTRY, AND THE CONTINUED PRODUCTION OF MILK ON THE FARMS OF  
32 THIS STATE, IS OF VAST ECONOMIC IMPORTANCE TO THE STATE AND TO THE  
33 HEALTH AND WELFARE OF THE INHABITANTS THEREOF; THAT IT IS ESSENTIAL, IN  
34 ORDER TO ASSURE SUCH CONTINUED PRODUCTION OF MILK AND ITS HANDLING AND  
35 DISTRIBUTION, THAT PRICES TO PRODUCERS BE SUCH AS TO RETURN REASONABLE  
36 COSTS OF PRODUCTION, AND AT THE SAME TIME TO ASSURE AN ADEQUATE SUPPLY  
37 OF MILK AND DAIRY PRODUCTS TO CONSUMERS AT REASONABLE PRICES; AND TO  
38 THESE ENDS IT IS ESSENTIAL THAT CONSUMERS AND OTHERS BE ADEQUATELY  
39 INFORMED AS TO THE DIETARY NEEDS AND ADVANTAGES OF MILK AND DAIRY  
40 PRODUCTS AND AS TO THE ECONOMIES RESULTING FROM THE USE OF MILK AND  
41 DAIRY PRODUCTS, AND TO COMMAND FOR MILK AND DAIRY PRODUCTS, CONSUMER  
42 ATTENTION AND DEMAND CONSISTENT WITH THEIR IMPORTANCE AND VALUE. IT IS  
43 FURTHER DECLARED THAT CONTINUED DECLINE IN THE CONSUMPTION OF FLUID MILK  
44 AND SOME OTHER DAIRY PRODUCTS WILL JEOPARDIZE THE PRODUCTION OF ADEQUATE  
45 SUPPLIES OF MILK AND DAIRY PRODUCTS BECAUSE OF INCREASING SURPLUSES  
46 NECESSARILY RETURNING LESS TO PRODUCERS; AND THAT CONTINUED ADEQUATE  
47 SUPPLIES OF MILK AND DAIRY PRODUCTS IS A MATTER OF VITAL CONCERN AS  
48 AFFECTING THE HEALTH AND GENERAL WELFARE OF THE PEOPLE OF THIS STATE. IT  
49 IS THEREFORE DECLARED TO BE THE LEGISLATIVE INTENT AND POLICY OF THE  
50 STATE:

51 (I) TO ENABLE MILK PRODUCERS AND OTHERS IN THE DAIRY INDUSTRY, WITH  
52 THE AID OF THE STATE, TO MORE EFFECTIVELY PROMOTE THE CONSUMPTION OF  
53 MILK AND DAIRY PRODUCTS,

1 (II) TO PROVIDE METHODS AND MEANS FOR THE DEVELOPMENT OF NEW AND  
2 IMPROVED DAIRY PRODUCTS, AND TO PROMOTE THEIR USE, AND

3 (III) TO THIS END, TO ELIMINATE THE POSSIBLE IMPAIRMENT OF THE  
4 PURCHASING POWER OF THE MILK PRODUCERS OF THIS STATE AND TO ASSURE AN  
5 ADEQUATE SUPPLY OF MILK FOR CONSUMERS AT REASONABLE PRICES.

6 2. DEFINITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE  
7 THE FOLLOWING MEANINGS:

8 (A) "PRESIDENT" MEANS THE PRESIDENT OF THE CORPORATION.

9 (B) "DAIRY PRODUCTS" MEANS MILK AND PRODUCTS DERIVED THEREFROM, AND  
10 PRODUCTS OF WHICH MILK OR A PORTION THEREOF IS A SIGNIFICANT PART.

11 (C) "PRODUCER" MEANS ANY PERSON IN THIS STATE WHO IS ENGAGED IN THE  
12 PRODUCTION OF MILK OR WHO CAUSES MILK TO BE PRODUCED FOR ANY MARKET IN  
13 THIS OR ANY OTHER STATE.

14 (D) "ADVISORY BOARD" MEANS THE PERSONS APPOINTED BY THE PRESIDENT FROM  
15 NOMINATIONS FROM PRODUCERS TO ASSIST THE PRESIDENT IN ADMINISTERING A  
16 DAIRY PROMOTION ORDER.

17 (E) "MILK DEALER" MEANS ANY PERSON WHO PURCHASES OR HANDLES OR  
18 RECEIVES OR SELLS MILK, INCLUDING INDIVIDUALS, PARTNERSHIPS, CORPO-  
19 RATIONS, COOPERATIVE ASSOCIATIONS, AND UNINCORPORATED COOPERATIVE ASSO-  
20 CIATIONS.

21 (F) "DAIRY PROMOTION ORDER" MEANS AN ORDER ISSUED BY THE PRESIDENT,  
22 PURSUANT TO THE PROVISIONS OF THIS SECTION.

23 (G) "COOPERATIVE" MEANS AN ASSOCIATION OR FEDERATION OR COOPERATIVE OF  
24 MILK PRODUCERS ORGANIZED UNDER THE LAWS OF NEW YORK STATE, OR ANY OTHER  
25 STATE, HAVING AGREEMENTS WITH THEIR PRODUCER MEMBERS TO MARKET, BARGAIN  
26 FOR OR SELL THE MILK OF SUCH PRODUCERS, AND IS ACTUALLY PERFORMING ONE  
27 OR MORE OF THESE SERVICES IN THE MARKETING OF THE MILK PRODUCED BY THEIR  
28 MEMBERS, THROUGH THE COOPERATIVE OR THROUGH A FEDERATION OF MILK COOPER-  
29 ATIVES IN WHICH THE COOPERATIVE HAS MEMBERSHIP.

30 (H) "STATE" MEANS THE STATE OF NEW YORK.

31 3. POWERS AND DUTIES OF THE PRESIDENT. (A) THE PRESIDENT SHALL ADMIN-  
32 ISTER AND ENFORCE THE PROVISIONS OF THIS SECTION. IN ORDER TO EFFECTUATE  
33 THE DECLARED POLICY OF THIS SECTION THE PRESIDENT, IN CONSULTATION WITH  
34 THE COMMISSIONER OF AGRICULTURE AND MARKETS, MAY, AFTER DUE NOTICE AND  
35 HEARING, MAKE AND ISSUE A DAIRY PROMOTION ORDER, OR ORDERS.

36 (B) SUCH ORDER OR ORDERS SHALL BE ISSUED AND AMENDED OR TERMINATED IN  
37 ACCORDANCE WITH THE FOLLOWING PROCEDURES:

38 (I) BEFORE ANY SUCH ORDER MAY BECOME EFFECTIVE IT MUST BE APPROVED BY  
39 FIFTY-ONE PER CENTUM OF THE PRODUCERS OF MILK VOTING IN THE REFERENDUM  
40 FOR THE AREA TO BE REGULATED BY SUCH ORDER. SUCH REFERENDUM SHALL NOT  
41 CONSTITUTE VALID APPROVAL UNLESS FIFTY-ONE PER CENTUM OF ALL MILK  
42 PRODUCERS FOR THE AREA TO BE REGULATED VOTE IN THE REFERENDUM. PRODUCERS  
43 MAY VOTE BY INDIVIDUAL BALLOT OR THROUGH THEIR COOPERATIVES IN ACCORD-  
44 ANCE WITH THE FOLLOWING PROCEDURES:

45 (A) COOPERATIVES MAY SUBMIT WRITTEN APPROVAL OF SUCH ORDER WITHIN A  
46 PERIOD OF ONE HUNDRED TWENTY DAYS AFTER THE PRESIDENT HAS ANNOUNCED A  
47 REFERENDUM ON A PROPOSED ORDER, FOR SUCH PRODUCERS WHO ARE LISTED AND  
48 CERTIFIED TO THE PRESIDENT AS MEMBERS OF SUCH COOPERATIVE; PROVIDED,  
49 HOWEVER, THAT ANY COOPERATIVE BEFORE SUBMITTING SUCH WRITTEN APPROVAL  
50 SHALL GIVE AT LEAST SIXTY DAYS PRIOR WRITTEN NOTICE TO EACH PRODUCER WHO  
51 IS ITS MEMBER, OF THE INTENTION OF THE COOPERATIVE TO APPROVE SUCH  
52 PROPOSED ORDER, AND FURTHER PROVIDE THAT IF SUCH COOPERATIVE DOES NOT  
53 INTEND TO APPROVE SUCH PROPOSED ORDER, IT SHALL LIKEWISE GIVE WRITTEN  
54 NOTICE TO EACH SUCH PRODUCER WHO IS ITS MEMBER, OF ITS INTENTION NOT TO  
55 APPROVE OF SUCH PROPOSED ORDER.

1 (B) ANY PRODUCER MAY OBTAIN A BALLOT FROM THE PRESIDENT SO THAT HE OR  
2 SHE MAY REGISTER HIS OR HER OWN APPROVAL OR DISAPPROVAL OF THE PROPOSED  
3 ORDER.

4 (C) A PRODUCER WHO IS A MEMBER OF A COOPERATIVE WHICH HAS NOTIFIED HIM  
5 OR HER OF ITS INTENT TO APPROVE OR NOT TO APPROVE OF A PROPOSED ORDER,  
6 AND WHO OBTAINS A BALLOT AND WITH SUCH BALLOT EXPRESSES HIS OR HER  
7 APPROVAL OR DISAPPROVAL OF THE PROPOSED ORDER, SHALL NOTIFY THE PRESI-  
8 DENT AS TO THE NAME OF THE COOPERATIVE OF WHICH HE OR SHE IS A MEMBER,  
9 AND THE PRESIDENT SHALL REMOVE SUCH PRODUCER'S NAME FROM THE LIST CERTI-  
10 FIED BY SUCH COOPERATIVE.

11 (D) IN ORDER TO ENSURE THAT ALL MILK PRODUCERS ARE INFORMED REGARDING  
12 A PROPOSED ORDER, THE PRESIDENT SHALL NOTIFY ALL MILK PRODUCERS THAT AN  
13 ORDER IS BEING CONSIDERED AND THAT EACH PRODUCER MAY REGISTER HIS OR HER  
14 APPROVAL OR DISAPPROVAL WITH THE PRESIDENT EITHER DIRECTLY OR THROUGH  
15 HIS OR HER COOPERATIVE.

