

S. 6408--A

A. 9008--A

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

January 14, 2016

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- 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

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

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

PART B

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

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

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

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-

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

S 15. This act shall take effect immediately.

PART C

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

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

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

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

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

9-A. "JOINT ARRANGEMENT" SHALL MEAN AN ARRANGEMENT, INCLUDING A PUBLIC-PRIVATE PARTNERSHIP, BETWEEN OR AMONG THE AUTHORITY, ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY AND ITS SUBSIDIARY, AND ANY OTHER PARTY OR PARTIES, INCLUDING PUBLIC ENTITIES AND PRIVATE ENTITIES, ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY, ANY OF ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR ITS SUBSIDIARY, DEEMS NECESSARY OR APPROPRIATE, IN THE FORM OF A CONTRACT, CONCESSION, LICENSE, LEASE, ALLIANCE, JOINT VENTURE, CORPORATION, INCLUDING A LIMITED LIABILITY CORPORATION, A PARTNERSHIP, OR OTHER ARRANGEMENT, IN SUPPORT OF, ASSOCIATED WITH, DERIVATIVE FROM, OR INCIDENTAL TO, THE PLANNING, ACQUISITION, DESIGN, ESTABLISHMENT, CONSTRUCTION, REHABILITATION, RECONSTRUCTION, IMPROVEMENT, EXTENSION, RENEWAL, REPAIR, OPERATION, MAINTENANCE, DEVELOPMENT OR FINANCING OF TRANSPORTATION IN WHOLE OR IN PART IN OR UPON ONE OR MORE TRANSPORTATION FACILITIES LOCATED IN WHOLE OR IN PART WITHIN THE DISTRICT INCLUDING WITHOUT LIMITATION, AGREEMENTS RELATING TO INTERMODAL AND SHARED FACILITIES, THE DISTRIBUTION OF FARE AND TOLL PAYMENT MEDIA AND ELECTRONIC PAYMENT DEVICES, OR THE COLLECTION OF FARES, TOLLS AND OTHER CHARGES.

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

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

2-A. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, THE 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 politi-
29 cal 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;

(G) THE AUTHORITY'S PROPOSED ROLE AND RESPONSIBILITIES, INCLUDING ANY FINANCIAL ASSISTANCE, IN THE DEVELOPMENT OF THE PROPOSED JOINT ARRANGEMENT AND IMPLEMENTATION OF THE PROPOSED TRANSPORTATION SERVICE; AND

(H) THE NAME AND ADDRESS OF THE PROPOSER.

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

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

(V) SUCH PUBLIC REQUEST FOR COMPETING PROPOSALS MUST:

(A) DESCRIBE THE UNSOLICITED PROPOSAL IN SUCH A WAY THAT, IN THE DISCRETION OF THE AUTHORITY, IT FAIRLY SOLICITS COMPETITIVE PROPOSALS THAT COULD ACHIEVE THE TRANSPORTATION BENEFIT PROPOSED BY THE UNSOLICITED PROPOSAL;

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

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

(VI) AFTER RECEIVING ANY SUCH COMPETING PROPOSALS, THE AUTHORITY MAY REQUIRE SUCH ADDITIONAL INFORMATION FROM ANY PROPOSER AS THE AUTHORITY DEEMS PERTINENT TO THE CONSIDERATION OF THE APPLICABLE PROPOSAL AND MAY ALLOW FOR THE SUBMISSION OF ADDITIONAL INFORMATION CONCERNING THE UNSOLICITED PROPOSAL OR ANY COMPETING PROPOSAL.

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

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

(B) THE PROPOSED JOINT ARRANGEMENT AND THE SCHEDULING OF ITS DEVELOPMENT AND IMPLEMENTATION AND ITS CONNECTIONS TO THE EXISTING TRANSPORTATION SYSTEM ARE COMPATIBLE WITH THE TRANSPORTATION PLANS OF THE AUTHORITY AND OF ANY STATE OR LOCAL JURISDICTIONS;

(C) THE ESTIMATED COST OF THE PROPOSED JOINT ARRANGEMENT AND OF DELIVERY OF THE TRANSPORTATION SERVICE IS REASONABLE AND THE EXPENDITURE OF ANY AUTHORITY FUNDS ON THE FACILITY WOULD PROVIDE A REASONABLE TRANSPORTATION BENEFIT, RELATIVE TO THE ESTIMATED COST;

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

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

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

(B) NOTHING IN THIS SECTION SHALL BE DEEMED TO (I) SUPERSEDE OR LIMIT THE APPLICABILITY OF THE AUTHORITY'S EXISTING POWERS AND AUTHORITY, OR

(II) REQUIRE THE AUTHORITY TO ACCEPT ANY PROJECT THROUGH THE PROVISIONS OF THIS SECTION, OR (III) REQUIRE THE AUTHORITY TO ENTER INTO ANY AGREE-

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

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

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

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

(A) THE PLANNING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, ESTABLISHMENT, IMPROVEMENT, RENOVATION, EXTENSION, REPAIR, OPERATION, MAINTENANCE, DEVELOPMENT OR FINANCING OF TRANSPORTATION FACILITIES AND JOINT ARRANGEMENTS AND THE PROVISION OF TRANSPORTATION SERVICES.

