2010-11 NEW YORK STATE EXECUTIVE BUDGET

OFFICE OF TAXPAYER ACCOUNTABILITY
INTERAGENCY TASK FORCE ELIMINATION
ARTICLE VII LEGISLATION
AN ACT to amend the mental hygiene law, in relation to the advisory council on alcoholism and substance abuse services; to amend the social services law, in relation to the William B. Hoyt Memorial children and family trust fund and the awarding of grants; to amend the state finance law, in relation to the state procurement council; to amend the social services law, in relation to the advisory committee on legal advocacy; to amend the social services law, in relation to the coordinated children's services for children with cross-system needs; to amend chapter 74 of the laws of 2007 amending the penal law and other laws relating to human trafficking, in relation to the effectiveness of certain provisions thereof; to amend chapter 884 of the laws of 1982 relating to requiring the governor to submit to the legislature detailed reports for each federal block grant, in relation to exempting the establishment of certain advisory councils; to amend the executive law, in relation to the advisory council on interactive media and youth violence; to amend chapter 178 of the laws of 2006 relating to establishing an advisory council on children's environmental health and safety, in relation to the effectiveness thereof; to amend the public health law, in relation to medical record access review committees; to amend chapter 521 of the laws of 1994 amending the public health law relating to immunizations for vaccine-preventable diseases, in relation to the effectiveness of certain provisions thereof; to amend the public health law, in relation to the commissioner's powers to promulgate rules and regulations pertaining to the practice of radiologic technology; to amend chapter 387 of the laws of 2004 amending the environmental conservation law relating to restricting the use of certain flame retardants, in relation to the effectiveness of certain provisions thereof; to amend chapter 356 of the laws of 2005 amending the public health law relating to establishing the New York state toxic mold task force, in relation to the effectiveness thereof.
thereof; to amend the public health law, in relation to the state council on home care services; to amend the public health law, in relation to the powers and duties of the tick-borne disease institute; to amend the environmental conservation law, in relation to authority of the department of environmental conservation to issue falconry licenses; to amend the environmental conservation law, in relation to making conforming technical changes; to amend the environmental conservation law, in relation to review of certain actions involving freshwater wetlands; to amend the highway law, in relation to the New York state scenic byways program; to amend the state finance law, in relation to the marine and coastal district of New York conservation, education, and research fund; to amend the vehicle and traffic law, in relation to the use of funds from the issuance of distinctive marine and coastal district of New York license plates; to amend the environmental conservation law, the state finance law, the agriculture and markets law and the county law, in relation to making technical corrections; to amend the executive law, in relation to specialized hazardous materials emergency response training and firefighting and code enforcement training; to amend the general business law, in relation to the advisory committee on fire alarm systems and making technical amendments thereto; to amend the general business law, in relation to the armored car carrier advisory board; to amend the general business law, in relation to the appearance enhancement industry; to amend the general business law, in relation to the hearing aid dispensing advisory board; to amend the not-for-profit corporation law, in relation to the state cemetery board; to amend the real property law, in relation to the state home inspection council; to amend the real property law, in relation to abolishing the state home inspection council; to amend the executive law and the state finance law, in relation to renaming the New York motor vehicle theft and insurance fraud prevention board to the New York motor vehicle theft and insurance fraud prevention demonstration program; to amend the executive law, in relation to abolishing the state board of real estate appraisal; to amend the labor law, in relation to abolishing the carnival, fair and amusement park safety advisory board; to amend the elder law, in relation to the naturally occurring retirement community supportive service program and replaces the term "elderly" with "older adult"; to repeal section 19.06 of the mental hygiene law relating to the advisory council on underage alcohol consumption; to repeal section 481-d of the social services law relating to William B. Hoyt Memorial children and family trust fund advisory council; to repeal sections 520 and 521 of the executive law relating to boards of visitors and their powers and duties; to repeal section 372-a of the social services law relating to the child welfare research advisory panel; to repeal sections 401 and 402 of the state technology law relating to the statewide wireless network advisory council and its powers and duties; to repeal section 1-t of the legislative law relating to the advisory council on procurement lobbying; to repeal sections 2407 and 2408 of the public health law relating to an advisory council on breast and cervical cancer detection and education; to repeal section 3402 of the public health law relating to the funeral directing advisory board; to repeal section 364-jj of the social services law relating to the special advisory review panel Medicaid managed care; to repeal subdivision 5 of section 2409 of the public health law relating to ovarian cancer information programs; to repeal section 2707 of the public health law relating to the osteoporosis
advisory council; to repeal subdivisions 6 and 7 of section 2807-n of the public health law relating to the New York state palliative care education and training council; to repeal title 1-c of article 24 of the public health law relating to prostate and testicular cancer detection and education; to repeal subdivision 13 of section 3501 of the public health law relating to the definition of board; to repeal section 3503 of the public health law relating to the radiologic technologist advisory board; to repeal title 4 of article 2 of the public health law relating to the spinal cord injury research board; to repeal section 2 of chapter 41 of the laws of 1992 containing health care provider reimbursement rates relating to the work group to review the provision of and payment for certain adult day services; to repeal chapter 554 of the laws of 1996 creating the Brookhaven National Laboratory local oversight and monitoring committee relating thereto; to repeal section 18 of chapter 537 of the laws of 1998 amending the public health law relating to modifying the use of prescription forms for dispensing controlled substances relating to the task force appointed therefore; to repeal subdivision 7 of section 502 of the public health law relating to the environmental laboratories advisory board; to repeal section 123 of chapter 1 of the laws of 1999 enacting the New York Health Care Reform Act of 2000 relating to the commission on financially distressed residential health care facilities; to repeal section 3604 of the public health law relating to the state council on home care services; to repeal subdivision 4 of section 3222 of the public health law relating to the recombinant DNA advisory committee; to repeal section 3702 of the public health law relating to the advisory council on physician's assistants and specialist's assistants; to repeal section 1399-uu of the public health law relating to the technical advisory committee on the regulation of sharps; to repeal sections 2796 and 2799 of the public health law relating to the tick-borne disease institute research council; to repeal section 2799-a of the public health law relating to the tick-borne disease institute advisory council; to repeal section 27-2109 of the environmental conservation law relating to the recombinant DNA advisory committee; to repeal section 349-cc of the highway law relating to the New York state scenic byways advisory board; to repeal section 13-0503 of the environmental conservation law relating to the marine and coastal district of New York conservation, education, and research board; to repeal certain provisions of the environmental conservation law relating to the New York invasive species advisory committee, the New York state oil, gas and solution mining advisory board, the state petroleum bulk storage advisory council, the regional forest practice boards and the solid waste management board, the state environmental board, the surf clam/ocean quahog management advisory board; to repeal certain provisions of the agriculture and markets law, in relation to the New York state veterinary diagnostic laboratory, the plant industry advisory committee, the apiary industry advisory committee, the advisory council on petroleum product standards, the statewide direct marketing advisory council and the Hudson Valley agricultural advisory council; to repeal chapter 868 of the laws of 1976 establishing the
The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 19.06 of the mental hygiene law is REPEALED.
§ 2. Subdivision (c) of section 19.05 of the mental hygiene law, as added by chapter 208 of the laws of 1996, is amended to read as follows:

(c) The council shall meet at least [four] two times in each full calendar year. The council shall meet at the request of its chairman or the commissioner.

§ 3. Section 481-d of the social services law is REPEALED.

§ 4. The opening paragraph of subdivision 4, subdivision 6 and the opening paragraph of subdivision 8 of section 481-e of the social services law, as amended by chapter 268 of the laws of 1992, are amended to read as follows:

The commissioner[, with the advice and recommendations of the William B. Hoyt Memorial children and family trust fund advisory board,] shall issue requests for proposals and specify methods to evaluate the effectiveness of proposed programs. Such evaluation shall include but not be limited to the following:

6. The commissioner[, with the advice of the William B. Hoyt Memorial children and family trust fund advisory board,] shall publicize the availability of funds to be used for purposes of this section. The commissioner shall request, on prescribed forms, information determined to be necessary and relevant for the evaluation of each application. The commissioner may solicit comments on the applications from concerned individuals and agencies. Applications for local grants shall be submitted to the local commissioner of social services and to the local youth bureau in the locality in which the program will operate and applicants for local grants shall solicit comments on the application from such local commissioner of social services and such local youth bureau prior to submitting such application to the commissioner. Applicants shall inform the local commissioner of social services and the local youth bureau that their comments upon the application may be submitted either to the applicant or to the commissioner or to both. The commissioner shall give full consideration to any such comments received within twenty-one days after the application deadline and shall review the applications in relation to relevant local plans before approving or disapproving such applications. The commissioner shall inform the local commissioner of social services and the local youth bureau of the final disposition of the applications. No grant award shall be for a period in excess of twelve months unless renewed by the commissioner[, with the advice of the advisory board]. The initial grant and the first year renewal, if any, shall not exceed one hundred percent of the cost of providing the service. The third year grant, if any, shall not exceed seventy-five percent of the initial grant. The fourth year grant and any grant thereafter, if any, shall not exceed fifty percent of the initial grant. No program shall receive funding after the fourth year unless the commissioner, annually, finds that the program effectively prevents family violence or provides a necessary service to victims of family violence.

The commissioner [with the advice and recommendations of the William B. Hoyt Memorial children and family trust fund advisory board] shall submit a report prior to the fifteenth day of December beginning in nineteen hundred eighty-five and annually thereafter to the governor and the legislature regarding the implementation and evaluation of the effectiveness of prevention and treatment services related to family violence. [Prior to submitting such reports to the governor and the legislature, the commissioner shall permit the William B. Hoyt Memorial children and family trust fund advisory board to review and comment upon such reports.] Such report shall include:
§ 5. Sections 520 and 521 of the executive law are REPEALED.
§ 6. Section 372-a of the social services law is REPEALED.
§ 7. Sections 401 and 402 of the state technology law are REPEALED.
§ 8. Section 1-t of the legislative law is REPEALED.
§ 9. Subdivision 2 of section 161 of the state finance law is amended by adding two new paragraphs n and o and a new subdivision 2-a is added to read as follows:

n. provide advice to the commission with respect to the implementation of the provisions of this article as such provisions pertain to procurement lobbying.

o. annually report to the legislature any problems in the implementation of the provisions of article one-A of the legislative law as such provisions pertain to procurement lobbying, and include in the report any recommended changes to increase the effectiveness of that implementation.

2-a. The council may, pursuant to section one hundred thirty-nine-j of the state finance law, establish model guidelines for:

a. contacts during the restricted period between designated staff of a state agency, either house of the state legislature, the unified court system, or a municipal agency, as that term is defined in paragraph (ii) of subdivision (a) of section one-c of the legislative law, involved in governmental procurements and officers or employees of offerers, or officers or employees of subcontractors of offerers, who are charged with the performance of functions relating to contracts and who are qualified by education, training or experience to provide technical services to explain, clarify or demonstrate the qualities, characteristics or advantages of an article of procurement. Such authorized contacts shall: (i) be limited to providing information to staff of a state agency, either house of the state legislature, the unified court system, or a municipal agency, as that term is defined in paragraph (ii) of subdivision (g) of section one-c of the legislative law, to assist them in understanding and assessing the qualities, characteristics or anticipated performance of an article of procurement, (ii) not include any recommendations or advocate any contract provisions, and (iii) occur only at such times and in such manner as authorized under the procuring entity's solicitation or guidelines and procedures. For the purposes of this paragraph, the term "technical services" shall be limited to analysis directly applying any accounting, engineering, scientific, or other similar technical disciplines;

b. contacts between offerers and public officials and officers or employees of the unified court system during the preparation of specifications, bid documents or request for proposals, invitation for bids, or any other method for soliciting a response from offerers for a procurement contract prior to the restricted period.

§ 10. The section heading of section 35 of the social services law, as added by chapter 300 of the laws of 1992, is amended to read as follows:
Legal representation of individuals whose federal disability benefits have been denied or may be discontinued[; advisory committee].

§ 11. Subdivision 1 of section 35 of the social services law, as amended by chapter 300 of the laws of 1992, is amended to read as follows:

1. [a. There is hereby established within the department an advisory committee on legal advocacy (hereinafter to be referred to as the "advisory committee") which shall consist of nine members or their designated representatives. The advisory committee shall consist of the following nine members: the commissioner of mental health, the commissioner of
mental retardation and developmental disabilities, the advocate for the
disabled and six members appointed by the governor. The six members
appointed by the governor shall include three representatives of inter-
ested public and private groups, and shall include three representatives
of county government and the city of New York to be appointed from a
list of six names submitted by the New York state association of coun-
ties. The commissioner shall coordinate the functions and activities of
the department with those of the advisory committee.
b. The commissioner shall make recommendations
regarding criteria for selection of grant applications, review applica-
tions submitted pursuant to the provisions of this section, exercise and perform such
other functions as are related to the purposes of this
section[; provided however that the committee shall meet at least once
every six months].

§ 12. Subdivisions 2 and 4 of section 35 of the social services law,
subdivision 2 as amended and subdivision 4 as added by chapter 300 of
the laws of 1992, are amended to read as follows:
2. The commissioner[, after consultation with the advisory committee,]
shall make grants, within the amounts appropriated for that purpose, to
not-for-profit legal services corporations and not-for-profit agencies
serving the disabled and local social services districts, to provide for
representation of persons whose federal disability benefits including
supplemental security income and social security disability insurance
have been denied or may be discontinued for the purpose of representing
these persons in appropriate proceedings. When the commissioner has
contracted with a local social services district to provide such repre-
sentation, the legislative body of such district may authorize and make
provision for the commissioner to make grants within the amounts
appropriated for that purpose, to not-for-profit legal services corpor-
ations and not-for-profit agencies serving the disabled and private attorneys.
4. Responsibility for local financial participation shall be deter-
mined by the commissioner based on either costs and the number of
district residents served by each local agency or the alternative cost
allocation procedure deemed appropriate by the commissioner [in consul-
tation with the advisory committee].

§ 13. Intentionally omitted.
§ 15. Intentionally omitted.
§ 16. Section 483-c of the social services law, as added by section 2
of part F2 of chapter 62 of the laws of 2003, is amended to read as
follows:
§ 483-c. Coordinated children's services for children with [emotional
and/or behavioral disorders] cross-system needs. 1. Purpose. The
purpose of this section shall be to [establish] ensure a coordinated
system of care for children with emotional and behavioral disorders
and youth, and their families, who require assistance from multiple
agency systems to [appropriately maintain] enable such children and
youth to remain with their families, in their communities and in their
local school systems, and to thereby reduce inappropriate and costly
out-of-home placements. Such integrated system of care shall provide a
framework for the effective collaboration among state and local health,
mental hygiene, education, child welfare, juvenile justice, probation
[of care] and other human services agencies [directed at improving] to
improve outcomes for children [with emotional and/or behavioral disorders] and their families leading to full participation in their communities and schools. This shall include children with co-occurring disorders. The absence of coordinated care often results in inappropriate and costly institutional placements and limited community-based services that support maintaining the child in the community] and youth whose significant emotional, developmental, intellectual, physical, social and/or behavioral challenges require the integration of family-centered individualized supports and services across multiple child-serving systems. Such system of care shall be designed to be culturally and linguistically competent at every level of care. [Establishing the] The coordinated children's services initiative statewide is intended to improve the manner in which services of multiple systems are delivered and to eliminate barriers to a coordinated system of care.

2. Definitions. As used in this section:

(a) "Child [with an emotional and/or behavioral disorder] or youth with cross-system needs" shall mean a person [under eighteen years of age, or a person under twenty-one years of age who has not completed secondary school, who has a mental illness, as defined in subdivision twenty of section 1.03 of the mental hygiene law, or is classified as a student with a disability pursuant to article eighty-nine of the education law or section 504 of the federal rehabilitation act, or is considered to have a serious emotional or behavioral problem, as considered by a tier I and/or tier II team representative pursuant to this section. Such term shall include children with co-occurring disorders] who has significant emotional, developmental, intellectual, physical, social and/or behavioral challenges that require the integration of family-centered individualized supports and services under the jurisdiction of two or more state departments or agencies.

(b) "Individualized family support plan" shall mean a plan developed in conjunction with the family through a strength-based child and family assessment containing a summary of the strengths, needs and goals of a child or youth with [an emotional and/or behavioral disorder] cross-system needs, and the services and supports agreed to by the child or youth, family and the [tier I] family-based team representatives. Such plan shall be culturally and linguistically competent.

(c) "Family" shall mean, when appropriate, a child or youth with [an emotional and/or behavioral disorder] cross-system needs, his or her parents or those in parental relationship to the child or youth, blood relatives and extended family, including non-relatives identified by the child or youth and/or his or her parents or those in a parental relationship to him or her. Nothing in this section shall be construed to deny the child or youth, his or her parents or those persons in parental relationship to [the] such child or youth of any rights [they are] he or she is otherwise entitled to by law.

(d) "County" shall mean a county, except in the case of a county that is wholly included within a city, such term shall mean such city.

(e) "Family [support] representative" shall mean [a volunteer who is also] a parent [or primary caregiver of] or person in a parental relationship to a child or youth with [an emotional and/or behavioral disorder] cross-system needs. The family [support] representative shall assist families throughout the process of developing and implementing [an] individualized family support [plan] plans as defined in this section.

(f) "System of care" shall mean a coordinated network of community-based services and supports that are created by children, youth and
families working in partnership with public and private agencies to
build on the strengths of individuals and that address each person's
cultural and linguistic needs.

(g) "Youth representative" shall mean a youth who is currently, or was
previously, engaged with one or more child- and family-serving human
service systems. The youth representative shall assist youth and fami-
lies in the development of individualized family support plans as
defined in this section.

3. [Interagency] Coordinated children's services initiative structure;
roles and responsibilities. (a) [There shall be established a three
tiered interagency structure, as follows:

(i) State tier III team. There is hereby established a state team
designated as the "tier III team", which shall consist of the chair of
the council, the commissioners of children and family services, mental
health, health, education, alcohol and substance abuse services, and
mental retardation and developmental disabilities, and the director of
probation and correctional alternatives, or their designated represen-
tatives, and representatives of families of children with emotional
and/or behavioral disorders. Other representatives may be added at the
discretion of such team.

(ii) County tier II team. A] The executive director of the council on
children and families shall oversee and coordinate the implementation of
the coordinated children's services initiative with the commissioner of
children and family services, the commissioner of mental health, the
commissioner of mental retardation and developmental disabilities, the
commissioner of health, the commissioner of education, the commissioner
of alcoholism and substance abuse services, the commissioner of tempo-
rary and disability assistance, the director of probation and correc-
tional alternatives, the chair of the commission on quality of care and
advocacy for persons with disabilities, and youth and families repres-
enting children with cross-system needs who shall be chosen by the
participating state agencies. Under the leadership of the council on
children and families, the state level coordinated children's services
initiative representatives shall:

(i) establish cross-systems priorities;
(ii) develop shared principles of operation, including but not limited
to a system of care that is culturally and linguistically competent;
(iii) address cross-systems barriers; and
(iv) develop a reporting mechanism in collaboration with the regional
and county teams to track outcomes achieved by the coordinated chil-
dren's services initiative.

(b) Coordinated children's services regional teams (hereinafter
referred to in this section as "regional teams"). Except as provided in
paragraph (c) of this subdivision, membership on regional teams shall
include regional staff of participating state agencies, as well as fami-
ly and youth representatives. The regional teams shall:

(i) act as a liaison between the council on children and families and
county teams;
(ii) assist with the resolution of cross-systems barriers;
(iii) provide cross-systems training and technical assistance on a
local and regional level; and
(iv) promote services that are culturally and linguistically compe-
tent.

(c) In a city with a population of more than one million persons, the
mayor shall establish the regional team for such city. The membership on
such team shall include, but not be limited to, the required membership
of the regional team, as described in paragraph (b) of this subdivision, and the county team, as described in paragraph (d) of this subdivision. Such team shall have the powers and duties assigned to a regional team and a county team as provided for in this section.

(d) Coordinated children's services county teams (hereinafter referred to in this section as "county teams"). With the exception of a city with a population of more than one million, a county, or consortium of counties, choosing to participate in the coordinated children's services initiative shall establish an interagency team consisting of, but not limited to, the local commissioners or leadership assigned by the chief elected official responsible for the local health, mental hygiene, juvenile justice, probation and other human services systems. The education system shall be represented, at a minimum, by the district superintendent of the board of cooperative educational services, or his or her designee, and in the case of the city of New York, by the chancellor of the city school district of the city of New York, or his or her designee, and appropriate local school district representatives as determined by the district superintendent of the board of cooperative educational services or such chancellor. Such team shall [be sensitive to issues of cultural competence, and shall] include representatives of families of children and youth with [an emotional and/or behavioral disorder] cross-system needs. Regional state agency representatives may participate when requested by such team.

[(iii) Family-based tier I team. Tier II] County teams shall coordinate the coordinated children's services initiative at the local level. Such teams shall:

(i) coordinate cross-systems training and provide linkages to other county and school district planning for children;

(ii) address local and regional barriers to the coordination of services;

(iii) report on state level barriers to the effective delivery of coordinated services;

(iv) report on outcomes using the mechanism developed by the council on children and families;

(v) implement the goals and principles of the coordinated children's services initiative;

(vi) ensure that services are culturally and linguistically competent; and

(vii) make monies available consistent with subdivision five of this section.