16 (E) THE PRESIDENT MAY APPOINT A REFERENDUM ADVISORY COMMITTEE TO  
17 ASSIST AND ADVISE HIM OR HER IN THE CONDUCT OF THE REFERENDUM. SUCH  
18 COMMITTEE SHALL REVIEW REFERENDUM PROCEDURES AND THE TABULATION OF  
19 RESULTS, AND SHALL ADVISE THE PRESIDENT OF ITS FINDINGS. THE FINAL  
20 CERTIFICATION OF THE REFERENDUM RESULTS SHALL BE MADE BY THE PRESIDENT.  
21 THE COMMITTEE SHALL CONSIST OF NOT LESS THAN THREE MEMBERS, NONE OF WHOM  
22 SHALL BE PERSONS DIRECTLY AFFECTED BY THE PROMOTION ORDER BEING VOTED  
23 UPON. TWO MEMBERS SHALL BE REPRESENTATIVES OF GENERAL FARM ORGANIZA-  
24 TIONS WHICH ARE NOT DIRECTLY AFFECTED BY THE ORDER BEING VOTED UPON. THE  
25 MEMBERS OF THE COMMITTEE SHALL NOT RECEIVE A SALARY BUT SHALL BE ENTI-  
26 TLED TO ACTUAL AND REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF  
27 THEIR DUTIES.

28 (II) THE PRESIDENT MAY, AND UPON WRITTEN PETITION OF NOT LESS THAN TEN  
29 PER CENTUM OF THE PRODUCERS IN THE AREA, EITHER AS INDIVIDUALS OR  
30 THROUGH COOPERATIVE REPRESENTATION, SHALL CALL A HEARING TO AMEND OR  
31 TERMINATE SUCH ORDER, AND ANY SUCH AMENDMENT OR TERMINATION SHALL BE  
32 EFFECTIVE ONLY UPON APPROVAL OF FIFTY-ONE PER CENTUM OF THE PRODUCERS OF  
33 MILK FOR THE AREA REGULATED PARTICIPATING IN A REFERENDUM VOTE AS  
34 PROVIDED PURSUANT TO THIS PARAGRAPH.

35 (C) THE PRESIDENT SHALL ADMINISTER AND ENFORCE ANY SUCH DAIRY  
36 PROMOTION ORDER WHILE IT IS IN EFFECT, FOR THE PURPOSE OF:

37 (I) ENCOURAGING THE CONSUMPTION OF MILK AND DAIRY PRODUCTS BY  
38 ACQUAINTING CONSUMERS AND OTHERS WITH THE ADVANTAGES AND ECONOMY OF  
39 USING MORE OF SUCH PRODUCTS,

40 (II) PROTECTING THE HEALTH AND WELFARE OF CONSUMERS BY ASSURING AN  
41 ADEQUATE SUPPLY OF MILK AND DAIRY PRODUCTS,

42 (III) PROVIDING FOR RESEARCH PROGRAMS DESIGNED TO DEVELOP NEW AND  
43 IMPROVED DAIRY PRODUCTS,

44 (IV) PROVIDING FOR RESEARCH PROGRAMS DESIGNED TO ACQUAINT CONSUMERS  
45 AND THE PUBLIC GENERALLY WITH THE EFFECTS OF THE USE OF MILK AND DAIRY  
46 PRODUCTS ON THE HEALTH OF SUCH CONSUMERS,

47 (V) CARRYING OUT, IN OTHER WAYS, THE DECLARED POLICY AND INTENT OF  
48 THIS SECTION.

49 4. PROVISIONS OF DAIRY PROMOTION ORDERS. ANY DAIRY PROMOTION ORDER OR  
50 ORDERS MAY CONTAIN, AMONG OTHERS, ANY OR ALL OF THE FOLLOWING:

51 (A) PROVISION FOR LEVYING AN ASSESSMENT AGAINST ALL PRODUCERS SUBJECT  
52 TO THE REGULATION FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF SUCH  
53 ORDER AND TO PAY THE COST OF ADMINISTERING AND ENFORCING SUCH ORDER. IN  
54 ORDER TO COLLECT ANY SUCH ASSESSMENTS, PROVISION SHALL BE MADE FOR EACH  
55 MILK DEALER WHO RECEIVES MILK FROM PRODUCERS TO DEDUCT THE AMOUNT OF  
56 ASSESSMENT FROM MONEYS OTHERWISE DUE TO PRODUCERS FOR THE MILK SO DELIV-

1 ERED. THE RATE OF SUCH ASSESSMENT SHALL NOT EXCEED TWO PERCENT PER  
2 HUNDREDWEIGHT OF THE GROSS VALUE OF THE PRODUCERS' MILK, AND THERE MAY  
3 BE CREDITED AGAINST ANY SUCH ASSESSMENT THE AMOUNTS PER HUNDREDWEIGHT  
4 OTHERWISE PAID BY ANY PRODUCER COVERED BY THE ORDER BY VOLUNTARY  
5 CONTRIBUTION OR OTHERWISE PURSUANT TO ANY OTHER FEDERAL OR STATE MILK  
6 MARKET ORDER FOR ANY SIMILAR RESEARCH PROMOTION OR ADVERTISING PROGRAM.  
7 NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION THREE OF  
8 THIS SECTION, THE PRESIDENT, UPON WRITTEN PETITION OF NO LESS THAN TWEN-  
9 TY-FIVE PERCENT OF PRODUCERS IN THE AREA, EITHER AS INDIVIDUALS OR  
10 THROUGH COOPERATIVE REPRESENTATION, MAY CALL A HEARING FOR THE SOLE  
11 PURPOSE OF ESTABLISHING A NEW RATE OF ASSESSMENT HEREUNDER AND MAY  
12 SUBMIT A PROPOSED CHANGE IN THE RATE OF ASSESSMENT TO THE PRODUCERS FOR  
13 ACCEPTANCE OR REJECTION WITHOUT OTHERWISE AFFECTING THE ORDER. THE  
14 PRODUCERS IN THE AREA MAY VOTE ON THE PROPOSED RATE EITHER AS INDIVID-  
15 UALS OR THROUGH COOPERATIVE REPRESENTATION. NOTWITHSTANDING THE FOREGO-  
16 ING PROVISIONS OF THIS PARAGRAPH AND OF PARAGRAPH (B) OF SUBDIVISION  
17 THREE OF THIS SECTION, OR THE PROVISIONS OF ANY ORDER PROMULGATED PURSU-  
18 ANT TO THIS SECTION, THE RATE OF ASSESSMENT, FOR ANY PERIOD DURING WHICH  
19 A DAIRY PRODUCTS PROMOTION AND RESEARCH ORDER ESTABLISHED PURSUANT TO  
20 THE FEDERAL DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983 IS IN EFFECT, SHALL  
21 NOT BE LESS THAN AN AMOUNT EQUAL TO THE MAXIMUM CREDIT WHICH PRODUCERS  
22 PARTICIPATING IN THIS STATE'S DAIRY PRODUCTS PROMOTION OR NUTRITION  
23 EDUCATION PROGRAMS MAY RECEIVE PURSUANT TO SUBDIVISION (G) OF SEC. 113  
24 OF SAID FEDERAL ACT.

25 (B) PROVISION FOR PAYMENTS TO ORGANIZATIONS ENGAGED IN CAMPAIGNS BY  
26 ADVERTISEMENTS OR OTHERWISE, INCLUDING PARTICIPATION IN SIMILAR REGIONAL  
27 OR NATIONAL PLANS OR CAMPAIGNS TO PROMOTE THE INCREASED CONSUMPTION OF  
28 MILK AND DAIRY PRODUCTS, TO ACQUAINT THE PUBLIC WITH THE DIETARY ADVAN-  
29 TAGES OF MILK AND DAIRY PRODUCTS AND WITH THE ECONOMY OF THEIR INCLUSION  
30 IN THE DIET AND TO COMMAND, FOR MILK AND DAIRY PRODUCTS, CONSUMER ATTEN-  
31 TION CONSISTENT WITH THEIR IMPORTANCE AND VALUE.

32 (C) PROVISION FOR PAYMENTS TO INSTITUTIONS OR ORGANIZATIONS ENGAGED IN  
33 RESEARCH LEADING TO THE DEVELOPMENT OF NEW OR IMPROVED DAIRY PRODUCTS OR  
34 RESEARCH WITH RESPECT TO THE VALUE OF MILK AND DAIRY PRODUCTS IN THE  
35 HUMAN DIET.

36 (D) PROVISION FOR REQUIRING RECORDS TO BE KEPT AND REPORTS TO BE FILED  
37 BY MILK DEALERS WITH RESPECT TO MILK RECEIVED FROM PRODUCERS AND WITH  
38 RESPECT TO ASSESSMENTS ON THE MILK OF SUCH PRODUCERS.

39 (E) PROVISION FOR THE AUDITING OF THE RECORDS OF SUCH MILK DEALERS FOR  
40 THE PURPOSE OF VERIFYING PAYMENT OF PRODUCER ASSESSMENTS.

41 (F) PROVISION FOR AN ADVISORY BOARD PURSUANT TO SUBDIVISION 10 OF THIS  
42 SECTION.

43 (G) PROVISION FOR THE PRESIDENT TO RETAIN MONEY COLLECTED UNDER ANY  
44 MARKETING ORDER ISSUED PURSUANT TO THIS SECTION, TO DEFRAY THE COSTS AND  
45 EXPENSES IN THE ADMINISTRATION THEREOF.

46 (H) SUCH OTHER PROVISIONS AS MAY BE NECESSARY TO EFFECTUATE THE  
47 DECLARED POLICIES OF THIS SECTION.

48 5. MATTERS TO BE CONSIDERED. IN CARRYING OUT THE PROVISIONS OF THIS  
49 SECTION AND PARTICULARLY IN DETERMINING WHETHER OR NOT A DAIRY PROMOTION  
50 ORDER SHALL BE ISSUED, THE PRESIDENT, IN CONSULTATION WITH THE COMMIS-  
51 SIONER OF AGRICULTURE AND MARKETS, SHALL TAKE INTO CONSIDERATION, AMONG  
52 OTHERS, FACTS AVAILABLE TO HIM OR HER WITH RESPECT TO THE FOLLOWING:

53 (A) THE TOTAL PRODUCTION OF MILK IN THE AREA AND THE PROPORTION OF  
54 SUCH MILK BEING UTILIZED IN FLUID FORM AND IN OTHER PRODUCTS,

55 (B) THE PRICES BEING RECEIVED FOR MILK BY PRODUCERS IN THE AREA,

1 (C) THE LEVEL OF CONSUMPTION PER CAPITA FOR FLUID MILK AND OF OTHER  
2 DAIRY PRODUCTS,

3 (D) THE PURCHASING POWER OF CONSUMERS,

4 (E) OTHER PRODUCTS WHICH COMPETE WITH MILK AND DAIRY PRODUCTS AND  
5 PRICES OF SUCH PRODUCTS.