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

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

6. IN THE EVENT A PUBLIC OR PRIVATE ENTITY MATERIALLY DEFAULTS ON ITS OBLIGATIONS UNDER A JOINT ARRANGEMENT, THE AUTHORITY IS HEREBY AUTHORIZED TO ACQUIRE ALL OR ANY PORTION OF ANY JOINT ARRANGEMENT CONSTRUCTED BY OR IN CONJUNCTION WITH SUCH PUBLIC ENTITY OR PRIVATE ENTITY, WITH ANY DAMAGES SUFFERED TO THE AUTHORITY AS A RESULT OF SUCH DEFAULT BEING AN OFFSET TO THE COMPENSATION PROVIDED FOR THE ACQUISITION OF THE JOINT ARRANGEMENT. IN THE EVENT OF SUCH ACQUISITION AND NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AUTHORITY IS HEREBY AUTHORIZED, BUT NOT REQUIRED, TO OPERATE AND MAINTAIN THE JOINT ARRANGEMENT, INCLUDING THE IMPOSITION AND COLLECTION OF APPLICABLE FEES, FARES, TOLLS OR OTHER CHARGES.

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

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

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

(A) THE CHARACTER OR CONDITION OF THE PROPERTY, THE NATURE OF THE INTEREST TO BE CONVEYED, OR OTHER UNIQUE CIRCUMSTANCES OF THE DISPOSAL MAKE IT IMPRACTICABLE TO ADVERTISE PUBLICLY; AN APPRAISAL OF THE 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 twenty-
47 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

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

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

S 6. The construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation of the project undertaken by the authorized entity pursuant to this act shall be deemed a "public work" to be performed in accordance with the provisions of article 8 of the labor law, as well as subject to sections 200, 240, 241 and 242 of the labor law and enforcement of prevailing wage requirements by the New York state department of labor.

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

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

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

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

S 11. Nothing contained in this act shall limit the right or obligation of the authorized entity to comply with the provisions of any existing contract, including any existing contract with or for the benefit of the holders of the obligations of the authorized entity, or to award contracts as otherwise provided by law.

S 12. This act shall take effect immediately.

PART I

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

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

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

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

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

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

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

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

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

When an authorized foreign corporation is dissolved or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation or when such foreign corporation is merged into or consolidated with another foreign corporation, a certificate of the secretary of state, or official performing the equivalent function as to corporate records, of the jurisdiction of incorporation of such foreign corporation attesting to the occurrence of any such event or a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign corporation, the termination of its existence or the cancellation of its authority shall be delivered to the department of state. The filing of the certificate, order or decree shall have the same effect as the filing of a certificate of surrender of authority under section 1310 (Surrender of authority). The secretary of state shall continue as agent of the foreign corporation upon whom process against it may be served in the manner set forth in paragraph (b) of section 306 (Service of process), in any action or special proceeding based upon any liability or obligation incurred by the foreign corporation within this state prior to the filing of such certificate, order or decree and [he] THE PERSON SERVING SUCH PROCESS shall [promptly cause a copy of any such] SEND THE process [to be mailed] by [registered] CERTIFIED mail, return receipt requested, to such foreign corporation at the post office address on file in his office specified for such purpose AND SHALL PROVIDE THE SECRETARY OF STATE WITH PROOF OF SUCH MAILING IN THE MANNER SET FORTH IN PARAGRAPH (B) OF SECTION 306 (SERVICE OF PROCESS). The post office address may be changed by signing and delivering to the department of state a certificate of change setting forth the statements required under section 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-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) each change effected thereby.

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

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

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

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

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

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

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

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

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

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

S 79. Subdivision 2 of section 203 of the tax law, as amended by chapter 100 of the laws of 1964, is amended to read as follows:

2. Every foreign corporation (other than a moneyed corporation) subject to the provisions of this article, except a corporation having a certificate of authority [under section two hundred twelve of the general corporation law] or having authority to do business by virtue of section thirteen hundred five of the business corporation law, shall file in the department of state a certificate of designation in its corporate name, signed and acknowledged by its president or a vice-president or its secretary or treasurer, under its corporate seal, designating the secretary of state as its agent upon whom process in any action provided for by this article may be served within this state, and setting forth an address to which [the secretary of state] A PERSON shall mail a copy of any such process against the corporation which may be served upon [him] THE SECRETARY OF STATE. In case any such corporation shall have failed to file such certificate of designation, it 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 designation, it shall be deemed to have designated the secretary of state as
2 its agent upon whom such process against it may be served; and until a
3 certificate of designation shall have been filed such a petroleum business shall be deemed to have directed [the secretary of state] A PERSON
4 to mail copies of process served upon [him] THE SECRETARY OF STATE to
5 such petroleum business at its last known office address within or without the state. When a certificate of designation has been filed by such
6 a petroleum business [the secretary of state] A PERSON SERVING PROCESS
7 shall mail copies of process thereafter served upon [him] THE SECRETARY
8 OF STATE to the address set forth in such certificate. Any such petroleum business, from time to time, may change the address to which [the
9 secretary of state] A PERSON is directed to mail copies of process, by
10 filing a certificate to that effect executed, signed and acknowledged in
11 like manner as a certificate of designation as herein provided.

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

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

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PART O

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

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

ARTICLE 41
COMBATIVE SPORTS

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;

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

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

4. ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAINTAIN TRAINING FACILITIES TO PREPARE PERSONS FOR PARTICIPATION IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS;

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

6. ALL CONTRACTS DIRECTLY RELATED TO THE CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS IN THE STATE OF NEW YORK.

