STATE OF NEW YORK

9530

IN SENATE

May 16, 2024

Introduced by Sen. WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the name of the Rockland County Solid Waste Authority, subjecting such authority to regulation by the department of agriculture and markets, and making a technical change; and to amend the agriculture and markets law, in relation to public authorities providing shelter services for the care of unwanted animals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 3 of section 2053-b of the public authorities law, as amended by chapter 553 of the laws of 2022, is amended to read as follows:

3. "Authority" shall mean the public benefit corporation created by section two thousand fifty-three-c of this title, known as the Rockland county solid waste management authority and shall also hereby be known as Rockland Green **and/or RG Cares**.

§ 2. Subdivision 1 of section 2053-c of the public authorities law, as amended by chapter 553 of the laws of 2022, is amended to read as follows:

1. Upon compliance with the requirements of subdivision seven of this section, a corporation known as the Rockland county solid waste management authority shall be deemed to have been created hereby for the public purposes and charged with the duties and having the powers provided in this title. The authority shall be a body corporate and politic constituting a public benefit corporation. In order to be more consistent with the authority's goals, mission and objectives, the authority shall also be known as Rockland Green **and/or RG Cares**.

§ 3. Subdivision 22 of section 2053-e of the public authorities law, as amended by chapter 553 of the laws of 2022, is amended to read as follows:

22. The authority may acquire, hold, own, lease, establish, construct, effectuate, operate, maintain, renovate, improve, extend or repair any

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

LBD15334-02-4

of its facilities [~~through, and cause any one or more of its powers, duties, functions or activities to be exercised or performed by, no more than one wholly-owned subsidiary corporation of the authority~~] for the [~~sole~~] purposes of operating an animal shelter and providing animal management services on behalf of one or more municipalities located in the county of Rockland pursuant to the agriculture and markets law[~~. Such subsidiary corporation shall be deemed an animal shelter for the purposes of registration, inspection or any oversight required by law or regulation by the department of agriculture and markets. The authority may transfer to or from any such corporation, or between such corporations, any moneys, real property or other property or the services of any officers, employees or consultants for any of the purposes of this title. The directors or members of such subsidiary corporation shall be the same persons holding the offices of members of the authority. Such subsidiary corporation and any of its property, functions and activities shall have all of the privileges, immunities, tax exemptions and other exemptions of the authority and of the authority's property, functions and activities. Such subsidiary corporation shall be subject to the restrictions and limitations to which the authority may be subject. Such subsidiary corporation shall be subject to suit in accordance with section two thousand fifty-three-u this title. The employees of any such subsidiary corporation, except those who are also employees of the authority, shall not be deemed employees of the authority~~] **and will be subject to regulation by the department of agriculture and markets for the purposes of registration, inspection, and any oversight or regulation**.

§ 4. Subdivision 1 of section 2053-g of the public authorities law, as amended by chapter 553 of the laws of 2022, is amended to read as follows:

1. The authority may fix and collect, on any equitable basis, rates, rentals, fees and other charges for the use of facilities of or services or commodities provided by the authority [~~or any subsidiary~~], including the availability of any of the foregoing from the authority. Such rates, rentals, fees and other charges may be fixed and collected from any person to whom such facilities, services or commodities are provided by or made available from the authority, including generators of solid waste and owners of real property upon which solid waste is generated. Such rates, rentals, fees and other charges may be the same or different for each classification of user or service recipient and may, by way of example, reflect the source and composition of solid waste and may provide for fee reductions to the users or service recipients in proportion to waste generated or to reflect participation in source separation programs. In any instance where the county is or would be required by law, with respect to solid waste management, to conduct a public hearing in connection with a user or rate, rental, fee or other charge, the authority shall not establish, fix, or revise any classification of user or service recipient, rate, rental, fee or other charge unless and until the authority has held a public hearing at which interested persons have had an opportunity to be heard concerning the same; provided however, that if the county has conducted a public hearing in connection with such rate, rental, fee or other charge, the authority shall not be required to hold a public hearing. Notice of any such public hearing shall be published at least ten days before the date set therefor, in at least one newspaper of general circulation in the county. Such notice shall set forth the date, time and place of such hearing and shall include a brief description of the matters to be considered at such

meeting. A copy of the notice shall be available for inspection by the public. At any such hearing, any interested persons shall have an opportunity to be heard concerning the matters under consideration. Any decision by the authority at such public hearing shall be in writing and be made available in the office of the authority for public inspection during regular office hours.

§ 5. Subdivision 2 of section 114 of the agriculture and markets law, as amended by chapter 553 of the laws of 2022, is amended to read as follows:

2. In lieu of or in addition to establishing and maintaining such pound or shelter, any town or city, or any village in which licenses are issued shall, and any other village and any county may, contract for pound or shelter services with any other municipality or with any incorporated humane society or similar incorporated dog protective association, or with a public authority providing shelter services [~~**or its subsidiary that is wholly created for the sole purpose of providing such services**~~], or shall establish and maintain, jointly or with one or more other municipalities, a pound or shelter.

§ 6. Paragraph d of subdivision 4 of section 400 of the agriculture and markets law, as amended by chapter 553 of the laws of 2022, is amended to read as follows:

(d) Any public authority providing shelter services for the care of unwanted animals [~~**or its subsidiary that is wholly created for the sole purpose of providing such services**~~].

§ 7. Paragraph d of subdivision 4 of section 400 of the agriculture and markets law, as added by chapter 681 of the laws of 2022, is relettered paragraph e.

§ 8. This act shall take effect immediately; provided that section seven of this act shall take effect on the same date and in the same manner as chapter 681 of the laws of 2022 takes effect.