6 6. INTERSTATE ORDERS FOR COMPACTS. THE PRESIDENT, IN CONSULTATION WITH  
7 THE COMMISSIONER OF AGRICULTURE AND MARKETS, IS AUTHORIZED TO CONFER AND  
8 COOPERATE WITH THE LEGALLY CONSTITUTED AUTHORITIES OF OTHER STATES AND  
9 OF THE UNITED STATES WITH RESPECT TO THE ISSUANCE AND OPERATION OF JOINT  
10 AND CONCURRENT DAIRY PROMOTION ORDERS OR OTHER ACTIVITIES TENDING TO  
11 CARRY OUT THE DECLARED INTENT OF THE ACT. HE OR SHE MAY JOIN WITH SUCH  
12 OTHER AUTHORITIES IN CONDUCTING JOINT INVESTIGATIONS, HOLDING JOINT  
13 HEARINGS AND ISSUING JOINT OR CONCURRENT ORDER OR ORDERS COMPLEMENTARY  
14 TO THOSE OF THE FEDERAL GOVERNMENT AND SHALL HAVE THE AUTHORITY TO  
15 EMPLOY OR DESIGNATE A JOINT AGENT OR JOINT AGENCIES TO CARRY OUT AND  
16 ENFORCE SUCH JOINT, CONCURRENT OR SUPPLEMENTARY ORDERS.

17 7. PRIOR ASSESSMENTS. PRIOR TO THE EFFECTIVE DATE OF ANY DAIRY  
18 PROMOTION ORDER AS PROVIDED IN THIS SECTION, THE PRESIDENT MAY REQUIRE  
19 THAT COOPERATIVE ASSOCIATIONS WHICH HAVE PETITIONED FOR SUCH AN ORDER  
20 AND THAT HAVE APPROVED OF THE ISSUANCE OF SUCH AN ORDER, TO DEPOSIT WITH  
21 THE PRESIDENT SUCH AMOUNTS AS HE OR SHE MAY DEEM NECESSARY TO DEFRAY THE  
22 EXPENSE OF ADMINISTERING AND ENFORCING SUCH ORDER UNTIL SUCH TIME AS THE  
23 ASSESSMENTS AS HEREIN BEFORE PROVIDED ARE ADEQUATE FOR THAT PURPOSE.  
24 SUCH FUNDS SHALL BE RECEIVED, DEPOSITED AND DISBURSED BY THE PRESIDENT  
25 IN THE SAME MANNER AS OTHER FUNDS RECEIVED BY HIM OR HER PURSUANT TO  
26 THIS SECTION AND THE PRESIDENT SHALL REIMBURSE THOSE WHO PAID THESE  
27 PRIOR ASSESSMENTS FROM OTHER FUNDS RECEIVED BY HIM OR HER PURSUANT TO  
28 THIS SECTION.

29 8. STATUS OF FUNDS. ANY MONEYS COLLECTED UNDER ANY MARKET ORDER ISSUED  
30 PURSUANT TO THIS SECTION SHALL NOT BE DEEMED TO BE STATE FUNDS AND SHALL  
31 BE DEPOSITED IN A BANK OR OTHER DEPOSITORY OF THE CORPORATION, APPROVED  
32 BY THE PRESIDENT, ALLOCATED TO EACH DAIRY PROMOTION ORDER UNDER WHICH  
33 THEY WERE COLLECTED, AND SHALL BE DISBURSED BY THE PRESIDENT ONLY FOR  
34 THE NECESSARY EXPENSES INCURRED BY THE PRESIDENT WITH RESPECT TO EACH  
35 SEPARATE ORDER, ALL IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE  
36 PRESIDENT. ALL SUCH EXPENSES SHALL BE AUDITED BY THE CORPORATION AT  
37 LEAST ANNUALLY. ANY MONEYS REMAINING IN SUCH FUND ALLOCABLE TO A  
38 PARTICULAR ORDER, AFTER THE TERMINATION OF SUCH ORDER AND NOT REQUIRED  
39 BY THE PRESIDENT TO DEFRAY THE EXPENSES OF OPERATING SUCH ORDER, MAY IN  
40 THE DISCRETION OF THE PRESIDENT BE REFUNDED ON A PRO-RATA BASIS TO ALL  
41 PERSONS FROM WHOM ASSESSMENTS THEREFOR WERE COLLECTED; PROVIDED, HOWEV-  
42 ER, THAT IF THE PRESIDENT FINDS THAT THE AMOUNTS SO REFUNDABLE ARE SO  
43 SMALL AS TO MAKE IMPRACTICABLE THE COMPUTATION AND REFUNDING OF SUCH  
44 MONEYS, THE PRESIDENT MAY USE SUCH MONEYS TO DEFRAY THE EXPENSES  
45 INCURRED BY HIM OR HER IN THE PROMULGATION, ISSUANCE, ADMINISTRATION OR  
46 ENFORCEMENT OF ANY OTHER SIMILAR DAIRY PROMOTION ORDER OR IN THE ABSENCE  
47 OF ANY OTHER SUCH DAIRY PROMOTION ORDER, THE PRESIDENT MAY PAY SUCH  
48 MONEYS TO ANY ORGANIZATION OR INSTITUTION AS PROVIDED IN PARAGRAPH (B)  
49 OR (C) OF SUBDIVISION FOUR OF THIS SECTION.

50 9. BUDGET. THE PRESIDENT SHALL PREPARE A BUDGET FOR THE ADMINISTRATION  
51 AND OPERATING COSTS AND EXPENSES INCLUDING ADVERTISING AND SALES  
52 PROMOTION WHEN REQUIRED IN ANY DAIRY PROMOTION ORDER EXECUTED HEREUNDER  
53 AND TO PROVIDE FOR THE COLLECTION OF SUCH NECESSARY FEES OR ASSESSMENTS  
54 TO DEFRAY COSTS AND EXPENSES, IN NO CASE TO EXCEED TWO PERCENT PER  
55 HUNDREDWEIGHT OF THE GROSS VALUE OF MILK MARKETED BY PRODUCERS IN THE  
56 AREA COVERED BY THE ORDER.

1 10. ADVISORY BOARD. (A) ANY DAIRY PROMOTION ORDER ISSUED PURSUANT TO  
2 THIS SECTION SHALL PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY BOARD TO  
3 ADVISE AND ASSIST THE PRESIDENT IN THE ADMINISTRATION OF SUCH ORDER.  
4 THIS BOARD SHALL CONSIST OF NOT LESS THAN FIVE MEMBERS AND SHALL BE  
5 APPOINTED BY THE PRESIDENT FROM NOMINATIONS SUBMITTED BY PRODUCERS  
6 MARKETING MILK IN THE AREA TO WHICH THE ORDER APPLIES. NOMINATING PROCE-  
7 DURE, QUALIFICATION, REPRESENTATION, AND SIZE OF THE ADVISORY BOARD  
8 SHALL BE PRESCRIBED IN THE ORDER FOR WHICH SUCH BOARD WAS APPOINTED.

9 (B) NO MEMBER OF AN ADVISORY BOARD SHALL RECEIVE A SALARY BUT SHALL BE  
10 ENTITLED TO HIS OR HER ACTUAL AND REASONABLE EXPENSES INCURRED WHILE  
11 PERFORMING HIS OR HER DUTIES AS AUTHORIZED IN THIS SECTION.

12 (C) THE DUTIES AND RESPONSIBILITIES OF THE ADVISORY BOARD SHALL BE  
13 PRESCRIBED BY THE PRESIDENT AND HE OR SHE MAY SPECIFICALLY DELEGATE TO  
14 THE ADVISORY BOARD, BY INCLUSION IN THE DAIRY PROMOTION ORDER, ALL OR  
15 ANY OF THE FOLLOWING DUTIES AND RESPONSIBILITIES:

16 (I) THE RECOMMENDATION TO THE PRESIDENT OF ADMINISTRATIVE RULES AND  
17 REGULATIONS RELATING TO THE ORDER.

18 (II) RECOMMENDING TO THE PRESIDENT SUCH AMENDMENTS TO THE ORDER AS  
19 DEEMED ADVISABLE.

20 (III) THE PREPARATION AND SUBMISSION TO THE PRESIDENT OF AN ESTIMATED  
21 BUDGET REQUIRED FOR THE PROPER OPERATION OF THE ORDER.

22 (IV) RECOMMENDING TO THE PRESIDENT METHODS FOR ASSESSING PRODUCERS AND  
23 METHODS FOR COLLECTING THE NECESSARY FUNDS.

24 (V) ASSISTING THE PRESIDENT IN THE COLLECTION AND ASSEMBLY OF INFORMA-  
25 TION AND DATA NECESSARY FOR THE PROPER ADMINISTRATION OF THE ORDER.

26 (VI) THE PERFORMANCE OF SUCH OTHER DUTIES IN CONNECTION WITH THE ORDER  
27 AS THE PRESIDENT SHALL DESIGNATE.

28 11. RULES AND REGULATIONS; ENFORCEMENT. (A) THE PRESIDENT MAY, WITH  
29 THE ADVICE AND ASSISTANCE OF THE ADVISORY BOARD, MAKE AND ISSUE SUCH  
30 RULES AND REGULATIONS AS MAY BE NECESSARY TO EFFECTUATE THE PROVISIONS  
31 AND INTENT OF THIS SECTION AND TO ENFORCE THE PROVISIONS OF ANY DAIRY  
32 PROMOTION ORDER, ALL OF WHICH SHALL HAVE THE FORCE AND EFFECT OF LAW.

33 (B) THE PRESIDENT MAY INSTITUTE SUCH ACTION AT LAW OR IN EQUITY AS MAY  
34 APPEAR NECESSARY TO ENFORCE COMPLIANCE WITH ANY PROVISION OF THIS  
35 SECTION, OR ANY RULE OR REGULATION, OR DAIRY PROMOTION ORDER COMMITTED  
36 TO HIS OR HER ADMINISTRATION, AND MAY APPLY FOR RELIEF BY INJUNCTION IF  
37 NECESSARY TO PROTECT THE PUBLIC INTEREST WITHOUT BEING COMPELLED TO  
38 ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES NOT EXIST. SUCH  
39 APPLICATION SHALL BE MADE TO THE SUPREME COURT IN ANY DISTRICT OR COUNTY  
40 PROVIDED IN THE CIVIL PRACTICE LAW AND RULES, OR TO THE SUPREME COURT IN  
41 THE THIRD JUDICIAL DISTRICT.

42 12. COOPERATION BY THE DEPARTMENT OF AGRICULTURE AND MARKETS. THE  
43 PRESIDENT OF THE CORPORATION MAY REQUEST AND RECEIVE, WITHIN NINETY DAYS  
44 OF SUCH REQUEST FROM THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND  
45 MARKETS (HEREAFTER REFERRED TO IN THIS SUBDIVISION AS THE "DEPARTMENT")  
46 SUCH ASSISTANCE, INFORMATION AND COOPERATION AS MAY BE NECESSARY FOR THE  
47 CORPORATION TO PROVIDE SERVICES WITH RESPECT TO THE ADMINISTRATION OF  
48 THE PROCEDURES SET FORTH FOR THE ISSUANCE, TERMINATION OR AMENDMENT OF  
49 ANY DAIRY PROMOTION ORDER AND/OR THE ADMINISTRATION OF ANY SUCH ORDER.  
50 THE CORPORATION SHALL RETAIN AN AMOUNT EQUAL TO THE EXPENSES INCURRED BY  
51 THE CORPORATION IN PERFORMING ITS DUTIES PURSUANT TO THIS SECTION AND  
52 REIMBURSE THE DEPARTMENT AN AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE  
53 DEPARTMENT IN SUPPLYING SUCH SERVICES, SUBSEQUENT TO SUBMISSION AND  
54 AUDIT OF A VOUCHER THEREFOR. SUCH REIMBURSEMENT SHALL NOT EXCEED THE  
55 TOTAL AMOUNT OF FUNDS COLLECTED BY THE CORPORATION PURSUANT TO THIS

1 SECTION LESS THE REASONABLE EXPENSES INCURRED BY THE CORPORATION IN  
2 PERFORMING ITS DUTIES PURSUANT TO THIS SECTION.