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

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

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

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

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

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

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

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

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

2. EVERY APPLICATION FOR A LICENSE SHALL BE IN A FORM PRESCRIBED BY THE COMMISSION, SHALL BE ADDRESSED TO THE COMMISSION, SHALL BE SUBSCRIBED BY THE APPLICANT, AND AFFIRMED BY HIM OR HER AS TRUE UNDER 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

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

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

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

7. THE PHYSICIAN SHALL TERMINATE ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT IF IN THE OPINION OF SUCH PHYSICIAN ANY PROFESSIONAL HAS RECEIVED SEVERE PUNISHMENT OR IS IN DANGER OF SERIOUS PHYSICAL INJURY. IN THE EVENT OF ANY SERIOUS PHYSICAL INJURY, SUCH PHYSICIAN SHALL IMMEDIATELY RENDER ANY EMERGENCY TREATMENT NECESSARY, RECOMMEND FURTHER TREATMENT OR HOSPITALIZATION IF REQUIRED, AND FULLY REPORT THE ENTIRE MATTER TO THE COMMISSION WITHIN TWENTY-FOUR HOURS AND IF NECESSARY, SUBSEQUENTLY THEREAFTER. SUCH PHYSICIAN MAY ALSO REQUIRE THAT THE INJURED PROFESSIONAL AND HIS OR HER MANAGER REMAIN IN THE RING OR ON THE PREMISES OR REPORT TO A HOSPITAL AFTER THE CONTEST FOR SUCH PERIOD OF TIME AS SUCH PHYSICIAN DEEMS ADVISABLE. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE RENDERED UNCONSCIOUS OR SUFFERING HEAD TRAUMA AS DETERMINED BY THE ATTENDING PHYSICIAN SHALL BE IMMEDIATELY EXAMINED BY THE ATTENDING COMMISSION PHYSICIAN AND SHALL BE REQUIRED TO UNDERGO NEUROLOGICAL EXAMINATIONS BY A NEUROLOGIST INCLUDING BUT NOT LIMITED TO MAGNETIC RESONANCE IMAGING OR MEDICALLY EQUIVALENT PROCEDURE.

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

9. BEFORE A LICENSE SHALL BE GRANTED TO A PERSON OR CORPORATION TO CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT, THE APPLICANT SHALL EXECUTE AND FILE WITH THE SECRETARY OF STATE A BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION, TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE SECRETARY OF STATE, CONDITIONED FOR THE FAITHFUL PERFORMANCE BY SAID CORPORATION OF THE PROVISIONS OF THIS ARTICLE AND THE RULES AND REGULATIONS OF THE COMMISSION, AND UPON THE FILING AND APPROVAL OF SAID BOND THE SECRETARY OF STATE SHALL ISSUE TO SAID APPLICANT A CERTIFICATE OF SUCH FILING AND APPROVAL, WHICH SHALL BE, BY SAID APPLICANT, FILED IN THE OFFICE OF THE COMMISSION WITH ITS APPLICATION FOR LICENSE, AND NO SUCH LICENSE SHALL BE ISSUED UNTIL SUCH CERTIFICATE SHALL BE FILED. IN CASE OF DEFAULT IN SUCH PERFORMANCE, THE COMMISSION MAY IMPOSE UPON THE DELINQUENT A PENALTY IN THE SUM OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH OFFENSE, WHICH MAY BE RECOVERED 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 COMMISS-
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.

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

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

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

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

[BOXING AND WRESTLING EXHIBITIONS] AUTHORIZED COMBATIVE SPORTS TAX

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

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

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

[Boxing and wrestling exhibitions] AUTHORIZED COMBATIVE SPORTS tax.

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

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

S 10. The department of state, with the assistance of the state athletic commission, medical advisory board, departments of health and financial services, state insurance fund, division of budget and such other state entities as appropriate, shall carefully consider potential mechanisms to provide financial resources for the payment of expenses related to medical and rehabilitative care for professionals licensed under article forty-one of the general business law who experience debilitating brain injuries associated with repetitive head injuries 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 effective date of this section. In addition to the foregoing, within twelve
5 months of the effective date of this section, the state athletic commission shall make any recommendations to the governor, temporary president
6 of the senate and speaker of the assembly regarding legislative changes
7 which may be necessary to effectuate the purpose and intent of this
8 chapter, including, but not limited to, appropriate adjustments to the
9 insurance requirements contained therein.

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

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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 dormitory authority of the state of New York relative to the establishment of
22 subsidiaries for certain purposes, as amended by section 1 of part X of
23 chapter 57 of the laws of 2014, is amended to read as follows:

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

29 S 2. This act shall take effect immediately.

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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 compensation, provided, however, that the appointment of the executive director shall be subject to confirmation by the senate in accordance with
41 section twenty-eight hundred fifty-two of this chapter; subject however
42 to the provisions of the civil service law, which shall apply to the
43 authority [and to the subsidiary corporation thereof] as a municipal
44 corporation other than a city;

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

(i) the acquisition of jurisdiction over, and of property for, thruways, [the New York state canal system,] and the construction, reconstruction, improvement, maintenance or operation thereof;

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

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

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

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

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

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

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

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

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

TRANSFER TO [NEW YORK STATE THRUWAY AUTHORITY]

POWER AUTHORITY OF THE STATE OF NEW YORK

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

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

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-

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

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

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

(J) FOR PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE DIRECTORS, OFFICERS AND EMPLOYEES OF THE THRUWAY AUTHORITY, AND THE DIRECTORS, OFFICERS AND EMPLOYEES OF THE CANAL CORPORATION. IN THOSE CASES WHERE THE DEFINITION OF THE TERM "EMPLOYEE" PROVIDED IN THIS PARAGRAPH IS APPLICABLE, THE TERM "STATE", AS UTILIZED IN SUBDIVISIONS TWO, THREE, AND FOUR OF THIS SECTION, SHALL MEAN THE THRUWAY AUTHORITY WHEN THE EMPLOYEE IS A DIRECTOR, OFFICER, OR EMPLOYEE OF THE THRUWAY AUTHORITY, OR THE CANAL CORPORATION, WHEN THE EMPLOYEE IS A DIRECTOR, OFFICER, OR EMPLOYEE OF THE CANAL CORPORATION.

