

Amend Senate S. 59, Assembly A. 159, A BUDGET BILL, AN ACT to amend chapter 279 of the laws of 1998 amending the transportation law relating to enabling the commissioner...

Page	Line	Amendment
Page 2,	Unnumbered line 6 through 11 (AN ACT CLAUSE),	After "(Part L);" strike out "to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, and to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, in relation to the effectiveness of such chapters" and insert "INTENTIONALLY OMITTED"
Page 4,	Unnumbered line 25 (AN ACT CLAUSE),	After "(Part UU);" strike out "and"
Page 4,	Unnumbered line 34 (AN ACT CLAUSE),	After "(Part VV)" insert "; and to authorize annual cable television assessments to provide funds from cable television assessment revenues to the department of health (Part WW)"
Page 4,	Line 4,	After "through" strike out "VV" and insert "WW"
Page 10,	Between lines 2 and 3,	<p><u>Insert "Notwithstanding any inconsistent provision of this section, the registration fees provided for in subdivisions two, six and eight of subdivision of section four hundred twenty of this title and the registration fee provided for in paragraph (b) of subdivision three of section two thousand two hundred sixty one of this chapter shall be deposited pursuant to the provisions of this subdivision; provided, however, the difference between the registration fees provided for in subdivisions two, six and eight of section four hundred twenty of this title and paragraph (b) of subdivision three of section two thousand two hundred sixty one of this chapter in effect on or after August 1, 2009 and the registration fees in effect prior to such date shall be deposited to the credit of the dedicated bridge and highway trust fund.</u></p> <p><u>Notwithstanding any inconsistent provision of this section, eleven dollars and fifty cents of the registration fees collected pursuant to paragraph (a) of subdivision five of section four hundred ten of this title shall be deposited pursuant to this subdivision. Three dollars and fifty cents of such fees collected in relation to applications for new registrations and renewals of existing registrations expiring on or after August 1, 2009 shall be</u></p>

		<u>deposited to the credit of the dedicated highway and bridge trust fund. Two dollars and fifty cents of such registration fees shall deposited into the motorcycle safety fund established pursuant to section ninety-two-g of the state finance law.</u>
Page 26 and 27,	Lines 16 through 52,	Strike out "PART M" in its entirety and insert "INTENTIONALLY OMITTED"
Page 58,	Between lines 43 and 44,	Insert " <u>935. Greenway conservancy.</u> "
Page 58,	Line 44,	Before " <u>Greenway trail.</u> " Strike out " <u>935.</u> " And insert " <u>937.</u> "
Page 58,	Line 45,	Before " <u>Plans developed</u> " strike out " <u>937.</u> " And insert " <u>939.</u> "
Page 59,	Line 25,	Before " <u>of this article</u> " strike out " <u>five</u> " and insert " <u>seven</u> "
Page 59,	Between lines 36 and 37,	Insert " <u>12. "Conservancy" or "greenway conservancy" means the greenway conservancy, a public benefit corporation, reestablished pursuant to section nine hundred thirty-five of this article.</u> "
Page 66,	Between lines 7 and 8,	Insert " <u>§ 935. Greenway heritage conservancy.</u> <u>1. It is hereby found, determined and declared that the reestablishment of the greenway heritage conservancy and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state of New York, for the preservation and enhancement of the natural and historic resources of the Hudson river valley and in furtherance of their welfare and prosperity, and is a public purpose, in that the conservancy will be performing an essential governmental function in the exercise of the powers conferred upon it by this article. The conservancy shall not be required to pay taxes or assessments upon any of the real property interests or rights acquired by it or under its jurisdiction or control, or upon its activities in the operation and maintenance of such property interests or rights or use of any moneys, revenues or other income received by the conservancy. All contributions of real or personal property interests or rights made to the conservancy whether by gift, devise or bequest shall to the extent deductible for federal income tax purposes, be deductible for purposes of the tax law to the extent provided therein.</u> <u>2. The greenway conservancy for the Hudson river valley is hereby reestablished in the</u>

executive department to be the greenway conservancy, a body corporate and politic constituting a public benefit corporation.

3. The membership of the conservancy shall consist of the secretary of state, who shall also serve as its chairperson, the commissioner of parks, recreation and historic preservation and one additional member to be appointed by the chair of the greenway heritage conservancy who shall serve at the pleasure of such chair. The powers of the conservancy shall be vested in and exercised by no less than two of the members thereof then in office. The conservancy may delegate to one or more of its members, or its officers, agents and employees, such duties and powers as it may deem proper.