3 13. INDEMNIFICATION. THE STATE SHALL DEFEND, INDEMNIFY AND HOLD HARM-  
4 LESS THE CORPORATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES, FROM AND  
5 AGAINST ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, DAMAGES, COSTS  
6 AND EXPENSES WHATSOEVER ARISING DIRECTLY OR INDIRECTLY FROM, OR RELATING  
7 TO, THE ADMINISTRATION OF A DAIRY PROMOTION ORDER ISSUED OR ADMINISTERED  
8 PURSUANT TO THIS SECTION. IN CONNECTION WITH THE FOREGOING, THE CORPO-  
9 RATION SHALL GIVE THE STATE (A) PROMPT WRITTEN NOTICE OF ANY ACTION,  
10 CLAIM OR THREAT OF SUIT, (B) THE OPPORTUNITY TO TAKE OVER, SETTLE OR  
11 DEFEND SUCH ACTION, CLAIM OR SUIT AT THE STATE'S SOLE EXPENSE, AND (C)  
12 ASSISTANCE IN THE DEFENSE OF ANY SUCH ACTION AT THE EXPENSE OF THE  
13 STATE.

14 14. CONTRACTUAL PROVISIONS. THE CORPORATION MAY CONTRACT FOR SERVICES  
15 WITH RESPECT TO THE IMPLEMENTATION OF THIS SECTION IN ACCORDANCE WITH  
16 THE CORPORATION'S POLICIES, PROCEDURES AND GUIDELINES. NOTWITHSTANDING  
17 SECTION 2879 OF THE PUBLIC AUTHORITIES LAW OR ANY OTHER LAW TO THE  
18 CONTRARY, ANY SUCH CONTRACT MAY BE PROCURED BY THE CORPORATION ON A  
19 SOLE-SOURCE BASIS, AND SHALL NOT BE SUBJECT TO COMPETITIVE BID OR  
20 COMPETITIVE REQUEST FOR PROPOSAL REQUIREMENTS.

21 S 16-Y. MARKETING OF AGRICULTURAL PRODUCTS. DECLARATION OF POLICY. (A)  
22 IT IS HEREBY DECLARED THAT THE MISSION OF THE CORPORATION IS TO PROMOTE  
23 A VIGOROUS AND GROWING STATE ECONOMY. IN IMPLEMENTING THIS MISSION, THE  
24 CORPORATION HAS UNDERTAKEN A VIGOROUS CAMPAIGN TO MARKET THE STATE'S  
25 ASSETS AND BY CARRYING OUT THE PROVISIONS OF THIS SECTION, WOULD FURTHER  
26 THIS MISSION BY PROMOTING THE DEVELOPMENT OF MARKETS FOR AGRICULTURAL  
27 PRODUCTS GROWN AND PRODUCED IN THE STATE.

28 (B) IT IS FURTHER DECLARED THAT THE MARKETING OF AGRICULTURAL COMMOD-  
29 ITIES AND AQUATIC PRODUCTS IN THIS STATE, IN EXCESS OF REASONABLE AND  
30 NORMAL MARKET DEMANDS THEREFOR; DISORDERLY MARKETING OF SUCH COMMOD-  
31 ITIES; IMPROPER PREPARATION FOR MARKET AND LACK OF UNIFORM GRADING AND  
32 CLASSIFICATION OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS; UNFAIR  
33 METHODS OF COMPETITION IN THE MARKETING OF SUCH COMMODITIES AND THE  
34 INABILITY OF INDIVIDUAL PRODUCERS TO DEVELOP NEW AND LARGER MARKETS FOR  
35 AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS, RESULT IN AN UNREASONABLE  
36 AND UNNECESSARY ECONOMIC WASTE OF THE AGRICULTURAL WEALTH OF THIS STATE.  
37 SUCH CONDITIONS AND THE ACCOMPANYING WASTE JEOPARDIZE THE FUTURE CONTIN-  
38 UED PRODUCTION OF ADEQUATE FOOD SUPPLIES FOR THE PEOPLE OF THIS AND  
39 OTHER STATES. THESE CONDITIONS VITALLY CONCERN THE HEALTH, SAFETY AND  
40 GENERAL WELFARE OF THE PEOPLE OF THIS STATE.

41 IT IS THEREFORE DECLARED THE LEGISLATIVE PURPOSE AND THE POLICY OF  
42 THIS STATE:

43 (I) TO ENABLE AGRICULTURAL PRODUCERS AND AQUATIC PRODUCERS OF THIS  
44 STATE, WITH THE AID OF THE STATE, MORE EFFECTIVELY TO CORRELATE THE  
45 MARKETING OF THEIR AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS WITH  
46 MARKET DEMANDS THEREFOR.

47 (II) TO ESTABLISH ORDERLY, EFFICIENT AND EQUITABLE MARKETING OF AGRI-  
48 CULTURAL COMMODITIES AND AQUATIC PRODUCTS.

49 (III) TO PROVIDE FOR UNIFORM GRADING AND PROPER PREPARATION OF AGRI-  
50 CULTURAL COMMODITIES AND AQUATIC PRODUCTS FOR MARKET.

51 (IV) TO PROVIDE METHODS AND MEANS FOR THE DEVELOPMENT OF NEW AND LARG-  
52 ER MARKETS FOR AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS PRODUCED IN  
53 NEW YORK.

54 (V) TO ELIMINATE OR REDUCE THE ECONOMIC WASTE IN THE MARKETING OF  
55 AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS.



1 (VI) TO ELIMINATE UNJUST IMPAIRMENT OF THE PURCHASING POWER OF AQUATIC  
2 PRODUCERS AND THE AGRICULTURAL PRODUCERS OF THIS STATE; AND

3 (VII) TO AID AGRICULTURAL AND AQUATIC PRODUCERS IN MAINTAINING AN  
4 INCOME AT AN ADEQUATE AND EQUITABLE LEVEL.

5 2. DEFINITIONS. (A) "AGRICULTURAL COMMODITY" MEANS ANY AND ALL AGRI-  
6 CULTURAL, HORTICULTURAL, VINEYARD PRODUCTS, CORN FOR GRAIN, OATS, SOYBE-  
7 ANS, BARLEY, WHEAT, POULTRY OR POULTRY PRODUCTS, BEES, MAPLE SAP AND  
8 PURE MAPLE PRODUCTS PRODUCED THEREFROM, CHRISTMAS TREES, LIVESTOCK,  
9 INCLUDING SWINE, AND HONEY, SOLD IN THE STATE EITHER IN THEIR NATURAL  
10 STATE OR AS PROCESSED BY THE PRODUCER THEREOF BUT DOES NOT INCLUDE MILK,  
11 TIMBER OR TIMBER PRODUCTS, OTHER THAN CHRISTMAS TREES, ALL HAY, RYE AND  
12 LEGUMES EXCEPT FOR SOYBEANS.

13 (B) "AQUACULTURE" MEANS THE CULTURE, CULTIVATION AND HARVEST OF AQUAT-  
14 IC PLANTS AND ANIMALS.

15 (C) "AQUATIC PRODUCTS" MEANS ANY FOOD OR FIBER PRODUCTS OBTAINED  
16 THROUGH THE PRACTICE OF AQUACULTURE, INCLUDING MARICULTURE; OR BY  
17 HARVEST FROM THE SEA WHEN SUCH PRODUCTS ARE CULTURED OR LANDED IN THIS  
18 STATE. SUCH PRODUCTS INCLUDE BUT ARE NOT LIMITED TO FISH, SHELLFISH,  
19 SEAWEED OR OTHER WATER BASED PLANT LIFE.

20 (D) "PRODUCER" MEANS ANY PERSON ENGAGED WITHIN THIS STATE IN THE BUSI-  
21 NESS OF PRODUCING, OR CAUSING TO BE PRODUCED FOR ANY MARKET, ANY AGRI-  
22 CULTURAL COMMODITY OR AQUATIC PRODUCT.

23 (E) "HANDLER" MEANS ANY PERSON ENGAGED IN THE OPERATION OF PACKING,  
24 GRADING, SELLING, OFFERING FOR SALE OR MARKETING ANY MARKETABLE AGRICUL-  
25 TURAL COMMODITIES OR AQUATIC PRODUCTS, WHO AS OWNER, AGENT OR OTHERWISE  
26 SHIPS OR CAUSES AN AGRICULTURAL COMMODITY TO BE SHIPPED.

27 (F) "PROCESSOR" MEANS ANY PERSON ENGAGED WITHIN THIS STATE IN PROCESS-  
28 ING, OR IN THE OPERATION OF RECEIVING, GRADING, PACKING, CANNING, FREEZ-  
29 ING, DEHYDRATING, FERMENTING, DISTILLING, EXTRACTING, PRESERVING, GRIND-  
30 ING, CRUSHING, OR IN ANY OTHER WAY PRESERVING OR CHANGING THE FORM OF AN  
31 AGRICULTURAL PRODUCT OR AQUATIC PRODUCT FOR THE PURPOSE OF MARKETING  
32 SUCH COMMODITY BUT SHALL NOT INCLUDE A PERSON ENGAGED IN MANUFACTURING  
33 FROM AN AGRICULTURAL COMMODITY OR AQUATIC PRODUCT ANOTHER AND DIFFERENT  
34 PRODUCT.

35 (G) "DISTRIBUTOR" MEANS ANY PERSON ENGAGED WITHIN THIS STATE, IN SELL-  
36 ING, OFFERING FOR SALE, MARKETING OR DISTRIBUTING AN AGRICULTURAL  
37 COMMODITY OR AQUATIC PRODUCT WHICH HE OR SHE HAS PURCHASED OR ACQUIRED  
38 FROM A PRODUCER OR OTHER PERSON OR WHICH HE OR SHE IS MARKETING ON  
39 BEHALF OF A PRODUCER OR OTHER PERSON, WHETHER AS OWNER, AGENT, EMPLOYEE,  
40 BROKER OR OTHERWISE, BUT SHALL NOT INCLUDE A RETAILER, EXCEPT SUCH  
41 RETAILER WHO PURCHASES OR ACQUIRES FROM, OR HANDLES ON BEHALF OF ANY  
42 PRODUCER OR OTHER PERSON, AN AGRICULTURAL COMMODITY OR AQUATIC PRODUCT  
43 SUBJECT TO REGULATION BY THE MARKETING AGREEMENT OR ORDER COVERING SUCH  
44 COMMODITY.