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

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

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

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

S 33.01 New York state heritage areas advisory council. There shall continue to be in the office a New York state heritage areas advisory council which shall consist of twenty-six members or their designated representatives. The commissioner shall be a member of the advisory council. In addition, the advisory council shall consist of the following twenty-five other members: the commissioner of economic development, to advise and assist regarding related tourism and economic revitalization; the commissioner of education, to advise and assist regarding the interpretive and educational aspects of the programs; the secretary of state, to advise and assist regarding matters of community development and state planning and to advise on the identification and preservation of rural resources; the commissioner of transportation, to advise and 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

15 fifteenth through the end of the year, each local agency or other issuer
16 having an allocation shall immediately report to the commissioner and
17 each state agency having an allocation shall immediately report to the
18 director any changes to the status of its allocation or the status of
19 projects for which allocations have been made which should affect the
20 timing or likelihood of the issuance of covered bonds therefor. If the
21 commissioner determines that a local agency or other issuer has overes-
22 timated the amount of covered bonds subject to allocation that will be
23 issued prior to the end of the calendar year, the commissioner may
24 recapture the amount of the allocation to such local agency or other
25 issuer represented by such overestimation by notice to the local agency
26 or other issuer, and add such allocation to the statewide bond reserve.
27 The director may likewise make such determination and recapture with
28 respect to state agency allocations.

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

35 2. On or before November fifteenth of each year, each state agency
36 seeking unused statewide ceiling for use in future years shall make a
37 request for an allocation for a carryforward to the director, whose
38 approval shall be required before a carryforward election is filed by or
39 on behalf of any state agency. A later request may also be considered by
40 the director, who may file a carryforward election for any state agency
41 with the consent of such agency.

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

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

52 2. The panel shall consist of five members, one designee being
53 appointed by each of the following: the governor, the temporary presi-
54 dent of the senate, the speaker of the assembly, the minority leader of
55 the senate and the minority leader of the assembly. The designee of the
56 governor shall chair the panel. The panel shall monitor the allocation
57 process through the year, and in that regard, the division of the budget
58 and the department of economic development shall assist and cooperate
59 with the panel as provided in this section. The advisory process shall
60 operate through the issuance of advisory opinions by members of the
61 panel as provided in subdivisions six and seven of this section. A meet-
62 ing may be held at the call of the chair with the unanimous consent of
63 the members.

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

69 (b) Upon receipt of a request for allocation or a request for approval
70 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.

10. ADVISORY BOARD. (A) ANY DAIRY PROMOTION ORDER ISSUED PURSUANT TO THIS SECTION SHALL PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY BOARD TO ADVISE AND ASSIST THE PRESIDENT IN THE ADMINISTRATION OF SUCH ORDER. THIS BOARD SHALL CONSIST OF NOT LESS THAN FIVE MEMBERS AND SHALL BE APPOINTED BY THE PRESIDENT FROM NOMINATIONS SUBMITTED BY PRODUCERS MARKETING MILK IN THE AREA TO WHICH THE ORDER APPLIES. NOMINATING PROCEDURE, QUALIFICATION, REPRESENTATION, AND SIZE OF THE ADVISORY BOARD SHALL BE PRESCRIBED IN THE ORDER FOR WHICH SUCH BOARD WAS APPOINTED.

(B) NO MEMBER OF AN ADVISORY BOARD SHALL RECEIVE A SALARY BUT SHALL BE ENTITLED TO HIS OR HER ACTUAL AND REASONABLE EXPENSES INCURRED WHILE PERFORMING HIS OR HER DUTIES AS AUTHORIZED IN THIS SECTION.

(C) THE DUTIES AND RESPONSIBILITIES OF THE ADVISORY BOARD SHALL BE PRESCRIBED BY THE PRESIDENT AND HE OR SHE MAY SPECIFICALLY DELEGATE TO THE ADVISORY BOARD, BY INCLUSION IN THE DAIRY PROMOTION ORDER, ALL OR ANY OF THE FOLLOWING DUTIES AND RESPONSIBILITIES:

(I) THE RECOMMENDATION TO THE PRESIDENT OF ADMINISTRATIVE RULES AND REGULATIONS RELATING TO THE ORDER.

(II) RECOMMENDING TO THE PRESIDENT SUCH AMENDMENTS TO THE ORDER AS DEEMED ADVISABLE.

(III) THE PREPARATION AND SUBMISSION TO THE PRESIDENT OF AN ESTIMATED BUDGET REQUIRED FOR THE PROPER OPERATION OF THE ORDER.

(IV) RECOMMENDING TO THE PRESIDENT METHODS FOR ASSESSING PRODUCERS AND METHODS FOR COLLECTING THE NECESSARY FUNDS.

(V) ASSISTING THE PRESIDENT IN THE COLLECTION AND ASSEMBLY OF INFORMATION AND DATA NECESSARY FOR THE PROPER ADMINISTRATION OF THE ORDER.

(VI) THE PERFORMANCE OF SUCH OTHER DUTIES IN CONNECTION WITH THE ORDER AS THE PRESIDENT SHALL DESIGNATE.

11. RULES AND REGULATIONS; ENFORCEMENT. (A) THE PRESIDENT MAY, WITH THE ADVICE AND ASSISTANCE OF THE ADVISORY BOARD, MAKE AND ISSUE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO EFFECTUATE THE PROVISIONS AND INTENT OF THIS SECTION AND TO ENFORCE THE PROVISIONS OF ANY DAIRY PROMOTION ORDER, ALL OF WHICH SHALL HAVE THE FORCE AND EFFECT OF LAW.