(e) Coordinated children's services family-based teams (hereinafter referred to in this section as "family teams"). County teams, in cooperation with a child or youth with [an emotional and/or behavioral disorder] cross-system needs and his or her family, shall establish interagency family-based teams to work with such child or youth and family to develop an individualized, strength-based family support plan and coordinate interagency services agreed to in such plan. Such teams shall include such child or youth and family and, based on the needs of the child or youth and family, should also include a family support representative, representatives from the mental hygiene, education, child welfare, juvenile justice, probation, health, and other county child and family services systems.

[(b) Roles and responsibilities of teams. (i) The state tier III team shall coordinate statewide implementation of the coordinated children's services initiative. Such team shall:

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(A) coordinate planning across the health, mental hygiene, education, juvenile justice, probation and human services systems;
(B) address barriers to the effective delivery of local interagency services;
(C) coordinate the provision of technical assistance and training for the effective implementation of the coordinated children's services initiative;
(D) develop an appropriate reporting mechanism to track the outcomes being achieved. Such mechanism shall be developed in concert with participating counties; and
(E) report results and recommendations for change to the governor, legislature and state board of regents, as appropriate.

(ii) The tier II teams shall coordinate the coordinated children's services initiative at the local level. Such team shall:
(A) coordinate cross-systems training and provide linkages to other county and school district planning for children;
(B) address local/regional barriers to the coordination of services;
(C) report on state level barriers to the effective delivery of coordinated services and recommended changes to the state tier III team;
(D) report on outcomes using the mechanism developed by the state tier III team;
(E) implement the goals and principles of the coordinated children's services initiative; and
(F) make monies available consistent with subdivision five of this section.

(iii) Each tier I team shall work collaboratively with the family to develop an individualized family support plan that is:
(A) family-focused and family driven;
(B) built on child and family strengths; and
(C) comprehensive, including appropriate services and supports from appropriate systems and natural supports from the community.] Each family team shall work collaboratively with the family to develop an individualized family support plan that is:
(i) family focused and family driven;
(ii) built on child and family strengths;
(iii) culturally and linguistically competent; and
(iv) comprehensive, including appropriate services and supports from appropriate systems and natural supports from the community.

4. Goals and principles of operation. (a) Goals. The coordinated children's services initiative shall enable children and youth with [emotional and/or behavioral disorders] cross-system needs, whenever appropriate [for the child and family] to:
(i) reside with their families;
(ii) live and participate successfully in their communities;
(iii) attend and be successful in their local school systems; and
(iv) grow towards becoming independent, contributing members of the community.

(b) Principles of operation. The [tier III and II teams] coordinated children's services initiative shall provide a system for serving children and youth with [emotional and/or behavioral disorders] cross-system needs that is:
(i) community-based, allowing children and youth and families to receive services close to their home;
(ii) culturally and linguistically competent;
(iii) individualized and strengths-based in approach;
(iv) family friendly, involving the family as full and active partners at every level of decision making, including policy development, planning, treatment and service delivery;
(v) comprehensive, involving all appropriate parties, including but not limited to the family, child or youth, youth and family representatives, natural supports, provider agencies and other necessary community services;
(vi) funded through multiple systems with flexible funding mechanisms that support creative approaches;
(vii) unconditionally committed to the success of each child or youth; and
(viii) accountable with respect to use of agreed on and measured outcomes.

5. Funding. Counties and school districts, including boards of cooperative educational services as requested by component school districts, choosing to participate in the coordinated children's services initiative, unless expressly prohibited by law, shall have the authority to:
(a) combine state and federal resources of the participating county and educational agencies to provide services to groups or individual children or youths and their families necessary to maintain children [with emotional and/or behavioral disorders] and youth, who have significant emotional, developmental, intellectual, physical, social and/or behavioral challenges that require the integration of family-centered individualized supports and services across multiple child-serving systems, in their homes, communities and schools, and support families in achieving this goal, as long as the use of the funds is consistent with the purposes for which they were appropriated; and
(b) apply flexibility in use of funds, pursuant to an individualized family-support plan, or for collaborative programs, an agreement among the county, city and school districts or the board of cooperative educational services, monies combined pursuant to paragraph (a) of this subdivision may be used to allow flexibility in determining and applying interventions that will address the unique needs of the family. [The tier III team] In accordance with the coordinated children's services initiative, the council on children and families shall develop guidelines for the flexible use of funds in implementing an individualized family support plan.

6. Administration [and reports. The council shall be responsible for the administration of the provisions of this section].
(a) [The tier III team shall submit a report to the council detailing the effectiveness in reaching the goals and objectives of the program established by this section. Such report shall include recommendations, based on the experience gained pursuant to the provisions of this article, for modifying statewide policies, regulations or statutes. The council shall forward such report to the governor, the legislature and the state board of regents on or before the first day of July of each year, including the recommendations of the tier III members regarding the feasibility and implications of implementing the recommendations.
(b) The tier III team] In accordance with the coordinated children's services initiative, the council on children and families shall have authority to receive funds and work within agency structures, as agreed to by [member] participating coordinated children's services initiative agencies, to administer funds for the purposes of carrying out its responsibilities.
[(c) Parents and representatives of families] (b) Youth and family representatives, who are not compensated for [attendance] participation
as part of their employment, shall be compensated for their [tier III
team] coordinated children’s services initiative participation at the
state level and reimbursed for actual expenses, including, but not
limited to, child care.

7. Confidentiality. (a) Notwithstanding any other provision of state
law to the contrary, [tier I, II and III] state agency representatives
and regional, county, and family team participants in the coordinated
children’s services system shall have access to case record and related
treatment information as necessary to support the purposes of this
section, to the extent permitted by federal law.

(b) [Tier I, II and III team] All coordinated children’s services
participants shall protect the confidentiality of all individual identi-
fying case record and related treatment information, and prevent access
thereto, by, or the distribution thereof to, other persons not author-
ized by State or federal law.

§ 17. Section 14 of chapter 74 of the laws of 2007, amending the penal
law and other laws relating to human trafficking, is amended to read as
follows:

§ 14. This act shall take effect on the first of November next
succeeding the date on which it shall have become a law; provided that
section 483-ee of the social services law, as added by section eleven of
this act, shall take effect immediately and shall remain in full force
and effect until [September 1] March 31, 2011 when upon such date the
provisions of such section shall expire and be deemed repealed.
Provided, effective immediately, the addition, amendment and/or repeal
of any rule or regulation necessary for the timely implementation of the
provisions of article 10-D of the social services law, as added by
section eleven of this act, on its effective date are authorized to be
made on or before such effective date.

§ 18. Section 1 of chapter 884 of the laws of 1982 relating to requir-
ing the governor to submit to the legislature detailed reports for each
federal block grant, is amended to read as follows:

Section 1. Notwithstanding any inconsistent provision of chapter
fifty or fifty-three of the laws of nineteen hundred eighty-two, or of
any other inconsistent provision of law, the governor shall submit to
the legislature detailed reports for each federal block grant. Such
reports must be filed prior to submission of applications or plans which
are required by the federal government at the inception of block grant
funding and at the beginning of each federal fiscal year. Such report
must include information concerning anticipated funding levels; state
funds required; allocation formula to counties and/or providers; admin-
distrative costs; allocation of discretionary funds; allocation among
services; transfers between block grants; any eligibility requirements;
and, the estimated number of persons to be served. Reports in the second
year should include data concerning the prior year’s administration of
the grant.

The governor shall require each executive agency which administers a
block grant to establish an advisory council, except that this require-
ment shall not apply to the administration of the maternal and child
health services block grant authorized by title V of the Social Security
Act, the temporary assistance for needy families block grant authorized
by part A of title IV of the Social Security Act, and the low-income
home energy assistance block grant authorized by subchapter II of chap-
ter 94 of title 42 of the United States Code, on and after April 1,
2010. Such councils must include representatives from local government,
private non-profit providers and the public. One-half of the members
shall be appointed by the governor, one-quarter shall be appointed by
the temporary president of the senate and one-quarter shall be appointed
by the speaker of the assembly. Advisory councils must be consulted in
the preparation of reports and in the development of applications and
plans for the block grants.
§ 19. Sections 2407 and 2408 of the public health law are REPEALED.
§ 20. Intentionally omitted.
§ 21. Intentionally omitted.
§ 22. Subdivision 3 of section 554 of the executive law, as added by
chapter 299 of the laws of 2008, is amended to read as follows:
3. The advisory council shall submit a written report to the governor
and legislature on or before December thirty-first, two thousand [nine
and annually thereafter, setting] eleven that sets forth the [recommen-
dations and] activities and any recommendations of the advisory council
on matters within the scope of its powers and duties as set forth in
this section[, and describing the progress made regarding policies and
priorities for effective intervention, public education and advocacy
against youth violence].
§ 23. Section 3 of chapter 178 of the laws of 2006 relating to estab-
lishing an advisory council on children's environmental health and safe-
ty, is amended to read as follows:
3. This act shall take effect on the one hundred eightieth day
after it shall have become a law and shall expire and be deemed repealed
on March 31, 2013; provided that the commissioners of health, education
and environmental conservation are authorized to promulgate any and all
rules and regulations and take any other measures necessary to implement
this act on its effective date on or before such date.
§ 24. Intentionally omitted.
§ 25. Intentionally omitted.
§ 26. Intentionally omitted.
§ 27. Section 3402 of the public health law is REPEALED.
§ 28. Intentionally omitted.
§ 29. Section 364-jj of the social services law is REPEALED.
§ 30. Subdivision 4 of section 18 of the public health law, as added
by chapter 497 of the laws of 1986, is amended to read as follows:
4. Medical record access review committees. The commissioner shall
[appoint] designate medical record access review committees to hear
appeals of the denial of access to patient information as provided in
paragraph (e) of subdivision three of this section. [Members of such
committees shall be appointed by the commissioner from a list of nomi-
nees submitted by statewide associations of providers in the particular
licensed profession involved; provided, however, that, with respect to
patient information maintained by a psychiatrist, the list of nominees
shall be composed of psychiatrists. In the case of the licensed physi-
ocians, such association shall be the medical society of the state of New
York. Such medical record access review committees shall consist of no
less than three nor more than five licensed professionals.] The commis-
sioner shall promulgate rules and regulations necessary to effectuate
the provisions of this subdivision.
§ 31. Section 12 of chapter 521 of the laws of 1994 amending the
public health law relating to immunizations for vaccine-preventable
diseases, as amended by chapter 81 of the laws of 2007, is amended to
read as follows:
§ 12. This act shall take effect immediately; provided however, that
sections one, two, three, four, five, six and seven of this act shall
apply only to children beginning with their enrollment in the seventh
grade in any public, private or parochial intermediate or middle school on or after September 1, 2000, and, to children born on or after January 1, 1993, beginning with their enrollment in any public, private or parochial kindergarten, elementary, intermediate or secondary school, and, to children born on or after January 1, 1995, beginning with their enrollment in any school, as defined in paragraph a of subdivision 1 of section 2164 of the public health law and section ten of this act shall expire and be deemed repealed April 1, 2010 and section eleven of this act shall expire and be deemed repealed December 31, 2007.

§ 31-a. Subdivision 5 of section 2409 of the public health law, as added by chapter 300 of the laws of 1995, is REPEALED.

§ 32. Section 2707 of the public health law is REPEALED.

§ 33. Subdivisions 6 and 7 of section 2807-n of the public health law are REPEALED.

§ 34. Subdivisions 1, 2, 3, 4 and 5 of section 2807-n of the public health law, as added by section 63-f of part C of chapter 58 of the laws of 2007, paragraph (b) of subdivision 2 as amended by chapter 409 of the laws of 2007, are amended to read as follows:

1. Definitions. The following words or phrases as used in this section shall have the following meanings:

(a) "Palliative care" shall mean (i) the active, interdisciplinary care of patients with advanced, life limiting illness, focusing on relief of distressing physical and psychosocial symptoms and meeting spiritual needs. Its goal is achievement of the best quality of life for patients and families as defined by paragraph (b) of subdivision two of section four thousand twelve-b of this chapter; and (ii) it shall also include similar care for patients with chronic or acute pain.

(b) "Palliative care certified medical school" shall mean a medical school in the state which is an institution granting a degree of doctor of medicine or doctor of osteopathic medicine in accordance with regulations by the commissioner of education under subdivision two of section sixty-five hundred twenty-four of the education law, and which meets standards defined by the commissioner of health[, after consultation with the council,] pursuant to regulations, and used to determine whether a medical school is eligible for funding under this section.

(c) "Palliative care certified residency program" shall mean a graduate medical education program in the state which has received accreditation from a nationally recognized accreditation body for medical or osteopathic residency programs, and which meets standards defined by the commissioner[, after consultation with the council,] pursuant to regulations, and used to determine whether a residency training program is eligible for funding under this section.

[(d) "New York state palliative care education and training council" or "council" shall mean the New York state palliative care education and training council established pursuant to subdivision six of this section.]

2. Grants for undergraduate medical education in palliative care. (a) The commissioner is authorized, within amounts appropriated for such purpose to make grants to palliative care certified medical schools to enhance the study of palliative care, increase the opportunities for undergraduate medical education in palliative care and encourage the education of physicians in palliative care.

(b) Grant proceeds under this subdivision may be used for faculty development in palliative care; recruitment of faculty with expertise in palliative care; costs incurred teaching medical students at hospital-based sites, non-hospital-based ambulatory care settings, palliative
care sites, hospices, certified home health agencies, licensed long term
home health care programs and AIDS home care programs including, but not limited to, personnel, administration and student-related expenses;
expansion or development of programs that train physicians in palliative care; and other innovative programs designed to increase the competency of medical students to provide hospice or palliative care.
(c) Grants under this subdivision shall be awarded by the commissioner through a competitive application process [to the council. The council shall make recommendations for funding to the commissioner]. In making awards, consideration shall be given to applicants who:
(i) plan to incorporate palliative care longitudinally throughout the medical school curriculum according to professionally recognized standards including, but not limited to, a plan that covers the seven domains identified in the Palliative Education Assessment Tool (PEAT) as developed by the New York Academy of Medicine and the Associated Medical Schools of New York State and Weill Cornell Medical College;
(ii) function in collaboration with hospital-based palliative care programs and non-hospital-based sites; and
(iii) make complementary efforts to recruit or train qualified faculty in palliative care education.
(d) The intent of this subdivision is to augment or increase palliative care undergraduate medical education. Grant funding shall not be used to offset existing expenditures that the medical school has obligated or intends to obligate for palliative care education programs.
3. Grants for graduate medical education in palliative care. (a) The commissioner is authorized, within amounts appropriated for such purpose to make grants in support of palliative care certified residency education programs to establish or expand education in palliative care for graduate medical education, and to increase the opportunities for trainee education in palliative care in hospital-based palliative care programs or non-hospital-based care sites.
(b) Grants under this subdivision for graduate medical education and education in palliative care may be used for administration, faculty recruitment and development, start-up costs and costs incurred teaching palliative care in hospital-based palliative care programs or non-hospital-based care sites, including, but not limited to, personnel, administration and trainee related expenses and other expenses judged reasonable and necessary by the commissioner.
(c) Grants under this subdivision shall be awarded by the commissioner through a competitive application process [to the council. The council shall make recommendations for funding to the commissioner]. In making awards, the commissioner shall consider the extent to which the applicant:
(i) plans to incorporate palliative care longitudinally throughout the residency training program according to professionally recognized standards including, but not limited to, a plan that covers the seven domains identified in the Palliative Education Assessment Tool (PEAT) as developed by the New York Academy of Medicine and the Associated Medical Schools of New York State and Weill Cornell Medical College;
(ii) functions in collaboration with hospital-based palliative care programs or non-hospital-based sites, or both; and
(iii) makes complementary efforts to recruit or train qualified faculty in palliative care education.
(d) The intent of this subdivision is to augment or increase training in palliative care during residency. Grant funding shall not be used to
offset existing expenditures the institution or program has obligated or
intends to obligate for such training programs.
4. Centers for palliative care excellence. The commissioner shall
designate organizations licensed pursuant to this article and article
forty of this chapter, upon successful application, as centers for
palliative care excellence. Such designations shall be pursuant to an
application [as designed by the department,] and based on service,
staffing and other criteria [as] developed by the [council] department.
Such centers of excellence shall provide specialized palliative care,
treatment, education and related services. Designation as a center for
palliative care excellence shall not entitle a center to enhanced
reimbursement, but may be utilized in outreach and other promotional
activities.
5. Palliative care practitioner resource centers. The commissioner[, in consultation with the council,] may designate palliative care practi-
tioner resource centers (a "resource center"). A resource center may be
statewide or regional, and shall act as a source of technical informa-
tion and guidance for practitioners on the latest palliative care strat-
egies, therapies and medications. The department[, in consultation with
the council,] may contract with not-for-profit organizations or associ-
atations to establish and manage resource centers. A resource center may
charge a fee to defray the cost of the service.
§ 35. Title 1-C of article 24 of the public health law is REPEALED.
§ 36. Subdivision 13 of section 3501 of the public health law is REPEALED.
§ 37. Section 3503 of the public health law is REPEALED.
§ 38. Section 3504 of the public health law, as added by chapter 175
of the laws of 2006, is amended to read as follows:
§ 3504. Rules and regulations. The commissioner shall have power to
make such rules and regulations, not inconsistent with law, as may be
necessary to carry out the provisions of this article, including but not
limited to, the availability of emergency equipment appropriate to
provide treatment in the event of an unanticipated reaction to the
administration of contrast media. [In promulgating such rules and regu-
lations, the commissioner shall act with benefit of advice of the
board.]
§ 39. Subdivision 1 of section 3511 of the public health law, as added
by chapter 175 of the laws of 2006, is amended to read as follows:
1. Proceedings against any licensee under this section shall be begun
by filing with the department a written charge or charges in the form of
a petition under oath against such licensee. The charges may be
preferred by any person, corporation, association or public officer, or
by the department in the first instance. [A copy thereof, together with
a report of such investigation as the department shall deem proper,
shall be referred to the board for its recommendation to the commision-
er.]
§ 40. Title 4 of article 2 of the public health law is REPEALED.
§ 41. Section 4 of chapter 387 of the laws of 2004 amending the envi-
ronmental conservation law relating to restricting the use of certain
flame retardants, is amended to read as follows:
§ 4. This act shall take effect immediately; provided, however, that
sections one and two of this act shall take effect January 1, 2006;
provided, however that effective immediately, the addition, amendment
and/or repeal of any rule or regulation necessary for the implementation
of this act on its effective date is authorized and directed to be made
and completed on or before such effective date; and provided, however
that section three of this act shall remain in full force and effect until April 1, 2013 when upon such date the provisions of such section shall expire and be deemed repealed.

§ 42. Intentionally omitted.

§ 43. Section 3 of chapter 356 of the laws of 2005 amending the public health law relating to establishing the New York state toxic mold task force, is amended to read as follows:

§ 3. This act shall take effect immediately and shall remain in full force and effect until April 1, 2012 when upon such date the provisions of this act shall expire and be deemed repealed.

§ 44. Section 2 of chapter 41 of the laws of 1992 containing health care provider reimbursement rates, is REPEALED.

§ 45. Chapter 554 of the laws of 1996 creating the Brookhaven National Laboratory local oversight and monitoring committee, is REPEALED.

§ 46. Section 18 of chapter 537 of the laws of 1998 amending the public health law relating to modifying the use of prescription forms for dispensing controlled substances, is REPEALED.

§ 47. Subdivision 7 of section 502 of the public health law is REPEALED and subdivisions 8, 9 and 10 are renumbered subdivisions 7, 8 and 9.

§ 48. Section 123 of chapter 1 of the laws of 1999 enacting the New York Health Care Reform Act of 2000, is REPEALED.

§ 49. Section 3604 of the public health law is REPEALED.

§ 50. Subdivision 9 of section 3607 of the public health law, as amended by chapter 831 of the laws of 1985 and as renumbered by chapter 891 of the laws of 1990, is amended to read as follows:

9. The commissioner, [after consultation with the state council on home care services,] shall promulgate rules and regulations necessary to administer this section. [The state council on home care services shall advise the department of the availability and quality of home care services and on the methods that may be used to enhance the availability, appropriate utilization and coordination of home care services through the implementation of the grant program.]

§ 51. Subdivision 4 of section 3609 of the public health law, as amended by chapter 831 of the laws of 1985, is amended to read as follows:

4. The grant applications shall include such information as required by the commissioner[, after consultation with the state council on home care services].