45 (H) "PRESIDENT" MEANS THE PRESIDENT OF THE CORPORATION.

46 (I) "MARKETING AGREEMENT" MEANS AN AGREEMENT ENTERED INTO, WITH THE  
47 APPROVAL OF THE PRESIDENT, BY PRODUCERS WITH DISTRIBUTORS, PROCESSORS  
48 AND HANDLERS REGULATING THE PREPARATION, SALE AND HANDLING OF AGRICUL-  
49 TURAL COMMODITIES OR AQUATIC PRODUCTS.

50 (J) "MARKETING ORDER" MEANS AN ORDER ISSUED BY THE PRESIDENT PURSUANT  
51 TO THIS SECTION, PRESCRIBING RULES AND REGULATIONS GOVERNING THE MARKET-  
52 ING FOR PROCESSING, THE DISTRIBUTING, THE SALE OF, OR THE HANDLING IN  
53 ANY MANNER OF ANY AGRICULTURAL COMMODITY OR AQUATIC PRODUCT SOLD IN THIS  
54 STATE DURING ANY SPECIFIED PERIOD OR PERIODS.

55 3. POWERS AND DUTIES OF THE PRESIDENT. (A) IN ORDER TO EFFECTUATE THE  
56 DECLARED POLICY OF THIS SECTION, THE PRESIDENT, IN CONSULTATION WITH THE

1 COMMISSIONER OF AGRICULTURE AND MARKETS, MAY, AFTER DUE NOTICE AND  
2 OPPORTUNITY FOR HEARING, APPROVE MARKETING AGREEMENTS, WHICH MARKETING  
3 AGREEMENTS SHALL THEREUPON BE BINDING UPON THE SIGNATORIES THERETO  
4 EXCLUSIVELY.

5 (B) THE PRESIDENT MAY MAKE AND ISSUE MARKETING ORDERS, AFTER DUE  
6 NOTICE AND OPPORTUNITY FOR HEARING, SUBJECT TO:

7 (I) APPROVAL OF NOT LESS THAN SIXTY-SIX AND TWO-THIRDS PER CENTUM OF  
8 THE PRODUCERS PARTICIPATING IN A REFERENDUM IN THE AREA AFFECTED, OR

9 (II) APPROVAL OF NOT LESS THAN SIXTY-FIVE PER CENTUM OF THE PRODUCERS  
10 PARTICIPATING IN A REFERENDUM VOTE, IN THE AREA AFFECTED, AND HAVING  
11 MARKETED NOT LESS THAN FIFTY-ONE PER CENTUM OF THE TOTAL QUANTITY OF THE  
12 COMMODITY WHICH WAS MARKETED IN THE NEXT PRECEDING, ORDINARY MARKETING  
13 SEASON BY ALL PRODUCERS THAT VOTED IN THE REFERENDUM, OR

14 (III) APPROVAL OF NOT LESS THAN FIFTY-ONE PER CENTUM OF THE PRODUCERS  
15 PARTICIPATING IN A REFERENDUM VOTE, IN THE AREA AFFECTED, AND HAVING  
16 MARKETED NOT LESS THAN SIXTY-FIVE PER CENTUM OF THE TOTAL QUANTITY OF  
17 THE COMMODITY WHICH WAS MARKETED IN THE NEXT PRECEDING, ORDINARY MARKET-  
18 ING SEASON BY ALL PRODUCERS THAT VOTED IN THE REFERENDUM. THE PRESIDENT  
19 MAY, AND UPON WRITTEN PETITION DULY SIGNED BY TWENTY-FIVE PER CENTUM OF  
20 THE PRODUCERS IN THE AREA AMEND OR TERMINATE SUCH ORDER AFTER DUE NOTICE  
21 AND OPPORTUNITY FOR HEARING, BUT SUBJECT TO THE APPROVAL OF NOT LESS  
22 THAN FIFTY PER CENTUM OF SUCH PRODUCERS PARTICIPATING IN A REFERENDUM  
23 VOTE.

24 (C) THE PRESIDENT SHALL ADMINISTER AND ENFORCE ANY MARKETING ORDER,  
25 WHILE IT IS IN EFFECT, TO:

26 (I) ENCOURAGE AND MAINTAIN STABLE PRICES RECEIVED BY PRODUCERS FOR  
27 SUCH AGRICULTURAL COMMODITY AND AQUATIC PRODUCT AT A LEVEL WHICH IS  
28 CONSISTENT WITH THE PROVISIONS AND AIMS OF THIS ACT.

29 (II) PREVENT THE UNREASONABLE OR UNNECESSARY WASTE OF LAND OR WATER  
30 BASED WEALTH.

31 (III) PROTECT THE INTERESTS OF CONSUMERS OF SUCH COMMODITY, BY EXER-  
32 CISING THE POWERS OF THIS SECTION TO SUCH EXTENT AS IS NECESSARY TO  
33 EFFECTUATE THE PURPOSES OF THIS ACT.

34 (IV) PREPARE A BUDGET FOR THE ADMINISTRATION AND OPERATING COSTS AND  
35 EXPENSES INCLUDING ADVERTISING AND SALES PROMOTION WHEN REQUIRED IN ANY  
36 MARKETING AGREEMENT OR ORDER EXECUTED IN THIS SECTION AND TO PROVIDE FOR  
37 THE COLLECTION AND RETENTION OF SUCH NECESSARY FEES TO DEFRAY SUCH COSTS  
38 AND EXPENSES, IN NO CASE TO EXCEED FIVE PERCENT OF THE GROSS DOLLAR  
39 VOLUME OF SALES OR DOLLAR VOLUME OF PURCHASES OR AMOUNTS HANDLED, TO BE  
40 COLLECTED FROM EACH PERSON ENGAGED IN THE PRODUCTION, PROCESSING,  
41 DISTRIBUTING OR THE HANDLING OF ANY MARKETABLE AGRICULTURAL COMMODITY  
42 AND AQUATIC PRODUCT PRODUCED OR LANDED IN THIS STATE AND DIRECTLY  
43 AFFECTED BY ANY MARKETING ORDER ISSUED PURSUANT TO THIS SECTION FOR SUCH  
44 COMMODITY.

45 (V) CONFER AND COOPERATE WITH THE LEGALLY CONSTITUTED AUTHORITIES OF  
46 OTHER STATES AND THE UNITED STATES.

47 (D) ANY MARKETING AGREEMENT OR ORDER ISSUED BY THE PRESIDENT PURSUANT  
48 TO THIS SECTION MAY CONTAIN ANY OR ALL OF THE FOLLOWING:

49 (I) PROVISIONS FOR DETERMINING THE EXISTENCE AND EXTENT OF THE SURPLUS  
50 OF ANY AGRICULTURAL COMMODITY, OR OF ANY GRADE, SIZE OR QUALITY THEREOF,  
51 AND PROVIDING FOR THE REGULATION AND DISPOSITION OF SUCH SURPLUS.

52 (II) PROVISIONS FOR LIMITING THE TOTAL QUANTITY OF ANY AGRICULTURAL  
53 PRODUCT, OR OF ANY GRADE OR GRADES, SIZE OR SIZES, OR QUALITY OR  
54 PORTIONS OR COMBINATIONS THEREOF, WHICH MAY BE MARKETED DURING ANY SPEC-  
55 IFIED PERIOD OR PERIODS. SUCH TOTAL QUANTITY OF ANY SUCH COMMODITY SO  
56 REGULATED SHALL NOT BE LESS THAN THE QUANTITY WHICH THE PRESIDENT SHALL

1 FIND IS REASONABLY NECESSARY TO SUPPLY THE MARKET DEMAND OF CONSUMERS  
2 FOR SUCH COMMODITY.

3 (III) PROVISIONS REGULATING TO THE PERIOD, OR PERIODS, DURING WHICH  
4 ANY AGRICULTURAL COMMODITY, OR ANY GRADE OR GRADES, SIZE OR SIZES OR  
5 QUALITY OR PORTIONS OR COMBINATIONS OF SUCH COMMODITY, MAY BE MARKETED.

6 (IV) PROVISIONS FOR THE ESTABLISHMENT OF UNIFORM GRADING, STANDARDS,  
7 AND INSPECTION OF ANY AGRICULTURAL COMMODITY DELIVERED BY PRODUCERS OR  
8 OTHER PERSONS TO HANDLERS, PROCESSORS, DISTRIBUTORS OR OTHERS ENGAGING  
9 IN THE HANDLING THEREOF, AND FOR THE ESTABLISHMENT OF GRADING OR STAND-  
10 ARDS OF QUALITY, CONDITION, SIZE, MATURITY OR PACK FOR ANY AGRICULTURAL  
11 COMMODITY, AND THE INSPECTION AND GRADING OF SUCH COMMODITY IN ACCORD-  
12 ANCE WITH SUCH GRADING OR STANDARDS SO ESTABLISHED; AND FOR PROVISIONS  
13 THAT NO PRODUCER, HANDLER, PROCESSOR OR DISTRIBUTOR OF ANY AGRICULTURAL  
14 COMMODITY FOR WHICH GRADING OR STANDARDS ARE SO ESTABLISHED MAY, EXCEPT  
15 AS OTHERWISE PROVIDED IN SUCH MARKETING AGREEMENT OR ORDER, SELL, OFFER  
16 FOR SALE, PROCESS, DISTRIBUTE OR OTHERWISE HANDLE ANY SUCH COMMODITY  
17 WHETHER PRODUCED WITHIN OR WITHOUT THIS STATE, NOT MEETING AND COMPLYING  
18 WITH SUCH ESTABLISHED GRADING OR STANDARDS. FOR THE PURPOSES OF THIS  
19 SECTION, THE FEDERAL-STATE INSPECTION SERVICE SHALL PERFORM ALL  
20 INSPECTIONS MADE NECESSARY BY SUCH PROVISIONS.

21 (V) PROVISIONS FOR THE ESTABLISHMENT OF RESEARCH PROGRAMS DESIGNED TO  
22 BENEFIT A SPECIFIED COMMODITY OR NEW YORK AGRICULTURE IN GENERAL.

23 (VI) PROVISIONS FOR THE PRESIDENT TO RETAIN MONEY COLLECTED UNDER ANY  
24 MARKETING ORDER ISSUED PURSUANT TO THIS SECTION TO DEFRAY THE COSTS AND  
25 EXPENSES IN THE ADMINISTRATION THEREOF.

26 (VII) SUCH OTHER PROVISIONS AS MAY BE NECESSARY TO EFFECTUATE THE  
27 DECLARED POLICIES OF THIS SECTION.