(B) THE PRESIDENT MAY INSTITUTE SUCH ACTION AT LAW OR IN EQUITY AS MAY APPEAR NECESSARY TO ENFORCE COMPLIANCE WITH ANY PROVISION OF THIS SECTION, OR ANY RULE OR REGULATION, OR DAIRY PROMOTION ORDER COMMITTED TO HIS OR HER ADMINISTRATION, AND MAY APPLY FOR RELIEF BY INJUNCTION IF NECESSARY TO PROTECT THE PUBLIC INTEREST WITHOUT BEING COMPELLED TO ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES NOT EXIST. SUCH APPLICATION SHALL BE MADE TO THE SUPREME COURT IN ANY DISTRICT OR COUNTY PROVIDED IN THE CIVIL PRACTICE LAW AND RULES, OR TO THE SUPREME COURT IN THE THIRD JUDICIAL DISTRICT.

12. COOPERATION BY THE DEPARTMENT OF AGRICULTURE AND MARKETS. THE PRESIDENT OF THE CORPORATION MAY REQUEST AND RECEIVE, WITHIN NINETY DAYS OF SUCH REQUEST FROM THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS (HEREAFTER REFERRED TO IN THIS SUBDIVISION AS THE "DEPARTMENT") SUCH ASSISTANCE, INFORMATION AND COOPERATION AS MAY BE NECESSARY FOR THE CORPORATION TO PROVIDE SERVICES WITH RESPECT TO THE ADMINISTRATION OF THE PROCEDURES SET FORTH FOR THE ISSUANCE, TERMINATION OR AMENDMENT OF ANY DAIRY PROMOTION ORDER AND/OR THE ADMINISTRATION OF ANY SUCH ORDER. THE CORPORATION SHALL RETAIN AN AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE CORPORATION IN PERFORMING ITS DUTIES PURSUANT TO THIS SECTION AND REIMBURSE THE DEPARTMENT AN AMOUNT EQUAL TO THE EXPENSES INCURRED BY THE DEPARTMENT IN SUPPLYING SUCH SERVICES, SUBSEQUENT TO SUBMISSION AND AUDIT OF A VOUCHER THEREFOR. SUCH REIMBURSEMENT SHALL NOT EXCEED THE TOTAL AMOUNT OF FUNDS COLLECTED BY THE CORPORATION PURSUANT TO THIS

SECTION LESS THE REASONABLE EXPENSES INCURRED BY THE CORPORATION IN PERFORMING ITS DUTIES PURSUANT TO THIS SECTION.

13. INDEMNIFICATION. THE STATE SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE CORPORATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, DAMAGES, COSTS AND EXPENSES WHATSOEVER ARISING DIRECTLY OR INDIRECTLY FROM, OR RELATING TO, THE ADMINISTRATION OF A DAIRY PROMOTION ORDER ISSUED OR ADMINISTERED PURSUANT TO THIS SECTION. IN CONNECTION WITH THE FOREGOING, THE CORPORATION SHALL GIVE THE STATE (A) PROMPT WRITTEN NOTICE OF ANY ACTION, CLAIM OR THREAT OF SUIT, (B) THE OPPORTUNITY TO TAKE OVER, SETTLE OR DEFEND SUCH ACTION, CLAIM OR SUIT AT THE STATE'S SOLE EXPENSE, AND (C) ASSISTANCE IN THE DEFENSE OF ANY SUCH ACTION AT THE EXPENSE OF THE STATE.

14. CONTRACTUAL PROVISIONS. THE CORPORATION MAY CONTRACT FOR SERVICES WITH RESPECT TO THE IMPLEMENTATION OF THIS SECTION IN ACCORDANCE WITH THE CORPORATION'S POLICIES, PROCEDURES AND GUIDELINES. NOTWITHSTANDING SECTION 2879 OF THE PUBLIC AUTHORITIES LAW OR ANY OTHER LAW TO THE CONTRARY, ANY SUCH CONTRACT MAY BE PROCURED BY THE CORPORATION ON A SOLE-SOURCE BASIS, AND SHALL NOT BE SUBJECT TO COMPETITIVE BID OR COMPETITIVE REQUEST FOR PROPOSAL REQUIREMENTS.

S 16-Y. MARKETING OF AGRICULTURAL PRODUCTS. DECLARATION OF POLICY. (A) IT IS HEREBY DECLARED THAT THE MISSION OF THE CORPORATION IS TO PROMOTE A VIGOROUS AND GROWING STATE ECONOMY. IN IMPLEMENTING THIS MISSION, THE CORPORATION HAS UNDERTAKEN A VIGOROUS CAMPAIGN TO MARKET THE STATE'S ASSETS AND BY CARRYING OUT THE PROVISIONS OF THIS SECTION, WOULD FURTHER THIS MISSION BY PROMOTING THE DEVELOPMENT OF MARKETS FOR AGRICULTURAL PRODUCTS GROWN AND PRODUCED IN THE STATE.

(B) IT IS FURTHER DECLARED THAT THE MARKETING OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS IN THIS STATE, IN EXCESS OF REASONABLE AND NORMAL MARKET DEMANDS THEREFOR; DISORDERLY MARKETING OF SUCH COMMODITIES; IMPROPER PREPARATION FOR MARKET AND LACK OF UNIFORM GRADING AND CLASSIFICATION OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS; UNFAIR METHODS OF COMPETITION IN THE MARKETING OF SUCH COMMODITIES AND THE INABILITY OF INDIVIDUAL PRODUCERS TO DEVELOP NEW AND LARGER MARKETS FOR AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS, RESULT IN AN UNREASONABLE AND UNNECESSARY ECONOMIC WASTE OF THE AGRICULTURAL WEALTH OF THIS STATE. SUCH CONDITIONS AND THE ACCOMPANYING WASTE JEOPARDIZE THE FUTURE CONTINUED PRODUCTION OF ADEQUATE FOOD SUPPLIES FOR THE PEOPLE OF THIS AND OTHER STATES. THESE CONDITIONS VITALLY CONCERN THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PEOPLE OF THIS STATE.