§ 52. Subdivision 5 of section 3612 of the public health law, as amended by chapter 622 of the laws of 1988, is amended to read as follows:

5. The [state hospital review and planning council, by a majority vote of its members,] commissioner shall adopt and amend rules and regulations, [subject to the approval of the commissioner,] to effectuate the provisions and purposes of this article with respect to certified home health agencies, providers of long term home health care programs and providers of AIDS home care programs, including, but not limited to, (a) the establishment of requirements for a uniform statewide system of reports and audits relating to the quality of services provided and their utilization and costs; (b) establishment by the department of schedules of rates, payments, reimbursements, grants and other charges; (c) standards and procedures relating to certificates of approval and authorization to provide long term home health care programs and AIDS home care programs; (d) uniform standards for quality of care and services to be provided by certified home health agencies, providers of
long term home health care programs and providers of AIDS home care programs; (e) requirements for minimum levels of staffing, taking into consideration the size of the agency, provider of a long term home health care program or provider of an AIDS home care program, the type of care and service provided, and the special needs of the persons served; (f) standards and procedures relating to contractual arrangements between home care services agencies; (g) requirements for the establishment of plans for the coordination of home care services and discharge planning for former patients or residents of facilities under the regulatory jurisdiction of the department, the departments of social services or mental hygiene, the board of social welfare, or the office for the aging; (h) requirements for uniform review of the appropriate utilization of services; and (i) requirements for minimum qualifications and standards of training for personnel as appropriate. The commissioner [and the state council on home care services] may propose rules and regulations and amendments thereto [for consideration by the council].

§ 53. Subdivision 10 of section 3615 of the public health law, as amended by chapter 884 of the laws of 1990, is amended to read as follows:

10. The commissioner is authorized to promulgate such rules and regulations, [in consultation with the state council on home care services,] as are necessary to carry out the provisions of this section. Such rules and regulations may include, but not be limited to, minimum and maximum grant levels.

§ 54. Subdivision 4 of section 3222 of the public health law is REPEALED and subdivisions 5, 6, 7, 8 and 9 are renumbered subdivisions 4, 5, 6, 7 and 8.

§ 55. Section 3702 of the public health law is REPEALED.

§ 56. Section 1399-uu of the public health law is REPEALED.

§ 57. Section 2796 of the public health law, as added by chapter 550 of the laws of 1988, is REPEALED.

§ 57-a. The opening paragraph of section 2798 of the public health law, as added by chapter 550 of the laws of 1988, is amended to read as follows:

The tick-borne disease institute established by section twenty-seven hundred ninety-seven of this article shall have the following powers and duties:

§ 58. Section 2799-a of the public health law is REPEALED.

§ 59. Section 2799 of the public health law is REPEALED.

§ 60. Section 27-2109 of the environmental conservation law is REPEALED.

§ 61. Section 11-2003 of the environmental conservation law is REPEALED.

§ 62. Intentionally omitted.

§ 63. Section 11-1005 of the environmental conservation law is REPEALED.

§ 64. Section 11-1007 of the environmental conservation law, as amended by chapter 911 of the laws of 1990, is amended to read as follows:

§ 11-1007. Department authority.

The department shall make such rules and regulations governing the issuance and use of falconry licenses as it shall deem proper and necessary[, giving due consideration to the recommendations of the falconry advisory board]. The department may fix by regulation special open seasons for the taking of small game or upland game birds by falconry. The department may revoke any falconry license and may seize raptors.
held pursuant thereto if the licensee (i) fails to provide proper care for the raptors in the licensee's possession, (ii) allows raptors in the licensee's possession to become a public nuisance, (iii) is convicted of or settles by civil compromise any violation of any provision of this chapter or regulation of the department, or (iv) fails to comply with any of the terms or conditions of the falconry license.

§ 65. Title 11 of article 24 of the environmental conservation law is REPEALED.

§ 66. Subdivision 7 of section 24-0107 of the environmental conservation law is REPEALED and subdivision 8 is renumbered subdivision 7.

§ 67. Subdivision 1 of section 24-0301 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

1. The commissioner shall, as soon as practicable, conduct a study to identify and map those individual freshwater wetlands in the state of New York which shall have an area of at least twelve and four-tenths acres or more, or if less than twelve and four-tenths acres, (a) have, in the discretion of the commissioner[, and subject to review of his action by the board created pursuant to title eleven of this article], unusual local importance for one or more of the specific benefits set forth in subdivision seven of section 24-0105 or (b) are located within the Adirondack park and meet the definition of wetlands contained in subdivision sixty-eight of section eight hundred two of article twenty-seven of the executive law, and shall determine their characteristics. This study shall, in addition to such other data as the commissioner may determine to be included, consist of the freshwater wetlands inventory of the department of environmental conservation, currently being made, together with other available data on freshwater wetlands, whether assisted by the state of New York under the tidal wetlands act or otherwise, or assembled by federal or local governmental or private agencies, all of which information shall be assembled and integrated, as applicable, into a map of freshwater wetlands of the state of New York. Such study may, in the discretion of the commissioner, be carried out on a sectional or regional basis, as indicated by need, subject to overall completion in an expeditious fashion subject to the terms of this chapter. This map, and any orders issued pursuant to the provisions of this article, shall comprise a part of the statewide environmental plan as provided for in section 3-0303 of this chapter. As soon as practicable the commissioner shall file with the secretary of state a detailed description of the technical methods and requirements to be utilized in compiling the inventory, and he shall afford the public an opportunity to submit comments thereon.

§ 67-a. Any matters pending before the freshwater wetlands appeals board shall be transferred and continued in the department of environmental conservation in accordance with article 3 of the state administrative procedure act.

§ 68. Section 24-0507 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

§ 24-0507. Reservation of local jurisdiction.

Except as provided in this article, jurisdiction over all areas which would qualify as freshwater wetlands except that they are not designated as such on the freshwater wetlands map pursuant to section 24-0301 of this article because they are less than twelve and four-tenths acres in size and are not of unusual local importance is reserved to the city, town or village in which they are wholly or partially located, and the
implementation of this article with respect thereto is the responsibility of said city, town or village, in accordance with section 24-0501 and title twenty-three of article seventy-one of this chapter, except that a city, town or village in the exercise of its powers under this section, shall not be subject to the provisions of subdivision four of section 24-0501, subdivisions two and three of section 24-0503, or section 24-0505, but shall be subject to judicial review under subdivision two of section 24-1105 of this article.

§ 69. Subdivision 5 of section 24-0703 of the environmental conservation law, as amended by chapter 233 of the laws of 1979, is amended to read as follows:

5. Prior to the promulgation of the final freshwater wetlands map in a particular area and the implementation of a freshwater wetlands protection law or ordinance, no person shall conduct, or cause to be conducted, any activity for which a permit is required under section 24-0701 of this article on any freshwater wetland unless he has obtained a permit from the commissioner under this section. Any person may inquire of the department as to whether or not a given parcel of land will be designated a freshwater wetland subject to regulation. The department shall give a definite answer in writing within thirty days of such request as to whether such parcel will or will not be so designated. Provided that, in the event that weather or ground conditions prevent the department from making a determination within thirty days, it may extend such period until a determination can be made. Such answer in the affirmative shall be reviewable pursuant to [title eleven of this] article seventy-eight of the civil practice law and rules; such an answer in the negative shall be a complete defense to the enforcement of this article pursuant to article seventy-one of this chapter as to such parcel of land. The commissioner may by regulation adopted after public hearing exempt categories or classes of wetlands or individual wetlands which he determines not to be critical to the furtherance of the policies and purposes of this article.

§ 70. Subdivision 6 of section 24-0705 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

6. Review of the determination of the local government or of the commissioner shall be, within a period of thirty days after the filing thereof, pursuant to the provisions of [title eleven of this article or] article seventy-eight of the civil practice law and rules. Any owner of the wetland affected and any resident or citizen of the local government shall be deemed to have the requisite standing to seek review.

§ 71. Subdivision 2 of section 24-0801 of the environmental conservation law, as added by chapter 654 of the laws of 1977, is amended to read as follows:

2. Where the activities otherwise subject to regulation under this article involve freshwater wetlands located within the boundaries of the Adirondack park, the inquiries referred to and the applications provided for in section 24-0703 of this article shall be made to and filed with the Adirondack park agency at its headquarters office, under such regulations and procedures as the Adirondack park agency may promulgate. The Adirondack park agency shall review the application in place of the commissioner or local government as provided in section 24-0705 of this article, having due regard for the declaration of policy and statement of findings set forth in this article and for the considerations set forth in subdivision one of section 24-0705 of this article. The agency shall in addition determine prior to the granting of any permit that the
proposed activity will be consistent with the Adirondack park land use
and development plan and would not have an undue adverse impact upon the
natural, scenic, aesthetic, ecological, wildlife, historic, recreational
or open space resources of the park, taking into account the economic
and social or other benefits to be derived from the activity. Any person
may seek review of a ruling made solely pursuant to the provisions of
this article by the Adirondack park agency pursuant to [the provisions
of title eleven of this article or] article seventy-eight of the civil
practice law and rules.

§ 72. Subdivision 7 of section 24-0903 of the environmental conserva-
tion law, as added by chapter 614 of the laws of 1975, is amended to
read as follows:

7. Any person aggrieved by any such order or regulation may seek
[judicial review pursuant to article seventy-eight of the civil practice
law and rules in the supreme court for the county in which the freshwa-
ter wetland is located, within thirty days after the date of the filing
of the order with the clerk of the county in which the wetland is
located.

§ 73. Section 349-cc of the highway law is REPEALED.

§ 73-a. Section 349-bb of the highway law, as added by chapter 556 of
the laws of 1992, subdivision 3 as amended by section 5 of part Z of
chapter 383 of the laws of 2001, is amended to read as follows:

§ 349-bb. New York state scenic byways program. 1. The commissioner
shall establish within the department a program to be known as the New
York state scenic byways program (hereinafter referred to as scenic
byways program or program) to encourage and coordinate state actions and
the activities of others which relate to the development, protection,
promotion and management of scenic byways. For the purposes of this
article, a "scenic byway" is a transportation route and adjacent area of
particular scenic, historic, recreational, cultural or archeological
characteristics which is managed to protect such characteristics and to
encourage economic development through tourism and recreation.

2. To carry out the purposes of the scenic byways program, the commis-
sioner is authorized:

(a) to plan, design, and develop the New York state scenic byways
system;
(b) to make safety improvements to a highway designated as a scenic
byway under this article to the extent such improvements are necessary
to accommodate increased traffic, and changes in the types of vehicles
using the highway due to such designation;
(c) to construct along the highway facilities for the use of pedestri-
ans and bicyclists, rest areas, turnouts, highway shoulder improvements,
passing lanes, overlooks, and interpretive facilities;
(d) to improve the highway to enhance access to an area for the
purpose of recreation, including water-related recreation;
(e) to protect historical and cultural resources in areas adjacent to
the highway; [and]
(f) to develop and provide tourist information to the public, includ-
king interpretive information about the scenic byway; and
(g) to evaluate, advise and recommend to the governor and the legisla-
ture amendments of the statutes and regulations relevant to the further-
ance of a cohesive and coordinated system of scenic byways.

[2.] 3. The commissioner is hereby authorized to apply for funding
from any appropriate sources to further the purposes of the scenic
byways program.
[3.] 4. The commissioner is hereby authorized to enter into contracts with qualified, responsible not-for-profit organizations involved in scenic byways activities and the upstate New York tourism council for services relating to the development of the New York state scenic byways program or services relating to the operation, development or promotion of a specific scenic byway.

[4.] 5. The commissioner is authorized to promulgate such regulations as may be necessary or desirable to implement the New York state scenic byways program.

6. The commissioner shall report to the governor and the legislature by January first of each year on the implementation of this program.

§ 74. Section 13-0503 of the environmental conservation law is REPEALED.

§ 75. Subdivisions 3 and 4 of section 95-c of the state finance law, as added by chapter 360 of the laws of 2002, are amended to read as follows:

3. Monies of the fund, following appropriation, may be expended only for conservation, research, and education projects relating to the marine and coastal district of New York, as described in section 13-0103 of the environmental conservation law ("district"), that are approved by the [marine and coastal district of New York conservation, education, and research board ("board") established pursuant to section 13-0503 of the environmental conservation law] department of environmental conservation.

4. Monies of the fund shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved or certified by the [chairperson of the board] department of environmental conservation. No money from such fund may be withdrawn, transferred, or used by any person or entity for any purpose other than as permitted by this section.

§ 76. Subdivision 2 of section 404-t of the vehicle and traffic law, as amended by chapter 577 of the laws of 2007, is amended to read as follows:

2. A distinctive plate issued pursuant to this section shall be issued in the same manner as other number plates upon the payment of the regular registration fee prescribed by section four hundred one of this article provided, however, that an additional annual service charge of twenty-five dollars shall be charged for such plate. All monies received for the annual service charge pursuant to this section shall be deposited to the credit of the marine and coastal district of New York conservation, education, and research fund established pursuant to section ninety-five-c of the state finance law and shall be used for conservation, education, and research projects approved by the [marine and coastal district of New York conservation, education, and research board established] department of environmental conservation pursuant to section [13-0503] 13-0501 of the environmental conservation law. Provided, however, that one year after the effective date of this section, funds in the amount of six thousand dollars, or so much thereof as may be available, shall be allocated from such fund to the department to offset costs associated with the production of such license plates.

§ 77. Intentionally omitted.

§ 78. Intentionally omitted.

§ 79. Intentionally omitted.

§ 80. Subdivision 1 of section 9-1703 of the environmental conservation law is REPEALED.
§ 81. Section 9-1707 of the environmental conservation law is REPEALED.

§ 82. Section 23-0311 of the environmental conservation law is REPEALED.

§ 83. Section 17-1013 of the environmental conservation law is REPEALED.

§ 84. Subparagraph (ii) of paragraph d of subdivision 4 of section 17-1007 of the environmental conservation law, as added by chapter 334 of the laws of 2008, is amended to read as follows:

(ii) As promptly as possible thereafter, not to exceed fifteen days, the commissioner shall provide the owner or operator an opportunity to be heard and to present proof that such condition or activity does not violate the provisions of this section or of the rules or regulations adopted pursuant to this title. The commissioner shall adopt rules and regulations describing the procedure to be followed in the prohibition of petroleum deliveries. In adopting such rules and regulations the department shall allow for the owner or operator at any time to submit information to the department to demonstrate that the owner or operator is in compliance with the requirements or has corrected the violation that prompted the department to prohibit deliveries of petroleum and to allow the tank or tanks to be, as promptly as possible, brought back into operation, not to exceed two business days from the department's determination that a tank is in compliance. The department shall use its best efforts to timely determine compliance. [The commissioner shall draft such rules and regulations and submit them to the state petroleum bulk storage advisory council for comments within six months of the effective date of this subparagraph.]

§ 85. Subdivision 1 of section 17-1009 of the environmental conservation law, as added by chapter 613 of the laws of 1983, is amended to read as follows:

1. The department shall [consult with the state petroleum bulk storage advisory council to] compile a list of facilities within the state. Within thirty days of the promulgation of rules and regulations in accordance with section 17-1005, section 17-1007, and this section of this title, the department shall make available, upon request, a copy of such rules and regulations.

§ 86. Subdivision 1 of section 17-1015 of the environmental conservation law, as amended by chapter 334 of the laws of 2008, is amended to read as follows:

1. The department shall, pursuant to section 17-0303 of this article, promulgate rules and regulations establishing standards for existing and new petroleum bulk storage facilities which shall include, but not be limited to, design, equipment requirements, construction, installation and maintenance. In proposing, preparing and compiling such rules and regulations, the department shall consult with the [state petroleum bulk storage code advisory council. In addition, the department shall consult with the] state fire prevention and building code council to assure that such rules and regulations are consistent with the uniform fire prevention and building code.

§ 87. Section 9-0705 of the environmental conservation law is REPEALED.

§ 88. Section 9-0707 of the environmental conservation law is REPEALED.

§ 89. Section 9-0709 of the environmental conservation law is REPEALED.
§ 90. Section 9-0711 of the environmental conservation law is REPEALED.

§ 91. Section 9-0713 of the environmental conservation law, as amended by chapter 386 of the laws of 1980, is amended to read as follows:

§ 9-0713. State assistance.

[Upon the establishment of regional forest practice boards, and upon the adoption and promulgation of] The commissioner shall adopt forest practice standards[, the regional forest practice boards]. The department shall notify [all the] owners of forest land [in their regions] that the commissioner is prepared to assist cooperating owners in connection with the application of [approved] forest practice standards. The commissioner shall provide to cooperating forest and farm woodland owners technical services in connection with all phases of forest management including but not limited to, plantation establishment and care, the marking of timber, marketing assistance and silvicultural treatment of immature stands.

§ 92. Section 27-0702 of the environmental conservation law is REPEALED.

§ 93. The opening paragraph of subdivision 2 of section 27-0103 of the environmental conservation law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

The commissioner shall[, with the advice of the state solid waste management board established pursuant to section 27-0702 of this article,] biennially review the status of programs and information contained within the plan and make recommendations for legislation or other state action related to:

§ 94. Paragraph g of subdivision 3 of section 165 of the state finance law, as amended by chapter 95 of the laws of 2000, is amended to read as follows:

g. In addition to carrying out the provisions of paragraphs e and f of this subdivision, the commissioner shall identify and implement specific steps which will reduce, to the maximum extent practicable, waste generated in state facilities and maximize the recovery and reuse of secondary materials from such facilities. Such steps and their implementation shall be reviewed from time to time but no less frequently than annually or upon receiving recommendations for additional steps from [the solid waste management board,] the department of environmental conservation or the environmental facilities corporation.

§ 95. Subdivision 3 of section 1-0303 of the environmental conservation law is REPEALED.

§ 96. Paragraph a of subdivision 2 of section 3-0301 of the environmental conservation law, as amended by chapter 469 of the laws of 1974, is amended to read as follows:

a. [With the advice and approval of the board, adopt] Adopt, amend or repeal environmental standards, criteria and those rules and regulations having the force and effect of standards and criteria to carry out the purposes and provisions of this act. [Upon approval by the board of any] Any such environmental standard, criterion, rule or regulation or change thereto[, it] shall become effective thirty days after being filed with the Secretary of State for publication in the "Official Compilation of Codes, Rules, and Regulations of the State of New York" published pursuant to section 102 of the Executive Law. This provision shall not in any way restrict the commissioner in the exercise of any function, power or duty transferred to him or her and heretofore authorized to be exercised by any other department acting through its commissioner to promulgate, adopt, amend or repeal any standards, rules and regulations. No such
environmental [standards] standard, criterion, rule or regulation or change thereto shall be proposed for approval unless a public hearing relating to the subject of such standard shall be held by the commis-
sioner prior thereto not less than 30 days after date of notice there-
for, any provision of law to the contrary notwithstanding. Notice shall be given by public advertisement of the date, time, place and purpose of such hearing. [Members of the board shall be entitled to participate in such hearing and opportunity to be heard by the commissioner with respect to the subject thereof shall be given to the public.] § 97. Article 5 of the environmental conservation law is REPEALED. § 98. Subdivision 2 of section 17-1411 of the environmental conserva-
tion law is REPEALED. § 99. Section 19-0917 of the environmental conservation law is REPEALED. § 100. Subdivision 3 of section 27-0903 of the environmental conserva-
tion law, as amended by chapter 831 of the laws of 1990, is amended to read as follows:

3. The regulations setting forth the criteria for identification and listing, and the list of, hazardous wastes subject to this title may be amended by the commissioner from time to time as appropriate, based upon hazardous waste conditions of particular relevance to the state. The commissioner may promulgate the appropriately amended regulations only [after approval of the state environmental board based] upon a showing of the circumstances constituting the hazardous waste conditions of particular relevance to this state, and then in a manner consistent with the state administrative procedure act.

§ 101. Subdivision 1 of section 27-1315 of the environmental conserva-
tion law, as amended by section 7 of part E of chapter 1 of the laws of 2003, is amended to read as follows:

1. The commissioner shall have the power to promulgate rules and regu-
lations necessary and appropriate to carry out the purposes of this title. Any [such] regulations shall include provisions which establish the procedures for a hearing pursuant to subdivision four of section 27-1313 of this title[. Any such provisions] and shall ensure a division of functions between the commissioner, the staff who present the case, and any hearing officers appointed. In addition, any [such] regulations shall set forth findings to be based on a factual record, which must be made before the commissioner determines that a significant threat to the environment exists. [Rules and regulations promulgated pursuant to this title shall be subject to the approval of a board, which shall be known as the inactive hazardous waste disposal site regulation review board, which shall have the same members, rules, and procedures as the state environmental board.]§ 102. Subdivision 4 of section 29-0103 of the environmental conserva-
tion law is REPEALED. § 103. Subdivision 4 of section 70-0117 of the environmental conserva-
tion law, as added by chapter 723 of the laws of 1977, is amended to read as follows:

4. In conjunction with one or more applications for permits, the department may, on request of an applicant undertake a conceptual review of a proposed project evaluating the general approvability or nonapprov-
ability of a proposed project, including all proposed phases or segments thereof, subject to the development and submission of more detailed plans and information and such additional applications for permits in the future as may be necessary. The department shall, in rules and regu-
lations [approved by the state environmental board], establish criteria
and guidelines for the conceptual review of proposed projects. The department shall establish, in rules and regulations adopted pursuant to section 70-0107 of this chapter, procedures governing the conceptual review of proposed projects.

§ 104. Section 13-0308 of the environmental conservation law is REPEALED.