4. No officer or member of the conservancy shall receive any additional compensation, either direct or indirect, other than reimbursement for actual and necessary expenses incurred in the performance of his duties, by reason of his serving as a member, director, or trustee of the conservancy.

5. Notwithstanding any inconsistent provisions of law, general, special or local, no officer or employee of the state, or of any civil division thereof, or any public benefit corporation, shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the conservancy created by this section.

6. The conservancy shall have the power to:

(a) To sue on causes of action consistent with the purposes and its responsibilities under this article and with respect to contracts to which it is a party, but not for general enforcement of state or local environmental or planning laws, provided that the right to sue, other than with respect to contracts, to which it is a party, shall be limited to causes of action arising within the boundaries of the greenway; and to be sued;

(b) Make and alter by-laws for its organization and internal management and make rules and regulations governing the use of its property and facilities;

(c) To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this article;

(d) Acquire, hold and dispose of real or personal property for its corporate purposes;

(e) To contract for professional and technical assistance and advice;

(f) To contract for and to accept

		<p><u>assistance, including but not limited to gifts, grants or loans of funds or of property from the federal government or any agency or instrumentality thereof, or from any agency or instrumentality of the state, or from any other public or private source and to comply, subject to the provisions of this article, with the terms and conditions thereof, subject to the applicable general policies of the director of the budget;</u></p> <p><u>(g) To continue the existing subsidiary nonprofit corporation and create committees and appoint members thereto to assist and advise the conservancy in carrying out its functions, powers and duties and in coordinating the activities of the conservancy with state and local agencies functioning within the Hudson river valley;</u></p> <p><u>(h) To submit title to all interests or rights in real property proposed to be acquired by the conservancy for examination and approval by the attorney general of the state who shall also furnish any and all necessary legal services and advice required to assist the conservancy in accomplishing its corporate purposes; and</u></p> <p><u>(i) To exercise and perform such other powers and duties as shall have been or may be from time to time conveyed or imposed by law.</u></p> <p><u>7. The conservancy shall encourage individuals, corporations, associations, organizations and public agencies to preserve and enhance the natural scenic beauty and heritage of the Hudson river valley and the lands, water, exemplary natural communities, historic, aesthetic and cultural resources of the Hudson river valley, as well as manage and conserve the fish, wildlife and endangered plant and animal species, and to increase public access to the waters of the Hudson river, and may and make grants to municipalities and non-profit entities within the greenway therefor.</u></p> <p><u>8. The conservancy shall provide technical assistance to county and local officials, landowners and interested organizations to further the protection, preservation and enhancement of the unique resources of the greenway.</u></p> <p><u>9. The conservancy may do any and all things necessary or convenient to carry out and exercise the powers given and granted by this article including, but not limited, to contracting with the secretary of state to administer any of the provisions of this article.</u></p> <p><u>10. The department of state and all other state officers, departments, boards, divisions, commissions, public authorities</u></p>
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		<u>and public benefit corporations may render such services to the corporation within their respective functions as may be requested by the conservancy."</u>
Page 66,	Line 8,	Before " <u>Greenway trail.</u> " Strike out " <u>935.</u> " And insert " <u>937.</u> "
Page 66,	Line 8,	Before " <u>shall designate</u> " strike out " <u>secretary</u> " and insert " <u>conservancy</u> "
Page 66,	Line 37,	Before " <u>department,</u> " insert " <u>conservancy,</u> <u>the</u> "
Page 66,	Line 37,	Before " <u>, the office of parks,</u> " insert " <u>of state</u> "
Page 66,	Line 42,	Before " <u>Plans developed</u> " strike out " <u>937.</u> " And insert " <u>939.</u> "
Page 68,	Line 32,	After "valley greenway" strike out "," and insert "or"
Page 68,	Lines 33 and 34,	After "council" strike out "or the Hudson river valley greenway heritage conservancy"
Page 68,	Line 37,	After "valley greenway" strike out "," and insert "or"
Page 68,	Lines 38 and 39,	After "council" strike out "or the Hudson river valley greenway heritage conservancy"
Page 68,	Line 41,	After "valley greenway" strike out "," and insert "or"
Page 68,	Lines 42 and 43,	After "council" strike out "or the Hudson river valley greenway heritage conservancy"
Page 68,	Line 48,	After "greenway" strike out "," and insert "and"
Page 68,	Lines 49 and 50,	After "communities council" strike out "and the Hudson river valley greenway heritage conservancy"
Page 68,	Line 53,	After "greenway" strike out "," and insert "and"
Page 68,	Lines 54 and 55,	After "communities council" strike out "and the Hudson river valley greenway heritage conservancy"
Page 69,	Line 2,	After "valley greenway" strike out "," and insert "and"
Page 69,	Lines 3 and 4,	After "communities council" strike out "and the Hudson river valley greenway heritage conservancy"
Page 69,	Line 8,	After "valley greenway" strike out "," and