IT IS THEREFORE DECLARED THE LEGISLATIVE PURPOSE AND THE POLICY OF THIS STATE:

(I) TO ENABLE AGRICULTURAL PRODUCERS AND AQUATIC PRODUCERS OF THIS STATE, WITH THE AID OF THE STATE, MORE EFFECTIVELY TO CORRELATE THE MARKETING OF THEIR AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS WITH MARKET DEMANDS THEREFOR.

(II) TO ESTABLISH ORDERLY, EFFICIENT AND EQUITABLE MARKETING OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS.

(III) TO PROVIDE FOR UNIFORM GRADING AND PROPER PREPARATION OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS FOR MARKET.

(IV) TO PROVIDE METHODS AND MEANS FOR THE DEVELOPMENT OF NEW AND LARGER MARKETS FOR AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS PRODUCED IN NEW YORK.

(V) TO ELIMINATE OR REDUCE THE ECONOMIC WASTE IN THE MARKETING OF AGRICULTURAL COMMODITIES AND AQUATIC PRODUCTS.

(VI) TO ELIMINATE UNJUST IMPAIRMENT OF THE PURCHASING POWER OF AQUATIC PRODUCERS AND THE AGRICULTURAL PRODUCERS OF THIS STATE; AND

(VII) TO AID AGRICULTURAL AND AQUATIC PRODUCERS IN MAINTAINING AN INCOME AT AN ADEQUATE AND EQUITABLE LEVEL.

2. DEFINITIONS. (A) "AGRICULTURAL COMMODITY" MEANS ANY AND ALL AGRICULTURAL, HORTICULTURAL, VINEYARD PRODUCTS, CORN FOR GRAIN, OATS, SOYBEANS, BARLEY, WHEAT, POULTRY OR POULTRY PRODUCTS, BEES, MAPLE SAP AND PURE MAPLE PRODUCTS PRODUCED THEREFROM, CHRISTMAS TREES, LIVESTOCK, INCLUDING SWINE, AND HONEY, SOLD IN THE STATE EITHER IN THEIR NATURAL STATE OR AS PROCESSED BY THE PRODUCER THEREOF BUT DOES NOT INCLUDE MILK, TIMBER OR TIMBER PRODUCTS, OTHER THAN CHRISTMAS TREES, ALL HAY, RYE AND LEGUMES EXCEPT FOR SOYBEANS.

(B) "AQUACULTURE" MEANS THE CULTURE, CULTIVATION AND HARVEST OF AQUATIC PLANTS AND ANIMALS.

(C) "AQUATIC PRODUCTS" MEANS ANY FOOD OR FIBER PRODUCTS OBTAINED THROUGH THE PRACTICE OF AQUACULTURE, INCLUDING MARICULTURE; OR BY HARVEST FROM THE SEA WHEN SUCH PRODUCTS ARE CULTURED OR LANDED IN THIS STATE. SUCH PRODUCTS INCLUDE BUT ARE NOT LIMITED TO FISH, SHELLFISH, SEAWEED OR OTHER WATER BASED PLANT LIFE.

(D) "PRODUCER" MEANS ANY PERSON ENGAGED WITHIN THIS STATE IN THE BUSINESS OF PRODUCING, OR CAUSING TO BE PRODUCED FOR ANY MARKET, ANY AGRICULTURAL COMMODITY OR AQUATIC PRODUCT.

(E) "HANDLER" MEANS ANY PERSON ENGAGED IN THE OPERATION OF PACKING, GRADING, SELLING, OFFERING FOR SALE OR MARKETING ANY MARKETABLE AGRICULTURAL COMMODITIES OR AQUATIC PRODUCTS, WHO AS OWNER, AGENT OR OTHERWISE SHIPS OR CAUSES AN AGRICULTURAL COMMODITY TO BE SHIPPED.

(F) "PROCESSOR" MEANS ANY PERSON ENGAGED WITHIN THIS STATE IN PROCESSING, OR IN THE OPERATION OF RECEIVING, GRADING, PACKING, CANNING, FREEZING, DEHYDRATING, FERMENTING, DISTILLING, EXTRACTING, PRESERVING, GRINDING, CRUSHING, OR IN ANY OTHER WAY PRESERVING OR CHANGING THE FORM OF AN AGRICULTURAL PRODUCT OR AQUATIC PRODUCT FOR THE PURPOSE OF MARKETING SUCH COMMODITY BUT SHALL NOT INCLUDE A PERSON ENGAGED IN MANUFACTURING FROM AN AGRICULTURAL COMMODITY OR AQUATIC PRODUCT ANOTHER AND DIFFERENT PRODUCT.

(G) "DISTRIBUTOR" MEANS ANY PERSON ENGAGED WITHIN THIS STATE, IN SELLING, OFFERING FOR SALE, MARKETING OR DISTRIBUTING AN AGRICULTURAL COMMODITY OR AQUATIC PRODUCT WHICH HE OR SHE HAS PURCHASED OR ACQUIRED FROM A PRODUCER OR OTHER PERSON OR WHICH HE OR SHE IS MARKETING ON BEHALF OF A PRODUCER OR OTHER PERSON, WHETHER AS OWNER, AGENT, EMPLOYEE, BROKER OR OTHERWISE, BUT SHALL NOT INCLUDE A RETAILER, EXCEPT SUCH RETAILER WHO PURCHASES OR ACQUIRES FROM, OR HANDLES ON BEHALF OF ANY PRODUCER OR OTHER PERSON, AN AGRICULTURAL COMMODITY OR AQUATIC PRODUCT SUBJECT TO REGULATION BY THE MARKETING AGREEMENT OR ORDER COVERING SUCH COMMODITY.