§ 105. The opening paragraph of subdivision 15 of section 13-0309 of the environmental conservation law, as added by chapter 512 of the laws of 1994, is amended to read as follows:

Unless and until regulations are adopted implementing a comprehensive long-term management plan for the protection of surf clams and ocean quahogs in New York waters [prepared in conjunction with the surf clam/ocean quahog management advisory board pursuant to section 13-0308, of this title], the following restrictions shall apply in addition to any consistent regulations adopted prior to the date upon which such section shall take effect:

§ 106. Subparagraph (ii) of paragraph 2 and subparagraph (ii) of paragraph 3 of subdivision (a) of section 83 of the state finance law, subparagraph (ii) of paragraph 2 as amended by section 2 of part A of chapter 82 of the laws of 2002 and subparagraph (ii) of paragraph 3 as amended by section 6 of part A of chapter 58 of the laws of 1998, are amended to read as follows:

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, moneys arising out of the application of subdivision fourteen of section 13-0309 of the environmental conservation law, shall be deposited in a special account within the conservation fund, to be known as the surf clam/ocean quahog account, and shall be available to the department of environmental conservation, including contracts for such purposes with a New York State institution of higher education currently involved in local marine research, after appropriation, for the research and stock assessment of surf clams and ocean quahogs. The department shall, at a minimum, undertake two stock assessments and issue reports detailing the findings of such assessments to the governor and legislature.

The first stock assessment shall be due no later than December thirty-first, two thousand two. The second stock assessment shall be due no later than December thirty-first, two thousand four[, and shall be conducted in an area to be determined in consultation with the surf clam/ocean quahog management advisory board].

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, moneys arising out of the application of subdivision fourteen of section 13-0309 of the environmental conservation law, shall be deposited in a special account within the conservation fund, to be known as the surf clam/ocean quahog account, and shall be available to the department of environmental conservation, including contracts for such purposes with a New York State institution of higher education currently involved in local marine research, after appropriation, for the research and stock assessment of surf clams and ocean quahogs [and the operations of the surf clam/ocean quahog management advisory board].

§ 107. Subdivisions 6, 7, 8 and 9 of section 73-b of the agriculture and markets law are REPEALED and subdivision 10 is renumbered subdivision 6.

§ 107-a. Paragraphs (c) and (d) of subdivision 5 of section 73-b of the agriculture and markets law, as added by chapter 276 of the laws of 2001, are amended and a new paragraph (e) is added to read as follows:

(c) make recommendations to the dean regarding appointment of the director of the laboratory; [and]
(d) assess the feasibility of the consolidation, expansion and modernization of the current physical facilities of the laboratory; and
(e) provide advice and recommendations to the director of the diagnostic laboratory regarding industry needs and the effectiveness of veterinary diagnostic laboratory services.

§ 108. Section 169-c of the agriculture and markets law is REPEALED.
§ 109. Section 169-d of the agriculture and markets law is REPEALED.
§ 110. Subdivision 5 of section 192-a of the agriculture and markets law, as added by chapter 716 of the laws of 1989, is amended to read as follows:
5. Concurrent enforcement by municipalities. The provisions of this section and the regulations promulgated thereunder may be enforced concurrently by the director of a municipal consumer affairs office and/or a municipal director of weights and measures, except that nothing in this section or in subdivision three, twelve or nineteen of section one hundred seventy-nine of this article or in section one hundred ninety-two-b or one hundred ninety-two-c [or one hundred ninety-two-d] of this article shall be construed to prohibit a political subdivision of the state from also continuing to implement and enforce any local law and regulations that were in effect prior to the date this section took effect, and any subsequent amendments thereto, provided such local law and regulations or amendments thereto are not inconsistent with requirements imposed by the provisions of this section or by regulations adopted pursuant to this section. Notwithstanding the provisions of section forty-five of this chapter, all moneys collected hereunder at the instance of a municipal enforcement officer shall be retained by the municipality.

§ 111. Subdivision 10 of section 192-b of the agriculture and markets law, as added by chapter 716 of the laws of 1989, is amended to read as follows:
10. The provisions of this section and the regulations promulgated thereunder may be enforced concurrently by the director of a municipal consumer affairs office and/or a municipal director of weights and measures, except that nothing in this section or in subdivision three, twelve or nineteen of section one hundred seventy-nine of this article or in section one hundred ninety-two-a or one hundred ninety-two-c [or one hundred ninety-two-d] of this article shall be construed to prohibit a political subdivision of the state from also continuing to implement and enforce any local law and regulations that were in effect prior to the date this section took effect, and any subsequent amendments thereto, provided such local law and regulations or amendments thereto are not inconsistent with requirements imposed by the provisions of this section or by regulations adopted pursuant to this section. Notwithstanding the provisions of section forty-five of this chapter, all moneys collected hereunder at the instance of a municipal enforcement officer shall be retained by the municipality.

§ 112. Section 192-d of the agriculture and markets law is REPEALED.
§ 113. Section 285 of the agriculture and markets law is REPEALED.
§ 114. Section 285-b of the agriculture and markets law is REPEALED.
§ 115. Chapter 868 of the laws of 1976 establishing the organic food advisory committee is REPEALED.
§ 116. Section 7 chapter 654 of the laws of 1994 creating the agricultural transportation review panel is REPEALED.
§ 117. Article 33 of the parks, recreation and historic preservation law is REPEALED.
§ 118. Section 191 of the executive law is REPEALED.
§ 119. Subdivision 2 of section 236-b of the county law, as added by chapter 339 of the laws of 2009, is amended to read as follows:

2. A local law enacted pursuant to this section establishing county licensure of electrical inspectors shall supersede any provision requiring electrical inspectors to also obtain a local license promulgated by a city, town or village in the county pursuant to any general, special or local law. Nothing in this section shall be deemed to supersede any of the powers, functions and duties of the [fire fighting and code enforcement personnel standards and education commission, as set forth in article six-C] office of fire prevention and control, as set forth in section one hundred fifty-eight of the executive law, or any successor entity.

§ 120. Subdivision 1 of section 156-a of the executive law, as amended by section 1 of part D of chapter 1 of the laws of 2004, is amended to read as follows:

1. The state fire administrator shall[, in his or her discretion, consult with the fire fighting and code enforcement personnel standards and education commission established pursuant to section one hundred fifty-nine-a of this article, to] establish a specialized hazardous materials emergency response training program for individuals responsible for providing emergency response recovery following incidents involving hazardous materials as defined in accordance with section fourteen-f of the transportation law. The state fire administrator shall inform all fire companies, municipal corporations and districts, including agencies and departments thereof and all firefighters, both paid and volunteer, and related officers and employees and police officers of the implementation and availability of the hazardous materials emergency response training program and shall, subject to the availability of an appropriation, conduct such training with sufficient frequency to assure adequate response to incidents involving hazardous materials and protection of responders in all geographic areas of the state.

§ 120-a. Section 158 of the executive law is REPEALED and a new section 158 is added to read as follows:

§ 158. Firefighting and code enforcement training. 1. For the purpose of this section, the term fire fighter and code enforcement personnel shall mean a member of a fire department whose duties include fire service as defined in paragraph d of subdivision eleven of section three hundred two of the retirement and social security law or a code enforcement officer charged with enforcement of building or fire codes.

2. In addition to the functions, powers and duties otherwise provided by this article, the state fire administrator may promulgate rules and regulations with respect to:

(a) The approval, or revocation thereof, of fire and code enforcement training programs for fire fighters and code enforcement personnel;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required for approved fire and code enforcement training programs for fire fighters and code enforcement personnel;

(c) Minimum qualifications for instructors for approved fire and code enforcement training programs for fire fighters and code enforcement personnel;

(d) The requirements of minimum basic training which fire fighters and code enforcement personnel appointed to probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following such appointment to a probationary term;
(e) The requirements of minimum basic training which fire fighters and
code enforcement personnel not appointed for probationary terms but
appointed on other than a permanent basis shall complete in order to be
eligible for continued employment or permanent appointment, and the time
within which such basic training must be completed following such
appointment on a non-permanent basis;
(f) The requirements for in-service training programs designed to
assist fire fighters and code enforcement personnel in maintaining
skills and being informed of technological advances;
(g) Categories or classifications of advanced in-service training
programs and minimum courses of study and attendance requirements with
respect to such categories or classifications;
(h) Exemptions from particular provisions of this article in the case
of any county, city, town, village or fire district, if in the opinion
of the state fire administrator the standards of fire and code enforce-
ment training established and maintained by such county, city, town,
village or fire district are equal to or higher than those established
pursuant to this article; or revocation in whole or in part of such
exemption, if in his or her opinion the standards of fire and code
enforcement training established and maintained by such county, city,
town, village or fire district are lower than those established pursuant
to this article; and
(i) Education, health and physical fitness requirements for eligibil-
ity of persons for provisional or permanent appointment in the compet-
itve class of the civil service as fire fighters and code enforcement
personnel as it deems necessary and proper for the efficient performance
of such duties;
3. In furtherance of his or her functions, powers and duties as set
forth in this section, the state fire administrator may:
(a) Recommend studies, surveys and reports to be made by the state
fire administrator regarding the carrying out of the objectives and
purposes of this section;
(b) Visit and inspect any fire and code enforcement training programs
approved by the state fire administrator or for which application for
such approval has been made; and
(c) Recommend standards for promotion to supervisory positions.
4. In addition to the functions, powers and duties otherwise provided
by this section, the state fire administrator shall:
(a) Approve fire and code enforcement training programs for fire
fighters and code enforcement personnel and issue certificates of
approval to such programs, and revoke such approval or certificate;
(b) Certify, as qualified, instructors for approved fire and code
enforcement training programs for fire fighters and code enforcement
personnel and issue appropriate certificates to such instructors;
(c) Certify fire fighters and code enforcement personnel who have
satisfactorily completed basic training programs and in-service training
programs, and issue appropriate certificates to such fire fighters and
code enforcement personnel;
(d) Cause studies and surveys to be made relating to the establish-
ment, operation, effectiveness and approval of fire and code enforcement
training programs;
(e) Cause studies and surveys to be made relating to the completion or
partial completion of training programs by video or computer to the
maximum extent practicable; and
(f) Consult with and cooperate with the state university of New York
and private universities, colleges and institutes in the state for the
development of specialized courses of study for fire fighters and code enforcement personnel in fire science, fire administration and code enforcement.

§ 121. Section 159 of the executive law is REPEALED.

§ 122. Section 159-a of the executive law is REPEALED.

§ 123. Section 159-b of the executive law is REPEALED.

§ 124. Section 159-c of the executive law is REPEALED.

§ 125. Section 159-d of the executive law is REPEALED.

§ 126. Section 580 of the executive law is REPEALED.

§ 127. Subdivision 14 of section 601 of the executive law is REPEALED.

§ 128. Subdivision 12 of section 604 of the executive law, as added by chapter 729 of the laws of 2005, is amended to read as follows:

12. To create and maintain a consumer awareness pamphlet[, in conjunction with the advisory council,] to include, but not be limited to, detailing the certification process, installer selection rights, the dispute resolution process, the differences between the types of housing, and other consumer protection issues. Such pamphlet shall be available to the public, and published on the department's website.

§ 129. Section 604 of the executive law is amended by adding three new subdivisions 13, 14 and 15 to read as follows:

13. To examine consumer protection issues, including but not limited to, manufactured housing financing and sales practices.

14. To examine the differences of manufactured and modular housing regulations and make recommendations to the legislature on an annual basis.

15. To submit annual reports by December thirty-first, two thousand ten and each year thereafter, to the governor, the temporary president of the senate and the speaker of the assembly that details the recommendations of the department regarding manufactured housing in New York state. The department shall, as part of its report, detail the number of complaints received by the department and the number of disputes resolved through the department.

§ 130. Sections 611 and 612 of the executive law are REPEALED.

§ 131. Section 923 of the executive law is REPEALED.

§ 132. Subdivision 6 of section 69-n of the general business law is REPEALED.

§ 133. Subdivision 5 of section 89-bbb of the general business law is REPEALED and subdivisions 6, 7, 8, 9, 10, 11, 12 and 13 are renumbered subdivisions 5, 6, 7, 8, 9, 10, 11 and 12.

§ 134. Section 89-111 of the general business law, as added by chapter 557 of the laws of 1997, is amended to read as follows:

§ 89-111. Regulations. The secretary[, in consultation with the board,] is hereby authorized and empowered to promulgate rules and regulations necessary for the proper conduct of the business authorized under this article, and not inconsistent herewith.

§ 135. Section 89-mmm of the general business law is REPEALED.

§ 136. Subdivision 5 of section 89-ppp of the general business law is REPEALED and subdivisions 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 are renumbered subdivisions 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.

§ 137. Subdivision 4 of section 89sss of the general business law, as added by chapter 557 of the laws of 1997, is amended to read as follows:

4. The commissioner[, upon the recommendation and with the general advice of the board,] shall waive the training requirements specified in subdivision one of this section, with respect to applicants employed by armored car carriers, if the applicant provides appropriate documenta-
tion to demonstrate that he or she was or is subject to training requirements which meet or exceed the requirements established pursuant to such subdivision.

§ 138. Section 89-yyy of the general business law, as added by chapter 557 of the laws of 1997, is amended to read as follows:

§ 89-yyy. Regulations. The secretary and commissioner, in consultation with the board, are hereby authorized and empowered to promulgate rules and regulations necessary for the proper conduct of the business authorized under this article, and not inconsistent herewith.

§ 139. Section 403 of the general business law is REPEALED.

§ 140. Section 404 of the general business law, as amended by chapter 341 of the laws of 1998, is amended to read as follows:

§ 404. Rules and regulations. The secretary shall promulgate rules and regulations which establish standards for practice and operation by licensees under this article in order to ensure the health, safety and welfare of the public. Such rules and regulations shall include, but not be limited to, the sanitary conditions and procedures required to be maintained, a minimum standard of training appropriate to the duties of nail specialists, waxers, natural hair stylists, estheticians, and cosmetologists and the provision of service by nail specialists, waxers, natural hair stylists, estheticians or cosmetologists at remote locations other than the licensee's home provided that such practitioner holds an appearance enhancement business license to operate at a fixed location or is employed by the holder of an appearance enhancement business license. Regulations setting forth the educational requirements for nail specialists shall include education in the area of causes of infection and bacteriology. In promulgating such rules and regulations the secretary shall consult with the state education department, [the advisory committee established pursuant to this article,] any other state agencies and private industry representatives as may be appropriate in determining minimum training requirements.

§ 141. Section 433-a of the general business law is REPEALED.

§ 142. Subdivision 3 of section 789 of the general business law is REPEALED and subdivisions 4, 5, 6, 7, 8, 9, 10, 11 and 12 are renumbered subdivisions 3, 4, 5, 6, 7, 8, 9, 10 and 11.

§ 143. Subparagraph (ix) of paragraph (a) of subdivision 1 of section 790 of the general business law, as added by chapter 599 of the laws of 1998, is amended to read as follows:

(ix) on or after January first, two thousand three, the applicant shall demonstrate the successful completion of post-secondary coursework approved by the secretary [in conjunction with the advisory board]; or

§ 144. Section 791 of the general business law is REPEALED.

§ 145. Subdivision 1 of section 794 of the general business law, as amended by chapter 301 of the laws of 2000, is amended to read as follows:

1. Prior to the expiration of a certificate of registration and as a condition of renewal, each hearing aid dispenser registered pursuant to subdivision one of section seven hundred ninety of this article shall submit documentation showing successful completion of twenty continuing education credits through a course or courses approved by the secretary [in consultation with the advisory board], or, in relation to audiologists licensed pursuant to article one hundred fifty-nine of the education law, the office of the professions in the education department. Such formal courses of learning shall include, but not be limited to, collegiate level of credit in non-credit courses, professional development programs and technical sessions offered by national, state and
local professional associations and other organizations acceptable to
the secretary and any other organized educational and technical programs
acceptable to the secretary. The secretary may, in his or her
discretion, and as needed to contribute to the health and welfare of the
public, require the completion of continuing education courses in
specific subjects to fulfill this mandatory continuing education
requirement. Courses shall be taken from a sponsor approved by the
secretary pursuant to regulations promulgated pursuant to this section.
§ 146. Paragraph (a) of subdivision 3 of section 794 of the general
business law, as added by chapter 599 of the laws of 1998, is amended to
read as follows:
(a) Within one year of the effective date of this article, the secre-
tary shall promulgate rules and regulations establishing the method,
content and supervision requirements for the continuing education course
or courses provided for in this section. Properly prepared written mate-
rials of the subject matter of each course shall be distributed and each
course shall be taught by an instructor who meets requirements estab-
lished by the secretary [upon the recommendation of the board]. Any
person or organization offering a course shall apply to the secretary
for authorization to offer such course or courses pursuant to said rules
and regulations.
§ 147. Subdivision 1 of section 796 of the general business law, as
added by chapter 599 of the laws of 1998, is amended to read as follows:
1. The secretary[, in consultation with the board,] shall establish a
full-time, twelve month training program for those persons wishing to
apply for registration as a hearing aid dispenser, except those hearing
aid dispensers otherwise licensed pursuant to article one hundred
fifty-nine of the education law. For the purposes of this section,
"full-time" shall mean seven hours per day for five days a week. Such
program shall be conducted by a registered hearing aid dispenser or
taught by appropriate faculty with credentials to verify substantial
educational knowledge in the topics outlined below. Any trainee entering
such a program shall operate under the direct supervision of a regis-
tered hearing aid dispenser for the first three months of such program.
In addition, during such period, the trainee shall satisfactorily
complete a course of instruction, which includes, but is not limited to,
the following topics:
(a) acoustics: general principles.
(b) acoustics: hearing and speech.
(c) the human ear.
(d) disorders of hearing.
(e) puretone audiometry.
(f) speech audiometry.
(g) hearing analysis.
(h) hearing aids and instruments.
§ 148. Subdivision 4 of section 798 of the general business law, as
added by chapter 599 of the laws of 1998, is amended to read as follows:
4. The secretary shall [in consultation with the hearing aid advisory
board] prescribe the minimum criteria, procedures and equipment which
shall be used in the dispensing of hearing aids, including but not
limited to:
(a) a relevant personal history questionnaire;
(b) a disclosure statement;
(c) requirements for a testing room, if applicable;
(d) requirements for the annual calibration and maintenance of audiom-
etric equipment;
(e) requirements for out of office dispensing of hearing aids; and
(f) if applicable, requirements otherwise provided under article one
hundred fifty-nine of the education law.
§ 149. Subdivisions 2, 4, 5 and 7 of section 803 of the general busi-
ness law, as added by chapter 599 of the laws of 1998, are amended to
read as follows:
2. The secretary shall review implementation of the provisions of this
article [in consultation with the board] and shall vigorously and proac-
tively ensure the enforcement of its provisions through site visits,
regular examination of compliance with this article, public outreach and
education, promulgation of regulations, delivery of technical assist-
ance, and such other forms as would increase awareness of and adherence
to the protections and process prescribed in this article. The secretary
shall examine compliance with this article for each business registered
pursuant to subdivision one of section seven hundred ninety of this
article at least once every four years.
4. [In conjunction with the board, the] The secretary shall:
(a) develop procedures for promptly investigating all complaints
regarding violations of this article;
(b) develop procedures for assisting consumers in resolving a dispute
with those persons registered pursuant to this article and mediating on
behalf of consumers when needed;
(c) establish a toll-free number at which consumers, including persons
who are hard of hearing or deaf, can register a complaint; and
(d) develop other procedures as necessary to increase public awareness
of how to properly purchase, fit, adjust and use a hearing aid, as well
as the rights of hearing aid consumers pursuant to this article, which
shall include the distribution of written information concerning this
subject matter and the toll-free number to those subject to this arti-
cle, the media, and the general public.
5. The secretary[, in conjunction with the board] shall cause to be
prepared and distributed printed educational information to registered
hearing aid dispensers and others about the general use of hearing aids
and assistive listening devices and on the advantages and disadvantages
of hearing aids as well as rights and remedies available to the consumer
pursuant to this article.
7. On or before January thirty-first of each year, the secretary shall
develop and distribute a report to the governor, the speaker of the
assembly, the temporary president of the senate, the minority leader of
the assembly, the minority leader of the senate, the chair of the assem-
bly ways and means committee, and the chair of the senate finance
committee, and make it available for public examination. Such report
shall entail specific efforts made by the secretary[, the board] and
hearing aid dispensers to comply with the provisions of this article, a
compilation of actions taken [in response to recommendations submitted
to the secretary from the board], a summary of the results of compliance
efforts and anticipated efforts to improve public education, compliance
and enforcement during the subsequent year, as well as recommendations,
if any, to amend this article.
§ 150. Subparagraph 7 of paragraph (h) of section 1507 of the not-for-
profit corporation law, as amended by chapter 380 of the laws of 2000,
is amended to read as follows:
(7) The New York state cemetery board shall promulgate rules defining
standards of maintenance, as well as what type of vandalism or out of
repair or dilapidated monuments or other markers shall qualify for
payment of repair or removal by the fund and the method and amount of
payment of contributions described in subparagraph two of this paragraph
[upon the recommendation of the state cemetery board citizens advisory
council created by section fifteen hundred seven-a of this article
(State cemetery board citizens advisory council)].
§ 151. Section 1507-a of the not-for-profit corporation law is
REPEALED.
§ 152. Subdivision 1 of section 444-b of the real property law is
REPEALED and subdivisions 2, 3, 4, 5, 6, 7 and 8 are renumbered subdivi-
sions 1, 2, 3, 4, 5, 6 and 7.
§ 153. Section 444-c of the real property law, as added by chapter 461
of the laws of 2004, subdivisions 1, 2 and 3 as amended by chapter 225
of the laws of 2005, is amended to read as follows:
§ 444-c. [State home inspection council] Code of ethics and standards
of practice. 1. [There is hereby established a state home inspection
council within the department. The council shall consist of the secre-
tary or the secretary's designee and six additional members who are
residents of the state, of whom three shall be persons licensed and
actively engaged in the business of home inspection in the state of New
York for at least five years immediately preceding their appointment and
three of whom shall be consumers who are the owners and principal resi-
dents of a residential building in the state of New York. Appointments
shall reflect the geographical diversity of the state.
2. For a period of one year after the effective date of this section,
and notwithstanding any other provisions of this section to the contra-
ry, the first three home inspectors appointed as members of the commit-
tee shall not be required, at the time of their first appointment, to be
licensed to practice home inspection, provided that such members be
licensed pursuant to this article within one year of appointment.
3. The governor shall appoint each member of the council for a term of
three years except that of the members first appointed, two shall serve
for terms of three years, two shall serve for terms of two years and two
shall serve for a term of one year. The governor shall appoint one home
inspector and one consumer solely in his or her discretion, one home
inspector and one consumer upon the recommendation of the temporary
president of the senate, and one home inspector and one consumer upon
the recommendation of the speaker of the assembly. Each member shall
hold office until his or her successor has been qualified. Any vacancy
in the membership of the council shall be filled for the unexpired term
in the manner provided for the original appointment. No member of the
council may serve more than two successive terms in addition to any
unexpired term to which he or she has been appointed.
4. Members of the council shall receive no compensation but shall be
reimbursed for their actual and necessary expenses and provided with
office and meeting facilities and personnel required for the proper
conduct of the council's business.
5. The council shall annually elect from among its members a chair and
vice-chair and may appoint a secretary, who need not be a member of the
council. The council shall meet at least twice a year and may hold addi-
tional meetings as necessary to discharge its duties.
6. The role of the council shall be advisory.] The [council shall
advise the secretary in the administration and enforcement of the
provisions of this article and recommend to the] secretary shall promul-
gate regulations to implement the provisions of this article including
but not limited to:
(a) standards for training including approval of the course of study
and examination required for licensure of home inspectors;
(b) requirements and standards for continuing education of home inspectors;
(c) a code of ethics and standards of practice for licensed home inspectors consistent with the provisions of this article and sound ethical practices which code and standards shall be subject to public notice and comment prior to [a council recommendation to the secretary] adoption of the regulations. The standards of practice shall not require a reporting format or limit information which licensees are authorized to provide a client pursuant to this article; and
(d) development of information and educational materials about home inspection for distribution to clients.