		insert "or"
Page 69,	Lines 9 and 10,	After "communities council" strike out "or the Hudson river valley greenway heritage conservancy"
Page 69,	Line 16,	After "greenway" strike out "," and insert "and"
Page 69,	Lines 16 and 17,	After "communities council" strike out "and the Hudson river valley greenway heritage conservancy"
Page 69,	Line 20,	After "greenway" strike out "," and insert "or"
Page 69,	Line 21,	After "council" strike out "or the Hudson river valley greenway heritage conservancy,"
Page 69,	Line 27,	After "way" strike out "," and insert "and"
Page 69,	Lines 27 and 28,	After "council" strike out "and the Hudson river valley greenway heritage conservancy"
Page 69,	Line 40,	After "greenway" strike out "," and insert "or"
Page 69,	Lines 40 and 41,	After "council" strike out "or the Hudson river valley greenway heritage conservancy"
Page 69,	Line 47,	After "greenway" strike out ","
Page 69,	Line 48,	Before "the Hudson" insert "and"
Page 69,	Lines 48 and 49,	After "council" strike out "and the Hudson river valley greenway heritage conservancy"
Page 70,	Line 6,	Strike out "§ 18. Section 97 n of the state finance law is REPEALED." And insert "§ 18. Subdivisions four and five of section 97-n of the state finance law, as added by chapter 748 of the laws of 1991, are amended to read as follows: 4. Moneys of such fund shall be available for appropriation and allocation only to the [ <del>Hudson river valley greenway communities council</del> ] department of state and the greenway [ <del>heritage</del> ] conservancy [ <del>of the Hudson river valley</del> ] for the purposes of carrying out the provisions of article [ <del>forty four</del> ]forty-two-A of the [ <del>environmental conservation</del> ] executive law. 5. The moneys of the fund shall be paid out on the audit and warrant of the comptroller on vouchers certified or approved by the [ <del>chairman of the Hudson river valley greenway communities council</del> ] secretary of state or his or her duly designated representative from the greenway

		communities council account and by the [ <del>chairman</del> ] <u>chair</u> of the greenway [ <del>heritage</del> ] conservancy from the greenway heritage conservancy account."
Page 75,	Line 3,	After "licenses." Strike out "[" and after "permit" strike out "]" <u>a lifetime trout and salmon stamp</u> "
Page 75,	Line 5	Before "existing" strike out "[" and after "existing" strike out "]"
Page 75,	Lines 5 and 6	After "sportsman licenses" strike out " <u>and lifetime fishing licenses existing as of October first, two thousand nine</u> "
Page 75,	Line 5,	After "sporting license." Insert " <u>A lifetime trout and salmon stamp will be granted at no additional fee as an additional privilege of all lifetime sportsman licenses and lifetime fishing licenses existing as of October first, two thousand nine.</u> "
Page 96,	Line 8,	Between "12" and "13" strike out "and" and after "13" insert "and 14"
Page 96,	Between lines 49 and 50,	Insert " <u>14. "refillable beverage container" means any beverage container which is so constructed and designed that it is structurally capable of being refilled a minimum of five times and resold by a bottler, deposit initiator or distributor and which is intended to be returned for the purpose of refilling and resale.</u> "
Page 97,	Lines 45 and 46,	After "refund that" strike out " <u>were purchased outside</u> " and insert "you did not pay a deposit on in"
Page 98,	Line 41,	After " <u>initiator</u> " insert " <u>or distributor</u> "
Page 98,	Line 44,	After " <u>initiator</u> " insert " <u>or distributor</u> "
Page 98,	Line 46,	After " <u>initiator</u> " insert " <u>or distributor</u> "
Page 98,	Line 54,	After " <u>initiator</u> " insert " <u>or distributor</u> "
Page 98,	Line 55,	After " <u>center</u> " strike out ", or distributor"
Page 99,	Line 1,	After " <u>initiator</u> " insert " <u>or distributor</u> "
Page 99,	Line 1,	After " <u>dealer</u> " strike out ",," and insert " <u>or</u> "
Page 99,	Line 2,	After " <u>center</u> " strike out " <u>or distributor</u> "
Page 99,	Line 13,	After " <u>brand</u> " insert " <u>accepted by the distributor from a dealer or operator of a</u> "