28 (VIII) PROVISIONS TO ESTABLISH MARKETING PROMOTION AND RESEARCH  
29 PROGRAMS FOR AQUATIC PRODUCTS WHICH MAY INCLUDE SUBPARAGRAPHS (I)  
30 THROUGH (VII) OF THIS PARAGRAPH.

31 (E) THE PRESIDENT MAY TEMPORARILY SUSPEND THE OPERATION OF AN EFFEC-  
32 TIVE MARKETING ORDER FOR A CONTINUING PERIOD OF NOT LONGER THAN ONE  
33 GROWING AND MARKETING SEASON, IF THE PURPOSES OF THIS SECTION ARE DEEMED  
34 UNNECESSARY DURING SUCH SEASON.

35 (F) IN CARRYING OUT THE PURPOSES OF THIS SECTION, THE PRESIDENT, IN  
36 CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS, SHALL  
37 TAKE INTO CONSIDERATION ANY AND ALL FACTS AVAILABLE TO HIM OR HER WITH  
38 RESPECT TO THE FOLLOWING ECONOMIC FACTORS:

39 (I) THE QUANTITY OF SUCH AGRICULTURAL COMMODITY AVAILABLE FOR DISTRIB-  
40 UTION.

41 (II) THE QUANTITY OF SUCH AGRICULTURAL COMMODITY NORMALLY REQUIRED BY  
42 CONSUMERS.

43 (III) THE COST OF PRODUCING SUCH AGRICULTURAL COMMODITY.

44 (IV) THE PURCHASING POWER OF CONSUMERS.

45 (V) THE LEVEL OF PRICES OF COMMODITIES, SERVICES AND SECTIONS WHICH  
46 THE FARMERS COMMONLY BUY.

47 (VI) THE LEVEL OF PRICES OF OTHER COMMODITIES WHICH COMPETE WITH OR  
48 ARE UTILIZED AS SUBSTITUTES FOR SUCH AGRICULTURAL COMMODITY.

49 (G) THE EXECUTION OF SUCH MARKETING AGREEMENTS SHALL IN NO MANNER  
50 AFFECT THE ISSUANCE, ADMINISTRATION OR ENFORCEMENT OF ANY MARKETING  
51 ORDER PROVIDED FOR IN THIS SECTION. THE PRESIDENT MAY ISSUE SUCH MARKET-  
52 ING ORDER WITHOUT EXECUTING A MARKETING AGREEMENT OR MAY EXECUTE A  
53 MARKETING AGREEMENT WITHOUT ISSUING A MARKETING ORDER COVERING THE SAME  
54 COMMODITY. THE PRESIDENT, IN HIS OR HER DISCRETION, MAY HOLD A CONCUR-  
55 RENT HEARING UPON A PROPOSED MARKETING AGREEMENT AND A PROPOSED MARKET-

1 ING ORDER IN THE MANNER PROVIDED FOR GIVING DUE NOTICE AND OPPORTUNITY  
2 FOR HEARING FOR A MARKETING ORDER AS PROVIDED IN THIS SECTION.

3 (H) PRIOR TO THE ISSUANCE, AMENDMENT OR TERMINATION OF ANY MARKETING  
4 ORDER, THE PRESIDENT MAY REQUIRE THE APPLICANTS FOR SUCH ISSUANCE,  
5 AMENDMENT OR TERMINATION TO DEPOSIT WITH HIM OR HER SUCH AMOUNT AS HE OR  
6 SHE MAY DEEM NECESSARY TO DEFRAY THE EXPENSES OF PREPARING AND MAKING  
7 EFFECTIVE AMENDING OR TERMINATING A MARKETING ORDER. SUCH FUNDS SHALL BE  
8 RECEIVED, DEPOSITED AND DISBURSED BY THE PRESIDENT IN THE SAME MANNER AS  
9 OTHER FEES RECEIVED BY HIM OR HER UNDER THIS SECTION AND, IN THE EVENT  
10 THE APPLICATION FOR ADOPTION, AMENDMENT OR TERMINATION OF A MARKETING  
11 ORDER IS APPROVED IN A REFERENDUM, THE PRESIDENT SHALL REIMBURSE ANY  
12 SUCH APPLICANT IN THE AMOUNT OF ANY SUCH DEPOSIT FROM ANY UNEXPENDED  
13 MONIES COLLECTED UNDER THE MARKETING ORDER AFFECTED BY SUCH REFERENDUM.

14 (I) ANY MONEYS COLLECTED BY THE PRESIDENT PURSUANT TO THIS SECTION  
15 SHALL NOT BE DEEMED STATE FUNDS AND SHALL BE DEPOSITED IN A BANK OR  
16 OTHER DEPOSITORY OF THE CORPORATION, APPROVED BY THE PRESIDENT, ALLO-  
17 CATED TO EACH MARKETING ORDER UNDER WHICH THEY ARE COLLECTED, AND SHALL  
18 BE DISBURSED BY THE PRESIDENT ONLY FOR THE NECESSARY EXPENSES INCURRED  
19 BY THE PRESIDENT WITH RESPECT TO EACH SUCH SEPARATE MARKETING ORDER, ALL  
20 IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE PRESIDENT. ALL SUCH  
21 EXPENDITURES SHALL BE AUDITED BY THE CORPORATION AT LEAST ANNUALLY. ANY  
22 MONEYS REMAINING IN SUCH FUND ALLOCABLE TO ANY PARTICULAR COMMODITY  
23 AFFECTED BY A MARKETING ORDER MAY, IN THE DISCRETION OF THE PRESIDENT,  
24 BE REFUNDED AT THE CLOSE OF ANY MARKETING SEASON UPON A PRO-RATA BASIS  
25 TO ALL PERSONS FROM WHOM ASSESSMENTS THEREFOR WERE COLLECTED OR, WHENEV-  
26 ER THE PRESIDENT FINDS THAT SUCH MONEYS MAY BE NECESSARY TO DEFRAY THE  
27 COST OF OPERATING SUCH MARKETING ORDER IN A SUCCEEDING MARKETING SEASON,  
28 HE OR SHE MAY CARRY OVER ALL OR ANY PORTION OF SUCH MONEYS INTO THE NEXT  
29 SUCH SUCCEEDING SEASON. UPON THE TERMINATION BY THE PRESIDENT OF ANY  
30 MARKETING ORDER, ALL MONEYS REMAINING AND NOT REQUIRED BY THE PRESIDENT  
31 TO DEFRAY THE EXPENSES OF OPERATING SUCH MARKETING ORDER, SHALL BE  
32 REFUNDED BY THE PRESIDENT UPON A PRO-RATA BASIS TO ALL PERSONS FROM WHOM  
33 ASSESSMENTS THEREFOR WERE COLLECTED; PROVIDED, HOWEVER, THAT IF THE  
34 PRESIDENT FINDS THAT THE AMOUNTS SO REFUNDABLE ARE SO SMALL AS TO MAKE  
35 IMPRACTICABLE THE COMPUTATION AND REFUNDING OF SUCH REFUNDS, THE PRESI-  
36 DENT MAY USE SUCH MONEYS TO DEFRAY THE EXPENSES INCURRED BY HIM OR HER  
37 IN THE FORMULATION, ISSUANCE, ADMINISTRATION OR ENFORCEMENT OF ANY  
38 SUBSEQUENT MARKETING ORDER FOR SUCH COMMODITY.

39 (J) ADVISORY BOARD. (I) ANY MARKETING ORDER ISSUED PURSUANT TO THIS  
40 SECTION SHALL PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY BOARD, TO  
41 CONSIST OF NOT LESS THAN FIVE MEMBERS NOR MORE THAN NINE MEMBERS, TO  
42 ADVISE THE PRESIDENT IN THE ADMINISTRATION OF SUCH MARKETING ORDER IN  
43 ACCORDANCE WITH ITS TERMS AND PROVISIONS. THE MEMBERS OF SAID BOARD  
44 SHALL BE APPOINTED BY THE PRESIDENT FROM NOMINATIONS RECEIVED FROM THE  
45 COMMODITY GROUP FOR WHICH THE MARKETING ORDER IS ESTABLISHED. NOMINATING  
46 PROCEDURE, QUALIFICATION, REPRESENTATION AND SIZE OF THE ADVISORY BOARD  
47 SHALL BE PRESCRIBED IN EACH MARKETING ORDER FOR WHICH SUCH BOARD IS  
48 APPOINTED. EACH ADVISORY BOARD SHALL BE COMPOSED OF SUCH PRODUCERS AND  
49 HANDLERS OR PROCESSORS AS ARE DIRECTLY AFFECTED BY THE MARKETING ORDER  
50 IN SUCH PROPORTION OF REPRESENTATION AS THE ORDER SHALL PRESCRIBE. THE  
51 PRESIDENT MAY APPOINT ONE PERSON WHO IS NEITHER A PRODUCER, PROCESSOR OR  
52 OTHER HANDLER TO REPRESENT THE DEPARTMENT OF AGRICULTURE AND MARKETS--  
53 THE CORPORATION, OR THE PUBLIC GENERALLY.

54 (II) NO MEMBER OF AN ADVISORY BOARD SHALL RECEIVE A SALARY, BUT EACH  
55 SHALL BE ENTITLED TO HIS OR HER ACTUAL EXPENSES INCURRED WHILE ENGAGED  
56 IN PERFORMING HIS OR HER DUTIES HEREIN AUTHORIZED.

1 (III) THE DUTIES AND RESPONSIBILITIES OF EACH ADVISORY BOARD SHALL BE  
2 PRESCRIBED BY THE PRESIDENT, AND HE OR SHE MAY SPECIFICALLY DELEGATE TO  
3 THE ADVISORY BOARD, BY INCLUSION IN THE MARKETING ORDER, ALL OR ANY OF  
4 THE FOLLOWING DUTIES AND RESPONSIBILITIES:

5 (A) THE RECOMMENDATION TO THE PRESIDENT OF ADMINISTRATIVE RULES AND  
6 REGULATIONS RELATING TO THE MARKETING ORDER.

7 (B) RECOMMENDING TO THE PRESIDENT SUCH AMENDMENTS TO THE MARKETING  
8 ORDER AS DEEMED ADVISABLE.

9 (C) THE PREPARATION AND SUBMISSION TO THE PRESIDENT OF THE ESTIMATED  
10 BUDGET REQUIRED FOR THE PROPER OPERATION OF THE MARKETING ORDER.

11 (D) RECOMMENDING TO THE PRESIDENT METHODS FOR ASSESSING MEMBERS OF THE  
12 INDUSTRY AND METHODS FOR COLLECTING THE NECESSARY FUNDS.

13 (E) ASSISTING THE PRESIDENT IN THE COLLECTION AND ASSEMBLING OF INFOR-  
14 MATION AND DATA NECESSARY TO THE PROPER ADMINISTRATION OF THE ORDER.