2. Nothing in this section shall be deemed to supersede any established authority, duty and power established by local law, state law or regulation or otherwise granted to any agency, body or entity.

§ 154. Section 444-e of the real property law, as added by chapter 461 of the laws of 2004, paragraphs (b) and (c) of subdivision 1 and subdivision 3 as amended by chapter 225 of the laws of 2005, is amended to read as follows:
§ 444-e. Qualifications for licensure. 1. An applicant for a license as a home inspector shall:
(a) have successfully completed high school or its equivalent; and
(b) (i) have successfully completed a course of study of not less than one hundred forty hours approved by the secretary[, in consultation with the council], of which at least forty hours shall have been in the form of unpaid field based inspections in the presence of and under the direct supervision of a home inspector licensed by the state of New York or a professional engineer or architect regulated by the state of New York who oversees and takes full responsibility for the inspection and any report provided to a client; or
(ii) have performed not less than one hundred home inspections in the presence of and under the direct supervision of a home inspector licensed by the state of New York or a professional engineer or architect regulated by the state of New York who oversees and takes full responsibility for the inspection and any report provided to a client; and
(c) have passed a written or electronic examination approved by the secretary[, in consultation with the council,] and designed to test competence in home inspection practice as determined by a recognized role definition methodology and developed and administered to the extent practicable in a manner consistent with the American Educational Research Association's "Standards for Educational and Psychological Testing." An applicant who has passed an existing nationally recognized examination, as approved by the secretary, prior to the effective date of this article shall be in compliance with this paragraph; and
(d) pay the applicable fees.

2. The provisions of this section shall not apply to a person performing a home inspection pursuant to subparagraph (ii) of paragraph (b) of subdivision one of this section for the purpose of meeting requirements for a home inspector license.

3. Upon submission of an application and payment of the application and licensure fee to the secretary, the secretary shall issue a home inspector's license to a person who holds a valid license as a home inspector issued by another state or possession of the United States or the District of Columbia which has standards substantially equivalent to those of this state as determined by the secretary[, in consultation with the council].
4. On or before the effective date of this article, the secretary shall, upon application, issue a home inspector license to a person who:

(a) meets the requirements of paragraphs (a) and (c) of subdivision one of this section and has performed one hundred or more home inspections for compensation within two years prior to the effective date of this section; or

(b) meets the requirements of paragraph (a) of subdivision one of this section and has been engaged in the practice of home inspection for compensation for not less than three years prior to the effective date of this section during which such person has performed two hundred fifty home inspections for compensation within three years prior to the effective date of this section; or

(c) has education and experience which the secretary[, in consultation with the council,] considers equivalent to that required pursuant to paragraphs (a) and (b) of this subdivision.

§ 155. Subdivision 1 of section 444-f of the real property law, as amended by chapter 225 of the laws of 2005, is amended to read as follows:

1. Home inspector licenses and renewals thereof shall be issued for a period of two years, except that the secretary may, in order to stagger the expiration date thereof, provide that those licenses first issued or renewed after the effective date of this section shall expire or become void on a date fixed by the secretary, not sooner than six months nor later than twenty-nine months after the date of issue. No renewal of a license shall be issued unless the applicant has successfully completed a course of continuing education approved by the secretary[, in consultation with the council].

§ 156. Subdivision 1 of section 444-k of the real property law, as added by chapter 461 of the laws of 2004, is amended to read as follows:

1. Every licensed home inspector who is engaged in home inspection shall secure, maintain, and file with the secretary proof of a certificate of liability coverage, which terms and conditions shall be determined by the secretary [in consultation with the council].

§ 157. Section 444-l of the real property law, as added by chapter 461 of the laws of 2004, is amended to read as follows:

§ 158. Intentionally omitted.

§ 159. Intentionally omitted.

§ 160. Subdivisions 1 and 5 of section 846-k of the executive law, as added by chapter 170 of the laws of 1994, are amended to read as follows:

1. ["Board" means the New York motor vehicle theft and insurance fraud prevention board] "Commissioner" means the commissioner of the division of criminal justice services.

5. "Provider agency" means a locality, governmental agency, or not-for-profit organization of any character that provides one or more motor vehicle theft or insurance fraud prevention or driver safety activities in accordance with a plan approved by the [board] commissioner.

§ 161. Section 846-l of the executive law, as added by chapter 170 of the laws of 1994, subdivision 2 as amended by section 3, paragraph (e) of subdivision 3 as amended by section 4, and paragraph (h) of subdivision 3 as amended by section 5 of part T of chapter 57 of the laws of 2000, is amended to read as follows:
§ 846-l. New York motor vehicle theft and insurance fraud prevention program. 1. There is hereby created in the division of criminal justice services the New York motor vehicle theft and insurance fraud prevention board (hereinafter "board"), which shall consist of the following members:
(a) The commissioner of criminal justice services (hereinafter "commissioner"), or his designee, who shall serve as the voting chairperson of the board;
(b) Three voting members appointed by the governor on the recommendation of the speaker of the assembly provided, however, that no more than two such appointments made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section.
(c) Three voting members appointed by the governor on the recommendation of the temporary president of the senate provided, however, that no more than two such appointments made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section.
(d) Five voting members appointed by the governor provided, however, that no more than two such appointments made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section.
2. The members of the board appointed on the recommendation of the speaker of the assembly and the temporary president of the senate, and the members of the board appointed by the governor pursuant to paragraph (d) of subdivision one of this section, shall be representative of consumers of motor vehicle insurance, motor vehicle insurance companies, law enforcement agencies and the judicial system. The appointments shall be made not later than one hundred eighty days after the date on which this section shall have become law. Members of the board who are not public officials shall serve for a term of four years. Members of the board shall serve without compensation, except that members of the board who are not public officials shall be entitled to receive reasonable reimbursement for expenses incurred by them in performance of their duties as members of the board. A majority of the members of the board shall constitute a quorum for the transaction of business at a meeting. Action may be taken by the board at a meeting upon a vote of the majority of its members present. Every member of the board shall be entitled to designate a representative to attend, in his or her place, a meeting of the board and to vote or otherwise act in his or her behalf, provided, however, that a member may not designate such a representative more than once each year. Written notice of such designation shall be furnished to the board by the designating member prior to any meeting attended by his or her representative. Any such representative shall serve at the pleasure of the designating member. No such representative shall be authorized to delegate any of his or her duties or functions to any other person. The board shall meet at least four times each year, and at other times at the call of the chairperson or upon the written request of two-thirds of the members of the board.
3. The demonstration program.
2. In furtherance of the program, the commissioner shall, pursuant to the recommendation of the board, have the power and duty to:
(a) Make, execute, and deliver contracts, conveyances, and other instruments necessary to effect the purposes and objectives of the program;
(b) Accept any grant, including federal grants, or any other contributions for the purposes of the program. Any moneys so received shall be expended by the commissioner for the program's purposes, pursuant to appropriation and subject to the applicable provisions of the state finance law;

(c) Make grants pursuant to a request for proposals process;

(d) Appoint such employees and agents as the commissioner may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties;

(e) Request from the division of state police, from county or municipal police departments and agencies, from the department of insurance, from the department of motor vehicles, from the office of court administration, from any other state department or agency or public authority, or from any insurer which offers motor vehicle insurance such assistance and data as are useful for the purposes and objectives of the program;

(f) Cooperate with and assist political subdivisions of the state in the development of local programs to prevent motor vehicle theft and insurance fraud;

(g) Advise and assist the superintendent of insurance pursuant to section two thousand three hundred forty-eight of the insurance law;

(h) Submit, no later than February fifteenth of each year to the governor and the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee, a written report on the [board's] division's activities, the activities of grant recipients, the results achieved by the grant recipients in improving the detection, prevention or reduction of motor vehicle theft and insurance fraud and the impact such efforts may have on motor vehicle insurance rates.

§ 162. Subdivision 1 of section 846-m of the executive law, as amended by section 6 of part T of chapter 57 of the laws of 2000, is amended to read as follows:

1. In accordance with the legislative intent of this article, the commissioner shall develop a plan of operation which shall provide for a coordinated approach to curtailing motor vehicle theft and motor vehicle insurance fraud throughout the state. The plan shall provide an integrated means to detect, prevent, deter and reduce motor vehicle theft and motor vehicle insurance fraud by providing funds, upon the recommendation of the board and approved by the commissioner, to meet these objectives. The plan of operation shall include but not be limited to: an assessment of the scope of the problem of motor vehicle theft and motor vehicle insurance fraud, including a regional analysis of the incidence of motor vehicle theft and motor vehicle insurance fraud and related activities; an analysis of various methods of combating the problem; and the development of a request for proposals process, consistent with the plan, for applications from provider agencies to receive grants from the fund.

§ 163. Paragraph (c) of subdivision 2 of section 846-m of the executive law, as amended by section 6 of part T of chapter 57 of the laws of 2000, is amended to read as follows:

(c) In allocating the moneys for the program, the commissioner, upon recommendation of the board, shall, to the greatest extent possible, take into account the geographic incidence of motor vehicle theft and insurance fraud, whereby localities with the greatest incidence of motor vehicle theft and insurance fraud shall be targeted for the purposes of this program.
§ 164. Subdivision 4 of section 89-d of the state finance law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

4. The moneys received by such fund shall be expended pursuant to appropriation only to fund provider agencies which have been awarded grants [by] pursuant to the motor vehicle theft and insurance fraud prevention [board] demonstration program established pursuant to section eight hundred forty-six-l of the executive law. All moneys expended pursuant to this subdivision shall be for the reimbursement of costs incurred by provider agencies.

§ 165. Section 844-a of the executive law is REPEALED.

§ 166. Section 160-a of the executive law, as amended by chapter 397 of the laws of 1991, and paragraph (c) of subdivision 6 as added by chapter 241 of the laws of 1999, is amended to read as follows:

§ 160-a. Definitions. As used in this article the following terms shall mean:

1. "Analysis" is a study of real estate or real property other than estimating value.
2. "Appraisal" or "real estate appraisal" means an analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis.
4. ["Board" means the state board of real estate appraisal established pursuant to the provisions of section one hundred sixty-c of this article.
5.] (a) "Certified appraisal" or "certified appraisal report" means an appraisal or appraisal report given or signed and certified as such by a certified real estate appraiser. When identifying an appraisal or appraisal report as "certified", the state certified real estate appraiser must indicate which type of certification is held. A certified appraisal or appraisal report represents to the public that it meets the appraisal standards defined in this article.
(b) "Licensed appraisal" or "licensed appraisal report" means an appraisal or appraisal report given or signed and authenticated as such by a licensed real estate appraiser. A licensing appraisal or appraisal report represents to the public that it meets the appraisal standards as prescribed by the [board] department.

[6.] 5. (a) "State certified real estate appraiser" means a person who develops and communicates real estate appraisal and who holds a current, valid certificate issued to him or her for either general or residential real estate under the provisions of this article.
(b) "State licensed real estate appraiser" means a person who develops and communicates real property appraisals and who holds a current valid license issued to him or her for residential real property under the provisions of this article.
(c) "State licensed real estate appraiser assistant" means a person who assists and is supervised by a state licensed real estate appraiser or state certified real estate appraiser and who holds a current valid license issued to him or her under the provisions of this article.

[7.] 6. "Department" shall mean the department of state.
[8.] 7. "Real estate" means an identified parcel or tract of land, including improvements, if any.
[9.] 8. "Real property" means one or more defined interests, benefits and rights inherent in the ownership of real estate.
§ 167. Section 160-c of the executive law is REPEALED.

§ 168. Section 160-d of the executive law, as amended by chapter 397 of the laws of 1991, subdivision 1 as amended by chapter 241 of the laws of 1999, is amended to read as follows:

§ 160-d. Powers of the [board] department. 1. The [board] department shall adopt rules and regulations in aid or furtherance of this article and shall have the following powers and duties:

a. To define, with respect to each category of state certified real estate appraisers, state licensed real estate appraisers, and state licensed real estate appraiser assistants, the type of educational experience, appraisal experience and equivalent experience that will meet the statutory requirements of this article, provided, however, that in no event shall the experience, education and examination requirements adopted by the [board] department be less than the minimum criteria established by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council or by the Appraiser Qualification Board of the Appraisal Foundation as referred to in title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989;

b. To establish examination specifications consistent with the standards of the Appraisal Qualifications Board of the Appraisal Foundation for state licensed real estate appraiser assistants, state licensed real estate appraisers and each category of state certified real estate appraisers, to provide or procure appropriate examination questions and answers and to establish procedures for grading examinations;

c. To define, with respect to state licensed real estate appraiser assistants, state licensed real estate appraisers and each category of state certified real estate appraisers, the continuing education requirements for the renewal of a license or a certification that will meet the statutory requirements provided in this article;

d. To review the standards for the development and communication of real estate appraisals provided in this article and to adopt regulations explaining and interpreting such standards, provided, however, that such standards must, at a minimum, conform to the uniform standards of professional appraisal as promulgated by the Appraisal Standards Board of the Appraisal Foundation; and

e. To prescribe the scope of practice for state licensed real estate appraiser assistants, state licensed real estate appraisers and each category of state certified real estate appraisers, provided, however, that in no event shall the scope of practice prescribed by the [board] department be less than the scope of practice established by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council or by the Appraiser Qualification Board of the Appraisal Foundation as referred to in title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989;

f. To perform such other functions and duties as may be necessary in carrying out the provisions of this article.

2. The [board] department shall promulgate rules and regulations prescribing the form and content of each appraisal report. Such rules and regulations shall include but are not limited to the following requirements:

a. Each appraisal report shall clearly and accurately disclose any extraordinary assumption or limited condition that directly affects an appraisal.
b. Each written appraisal report shall comply with the following specific reporting guidelines:

(1) Identify and describe the real estate being appraised;
(2) Identify the real property being appraised;
(3) Define the opinion that is the purpose of the appraisal and describe the scope of the appraisal;
(4) Set forth the effective date of the opinion and the date of the appraisal report;
(5) Set forth the appraiser's opinion of the highest and best use of the real estate being appraised when such an opinion is necessary and appropriate;
(6) Set forth the appraisal procedure followed, the data considered and the reasoning that supports the analyses, opinions and conclusions;
(7) Set forth all assumptions and limiting conditions that affect the analyses, opinions and conclusions in the appraisal report; and
(8) Set forth any additional information that may be appropriate to show compliance with, and identify permitted departures from, the requirements for the development of appraisals as provided in this article or as established by the [board] department.

3. The [board] department shall establish standards of developing an appraisal. Such standards shall, among other things, state the following guidelines:

a. All state certified or licensed real estate appraisers conducting certified or licensed appraisals, performing appraisal service or issuing an appraisal shall:

(1) Be aware of, understand and correctly employ those recognized appraisal methods and techniques that are necessary to produce a credible analysis, opinion or conclusion;
(2) Not commit a substantial error or omission of commission which results from a significant departure from the recognized appraisal methods and techniques;
(3) Not commit a substantial error or omission of commission that significantly affects an analysis, opinion or conclusion;
(4) Identify the real estate and real property under consideration, define the opinion that is the purpose of the appraisal, consider the scope of the appraisal service and identify the effective date of the opinion;
(5) Identify and consider the appropriate procedures and market data required to perform the appraisal service, where appropriate;
(6) Consider the effect on use and value of the following factors: existing land use regulations, reasonably probable modifications of land use regulations, economic demand, the physical adaptability of the property, neighborhood trends and the highest and best use of the property;
(7) Consider the effect on the property being appraised of anticipated public or private improvements, located on or off the site, to the extent that market actions reflect the anticipated improvements as of the effective appraisal date;
(8) Recognize that land may be appraised as though vacant and available for development and that the appraisal of improvements is based on their actual contributions to the site;
(9) Appraise proposed improvements only after examining and having available for future examination plans, specifications or other documentation sufficient to identify the scope and character of the proposed improvements, evidence indicating the probable time of completion of the proposed improvements, and reasonably clear and appropriate evidence.
supporting development costs, anticipated earnings, occupancy projec-
tions and the anticipated competition at the time of completion; and
(10) Base estimates of anticipated future rent and expenses for the
real estate and real property being appraised on reasonably clear and
appropriate evidence.

b. In addition to the foregoing, an appraiser shall define the value
being considered. If the value estimate is a statement or estimate of
market value, he or she shall clearly indicate whether the statement or
estimate is the most probable price in terms of cash or financial
arrangements equivalent to cash or other terms as may be precisely
defined. If an estimate of value is based on submarket financing or
financing with unusual conditions or incentives, the terms of such a
typical financing shall be clearly set forth, their contributions to, or
negative influence on value shall be described and estimated, and the
market data supporting the valuation estimate shall be described and
explained.

c. For each real property appraisal analysis, opinion or conclusion
that contains an estimate of value, a state certified or licensed real
estate appraiser shall observe all of the following specific real prop-
erty appraisal guidelines:
(1) Consider whether an appraised fractional interest, physical
segment or partial holding contributes pro rata to the value of the
whole;
(2) Identify any personal property or other items that are not real
estate but are included with or considered in connection with real
estate being appraised and contribute to the total value estimate or
conclusion;
(3) Consider and analyze any current agreement of sale, option or
listing of the real estate and real property being appraised, if the
information is available to the person in the normal course of business;
(4) Consider and analyze any prior sales of the property being
appraised that occurred within one year;
(5) When estimating the value of a leased fee estate or a leasehold
estate, analyze and consider the effect on value, if any, of the terms
and conditions of the lease; and
(6) Give careful consideration to the effect on value, if any, of the
assemblage of the various estates or component parts of an estate and
refrain from estimating the value of the whole solely by adding together
the individual values of its various estates or component parts.

d. In developing a review appraisal, a state certified or licensed
real estate appraiser shall observe all of the following specific
appraisal guidelines:
(1) Identify the appraisal report being reviewed, the real estate
being appraised, the real property being appraised, the effective date
of the opinion in the original report, the date of the original report
and the date of the review;
(2) Identify the scope of the review process to be conducted, includ-
ing a determination of whether or not it is appropriate or essential to
inspect the appraised property and the data presented;
(3) Form an opinion as to the adequacy and relevance of the data used
and the propriety of any adjustment made;
(4) Form an opinion as to whether or not the appraisal methods and
techniques used were appropriate and, if not, the reasons for the
person's disagreement with the original appraisal; and
(5) Form an opinion as to whether or not the analyses, opinions or
conclusions in the report being reviewed are correct or appropriate and,
if not, state his or her analyses, opinions or conclusions and his or her reasons for disagreement with the original appraisal.

e. In developing an appraisal for an employer or a client, a state certified or licensed real estate appraiser shall carefully consider and determine whether the appraisal service to be performed is intended to result in an analysis, opinion or conclusion of a disinterested third party and therefore would be classified as an appraisal assignment as defined in subdivision two of section one hundred sixty-x of this article. If the appraisal service to be performed is not intended to result in an analysis, opinion or conclusion of a disinterested third party, the person shall then carefully consider whether or not he or she would be perceived by third parties or the public as acting as a disinterested third party.

f. Prior to entering into an agreement to perform a real property appraisal service, a state certified or licensed real estate appraiser shall carefully consider the knowledge and experience that will be required to complete the appraisal service competently and either:

(1) Have the knowledge and experience necessary to complete the appraisal service competently; or

(2) Immediately disclose the lack of knowledge or experience to the client and take all steps necessary to complete the appraisal service competently.

g. A state certified or licensed real estate appraiser may enter into an agreement to perform a real property appraisal service that calls for something less than, or different from, the work that would otherwise be required by the specific appraisal guidelines, provided that prior to entering into the agreement, he or she has done all of the following:

(1) The state certified or licensed real estate appraiser has determined that the appraisal service to be performed is not so limited in scope that the resulting analysis, opinion or conclusion concerning real estate or real property would tend to mislead or confuse the client, the users of the appraisal report or the public; and

(2) The state certified or licensed real estate appraiser has advised the client that the appraisal service calls for something less than, or different from, the work required by the specific appraisal guidelines, and therefore the appraisal report will include a qualification that reflects the limited or differing scope of the appraisal service.