(H) "PRESIDENT" MEANS THE PRESIDENT OF THE CORPORATION.

(I) "MARKETING AGREEMENT" MEANS AN AGREEMENT ENTERED INTO, WITH THE APPROVAL OF THE PRESIDENT, BY PRODUCERS WITH DISTRIBUTORS, PROCESSORS AND HANDLERS REGULATING THE PREPARATION, SALE AND HANDLING OF AGRICULTURAL COMMODITIES OR AQUATIC PRODUCTS.

(J) "MARKETING ORDER" MEANS AN ORDER ISSUED BY THE PRESIDENT PURSUANT TO THIS SECTION, PRESCRIBING RULES AND REGULATIONS GOVERNING THE MARKETING FOR PROCESSING, THE DISTRIBUTING, THE SALE OF, OR THE HANDLING IN ANY MANNER OF ANY AGRICULTURAL COMMODITY OR AQUATIC PRODUCT SOLD IN THIS STATE DURING ANY SPECIFIED PERIOD OR PERIODS.

3. POWERS AND DUTIES OF THE PRESIDENT. (A) IN ORDER TO EFFECTUATE THE 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 MARKETING NOT LESS THAN FIFTY-ONE PER CENTUM OF THE TOTAL QUANTITY OF THE
12 COMMODITY WHICH WAS MARKETING 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 MARKETING NOT LESS THAN SIXTY-FIVE PER CENTUM OF THE TOTAL QUANTITY OF
17 THE COMMODITY WHICH WAS MARKETING 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 MARKETING 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

the purchaser at the time of the sale and shall remit such fee to the department of taxation and finance with the quarterly report filed pursuant to subdivision three of this section.

[Until March thirty-first, two thousand seventeen, each] EACH tire service maintaining a place of business in this state shall make a return to the department of taxation and finance on a quarterly basis, with the return for December, January, and February being due on or before the immediately following March thirty-first; the return for March, April, and May being due on or before the immediately following June thirtieth; the return for June, July, and August being due on or before the immediately following September thirtieth; and the return for September, October, and November being due on or before the immediately following December thirty-first.

(a) [Until December thirty-first, two thousand sixteen, any] ANY additional waste tire management and recycling costs of the tire service in excess of the amount authorized to be retained pursuant to paragraph (b) of subdivision two of this section may be included in the published selling price of the new tire, or charged as a separate per-tire charge on each new tire sold. When such costs are charged as a separate per-tire charge: (i) such charge shall be stated as an invoice item separate and distinct from the selling price of the tire; (ii) the invoice shall state that the charge is imposed at the sole discretion of the tire service; and (iii) the amount of such charge shall reflect the actual cost to the tire service for the management and recycling of waste tires accepted by the tire service pursuant to section 27-1905 of this title, provided however, that in no event shall such charge exceed two dollars and fifty cents on each new tire sold.

S 3. This act shall take effect immediately.

PART U

Section 1. Paragraph a of subdivision 2 of section 92-s of the state finance law, as added by chapter 610 of the laws of 1993, is amended to read as follows:

a. The comptroller shall establish the following separate and distinct accounts within the environmental protection fund:

- (i) solid waste account;
- (ii) parks, recreation and historic preservation account;
- (iii) open space account; [and]
- (iv) CLIMATE CHANGE MITIGATION AND ADAPTATION ACCOUNT; AND
- (V) environmental protection transfer account.

S 2. Paragraph (b) of subdivision 6 of section 92-s of the state finance law, as amended by chapter 432 of the laws of 1997, is amended to read as follows:

(b) Moneys from the solid waste account shall be available, pursuant to appropriation and upon certificate of approval of availability by the director of the budget, for any non-hazardous municipal landfill closure project; municipal waste reduction or recycling project, as defined in article fifty-four of the environmental conservation law; for the purposes of section two hundred sixty-one and section two hundred sixty-four of the economic development law; any project for the development, updating or revision of local solid waste management plans pursuant to sections 27-0107 and 27-0109 of the environmental conservation law; ENVIRONMENTAL JUSTICE PROGRAMS, PROJECTS AND GRANTS; and for the development of the pesticide sales and use data base [in conjunction

with Cornell University] pursuant to title twelve of article thirty-three of the environmental conservation law.

S 3. Subdivision 6 of section 92-s of the state finance law is amended by adding a new paragraph (f) to read as follows:

(F) MONEYS FROM THE CLIMATE CHANGE MITIGATION AND ADAPTATION ACCOUNT SHALL BE AVAILABLE, PURSUANT TO APPROPRIATION AND UPON CERTIFICATE OF APPROVAL OF AVAILABILITY BY THE DIRECTOR OF THE BUDGET, FOR PROGRAMS AND PROJECTS TO REDUCE GREENHOUSE GASSES; FOR THE DEVELOPMENT, UPDATING OR REVISION OF LOCAL WATERFRONT REVITALIZATION PLANS PURSUANT TO TITLE ELEVEN OF ARTICLE FIFTY-FOUR OF THE ENVIRONMENTAL CONSERVATION LAW TO ADAPT FOR CLIMATE CHANGE, OR FOR OTHER PLANNING UNDERTAKEN TO IMPROVE RESILIENCY FROM IMPACTS OF CLIMATE CHANGE; FOR SMART GROWTH PROGRAMS; AND FOR ADAPTIVE INFRASTRUCTURE, INCLUDING GRANTS PURSUANT TO THE CLIMATE SMART COMMUNITIES PROGRAM; RESILIENCY PLANTING PROJECTS; THE CLIMATE RESILIENT FARMS PROGRAM; STATE VULNERABILITY ASSESSMENTS; AND PROGRAMS AND PROJECTS TO IMPLEMENT AND COMPLY WITH THE PROVISIONS OF CHAPTER THREE HUNDRED FIFTY-FIVE OF THE LAWS OF TWO THOUSAND FOURTEEN, KNOWN AS THE "COMMUNITY RISK AND RESILIENCY ACT".