15 (F) THE PERFORMANCE OF SUCH OTHER DUTIES IN CONNECTION WITH THE  
16 MARKETING ORDER AS THE PRESIDENT SHALL DESIGNATE.

17 4. RULES AND REGULATIONS; ENFORCEMENT. THE PRESIDENT MAY MAKE AND  
18 PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO EFFECTUATE  
19 THE PROVISIONS AND INTENT OF THIS SECTION AND TO ENFORCE THE PROVISION  
20 OF ANY MARKETING AGREEMENT OR ORDER, ALL OF WHICH SHALL HAVE THE FORCE  
21 AND EFFECT OF LAW.

22 THE PRESIDENT MAY INSTITUTE SUCH ACTION AT LAW OR IN EQUITY AS MAY  
23 APPEAR NECESSARY TO ENFORCE COMPLIANCE WITH ANY PROVISION OF THIS  
24 SECTION, OR ANY RULE OR REGULATION, MARKETING AGREEMENT OR ORDER,  
25 COMMITTED TO HIS OR HER ADMINISTRATION, AND IN ADDITION MAY APPLY FOR  
26 RELIEF BY INJUNCTION IF NECESSARY TO PROTECT THE PUBLIC INTEREST WITHOUT  
27 BEING COMPELLED TO ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES  
28 NOT EXIST. SUCH APPLICATION MAY BE MADE TO THE SUPREME COURT IN ANY  
29 DISTRICT OR COUNTY AS PROVIDED IN THE CIVIL PRACTICE LAW AND RULES, OR  
30 TO THE SUPREME COURT IN THE THIRD JUDICIAL DISTRICT.

31 5. COOPERATION BY THE DEPARTMENT OF AGRICULTURE AND MARKETS. THE PRES-  
32 IDENT OF THE CORPORATION MAY REQUEST AND RECEIVE, WITHIN NINETY DAYS OF  
33 SUCH REQUEST, FROM THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND  
34 MARKETS (HEREINAFTER REFERRED TO IN THIS SUBDIVISION AS THE "DEPART-  
35 MENT") SUCH ASSISTANCE, INFORMATION AND COOPERATION AS MAY BE NECESSARY  
36 FOR THE CORPORATION TO PROVIDE SERVICES WITH RESPECT TO THE ADMINIS-  
37 TRATION OF THE PROCEDURES SET FORTH FOR THE ISSUANCE, TERMINATION OR  
38 AMENDMENT OF ANY AGRICULTURAL, COMMODITIES OR AQUATIC ORDER AND/OR THE  
39 ADMINISTRATION OF ANY SUCH ORDER. THE CORPORATION SHALL RETAIN AN  
40 AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE CORPORATION IN PERFORMING  
41 ITS DUTIES PURSUANT TO THIS SECTION AND REIMBURSE THE DEPARTMENT AN  
42 AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE DEPARTMENT IN SUPPLYING  
43 SUCH SERVICES, SUBSEQUENT TO SUBMISSION AND AUDIT OF A VOUCHER THEREFOR.  
44 SUCH REIMBURSEMENT SHALL NOT EXCEED THE TOTAL AMOUNT OF FUNDS COLLECTED  
45 BY THE CORPORATION PURSUANT TO THIS SECTION LESS THE REASONABLE EXPENSES  
46 INCURRED BY THE CORPORATION IN PERFORMING ITS DUTIES PURSUANT TO THIS  
47 SECTION.

48 6. INDEMNIFICATION. THE STATE SHALL DEFEND, INDEMNIFY AND HOLD HARM-  
49 LESS THE CORPORATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES, FROM AND  
50 AGAINST ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, DAMAGES, COSTS  
51 AND EXPENSES WHATSOEVER ARISING DIRECTLY OR INDIRECTLY FROM, OR RELATING  
52 TO, THE ADMINISTRATION OF ANY AGRICULTURAL, COMMODITIES OR AQUATIC  
53 PROMOTION ORDER ISSUED OR ADMINISTERED PURSUANT TO THIS SECTION. IN  
54 CONNECTION WITH THE FOREGOING, THE CORPORATION SHALL GIVE THE STATE (A)  
55 PROMPT WRITTEN NOTICE OF ANY ACTION, CLAIM OR THREAT OF SUIT, (B) THE  
56 OPPORTUNITY TO TAKE OVER, SETTLE OR DEFEND SUCH ACTION, CLAIM OR SUIT AT

1 THE STATE'S SOLE EXPENSE, AND (C) ASSISTANCE IN THE DEFENSE OF ANY SUCH  
2 ACTION AT THE EXPENSE OF THE STATE.

3 7. CONTRACTUAL PROVISIONS. THE CORPORATION MAY CONTRACT FOR SERVICES  
4 WITH RESPECT TO THE IMPLEMENTATION OF THIS SECTION IN ACCORDANCE WITH  
5 THE CORPORATION'S POLICIES, PROCEDURES AND GUIDELINES. NOTWITHSTANDING  
6 SECTION 2879 OF THE PUBLIC AUTHORITIES LAW OR ANY OTHER LAW TO THE  
7 CONTRARY, ANY SUCH CONTRACT MAY BE PROCURED BY THE CORPORATION ON A  
8 SOLE-SOURCE BASIS, AND SHALL NOT BE SUBJECT TO COMPETITIVE BID OR  
9 COMPETITIVE REQUEST FOR PROPOSAL REQUIREMENTS.

10 S 16-Z. MARKETING ORDERS. THE MARKETING ORDERS, THE REGULATORY  
11 PROVISIONS RELATING THERETO, SET FORTH IN TITLE ONE OF THE OFFICIAL  
12 COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
13 PARTS 40, 200, 201, 202, 203, 204, AND 205, AND THE CONTRACTS RELATING  
14 THERETO SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL AMENDED OR REPEALED  
15 PURSUANT TO THE STATUTORY AUTHORITY SET FORTH IN SECTIONS 16-X AND 16-Y  
16 OF THIS ACT EXCEPT THAT: (A) SUCH MARKETING ORDERS, THE REGULATORY  
17 PROVISIONS RELATING THERETO, AND THE CONTRACTS RELATING THERETO SHALL BE  
18 ADMINISTERED BY AND UNDER THE SUPERVISION OF THE PRESIDENT OF THE CORPO-  
19 RATION AS OF THE EFFECTIVE DATE OF SECTIONS 16-X AND 16-Y OF THIS ACT;  
20 (B) ALL UNDISBURSED FUNDS UNDER THE CONTROL OF THE DEPARTMENT OF AGRI-  
21 CULTURE AND MARKETS SHALL BE TRANSFERRED TO THE CORPORATION ON OR BEFORE  
22 SUCH EFFECTIVE DATE; AND (C) ANY ASSESSMENTS DUE AND PAYABLE UNDER SUCH  
23 MARKETING ORDERS SHALL BE REMITTED TO THE CORPORATION STARTING 30 DAYS  
24 AFTER THE EFFECTIVE DATE OF THIS SECTION.

25 S 3. This act shall take effect on the ninetieth day after it shall  
26 have become a law and shall expire and be deemed repealed five years  
27 after such date; provided, however, that any assessment due and payable  
28 under such marketing orders shall be remitted to the urban development  
29 corporation starting 30 days after such effective date.

30 PART T

31 Section 1. Subdivision 1 and the opening paragraph of subdivision 2 of  
32 section 27-1905 of the environmental conservation law, as amended by  
33 section 1 of part G of chapter 58 of the laws of 2013, are amended to  
34 read as follows:

35 1. [Until December thirty-first, two thousand sixteen, accept] ACCEPT  
36 from a customer, waste tires of approximately the same size and in a  
37 quantity equal to the number of new tires purchased or installed by the  
38 customer; and

39 [Until December thirty-first, two thousand sixteen, post] POST written  
40 notice in a prominent location, which must be at least eight and one-  
41 half inches by fourteen inches in size and contain the following  
42 language:

43 S 2. The opening paragraph of subdivision 1, the opening paragraph of  
44 subdivision 2 and the opening paragraph of subdivision 3 and paragraph  
45 (a) of subdivision 6 of section 27-1913 of the environmental conserva-  
46 tion law, as amended by section 2 of part G of chapter 58 of the laws of  
47 2013, are amended to read as follows:

48 [Until December thirty-first, two thousand sixteen, a] A waste tire  
49 management and recycling fee of two dollars and fifty cents shall be  
50 charged on each new tire sold. The fee shall be paid by the purchaser to  
51 the tire service at the time the new tire or new motor vehicle is  
52 purchased.

53 [Until December thirty-first, two thousand sixteen, the] THE tire  
54 service shall collect the waste tire management and recycling fee from

1 the purchaser at the time of the sale and shall remit such fee to the  
2 department of taxation and finance with the quarterly report filed  
3 pursuant to subdivision three of this section.

4 [Until March thirty-first, two thousand seventeen, each] EACH tire  
5 service maintaining a place of business in this state shall make a  
6 return to the department of taxation and finance on a quarterly basis,  
7 with the return for December, January, and February being due on or  
8 before the immediately following March thirty-first; the return for  
9 March, April, and May being due on or before the immediately following  
10 June thirtieth; the return for June, July, and August being due on or  
11 before the immediately following September thirtieth; and the return for  
12 September, October, and November being due on or before the immediately  
13 following December thirty-first.

14 (a) [Until December thirty-first, two thousand sixteen, any] ANY addi-  
15 tional waste tire management and recycling costs of the tire service in  
16 excess of the amount authorized to be retained pursuant to paragraph (b)  
17 of subdivision two of this section may be included in the published  
18 selling price of the new tire, or charged as a separate per-tire charge  
19 on each new tire sold. When such costs are charged as a separate per-  
20 tire charge: (i) such charge shall be stated as an invoice item separate  
21 and distinct from the selling price of the tire; (ii) the invoice shall  
22 state that the charge is imposed at the sole discretion of the tire  
23 service; and (iii) the amount of such charge shall reflect the actual  
24 cost to the tire service for the management and recycling of waste tires  
25 accepted by the tire service pursuant to section 27-1905 of this title,  
26 provided however, that in no event shall such charge exceed two dollars  
27 and fifty cents on each new tire sold.

28 S 3. This act shall take effect immediately.

29

#### PART U

30 Section 1. Paragraph a of subdivision 2 of section 92-s of the state  
31 finance law, as added by chapter 610 of the laws of 1993, is amended to  
32 read as follows:

33 a. The comptroller shall establish the following separate and distinct  
34 accounts within the environmental protection fund:

- 35 (i) solid waste account;  
36 (ii) parks, recreation and historic preservation account;  
37 (iii) open space account; [and]  
38 (iv) CLIMATE CHANGE MITIGATION AND ADAPTATION ACCOUNT; AND  
39 (V) environmental protection transfer account.