§ 169. Section 160-e of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:

§ 160-e. [Powers] Additional powers of the department. The department shall have the following additional powers and duties:

1. To receive applications for certification and licensing;

2. To establish the administrative procedures for processing applications for certification and licensing;

3. To approve or disapprove applications for certification or license and issue certificates or licenses;

4. To maintain a registry of the names and addresses of people certified or licensed under this article;

5. To retain records and all application materials submitted to it;

6. To approve courses and seminars for original certification or licensing and continuing education to ensure that the same are consistent with the standards established by the [board] department, or equivalent to those required by such standards;

7. [To assist the board in such other manner as the board may request;

8. To establish administrative procedures for disciplinary proceedings conducted pursuant to the provisions of this article; and
§ 170. Subdivision 1 of section 160-g of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:
1. Applications for original certification and recertification, original license and renewal of license, and examinations shall be made in writing to the department on forms approved by the [board] department.

§ 171. Subdivision 1 of section 160-h of the executive law, as amended by chapter 241 of the laws of 1999, is amended to read as follows:
1. There shall be one class of license for state licensed real estate appraiser assistants, one class of license for state licensed real estate appraisers and two classes of certification for state certified real estate appraisers. The classes of certification shall be state certified residential real estate appraiser and state certified general real estate appraiser. The [board] department shall prescribe the scope of practice for each license and both classes of certification, provided, however, that in no event shall the scope of practice prescribed by the [board] department be less than the minimum criteria established by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council or by the Appraiser Qualification Board of the Appraisal Foundation as referred to in title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

§ 172. Section 160-j of the executive law, as amended by chapter 248 of the laws of 2007, is amended to read as follows:
1. Certified general classification. As a prerequisite to taking the examination for certification as a state certified general real estate appraiser, an applicant shall present evidence satisfactory to the [board] department that he or she has fulfilled the minimum education and experience requirements for such certification examination as established by the [board] department, which shall not be less than the minimum criteria established by the Appraiser Qualification Board pursuant to Title XI of the Financial Institution Reform, Recovery and Enforcement Act of 1989.
2. Certified residential classification. As a prerequisite to taking the examination for certification as a state certified residential real estate appraiser, an applicant shall present evidence satisfactory to the [board] department that he or she has fulfilled the minimum education and experience requirements for such certification examination as established by the [board] department, which shall not be less than the minimum criteria established by the Appraiser Qualification Board pursuant to Title XI of the Financial Institution Reform, Recovery and Enforcement Act of 1989.
3. Licensed classification. As a prerequisite to taking the examination for licensing as a state licensed real estate appraiser, an applicant shall present evidence satisfactory to the [board] department that he or she has fulfilled the minimum education and experience requirements for such certification examination as established by the [board] department, which shall not be less than the minimum criteria established by the Appraiser Qualification Board pursuant to Title XI of the Financial Institution Reform, Recovery and Enforcement Act of 1989.

§ 173. Subdivision 1 of section 160-k of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:
1. An original certification of a state certified real estate appraiser, or an original license of a state licensed real estate appraiser, shall not be issued to any person who does not possess the
equivalent of two years of appraisal experience in real property appraisal as defined by the [board] department supported by adequate written reports. Such experience may include fee and staff appraisal, ad valorem tax appraisal, review appraisal, appraisal analysis, highest and best use analysis, feasibility analysis or study, and teaching of appraisal courses at a university, college, or junior college when such courses have a duration of not less than ten weeks.

§ 174. Subdivision 2 of section 160-m of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:

2. When a nonresident of this state, certified or licensed under the laws of his resident state, the certification and licensing process of which has not been disapproved by the appraisal subcommittee of the federal financial institutions examination council, does not maintain an office for providing appraisal services to clients in this state, and has complied with subdivision one of this section, such nonresident may, upon recommendation of the [board] department, pursuant to such temporary licensing rules or regulations as the [board] department may promulgate, provide certified or licensed appraisals. No temporary certificate or license shall be valid for a duration greater than one year after the date of issue. Any person performing, or seeking to perform, federally related appraisals shall be liable for, and pay, all fees, rated proportionately, which would apply to such person were he or she a resident of this state.

§ 175. Subdivision 4 of section 160-m of the executive law, as added by chapter 397 of the laws of 1991, is amended to read as follows:


§ 176. Section 160-n of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:

§ 160-n. Nonresident certification and licensing by reciprocity. If, in the determination of the [board] department, the certification or licensing process has not been disapproved by the appraisal subcommittee of the federal financial institutions examination council, an applicant who is certified under the laws of such other state may obtain a certificate as a state certified real estate appraiser or a license as a state licensed real estate appraiser in this state upon such terms and conditions as may be determined by the department.

§ 177. Subdivision 1 of section 160-r of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:

1. A certificate or license issued under authority of this article shall bear the signature of the [executive secretary of the board] secretary of state and a certificate or license number assigned by the department.

§ 178. Subdivision 4 of section 160-t of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:

4. The secretary of state or her duly appointed designee shall adopt regulations [upon recommendation by the board] for implementations of the provisions of this article to assure that persons renewing their certifications as state certified real estate appraisers or licenses as state licensed real estate appraisers have current knowledge of real property appraisal theories, practices and techniques which will provide a high degree of service and protection to those members of the public with whom they deal in a professional relationship under authority of
the certification or license. The regulations shall prescribe the following:
a. Policies and procedures for obtaining departmental approval of
courses of instruction pursuant to subdivision two of this section;
b. Standards, policies and procedures to be applied by the department
evaluating applicant's claims of equivalency in accordance with
subdivision three of this section;
c. Standards, monitoring methods and systems for recording attendance
to be employed by course sponsors as a prerequisite to department
approval of courses for credit.

§ 179. Subdivision 5 of section 160-t of the executive law, as amended
by chapter 397 of the laws of 1991, is amended to read as follows:
5. In adopting regulations pursuant to paragraph a of subdivision four
of this section, the [board] department shall give favorable consider-
ation to courses of instruction, seminars and other real property
appraisal educational courses or programs previously or hereafter devel-
oped by or under the auspices of professional appraisal organizations
and utilized by those associations for purposes of designation or indi-
cating compliance with the continuing education requirements of such
organizations.

§ 180. Subdivision 8 of section 160-t of the executive law, as added
by chapter 241 of the laws of 1999, is amended to read as follows:
8. The [board] department shall prescribe the continuing education
requirements for licensed real estate appraiser assistants; provided,
however, that in no event shall such requirements be less than the mini-
imum criteria established by the Appraisal Subcommittee of the Federal
Financial Institutions Examination Council or by the Appraiser Quali-
fication Board of the Appraisal Foundation as referred to in title XI of

§ 181. Paragraph i of subdivision 1 of section 160-u of the executive
law, as amended by chapter 397 of the laws of 1991, is amended to read
as follows:
i. Willfully disregarding or violating any of the provisions of this
article or the regulations of the [board] department for the adminis-
tration and enforcement of the provisions of this article;

§ 182. Subdivision 3 of section 160-z of the executive law, as amended
by chapter 397 of the laws of 1991, is amended to read as follows:
3. All records required to be maintained under the provisions of this
article shall be made available by the state certified or licensed real
estate appraiser for inspection and copying by the [board] department on
reasonable notice to such appraiser. All such records copied by the
[board] department shall be kept confidential, except where disclosure
of same is required by law or mandate of a court.

§ 183. Section 160-aa of the executive law, as added by chapter 397 of
the laws of 1991, is amended to read as follows:
§ 160-aa. Transitional licensing. Consistent with the intent and
purpose of this article, and without the disapproval of the appraisal
subcommittee of the federal financial institutions examination council,
the [board] department may prescribe requirements for transitional
licenses which shall expire no later than January first, nineteen
hundred ninety-three.

§ 184. Subdivision 6 of section 870-e of the labor law, as added by
chapter 368 of the laws of 2006, is amended as follows:
6. The commissioner shall, in consultation with the carnival, fair
and amusement park safety advisory board as established under section
eight hundred seventy-n of this article, as added by a chapter of the
laws of two thousand six,] establish rules and regulations providing standards for the design, manufacture, testing, inspection, quality assurance and terminology of amusement devices. The rules and regulations established pursuant to this subdivision shall be consistent with the national standards for amusement devices, as established by the American Society of Testing and Materials.

§ 185. Section 870-n of the labor law is REPEALED.

§ 186. Section 870-o of the labor law, as added by chapter 367 of the laws of 2006, is amended as follows:

§ 187. Section 2004-a of the public health law is REPEALED.

§ 188. Section 216 of the elder law is REPEALED.

§ 189. Intentionally omitted.

§ 190. Intentionally omitted.

§ 191. Intentionally omitted.

§ 192. Intentionally omitted.

§ 193. Intentionally omitted.

§ 194. Section 120 of the economic development law is REPEALED.

§ 195. Article 28 of the executive law is REPEALED.

§ 196. Section 26 of chapter 115 of the laws of 2008 creating a task force on the future of off-track betting in New York state is REPEALED.

§ 197. Section 216-b of the vehicle and traffic law is REPEALED.

§ 198. Section 209 of the elder law, subdivision 5-a as added and the opening paragraph of subdivision 8 as amended by section 2 of part E of chapter 58 of the laws of 2005, subdivision 6 as added and subdivisions 7 and 8 as renumbered by chapter 82 of the laws of 2008, is amended to read as follows:

§ 209. Naturally occurring retirement community supportive service program. 1. As used in this section:

(a) "Advisory committee" or "committee" shall mean the advisory committee convened [by] to assist the director [pursuant to subdivision three of] for the purposes specified in this section. Such committee shall be broadly representative of housing and senior citizen groups, and all geographic areas of the state.

(b) ["Elderly" or "elderly persons"] "Older adults" shall mean persons who are sixty years of age or older and who are heads of households.

(c) "Eligible applicant" shall mean a not-for-profit agency specializing in housing, health or other human services which serves or would serve the community within which a naturally occurring retirement community is located.

(d) "Eligible services" shall mean services including, but not limited to: case management, care coordination, counseling, health assessment and monitoring, transportation, socialization activities, home care facilitation and monitoring, and other services designed to address the
needs of residents of naturally occurring retirement communities by helping them extend their independence, improve their quality of life, and avoid unnecessary hospital and nursing home stays.

(e) "Government assistance" shall mean and be broadly interpreted to mean any monetary assistance provided by the federal, the state or a local government, or any agency thereof, or any authority or public benefit corporation, in any form, including loans or loan subsidies, for the construction of an apartment building or housing complex for low and moderate income persons, as such term is defined by the United States Department of Housing and Urban Development.

(f) "Naturally occurring retirement community" shall mean an apartment building or housing complex which:

(1) was constructed with government assistance;
(2) was not originally built for [elderly persons] older adults;
(3) does not restrict admissions solely to [the elderly] older adults;
(4) at least fifty percent of the units have an occupant who is [elderly] an older adult or in which at least twenty-five hundred of the residents are [elderly] older adults; and
(5) a majority of the [elderly] older adults to be served are low or moderate income, as defined by the United States Department of Housing and Urban Development.

2. A naturally occurring retirement community supportive service program is established as a demonstration program to be administered by the director.

3. The director shall [convene] be assisted by an advisory committee [to aid in developing] in the development of appropriate criteria for the selection of grantees of funds provided pursuant to this section and programmatic issues as deemed appropriate by the director. [The functions otherwise required to be performed by the advisory committee shall be performed by the director until such committee is convened; provided, however, that the director shall under no circumstances perform such functions after the expiration of six months after the effective date of this section.]

4. The criteria recommended by the committee and adopted by the director for the award of grants shall be consistent with the provisions of this section and shall include, at a minimum:

(a) the number, size, type and location of the projects to be served; provided, that the committee and director shall make reasonable efforts to assure that geographic balance in the distribution of such projects is maintained, consistent with the needs to be addressed, funding available, applications for eligible applicants, other requirements of this section, and other criteria developed by the committee and director;
(b) the appropriate number and concentration of [elderly] older adult residents to be served by an individual project; provided, that such criteria need not specify, in the case of a project which includes several buildings, the number of [elderly] older adults to be served in any individual building;
(c) the demographic characteristics of the residents to be served;
(d) the financial support required to be provided to the project by the owners, managers and residents of the housing development; provided, however, that such criteria need not address whether the funding is public or private, or the source of such support;
(e) the scope and intensity of the services to be provided, and their appropriateness for the residents proposed to be served. The criteria shall not require that the applicant agency be the sole provider of such
services, but shall require that the applicant at a minimum actively
manage the provision of such services;
(f) the experience and financial stability of the applicant agency,
provided that the criteria shall require that priority be given to
programs already in operation, including those projects participating in
the resident advisor program administered by the office, and enriched
housing programs which meet the requirements of this section and which
have demonstrated to the satisfaction of the director and the committee
their fiscal and managerial stability and programmatic success in serv-
ing residents;
(g) the nature and extent of requirements proposed to be established
for active, meaningful participation for residents proposed to be served
in project design, implementation, monitoring, evaluation and govern-
ance;
(h) an agreement by the applicant to participate in the data
collection and evaluation project necessary to complete the report
required by this section;
(i) the policy and program roles of the applicant agency and any other
agencies involved in the provision of services or the management of the
project, including the housing development governing body, or other
owners or managers of the apartment buildings and housing complexes and
the residents of such apartment buildings and housing complexes. The
criteria shall require a clear delineation of such policy and program
roles;
(j) a requirement that each eligible agency document the need for the
project and financial commitments to it from such sources as the commit-
tee and the director shall deem appropriate given the character and
nature of the proposed project, and written evidence of support from the
appropriate housing development governing body or other owners or manag-
ers of the apartment buildings and housing complexes. The purpose of
such documentation shall be to demonstrate the need for the project,
support for it in the areas to be served, and the financial and manage-
rial ability to sustain the project;
(k) a requirement that any aid provided pursuant to this section be
matched by an equal amount from other sources and that at least twenty-
five percent of such amount be contributed by the housing development
governing body or other owners or managers and residents of the apart-
ment buildings and housing complexes in which the project is proposed;
and
(l) the circumstances under which the director may waive all or part
of the requirement for provision of an equal amount of funding from
other sources required pursuant to paragraph (k) of this subdivision,
provided that such criteria shall include provision for waiver at the
discretion of the director upon a finding by the director that the
program will serve a low income or hardship community, and that such
waiver is required to assure that such community receive a fair share of
the funding available. The committee shall develop appropriate criteria
for determining whether a community is a low income or hardship commu-
ity.
5. Within amounts specifically appropriated therefor and consistent
with the criteria developed and required pursuant to this section the
director shall approve grants to eligible applicants in amounts not to
exceed one hundred fifty thousand dollars for a project in any twelve
month period. The director shall not approve more than ten grants in the
first twelve month period after the effective date of this section.
5-a. The director may, in addition recognize neighborhood naturally occurring retirement communities, or Neighborhood NORCs, and provide program support within amounts specifically available by appropriation therefor, which shall be subject to the requirements, rules and regulations of this section, provided however that:

(a) the term Neighborhood NORC as used in this subdivision shall mean and refer to a residential dwelling or group of residential dwellings in a geographically defined neighborhood of a municipality containing not more than two thousand persons who are older adults reside in at least forty percent of the units and which is made up of low-rise buildings six stories or less in height and/or single and multi-family homes and which area was not originally developed for older adults, and which does not restrict admission strictly to older adults;

(b) grants to an eligible Neighborhood NORC shall be no less than sixty thousand dollars for any twelve-month period;

(c) the director shall be assisted by the advisory committee in the development of criteria for the selection of grants provided pursuant to this section and programmatic issues as deemed appropriate by the director. [The functions otherwise required to be performed by the advisory committee shall be performed by the director until the committee is convened, or for six months after the effective date of this subdivision, whichever occurs earlier.] The criteria recommended by the committee and adopted by the director for the award of grants shall be consistent with the provisions of this subdivision and shall include, at a minimum, the following requirements or items of information using such criteria as the advisory committee and the director shall approve:

(1) the number, size, type and location of residential dwellings or group of residential dwellings selected as candidates for neighborhood NORCs funding. The director shall make reasonable efforts to assure that geographic balance in the distribution of such grants is maintained, consistent with the needs to be addressed, funding available, applications from eligible applicants, ability to coordinate services and other requirements of this section;

(2) the appropriate number and concentration of older adult residents to be served by an individual Neighborhood NORC. The criteria need not specify the number of older adults to be served in any individual building;

(3) the demographic characteristics of the residents to be served;

(4) a requirement that the applicant demonstrate the development or intent to develop community wide support from residents, neighborhood associations, community groups, nonprofit organizations and others;

(5) a requirement that the boundaries of the geographic area to be served are clear and coherent and create an identifiable program and supportive community;

(6) a requirement that the applicant commit to raising matching funds from non-state sources of fifteen percent of the state grant in the second year after the program is approved, twenty-five percent in the third year, forty percent in the fourth year, and fifty percent in the fifth year, and further commit that in each year, twenty-five percent of such required matching funds be raised within the community served. Such local community matching funds shall include but not be limited to: dues, fees for service, individual and community contributions, and such other funds as the advisory committee and the director shall deem appropriate;
(7) a requirement that the applicant demonstrate experience and financial stability;
(8) a requirement that priority in selection be given to programs in existence prior to the effective date of this subdivision which, except for designation and funding requirements established herein, would have otherwise generally qualified as a Neighborhood NORC;
(9) a requirement that the applicant conduct or have conducted a needs assessment on the basis of which such applicant shall establish the nature and extent of services to be provided; and further that such services shall provide a mix of appropriate services that provide active and meaningful participation for residents;
(10) a requirement that residents to be served shall be involved in design, implementation, monitoring, evaluation and governance of the Neighborhood NORC;
(11) an agreement by the applicant that it will participate in the data collection and evaluation necessary to complete the reporting requirements as established by the director;
(12) the policy and program roles of the applicant agency and any other agencies involved in the provision of services or the management of the Neighborhood NORC, provided that the criteria shall require a clear delineation of such policy and program roles;
(13) a requirement that each applicant document the need for the grant and financial commitments to it from such sources as the advisory committee and the director shall deem appropriate given the character and nature of the proposed Neighborhood NORC and written evidence of support from the community;
(14) the circumstances under which the director may waive all or part of the requirement for provision of an equal amount of funding from other sources required pursuant to this subdivision, provided that such criteria shall include provision for waiver at the discretion of the director upon a finding by the director that the Neighborhood NORC will serve a low income or hardship community, and that such waiver is required to assure that such community receive a fair share of the funding available. For purposes of this paragraph, a hardship community may be one that has developed a successful model but which needs additional time to raise matching funds required herein. An applicant applying for a hardship exception shall submit a written plan in a form and manner determined by the director detailing its plans to meet the matching funds requirement in the succeeding year;
(15) a requirement that any proposed Neighborhood NORC in a geographically defined neighborhood of a municipality containing more than two thousand [seniors] older adults shall require the review and recommendation by the advisory committee before being approved by the director;
(d) on or before March first, two thousand eight, the director shall report to the governor and the fiscal and aging committees of the senate and the assembly concerning the effectiveness of Neighborhood NORCs in achieving the objectives set forth by this subdivision. Such report shall address each of the items required for Neighborhood NORCs in achieving the objectives set forth in this section and such other items of information as the director shall deem appropriate, including recommendations concerning continuation or modification of the program, and any recommendations from the advisory committee.
(e) in providing program support for Neighborhood NORCs as authorized by this subdivision, the director shall in no event divert or transfer funding for grants or program support from any naturally occurring...
6. The director may allow services provided by a naturally occurring 
retirement community supportive service program or by a neighborhood 
naturally occurring retirement community to also include services to 
residents who live in neighborhoods contiguous to the boundaries of the 
geographic area served by such programs if: (a) the persons served are 
elderly persons; (b) the services affect the health and 
welfare of such persons; and (c) the services are provided on a one-time 
basis in the year in which they are provided, and not in a manner which 
is said or intended to be continuous. The director may also consent to 
the provision of such services by such program if the program has 
received a grant which requires services to be provided beyond the 
geographic boundaries of the program. The director shall establish 
procedures under which a program may request the ability to provide such 
services.