S 4. Section 54-1101 of the environmental conservation law, as amended by chapter 309 of the laws of 1996, subdivisions 1 and 5 as amended by chapter 355 of the laws of 2014, is amended to read as follows:

S 54-1101. Local waterfront revitalization programs.

1. The secretary is authorized to provide on a competitive basis, within amounts appropriated, state assistance payments AND/OR TECHNICAL ASSISTANCE to municipalities toward the [cost] DEVELOPMENT of any local waterfront revitalization program, including planning projects to mitigate future physical climate risks. Eligible costs include planning, studies, preparation of local laws, and construction projects.

2. State assistance payments AND/OR TECHNICAL ASSISTANCE shall not exceed fifty percent of the cost of the program, EXCEPT WHERE THE MUNICIPALITY HAS A POPULATION, AS DETERMINED IN THE MOST RECENT UNITED STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE HUNDRED TWENTY-FIVE PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMULGATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE SHALL NOT EXCEED NINETY PERCENT OF THE COST OF THE PROGRAM. For the purpose of determining the amount of state assistance payments, costs shall not be more than the amount set forth in the application for state assistance payments approved by the secretary. The state assistance payments shall be paid on audit and warrant of the state comptroller on a certificate of availability of the director of the budget.

3. THE SECRETARY IS AUTHORIZED TO PROVIDE ON A NONCOMPETITIVE BASIS, WITHIN AMOUNTS APPROPRIATED, STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE TOWARD THE DEVELOPMENT OF PLANNING PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS TO MUNICIPALITIES THAT HAVE BEEN AWARDED STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE UNDER SUBDIVISION ONE OF THIS SECTION. SUCH PAYMENTS MAY BE USED FOR UPDATES DESIGNED TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS.

4. The secretary shall have the power to approve vouchers for payments pursuant to an approved contract.

[4.] 5. No moneys shall be expended as authorized by this section except pursuant to an appropriation therefor.

[5.] 6. The secretary shall impose such contractual requirements and conditions upon any municipality which receives state assistance payments pursuant to this article as may be necessary and appropriate to ensure that a public benefit shall accrue from the use of such funds by the municipality including but not limited to, a demonstration that future physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable, has been considered.

S 5. Section 912 of the executive law is amended by adding a new subdivision 17 to read as follows:

17. TO ENCOURAGE STATE AGENCIES AND LOCAL GOVERNMENTS TO CONSIDER PHYSICAL CLIMATE RISKS IN PLANNING AND DEVELOPMENT EFFORTS.

S 6. Subdivision 1 of section 918 of the executive law, as added by chapter 840 of the laws of 1981, is amended to read as follows:

1. The secretary may enter into a contract or contracts for grants OR PAYMENTS to be made, within the limits of any appropriations therefor, for the following:

a. To any local governments, or to two or more local governments, for projects approved by the secretary which lead to preparation of a waterfront revitalization program; provided, however, that such grants OR PAYMENTS shall not exceed fifty percent of the approved cost of such projects, EXCEPT WHERE EACH LOCAL GOVERNMENT HAS A POPULATION, AS DETERMINED IN THE MOST RECENT UNITED STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE HUNDRED TWENTY-FIVE PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMULGATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE SUCH GRANTS OR PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST OF SUCH PROJECTS;

b. TO SERVICE PROVIDERS, ON BEHALF OF AND IN CONSULTATION WITH ANY LOCAL GOVERNMENTS OR TWO OR MORE LOCAL GOVERNMENTS, FOR PROJECTS APPROVED BY THE SECRETARY WHICH LEAD TO PREPARATION OF A WATERFRONT REVITALIZATION PROGRAM; HOWEVER, THAT SUCH GRANTS OR PAYMENTS SHALL NOT EXCEED FIFTY PERCENT OF THE APPROVED COST OF SUCH PROJECTS, EXCEPT WHERE EACH LOCAL GOVERNMENT HAS A POPULATION, AS DETERMINED IN THE MOST RECENT UNITED STATES CENSUS, OF UNDER THREE HUNDRED THOUSAND AND A MEDIAN HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO ONE HUNDRED TWENTY-FIVE PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT UNITED STATES CENSUS, OR AS OTHERWISE DETERMINED BY REGULATION PROMULGATED BY THE DEPARTMENT OF STATE, OR FOR PLANNING PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS, IN WHICH CASE SUCH GRANTS OR PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST OF SUCH PROJECTS;

C. To any local government or local government agency for research, design, and other activities which serve to facilitate construction projects provided for in an approved waterfront revitalization program; provided, however, that such grants or payments shall not exceed ten percent of the estimated cost of such construction project.

S 7. This act shall take effect immediately.

PART V

Section 1. Subdivision 3 of section 79-b of the navigation law, as amended by section 1 of part D of chapter 109 of the laws of 2010, is amended to read as follows:

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.