40 S 2. Paragraph (b) of subdivision 6 of section 92-s of the state  
41 finance law, as amended by chapter 432 of the laws of 1997, is amended  
42 to read as follows:

43 (b) Moneys from the solid waste account shall be available, pursuant  
44 to appropriation and upon certificate of approval of availability by the  
45 director of the budget, for any non-hazardous municipal landfill closure  
46 project; municipal waste reduction or recycling project, as defined in  
47 article fifty-four of the environmental conservation law; for the  
48 purposes of section two hundred sixty-one and section two hundred  
49 sixty-four of the economic development law; any project for the develop-  
50 ment, updating or revision of local solid waste management plans pursu-  
51 ant to sections 27-0107 and 27-0109 of the environmental conservation  
52 law; ENVIRONMENTAL JUSTICE PROGRAMS, PROJECTS AND GRANTS; and for the  
53 development of the pesticide sales and use data base [in conjunction

1 with Cornell University] pursuant to title twelve of article thirty-  
2 three of the environmental conservation law.

3 S 3. Subdivision 6 of section 92-s of the state finance law is amended  
4 by adding a new paragraph (f) to read as follows:

5 (F) MONEYS FROM THE CLIMATE CHANGE MITIGATION AND ADAPTATION ACCOUNT  
6 SHALL BE AVAILABLE, PURSUANT TO APPROPRIATION AND UPON CERTIFICATE OF  
7 APPROVAL OF AVAILABILITY BY THE DIRECTOR OF THE BUDGET, FOR PROGRAMS AND  
8 PROJECTS TO REDUCE GREENHOUSE GASSES; FOR THE DEVELOPMENT, UPDATING OR  
9 REVISION OF LOCAL WATERFRONT REVITALIZATION PLANS PURSUANT TO TITLE  
10 ELEVEN OF ARTICLE FIFTY-FOUR OF THE ENVIRONMENTAL CONSERVATION LAW TO  
11 ADAPT FOR CLIMATE CHANGE, OR FOR OTHER PLANNING UNDERTAKEN TO IMPROVE  
12 RESILIENCE FROM IMPACTS OF CLIMATE CHANGE; FOR SMART GROWTH PROGRAMS;  
13 AND FOR ADAPTIVE INFRASTRUCTURE, INCLUDING GRANTS PURSUANT TO THE  
14 CLIMATE SMART COMMUNITIES PROGRAM; RESILIENCE PLANTING PROJECTS; THE  
15 CLIMATE RESILIENT FARMS PROGRAM; STATE VULNERABILITY ASSESSMENTS; AND  
16 PROGRAMS AND PROJECTS TO IMPLEMENT AND COMPLY WITH THE PROVISIONS OF  
17 CHAPTER THREE HUNDRED FIFTY-FIVE OF THE LAWS OF TWO THOUSAND FOURTEEN,  
18 KNOWN AS THE "COMMUNITY RISK AND RESILIENCE ACT".

19 S 4. Section 54-1101 of the environmental conservation law, as amended  
20 by chapter 309 of the laws of 1996, subdivisions 1 and 5 as amended by  
21 chapter 355 of the laws of 2014, is amended to read as follows:

22 S 54-1101. Local waterfront revitalization programs.

23 1. The secretary is authorized to provide on a competitive basis,  
24 within amounts appropriated, state assistance payments AND/OR TECHNICAL  
25 ASSISTANCE to municipalities toward the [cost] DEVELOPMENT of any local  
26 waterfront revitalization program, including planning projects to miti-  
27 gate future physical climate risks. Eligible costs include planning,  
28 studies, preparation of local laws, and construction projects.

29 2. State assistance payments AND/OR TECHNICAL ASSISTANCE shall not  
30 exceed fifty percent of the cost of the program, EXCEPT WHERE THE MUNI-  
31 CIPALITY HAS A POPULATION, AS DETERMINED IN THE MOST RECENT UNITED  
32 STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN HOUSEHOLD  
33 INCOME OF LESS THAN OR EQUAL TO ONE HUNDRED TWENTY-FIVE PERCENT OF THE  
34 STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT UNITED STATES  
35 CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMULGATED BY THE  
36 DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE FUTURE PHYS-  
37 ICAL CLIMATE RISKS, IN WHICH CASE STATE ASSISTANCE PAYMENTS AND/OR TECH-  
38 NICAL ASSISTANCE SHALL NOT EXCEED NINETY PERCENT OF THE COST OF THE  
39 PROGRAM. For the purpose of determining the amount of state assistance  
40 payments, costs shall not be more than the amount set forth in the  
41 application for state assistance payments approved by the secretary. The  
42 state assistance payments shall be paid on audit and warrant of the  
43 state comptroller on a certificate of availability of the director of  
44 the budget.

45 3. THE SECRETARY IS AUTHORIZED TO PROVIDE ON A NONCOMPETITIVE BASIS,  
46 WITHIN AMOUNTS APPROPRIATED, STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL  
47 ASSISTANCE TOWARD THE DEVELOPMENT OF PLANNING PROJECTS TO MITIGATE  
48 FUTURE PHYSICAL CLIMATE RISKS TO MUNICIPALITIES THAT HAVE BEEN AWARDED  
49 STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE UNDER SUBDIVISION  
50 ONE OF THIS SECTION. SUCH PAYMENTS MAY BE USED FOR UPDATES DESIGNED TO  
51 MITIGATE FUTURE PHYSICAL CLIMATE RISKS.

52 4. The secretary shall have the power to approve vouchers for payments  
53 pursuant to an approved contract.

54 [4.] 5. No moneys shall be expended as authorized by this section  
55 except pursuant to an appropriation therefor.



1 [5.] 6. The secretary shall impose such contractual requirements and  
2 conditions upon any municipality which receives state assistance  
3 payments pursuant to this article as may be necessary and appropriate to  
4 ensure that a public benefit shall accrue from the use of such funds by  
5 the municipality including but not limited to, a demonstration that  
6 future physical climate risk due to sea level rise, and/or storm surges  
7 and/or flooding, based on available data predicting the likelihood of  
8 future extreme weather events, including hazard risk analysis data if  
9 applicable, has been considered.

10 S 5. Section 912 of the executive law is amended by adding a new  
11 subdivision 17 to read as follows:

12 17. TO ENCOURAGE STATE AGENCIES AND LOCAL GOVERNMENTS TO CONSIDER  
13 PHYSICAL CLIMATE RISKS IN PLANNING AND DEVELOPMENT EFFORTS.

14 S 6. Subdivision 1 of section 918 of the executive law, as added by  
15 chapter 840 of the laws of 1981, is amended to read as follows:

16 1. The secretary may enter into a contract or contracts for grants OR  
17 PAYMENTS to be made, within the limits of any appropriations therefor,  
18 for the following:

19 a. To any local governments, or to two or more local governments, for  
20 projects approved by the secretary which lead to preparation of a water-  
21 front revitalization program; provided, however, that such grants OR  
22 PAYMENTS shall not exceed fifty percent of the approved cost of such  
23 projects, EXCEPT WHERE EACH LOCAL GOVERNMENT HAS A POPULATION, AS DETER-  
24 MINED IN THE MOST RECENT UNITED STATES CENSUS, OF UNDER THREE HUNDRED  
25 THOUSAND AND A MEDIAN HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE  
26 HUNDRED TWENTY-FIVE PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR  
27 THE MOST RECENT UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY  
28 REGULATION PROMULGATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING  
29 PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE SUCH  
30 GRANTS OR PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST  
31 OF SUCH PROJECTS;

32 b. TO SERVICE PROVIDERS, ON BEHALF OF AND IN CONSULTATION WITH ANY  
33 LOCAL GOVERNMENTS OR TWO OR MORE LOCAL GOVERNMENTS, FOR PROJECTS  
34 APPROVED BY THE SECRETARY WHICH LEAD TO PREPARATION OF A WATERFRONT  
35 REVITALIZATION PROGRAM; HOWEVER, THAT SUCH GRANTS OR PAYMENTS SHALL NOT  
36 EXCEED FIFTY PERCENT OF THE APPROVED COST OF SUCH PROJECTS, EXCEPT WHERE  
37 EACH LOCAL GOVERNMENT HAS A POPULATION, AS DETERMINED IN THE MOST RECENT  
38 UNITED STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN  
39 HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE HUNDRED TWENTY-FIVE  
40 PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT  
41 UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMUL-  
42 GATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE  
43 FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE SUCH GRANTS OR PAYMENTS  
44 SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST OF SUCH PROJECTS;

45 c. To any local government or local government agency for research,  
46 design, and other activities which serve to facilitate construction  
47 projects provided for in an approved waterfront revitalization program;  
48 provided, however, that such grants or payments shall not exceed ten  
49 percent of the estimated cost of such construction project.

50 S 7. This act shall take effect immediately.

51 PART V

52 Section 1. Subdivision 3 of section 79-b of the navigation law, as  
53 amended by section 1 of part D of chapter 109 of the laws of 2010, is  
54 amended to read as follows:

1 3. The amount of state aid to be allocated to eligible governmental  
2 entities pursuant to this article shall be determined by the commission-  
3 er as hereinafter provided. The commissioner shall determine the  
4 percentage proportion which the authorized expenditures of each individ-  
5 ual entity, not exceeding four hundred thousand dollars for each county  
6 including municipalities therein, shall bear to the total authorized  
7 expenditures of all entities. Such percentage proportion shall then be  
8 applied against an amount equal to one-half of the total of the amount  
9 received by the state in each preceding program year in vessel registra-  
10 tion fees as provided in section twenty-two hundred fifty-one of the  
11 vehicle and traffic law, less no more than thirty percent, subject to  
12 appropriation, which may be used by the commissioner and the commission-  
13 er of motor vehicles for administrative costs of the program, including  
14 training and equipment, and by the department of environmental conserva-  
15 tion, the division of state police and other state agencies, subject to  
16 the approval of the commissioner, for the purposes of this article, plus  
17 the entire amount received pursuant to subdivision nine of section  
18 forty-four of this chapter. The amount thus determined shall constitute  
19 the maximum amount of state aid to which each such entity shall be enti-  
20 tled; provided, however, that no entity shall receive state aid in an  
21 amount in excess of [fifty] TWENTY-FIVE percent of its authorized  
22 expenditures as approved by the commissioner for such program year. The  
23 commissioner shall certify to the comptroller the amount thus determined  
24 for each eligible local governmental entity as the amount of state aid  
25 to be apportioned to such eligible local governmental entity. The allo-  
26 cation of state aid to any county, town or village within the Lake  
27 George park shall not be reduced because of the allocation of state aid  
28 to the Lake George park commission. Of the remaining funds received by  
29 the state for the registration of vessels as provided in section twen-  
30 ty-two hundred fifty-one of the vehicle and traffic law, no less than  
31 six percent shall be made available to the commissioner for the expenses  
32 of the office in providing navigation law enforcement training and  
33 administering the provisions of this section.

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

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

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