7. The director shall promulgate rules and regulations as necessary to 
carry out the provisions of this section.

8. On or before March first, two thousand five, the director shall 
report to the governor and the finance committee of the senate and the 
ways and means committee of the assembly concerning the effectiveness of 
the naturally occurring retirement community supportive services 
program, other than Neighborhood NORCs, as defined in subdivision five-a 
of this section, in achieving the objectives set forth by this section, 
which include helping to address the needs of residents in such 
naturally occurring retirement communities, assuring access to a contin-
uum of necessary services, increasing private, philanthropic and other 
public funding for programs, and preventing unnecessary hospital and 
nursing home stays. The report shall also include recommendations 
concerning continuation or modification of the program from the director 
and the committee, and shall note any divergence between the recommenda-
tions of the director and the committee. The director shall provide the 
required information and any other information deemed appropriate to the 
report in such form and detail as will be helpful to the legislature and 
the governor in determining to extend, eliminate or modify the program 
including, but not limited to, the following:

(a) the number, size, type and location of the projects developed and 
funded, including the number, kinds and functions of staff in each 
program;
(b) the number, size, type and location of the projects proposed but 
not funded, and the reasons for denial of funding for such projects;
(c) the age, sex, religion and other appropriate demographic informa-
tion concerning the residents served;
(d) the services provided to residents, reported in such manner as to 
allow comparison of services by demographic group and region;
(e) a listing of the services provided by eligible applicants, includ-
ing the number, kind and intensity of such services; and
(f) a listing of other organizations providing services, the number, 
kind and intensity of such services, the number of referrals to such 
organizations and, to the extent practicable, the outcomes of such 
referrals.

§ 198-a. Subdivision 1 of section 210 of the elder law is amended to 
read as follows:
1. There shall be within the office an advisory committee for the 
aging, consisting of not more than [twenty-five] thirty-five members, 
appointed by the governor. In making such appointments, the governor
shall give due consideration to representation from the major regions of
the state. One member of the advisory committee shall be designated as
chairperson by the governor and shall serve as chairperson at the pleas-
ure of the governor. The advisory committee shall meet from time to time
at the call of such chairperson or the director. The director shall seek
the advice of the advisory committee with respect to the needs of the
aging and, if so requested by the director, such committee shall make
particular studies relating to the aging.

§ 199. Section 2 of the public health law is amended by adding a new
subdivision 3 to read as follows:

3. Whenever the term "public health council" occurs, or any reference
is made thereto, in any law, it shall be deemed to mean or refer to the
public health and health planning council as described in article two of
this chapter.

§ 200. Subdivision 3 of section 201 of the public health law is
amended to read as follows:

3. All the provisions of this chapter shall apply to the department
continued by this chapter and to the commissioner, the public health
council and any successor council, and to the divisions, bureaus and
officers in such department.

§ 201. Section 206 of the public health law is amended by adding a new
subdivision 27 to read as follows:

27. Notwithstanding any provision of law to the contrary, the commis-
sioner is authorized to exercise the authority of the state hospital
review and planning council to adopt, amend, or repeal rules and regu-
lations as set forth in this chapter.

§ 202. Section 220 of the public health law, as amended by chapter 301
of the laws of 1989, is amended to read as follows:

§ 220. Public health and health planning council; appointment of
members. There shall continue to be in the department a public health
and health planning council to consist of the commissioner and fourteen
members to be appointed by the governor with the advice and consent of
the senate; provided that effective December first, two thousand ten,
the membership of the council shall consist of the commissioner and
twenty-two members to be appointed by the governor. Membership on the
council shall be reflective of the diversity of the state's population
including, but not limited to, the various geographic areas and popu-
lation densities throughout the state. The members shall include repre-
sentatives of the public health system and health care providers that
comprise the state's health care delivery system, individuals with
expertise in the clinical and administrative aspects of health care
delivery, issues affecting health care consumers, health planning,
health care financing and reimbursement, health care regulation and
compliance, public health practice, and at least one member who is also
a member of the mental health services council.

§ 203. Section 221 of the public health law, as amended by chapter 301
of the laws of 1989, is amended to read as follows:

§ 221. Public health and health planning council; terms of office;
vacancies. 1. The terms of office of members of the public health and
health planning council shall be six years. The members of the council
shall continue in office until the expiration of their terms and until
their successors are appointed [and have qualified]. Such appointments
shall be made by the governor[, with the advice and consent of the
senate,] within one year following the expiration of such terms.

2. Vacancies shall be filled by appointment by the governor for the
unexpired terms within one year of the date upon which such vacancies
occur. [Any vacancy existing on the effective date of subdivision three of this section shall be filled by appointment within one year of such effective date.]

3. In making appointments to the council, the governor shall seek to ensure that membership on the council reflects the diversity of the state's population including, but not limited to the various geographic areas and population densities throughout the state.

4. Notwithstanding subdivision one of this section, of the eight members appointed or reappointed to the council on or after December first, two thousand ten, two shall serve a term of three years, two shall serve a term of four years, two shall serve a term of five years, and two shall serve a term of six years. Thereafter, members appointed or reappointed upon expiration of a term of office shall be appointed for a term of six years and shall continue in office until their successors are appointed.

§ 204. Section 222 of the public health law is amended to read as follows:

§ 222. Public health and health planning council; meetings; by-laws.
1. The public health and health planning council shall meet as frequently as its business may require, and at least twice in each year.
2. The governor shall designate one of the members of the public health and health planning council as its chair.
3. The public health and health planning council shall enact and from time to time may amend by-laws in relation to its meetings and the transactions of its business.
4. All meetings of the public health and health planning council shall in every proceeding be deemed to have been duly called and regularly held, and all regulations and proceedings to have been duly authorized unless the contrary be proved.

§ 205. Section 223 of the public health law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

§ 223. Public health and health planning council; compensation and expenses. The members of the public health and health planning council other than the commissioner of health shall receive two hundred twenty-five dollars for each day devoted to council work not to exceed two thousand seven hundred dollars in any one year plus necessary expenses] no compensation for their services, but shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties.

§ 206. Intentionally omitted.

§ 207. Section 224 of the public health law is amended to read as follows:

§ 224. Public health and health planning council; secretary, employees. The commissioner upon request of the public health and health planning council, shall designate an officer or employee of the department to act as secretary of the public health and health planning council, and shall assign from time to time such other employees as the public health and health planning council may require.

§ 208. Intentionally omitted.

§ 209. The public health law is amended by adding a new section 224-b to read as follows:

§ 224-b. Public health and health planning council; powers and duties; health care facilities and home care agencies. The public health and health planning council shall have such powers and duties as are set forth in this chapter, including the consideration of applications for the establishment and construction of health care facilities and home
care agencies licensed under articles twenty-eight, thirty-six and forty
of this chapter. In carrying out its powers and duties, the council
shall take into account the impact of its actions and recommendations on
the quality, accessibility, efficiency and cost-effectiveness of health
care throughout the state.

§ 210. The section heading and subdivisions 1, 2, 3, 4 and paragraphs
(a) and (m) of subdivision 5 of section 225 of the public health law,
subdivision 2 as added and subdivisions 3, 4 and paragraph (a) of subdi-
vision 5 as renumbered by chapter 626 of the laws of 1971, subdivision 3
as amended by chapter 617 of the laws of 1970 and paragraph (m) of
subdivision 5 as amended by chapter 894 of the laws of 1958, are amended
to read as follows:

Public health and health planning council; powers and duties; sanitary
code. 1. The public health and health planning council shall, at the
request of the commissioner, consider any matter relating to the preser-
vation and improvement of public health, and may advise the commissioner
thereon; and it may, from time to time, submit to the commissioner, any
recommendations relating to the preservation and improvement of public
health.

2. The public health and health planning council shall appoint one or
more advisory committees expert in the major areas of public health
concern, including but not limited to health education, health manpower,
economics and delivery of health service, sanitation problems and inter-
professional relationships. Members of advisory committees need not be
members of the public health and health planning council.

3. The public health and health planning council shall have no execu-
tive, administrative or appointive duties except as otherwise provided
by law.

4. The public health and health planning council shall have power by
the affirmative vote of a majority of its members to establish, and from
time to time, amend and repeal sanitary regulations, to be known as the
sanitary code of the state of New York, subject to approval by the
commissioner.

(a) deal with any matters affecting the security of life or health or
the preservation and improvement of public health in the state of New
York, and with any matters as to which the jurisdiction is conferred
upon the public health and health planning council;

(m) require that application be made for a permit to operate a farm or
food processing labor camp as defined in the sanitary code; authorize
appropriate officers or agencies to issue such a permit when the appli-
cant is in compliance with the established regulations; prescribe stand-
ards for living quarters at farm and food processing labor camps,
including provisions for sanitary conditions; light, air, and safety;
protection from fire hazards; maintenance; and such other matters as may
be appropriate for security of life or health, provided however, that
the provisions of the sanitary code established pursuant to the
provisions hereof shall apply to all farm and food processing labor
camps intended to house migrant workers and which are occupied by five
or more persons. In the preparation of such regulations, the public
health and health planning council may request and shall receive techni-
cal assistance from the board of standards and appeals of the state
department of labor and the state building code commission. Such regu-
lation shall be enforced in the same manner as are other provisions of
the sanitary code;

§ 211. Section 226 of the public health law is amended to read as
follows:
§ 226. Sanitary code; filing and publication.  1. Every regulation adopted by the public health and health planning council shall state the date on which it takes effect, and a copy thereof, duly signed by the secretary of the public health and health planning council, shall be filed as a public record in the department and in the office of the secretary of state.

2. A copy of every regulation adopted by the public health and health planning council shall be sent by the commissioner to each health officer within the state, and shall be published in such manner as the public health and health planning council may from time to time determine.

§ 212. Subdivisions 1 and 2 of section 228 of the public health law, as amended by chapter 626 of the laws of 1971, are amended to read as follows:

1. The provisions of the sanitary code, unless otherwise stated by the public health and health planning council, shall apply to and be effective in all portions of the state and shall supersede all local ordinances heretofore or hereafter enacted inconsistent therewith.

2. Each county, city, town or village, in the manner hereinafter prescribed, may enact sanitary regulations not inconsistent with the sanitary code established by the public health and health planning council.

§ 213. Section 238 of the public health law is amended by adding a new subdivision 17 to read as follows:

17. "Public health council" shall mean the public health and health planning council.

§ 214. Subdivision 3 of section 243 of the public health law, as added by chapter 757 of the laws of 1992, and such section as renumbered by chapter 443 of the laws of 1993, is amended to read as follows:

3. Meetings. a. The minority health council shall meet as frequently as its business may require, and at least twice in each year.

b. The governor shall designate one of the members of the public health and health planning council as its chair.

§ 215. Section 2801 of the public health law is amended by adding a new subdivision 11 to read as follows:

11. "Public health council" shall mean the public health and health planning council.

§ 216. Section 2801-a of the public health law, as amended by chapter 667 of the laws of 1997, subdivision 2-a as added by chapter 588 of the laws of 1998, paragraph (c) of subdivision 4 as amended by chapter 538 of the laws of 1998, subdivision 15 as added by chapter 315 of the laws of 2007, and subdivision 16 as added by section 86 of part C of chapter 58 of the laws of 2009, is amended to read as follows:

§ 2801-a. Establishment or incorporation of hospitals. 1. No hospital, as defined in this article, shall be established except with the written approval of the public health and health planning council. No certificate of incorporation of a business membership or not-for-profit corporation shall hereafter be filed which includes among its corporate purposes or powers the establishment or operation of any hospital, as defined in this article, or the solicitation of contributions for any such purpose, or two or more of such purposes, except with the written approval of the public health and health planning council, and when otherwise required by law of a justice of the supreme court, endorsed on or annexed to the certificate of incorporation. No articles of organization of a limited liability company established pursuant to the New York limited liability company law which includes among its powers or
purposes the establishment or operation of any hospital as defined in this article, shall be filed with the department of state except upon the approval of the public health and health planning council.

2. With respect to the incorporation or establishment of any hospital, as defined in this article, the public health and health planning council shall give written approval after all of the following requirements have been met. An application for approval of the proposed certificate of incorporation, articles of organization or establishment shall be filed with the public health and health planning council together with such other forms and information as shall be prescribed by, or acceptable to, the public health and health planning council. Thereafter, the public health and health planning council shall forward a copy of the proposed certificate or application for establishment, and accompanying documents, to [the state hospital review and planning council and] the health systems agency, if any, having geographical jurisdiction of the area where the proposed institution is to be located. The public health and health planning council shall act upon such application after [the state council and] the health systems agency have had a reasonable time to submit their recommendations. At the time members of the public health and health planning council are notified that an application is scheduled for consideration, the applicant and the health systems agency shall be so notified in writing. The public health and health planning council shall afford the applicant an opportunity to present information in person concerning the application to a committee designated by the council. The public health and health planning council shall not take any action contrary to the advice of [either the state council or] the health systems agency until it affords to [either] the health system's agency an opportunity to request a public hearing and, if so requested, a public hearing shall be held. If the public health and health planning council proposes to disapprove the application it shall afford the applicant an opportunity to request a public hearing. The public health and health planning council may hold a public hearing on the application on its own motion. Any public hearing held pursuant to this subdivision may be conducted by the public health and health planning council, or by any individual designated by the public health and health planning council. Beginning on January first, nineteen hundred ninety-four, and each year thereafter, a complete application received between January first and June thirtieth of each year shall be reviewed by the appropriate health systems agency and the department and presented to the [state hospital review and public health and health planning council for its consideration prior to June thirtieth of the following year and a complete application received between July first and December thirty-first of each year shall be reviewed by the appropriate health systems agency and the department presented to the state hospital review and planning council for consideration prior to December thirty-first of the following year.

2-a. (a) Notwithstanding any provision of law to the contrary, the commissioner is authorized to approve a certificate of incorporation or articles of organization for establishment of a hospital, provided that:

(i) the certificate of incorporation or articles of organization reflects solely a change in the form of the business organization of an existing entity which had been approved by the public health and health planning council or its predecessor; and (ii) every incorporator, stockholder, member, director and sponsor of the new entity shall have been an owner, partner, incorporator, stockholder, member, director or sponsor of the existing entity; and (iii) the distribution of ownership,
interests and voting rights in the new entity shall be the same as in
the existing entity; and (iv) there shall be no change in the operator
of a hospital other than the form of its business organization, as a
result of the approval of such certificate of incorporation or articles
of organization. Any approval by the public health and health planning
council of a person as an owner, incorporator, stockholder, member,
director or sponsor in the existing entity shall be deemed to be
approval for the same degree of participation in the new entity. If the
proposal is acceptable to the commissioner an amended operating certif-
icate shall be issued. In the event the commissioner determines that the
proposed transfer is not approvable the application shall be referred to
the public health and health planning council for its review and action.
If the public health and health planning council proposes to disapprove
the application, it shall afford the applicant an opportunity to request
a public hearing and, if so requested, a public hearing shall be held.
Any public hearing held pursuant to this subdivision may be conducted by
the public health and health planning council, or by any individual
designated by the public health and health planning council.

3. The public health and health planning council shall not approve a
certificate of incorporation, articles of organization or application
for establishment unless it is satisfied, insofar as applicable, as to
(a) the public need for the existence of the institution at the time and
place and under the circumstances proposed, provided, however, that in
the case of an institution proposed to be established or operated by an
organization defined in subdivision one of section one hundred seventy-
two-a of the executive law, the needs of the members of the religious
denomination concerned, for care or treatment in accordance with their
religious or ethical convictions, shall be deemed to be public need; (b)
the character, competence, and standing in the community, of the
proposed incorporators, directors, sponsors, stockholders, members or
operators; with respect to any proposed incorporator, director, sponsor,
stockholder, member or operator who is already or within the past ten
years has been an incorporator, director, sponsor, member, principal
stockholder, principal member, or operator of any hospital, private
proprietary home for adults, residence for adults, or non-profit home
for the aged or blind which has been issued an operating certificate by
the state department of social services, or a halfway house, hostel or
other residential facility or institution for the care, custody or
treatment of the mentally disabled which is subject to approval by the
department of mental hygiene, no approval shall be granted unless the
public health and health planning council, having afforded an adequate
opportunity to members of health systems agencies having geographical
jurisdiction of the area where the institution is to be located to be
heard, shall affirmatively find by substantial evidence as to each such
incorporator, director, sponsor, principal stockholder or operator that
a substantially consistent high level of care is being or was being
rendered in each such hospital, home, residence, halfway house, hostel,
or other residential facility or institution with which such person is
or was affiliated; for the purposes of this paragraph, the public health
and health planning council shall adopt rules and regulations, subject
to the approval of the commissioner, to establish the criteria to be
used to determine whether a substantially consistent high level of care
has been rendered, provided, however, that there shall not be a finding
that a substantially consistent high level of care has been rendered
where there have been violations of the state hospital code, or other
applicable rules and regulations, that (i) threatened to directly affect
the health, safety or welfare of any patient or resident, and (ii) were recurrent or were not promptly corrected; (c) the financial resources of the proposed institution and its sources of future revenues; and (d) such other matters as it shall deem pertinent.

3-a. Notwithstanding any other provisions of this chapter, the public health council is hereby empowered to approve the establishment, for demonstration purposes, of not more than one existing hospital within the geographical jurisdiction of each health systems agency established under the provisions of subdivision (c) of section twenty-nine hundred four of this chapter. The purposes of such hospitals shall be to offer and provide nursing home services, board and lodging to persons requiring such services within one hospital. The public health council may approve the establishment of such hospitals without regard to the requirement of public need as set forth in subdivision three of this section.

4. (a) Any change in the person who is the operator of a hospital shall be approved by the public health and health planning council in accordance with the provisions of subdivisions two and three of this section. Notwithstanding any inconsistent provision of this paragraph, any change by a natural person who is the operator of a hospital seeking to transfer part of his or her interest in such hospital to another person or persons so as to create a partnership shall be approved in accordance with the provisions of paragraph (b) of this subdivision.

(b) (i) Any transfer, assignment or other disposition of ten percent or more of an interest or voting rights in a partnership or limited liability company, which is the operator of a hospital to a new partner or member, shall be approved by the public health and health planning council, in accordance with the provisions of subdivisions two and three of this section, except that: (A) any such change shall be subject to the approval by the public health and health planning council in accordance with paragraph (b) of subdivision three of this section only with respect to the new partner or member, and any remaining partners or members who have not been previously approved for that facility in accordance with such paragraph, and (B) such change shall not be subject to paragraph (a) of subdivision three of this section.

(ii) With respect to a transfer, assignment or disposition involving less than ten percent of an interest or voting rights in such partnership or limited liability company to a new partner or member, no prior approval of the public health and health planning council shall be required. However, no such transaction shall be effective unless at least ninety days prior to the intended effective date thereof, the partnership or limited liability company fully completes and files with the public health and health planning council notice on a form, to be developed by the public health and health planning council, which shall disclose such information as may reasonably be necessary for the public health and health planning council to determine whether it should bar the transaction for any of the reasons set forth in item (A), (B), (C) or (D) below. Within ninety days from the date of receipt of such notice, the public health and health planning council may bar any transaction under this subparagraph: (A) if the equity position of the partnership or limited liability company, determined in accordance with generally accepted accounting principles, would be reduced as a result of the transfer, assignment or disposition; (B) if the transaction would result in the ownership of a partnership or membership interest by any persons who have been convicted of a felony described in subdivision five of section twenty-eight hundred six of this article; (C) if there
are reasonable grounds to believe that the proposed transaction does not satisfy the character and competence criteria set forth in subdivision three of this section; or (D) if the transaction, together with all transactions under this subparagraph for the partnership, or successor, during any five year period would, in the aggregate, involve twenty-five percent or more of the interest in the partnership. The public health and health planning council shall state specific reasons for barring any transaction under this subparagraph and shall so notify each party to the proposed transaction.

(iii) With respect to a transfer, assignment or disposition of an interest or voting rights in such partnership or limited liability company to any remaining partner or member, which transaction involves the withdrawal of the transferor from the partnership or limited liability company, no prior approval of the public health and health planning council shall be required. However, no such transaction shall be effective unless at least ninety days prior to the intended effective date thereof, the partnership or limited liability company fully completes and files with the public health and health planning council notice on a form, to be developed by the public health and health planning council, which shall disclose such information as may reasonably be necessary for the public health and health planning council to determine whether it should bar the transaction for the reason set forth below. Within ninety days from the date of receipt of such notice, the public health and health planning council may bar any transaction under this subparagraph if the equity position of the partnership or limited liability company, determined in accordance with generally accepted accounting principles, would be reduced as a result of the transfer, assignment or disposition. The public health and health planning council shall state specific reasons for barring any transaction under this subparagraph and shall so notify each party to the proposed transaction.