		<u>redemption center</u> "
Page 99,	Line 13,	After " <u>shall</u> " strike out " <u>pay</u> " and insert " <u>reimburse</u> "
Page 99,	Line 15,	After " <u>shall</u> " strike out " <u>pay to</u> " and insert " <u>reimburse</u> "
Page 99,	Lines 19 and 20,	After " <u>distributor</u> " strike out " <u>, a dealer or an operator of a redemption center</u> "
Page 99,	Line 24,	After " <u>of</u> " strike out " <u>the redeeming</u> " and insert " <u>such</u> "
Page 99,	Line 54,	After " <u>knowingly</u> " insert " <u>return for refund or accept and</u> "
Page 99,	Line 55,	After " <u>paid</u> " insert " <u>in New York State</u> "
Page 100,	Line 1,	After " <u>provisions of</u> " insert " <u>subdivision two of</u> "
Page 100,	Line 10,	After " <u>initiator</u> " insert " <u>or distributor</u> "
Page 100,	Line 39,	After " <u>registration</u> " insert " <u>; reports</u> "
Page 100,	Line 43,	After " <u>initiator</u> " insert " <u>, except for those refund values received for refillable beverage containers</u> "
Page 100,	Line 43,	After " <u>hold</u> " strike out " <u>such</u> " and insert " <u>the</u> "
Page 100,	Line 43,	After " <u>amounts</u> " insert " <u>in the refund value account</u> "
Page 100,	Line 47,	After " <u>amounts</u> " insert " <u>into the refund value account</u> "
Page 100,	Line 49,	After " <u>earned on the</u> " insert " <u>refund value</u> "
Page 100,	Line 49,	After " <u>said account.</u> " Strike out " <u>Such</u> " and insert " <u>The</u> "
Page 100,	Line 50,	After " <u>monies</u> " insert " <u>in such accounts</u> "
Page 100,	Line 54,	After " <u>of this title</u> " insert " <u>, except for payments of refund values on refillable beverage containers</u> "
Page 101,	Line 12,	Before " <u>the following</u> " strike out " <u>such as</u> " and insert " <u>including but not limited to</u> "
Page 101,	Line 15,	After " <u>credited to</u> " strike out " <u>such</u> " and insert " <u>the refund value</u> "
Page 101,	Line 17,	After " <u>from</u> " strike out " <u>such</u> " and insert " <u>the refund value</u> "
Page 101,	Line 21,	After " <u>balance in</u> " strike out " <u>such</u> " and



		insert " <u>the refund value</u> "
Page 101,	Between lines 21 and 22,	Insert " <u>Such report shall not include any information pertaining to refillable beverage containers.</u> "
Page 102,	Between lines 16 and 17,	Insert " <u>5-a. Each deposit initiator who initiates deposits on refillable beverage containers shall file an annual report with the commissioner on a form and in the manner prescribed by the commissioner. The commissioner may require such report to be filed electronically. Such report shall include all information the commissioner shall determine appropriate pertaining to deposits for refillable beverage containers, including but not limited to: total deposits initiated; total deposits redeemed; and all unclaimed deposits retained by such deposit initiator.</u> "
Page 105,	Line 6,	After " <u>except as</u> " insert " <u>otherwise</u> "
Page 105,	Lines 6 and 7,	After " <u>provided in</u> " strike out " <u>subdivision four of</u> "
Page 105,	Line 8,	After " <u>except as</u> " insert " <u>otherwise</u> "
Page 105,	Lines 8 and 9,	After " <u>provided in</u> " strike out " <u>subdivision two and four of</u> "
Page 105,	Line 11,	After " <u>dollars</u> " insert " <u>for each violation</u> "
Page 105,	Line 18,	After " <u>dollars</u> " insert " <u>for each violation</u> "
Page 105,	Line 32,	After " <u>center or</u> " strike out " <u>bottler</u> " and insert " <u>deposit initiator</u> "
Page 105,	Lines 32 through 34,	After " <u>beverage containers</u> " strike out " <u>that such person knows or reasonably should know were not originally sold in this state as filled beverage containers</u> " and insert " <u>on which a deposit was never paid in New York State</u> "
Page 105,	Line 40,	After " <u>person tendering</u> " strike out " <u>containers</u> "
Page 105,	Lines 40 and 41,	After " <u>for redemption</u> " strike out " <u>that were not originally purchased</u> " and insert " <u>containers on which a deposit was never paid</u> "
Page 116,	Line 1,	Before " <u>§ 2.</u> " Insert new "PART WW (LBD 73054-01-9)"
Page 116,	Line 11,	After " <u>through</u> " strike out " <u>VV</u> " and insert " <u>WW</u> "