(c) Any transfer, assignment or other disposition of ten percent or more of the stock or voting rights thereunder of a corporation which is the operator of a hospital or which is a member of a limited liability company which is the operator of a hospital to a new stockholder, or any transfer, assignment or other disposition of the stock or voting rights thereunder of such a corporation which results in the ownership or control of more than ten percent of the stock or voting rights thereunder of such corporation by any person not previously approved by the public health and health planning council, or its predecessor, for that corporation shall be subject to approval by the public health and health planning council, in accordance with the provisions of subdivisions two and three of this section and rules and regulations pursuant thereto; except that: any such transaction shall be subject to the approval by the public health and health planning council in accordance with paragraph (b) of subdivision three of this section only with respect to a new stockholder or a new principal stockholder; and shall not be subject to paragraph (a) of subdivision three of this section. In the absence of such approval, the operating certificate of such hospital shall be subject to revocation or suspension. No prior approval of the public health and health planning council shall be required with respect to a transfer, assignment or disposition of ten percent or more of the stock or voting rights thereunder of a corporation which is the operator of a hospital or which is a member of a limited liability company which is the owner of a hospital to any person previously approved by the public health and health planning council, or its predecessor, for that corporation. However, no such transaction shall be effective unless at least
ninety days prior to the intended effective date thereof, the stockholder completes and files with the public health and health planning council notice on forms to be developed by the public health and health planning council, which shall disclose such information as may reasonably be necessary for the public health and health planning council to determine whether it should bar the transaction. Such transaction will be final as of the intended effective date unless, prior thereto, the public health and health planning council shall state specific reasons for barring such transactions under this paragraph and shall notify each party to the proposed transaction. Nothing in this paragraph shall be construed as permitting a person not previously approved by the public health and health planning council for that corporation to become the owner of ten percent or more of the stock of a corporation which is the operator of a hospital or which is a member of a limited liability company which is the owner of a hospital without first obtaining the approval of the public health and health planning council.

(d) No hospital shall be approved for establishment which would be operated by a limited partnership, or by a partnership any of the members of which are not natural persons.

(e) No hospital shall be approved for establishment which would be operated by a corporation any of the stock of which is owned by another corporation or a limited liability company if any of its corporate members' stock is owned by another corporation.

(f) No corporation shall be a member of a limited liability company authorized to operate a hospital unless its proposed incorporators, directors, stockholders or principal stockholders shall have been approved in accordance with the provisions of subdivision three of this section applicable to the approval of the proposed incorporators, directors or stockholders of any other corporation requiring approval for establishment.

(g) A natural person appointed as trustee of an express testamentary trust, created by a deceased sole proprietor, partner or shareholder in the operation of a hospital for the benefit of a person of less than twenty-five years of age, may, as the trustee, apply pursuant to subdivision two of this section for approval to operate or participate in the operation of a facility or interest therein which is included in the corpus of such trust until such time as all beneficiaries attain the age of twenty-five, unless the trust instrument provides for earlier termination, or such beneficiaries receive establishment approval in their own right, or until a transfer of the trust corpus is approved by the public health and health planning council, in accordance with this subdivision and subdivisions two and three of this section, whichever first occurs. The public health and health planning council shall not approve any such application unless it is satisfied as to:

(i) the character, competence and standing in the community of each proposed trustee operator pursuant to the provisions of paragraph (b) of subdivision three of this section; and

(ii) the ability of the trustee under the terms of the trust instrument to operate or participate in the operation of the hospital in a manner consistent with this chapter and regulations promulgated pursuant thereto.

(h) A natural person appointed conservator pursuant to article eighty-one of the mental hygiene law, or a natural person appointed committee of the property of an incompetent pursuant to article eighty-one of the mental hygiene law or a sole proprietor, partner or shareholder of a hospital, may apply pursuant to subdivision two of this section for
approval to operate a hospital owned by the conservatee or incompetent
for a period not exceeding two years or until a transfer of the hospital
is approved by the public health and health planning council in accord-
ance with subdivisions two and three of this section, whichever occurs
first. The public health and health planning council shall not approve
any such application unless it is satisfied as to:
(i) the character, competence and standing in the community of the
proposed conservator operator or committee operator pursuant to the
provisions of paragraph (b) of subdivision three of this section; and
(ii) the ability of the conservator or committee under the terms of
the court order to operate the hospital in a manner consistent with this
chapter and regulations promulgated pursuant thereto.
5. Except as otherwise hereinafter provided, no county, city, town,
village or other governmental subdivision shall establish or create any
agency concerned with the establishment of any hospital as defined in
this article without securing the written approval of the public health
and health planning council in accordance with the requirements and
procedures of subdivisions two and three of this section with respect to
certificates of incorporation, articles of organization and establish-
ment, except that the requirements relating to the proposed incorpora-
tors, directors and sponsors shall not apply. The preceding shall not
apply to the establishment of state hospitals by the state of New York
or to the establishment of municipal hospitals by the city of New York.
6. No corporation having power to solicit contributions for charitable
purposes shall be deemed to have authority to solicit contributions for
any purpose for which the approval of the public health and health plan-
ing council is required, unless the certificate of incorporation
specifically makes provision therefor, and the written approval of the
public health and health planning council is endorsed on or annexed to
such certificate.
7. Where such approval has not been obtained the public health and
health planning council may institute and maintain an action in the
supreme court through the attorney general to procure a judgment
dissolving and vacating or annulling the certificate of incorporation of
(a) any such corporation, or
(b) any corporation hereafter incorporated, the name, purposes,
objects or the activities of which in any manner may lead to the belief
that the corporation possesses or may exercise any of such purposes.
8. No corporation heretofore formed, having among its powers the power
to solicit contributions for charitable purposes, may solicit or contin-
ue to solicit contributions for a purpose for which the approval of the
public health and health planning council is required without the writ-
ten approval of the public health and health planning council, except:
(a) a corporation which, prior to June first, nineteen hundred seventy,
had received the approval of the state board of social welfare of a
certificate of incorporation containing such power; or (b) a corpo-
arion, which prior to December first, two thousand ten, had received
the approval of the public health and health planning council of a
certificate of incorporation containing such power. If such approval is
not obtained and the corporation continues to solicit or to receive
contributions for such purpose or advertises that it has obtained such
approval, the public health and health planning council may institute
and maintain an action in the supreme court through the attorney general
to procure a judgment dissolving and vacating or annulling the certif-
icate of incorporation of any such corporation.
9. Only a natural person, a partnership or limited liability company may hereafter undertake to engage in the business of operating or conducting a hospital, as defined in this article, for profit, except that: (a) a person, partnership or corporation which owned and was operating a hospital on April fourth, nineteen hundred fifty-six, may continue to own and operate such hospital; (b) a business corporation may, with the approval of the public health council, and in accordance with the provisions of subdivisions two and three of this section, undertake to engage in the business of operating or conducting a hospital, as defined in this article for profit, provided that such corporation shall not discriminate because of race, color, creed, national origin or sponsor in admission or retention of patients; (c) a business corporation owning and operating a nursing home on May twenty-second, nineteen hundred sixty-nine, in accordance with applicable provisions of law, may continue to own and operate such nursing home; (d) a person who, or a partnership which, is operating a private proprietary nursing home in accordance with applicable provisions of law may, with the approval of the public health and health planning council, and in accordance with the provisions of subdivision three of this section and any rules and regulations thereunder form a business corporation to engage in the business of operating or conducting such nursing home, provided, however, that such corporation shall not discriminate because of race, color, creed, national origin or sponsor in admission or retention of patients; (e) a business corporation operating a nursing home, which corporation was formed with the approval of the state board of social welfare, may continue to own and operate such nursing home.

10. (a) The public health and health planning council, by a majority vote of its members, shall adopt and amend rules and regulations, to effectuate the provisions and purposes of this section, and to provide for the revocation, limitation or annulment of approvals of establishment.

(b) (i) No approval of establishment shall be revoked, limited or annulled without first offering the person who received such approval the opportunity of requesting a public hearing. (ii) The commissioner, at the request of the public health and health planning council, shall fix a time and place for any such hearing requested. (iii) Notice of the time and place of the hearing shall be served in person or mailed by registered mail to the person who has received establishment approval at least twenty-one days before the date fixed for the hearing. (iv) Such person shall file with the department, not less than eight days prior to the hearing, a written answer. (v) All orders or determinations hereunder shall be subject to review as provided in article seventy-eight of the civil practice law and rules. Application for such review must be made within sixty days after service in person or by registered mail of a copy of such order or determination.

11. Any person filing a proposed certificate of incorporation, articles of organization or an application for establishment of a residential health care facility for approval of the public health and health planning council shall file with the commissioner such information on the ownership of the property interests in such facility as shall be prescribed by regulation, including the following:

(a) The name and address and a description of the interest held by each of the following persons:

(i) any person, who directly or indirectly, beneficially owns any interest in the land on which the facility is located;
(ii) any person who, directly or indirectly, beneficially owns any interest in the building in which the facility is located;
(iii) any person who, directly or indirectly, beneficially owns any interest in any mortgage, note, deed of trust or other obligation secured in whole or in part by the land on which or building in which the facility is located; and
(iv) any person who, directly or indirectly, has any interest as lessor or lessee in any lease or sub-lease of the land on which or the building in which the facility is located.

(b) If any person named in response to paragraph (a) of this subdivision is a partnership or limited liability company, then the name and address of each partner or member.

(c) If any person named in response to paragraph (a) of this subdivision is a corporation, other than a corporation whose shares are traded on a national securities exchange or are regularly quoted in an over-the-counter market or which is a commercial bank, savings bank or savings and loan association, then the name and address of each officer, director, stockholder and, if known, each principal stockholder and controlling person of such corporation.

(d) If any corporation named in response to paragraph (a) of this subdivision is a corporation whose shares are traded on a national securities exchange or are regularly quoted in an over-the-counter market or which is a commercial bank, savings bank or savings and loan association, then the name and address of the principal executive officers and each director and, if known, each principal stockholder of such corporation.

12. The following definitions shall be applicable to this section:
(a) "Controlling person" of any corporation, partnership, limited liability company or other entity means any person who by reason of a direct or indirect ownership interest (whether of record or beneficial) has the ability, acting either alone or in concert with others with ownership or membership interests, to direct or cause the direction of the management or policies of said corporation, partnership, limited liability company or other entity. Neither the commissioner nor any employee of the department nor any member of a local legislative body of a county or municipality, nor any county or municipal official except when acting as the administrator of a residential health care facility, shall, by reason of his or her official position, be deemed a controlling person of any corporation, partnership, limited liability company or other entity, nor shall any person who serves as an officer, administrator or other employee of any corporation, partnership, limited liability company or other entity or as a member of a board of directors or trustees of any corporation be deemed to be a controlling person of such corporation, partnership, limited liability company or other entity as a result of such position or his or her official actions in such position.
(b) "Principal stockholder" of a corporation means any person who beneficially owns, holds or has the power to vote, ten percent or more of any class of securities issued by said corporation.
(c) "Principal member" of a limited liability company means any person who beneficially owns, holds or has the power to vote, ten percent or more interest determined by such member's share in the current profits of the limited liability company.

13. Any person who operates a hospital without the written approval of the public health and health planning council shall be liable to the
people of the state for a civil penalty not to exceed ten thousand
dollars for every such violation.

14. (a) The public health and health planning council may approve the
establishment of not-for-profit rural health networks as defined in
article twenty-nine-A of this chapter, pursuant to the provisions of
subdivisions two and three of this section, except that the public
health and health planning council shall not consider the public need
for and financial resources and sources of future revenues of such
networks which do not seek approval to operate a hospital. In addition
to character and competence, the public health and health planning coun-
cil may take into consideration available network plans.

(b) The board of directors or trustees of a not-for-profit rural
health network shall be comprised of a representative or representatives
of participating providers and members of the general public residing in
the area served by such network.

15. (a) Diagnostic or treatment centers established exclusively to
provide end stage renal disease services may be operated by corporations
formed under the laws of New York whose stockholders or members, as
applicable, are not natural persons if such corporations and their prin-
cipal stockholders and members, as applicable, and controlling persons
comply with all applicable requirements of this section and demonstrate,
to the satisfaction of the public health and health planning council,
sufficient experience and expertise in delivering high quality end stage
renal disease care. For purposes of this subdivision, the public health
and health planning council shall adopt and amend rules and regulations,
notwithstanding any inconsistent provision of this section, to address
any matter it deems pertinent to the establishment and operation of
diagnostic or treatment centers pursuant to this subdivision; provided
that such rules and regulations shall include, but not be limited to
provisions governing or relating to: (i) any direct or indirect changes
or transfers of ownership interests or voting rights in such corpo-
rations or their stockholders or members, as applicable, and provide for
public health council approval of any change in controlling interests,
principal stockholders, controlling persons, parent company or sponsors;
(ii) oversight of the operator and its stockholders or members, as
applicable, including local governance of the diagnostic or treatment
centers; and (iii) relating to the character and competence and quali-
fications of, and changes relating to, the directors and officers of the
operator and its principal stockholders, controlling persons, parent
company or sponsors.

(b) The following provisions of this section shall not apply to diag-
nostic or treatment centers operated pursuant to this subdivision: (i)
paragraph (b) of subdivision three of this section, relating to stock-
holders and members; (ii) paragraph (c) of subdivision four of this
section, relating to the disposition of stock or voting rights; and
(iii) paragraph (e) of subdivision four of this section, relating to the
ownership of stock or membership.

16. (a) The commissioner shall charge to applicants for the establish-
ment of hospitals the following application fee:

(i) For general hospitals: $3,000
(ii) For nursing homes: $3,000
(iii) For safety net diagnostic and treatment centers
    as defined in paragraph (c) of this subdivision: $1,000
(iv) For all other diagnostic and treatment centers: $2,000

(b) An applicant for both establishment and construction of a hospital
shall not be subject to this subdivision and shall be subject to fees
and charges as set forth in section twenty-eight hundred two of this article.

(c) The commissioner may designate a diagnostic and treatment center or proposed diagnostic and treatment center as a "safety net diagnostic and treatment center" if it is operated or proposes to be operated by a not-for-profit corporation or local health department; participates or intends to participate in the medical assistance program; demonstrates or projects that a significant percentage of its visits, as determined by the commissioner, were by uninsured individuals; and principally provides primary care services as defined by the commissioner.

(d) The fees and charges paid by an applicant pursuant to this subdivision for any application for establishment of a hospital approved in accordance with this section shall be deemed allowable capital costs in the determination of reimbursement rates established pursuant to this article. The cost of such fees and charges shall not be subject to reimbursement ceiling or other penalties used by the commissioner for the purpose of establishing reimbursement rates pursuant to this article. All fees pursuant to this section shall be payable to the department of health for deposit into the special revenue funds - other, miscellaneous special revenue fund - 339, certificate of need account.

§ 217. Subdivisions 1, 2, 2-b, 3-a and 3-c of section 2802 of the public health law, subdivision 1 as amended by chapter 470 of the laws of 1976, subdivision 2 as amended by chapter 609 of the laws of 1982, subdivision 2-b as added by chapter 731 of the laws of 1993, subdivision 3-a as added by chapter 376 of the laws of 1992, and subdivision 3-c as added by chapter 97 of the laws of 1993, are amended to read as follows:

1. An application for such construction shall be filed with the department, together with such other forms and information as shall be prescribed by, or acceptable to, the department. Thereafter the department shall forward a copy of the application and accompanying documents to the [state hospital review and] public health and health planning council and the health systems agency, if any, having geographical jurisdiction of the area where the hospital is located.

2. The commissioner shall not act upon an application for construction of a hospital until the [state hospital review and] public health and health planning council and the health systems agency have had a reasonable time to submit their recommendations, and unless (a) the applicant has obtained all approvals and consents required by law for its incorporation or establishment (including the approval of the public health and health planning council pursuant to the provisions of this article) provided, however, that the commissioner may act upon an application for construction by an applicant possessing a valid operating certificate when the application qualifies for review without the recommendation of the council pursuant to regulations adopted by the council and approved by the commissioner; and (b) the commissioner is satisfied as to the public need for the construction, at the time and place and under the circumstances proposed, provided however that, in the case of an application by a hospital established or operated by an organization defined in subdivision one of section [four hundred eighty-two-a] four hundred eighty-two-b of the social services law, the needs of the members of the religious denomination concerned, for care or treatment in accordance with their religious or ethical convictions, shall be deemed to be public need.

2-b. Beginning on January first, nineteen hundred ninety-four, and each year thereafter, a complete application received between January first and June thirtieth of each year shall be reviewed by the appropri...
ate health systems agency and the department and presented to the [state hospital review and] public health and health planning council for its consideration prior to June thirtieth of the following year and a complete application received between July first and December thirty-first of each year shall be reviewed by the appropriate health systems agency and the department and presented to the [state hospital review and] public health and health planning council for consideration prior to December thirty-first of the following year.

3-a. Review of applications from hospitals in epidemic areas and hospitals serving state correctional facilities to renovate or provide for capital improvement for the purpose of controlling the spread of tuberculosis infection may be approved by the commissioner, who to the extent practicable may, but shall not be required to, consider the recommendations of the health systems agency and the [state hospital review and] public health and health planning council for applications for which he grants approval. In such cases the commissioner shall take further measures necessary to expedite departmental reviews for such approval.

3-c. An application shall state the proposed site or location of the proposed construction. Where the applicant changes the site or location after approval of the application, the commissioner may, subject to regulations under this article, approve the change upon a finding that the change is in the best interest of the service area. In making such determination, the commissioner may seek a review of the proposed change by the [state hospital review and] public health and health planning council and the health systems agency having geographical jurisdiction.

§ 218. Paragraph (a) of subdivision 2 of section 2802-a of the public health law, as added by section 87 of part B of chapter 58 of the laws of 2005, is amended to read as follows:

(a) The commissioner shall act upon such applications in a manner consistent with section twenty-eight hundred two of this article provided that the commissioner may not waive review and recommendation by the [state hospital review and] public health and health planning council. In the [state hospital review and] public health and health planning council's evaluation of applications and the commissioner acting upon such applications, priority shall be given to applicants who have a memorandum of understanding or other cooperative agreement with one or more skilled nursing facilities located within their service area. Further, in the [state hospital review and] public health and health planning council evaluating applications and the commissioner acting upon such applications, consideration shall also be given to the geographic distribution of applicants throughout the state, so that applications may be approved from the various geographic regions of the state.

§ 219. Subdivisions (a), (b), (e), (f) and (k) of section 2904 of the public health law are REPEALED and subdivisions (g) and (h), as amended by chapter 470 of the laws of 1976, are amended to read as follows:

(g) [The council and any] Any health systems agency, with respect to any of the matters with which [they] it may deal may hold such public hearings as [they] it may deem appropriate and may require the submission of such information and documents as [they] it may deem appropriate.

(h) The members [of the council or] of any health systems agency shall receive no compensation for their services but shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties.
§ 220. Section 3602 of the public health law is amended by adding a
new subdivision 16 to read as follows:

16. "Public health council" shall mean the public health and health
planning council.

§ 221. Subdivisions 2, 3 and 4 of section 3605 of the public health
law as added by chapter 959 of the laws of 1984, are amended to read as
follows:

2. The commissioner shall not issue a license to any home care
services agency except with the written approval of the public health
and health planning council issued pursuant to the provisions of this
section.

3. An application for licensure as a home care services agency shall
be filed with the public health and health planning council together
with such other forms and information as shall be prescribed by, or
acceptable to, the public health and health planning council. Thereafter,
the public health and health planning council shall forward for
comment, if any, a copy of the application for licensure and accompanying
documents to the [state hospital review and planning council and the]
health systems agency, if any, having geographical jurisdiction of
the area where the services of the proposed agency are to be offered.
The public health and health planning council shall act upon such appli-
cation, after the [state hospital review and planning council and the]
health systems agency [have] has had reasonable time to submit [their]
its comments, based solely upon criteria provided for in subdivision
four of this section. If the public health and health planning council
proposes to disapprove the application, it shall notify the applicant,
provide reasons for disapproval and afford the applicant a hearing on
the application, if requested, or on its own motion. Any hearing held
pursuant to this subdivision may be conducted by the public health and
health planning council or by any individual designated by the public
health and health planning council.

4. The public health and health planning council shall not approve an
application for licensure unless it is satisfied as to the character,
competence and standing in the community of the applicant's incorpora-
tors, directors, sponsors, stockholders or operators.

§ 222. Subdivisions 1 and 2 of section 3606 of the public health law,
as amended by chapter 959 of the laws of 1984, are amended to read as
follows:

1. The commissioner shall not issue a certificate of approval to any
home care services agency except with the written approval of the public
health and health planning council. However, a residential health care
facility or hospital making application to the commissioner solely for
authorization to provide a long term home health care program shall be
deemed to have met such requirement, provided that the facility or
hospital possesses a valid operating certificate under article twenty-
eight of this chapter.

2. An application for approval of the proposed certified home health
agency shall be filed with the public health and health planning council
together with such other forms and information as shall be prescribed
by, or acceptable to, the public health and health planning council.
Thereafter, the public health and health planning council shall forward
a copy of the proposed application for establishment and accompanying
documents to the [state hospital review and planning council and the]
health systems agency, if any, having geographical jurisdiction of the
area where the services of the proposed certified home health agency are
to be offered. The public health and health planning council shall act
The public health and health planning council shall not approve an application for establishment unless it is satisfied, insofar as applicable, as to (a) the public need for the existence of the certified home health agency at the time and place and under the circumstances proposed; (b) the character, competence, and standing in the community, of the proposed incorporators, directors and sponsors; (c) the financial resources of the proposed certified home health agency and its sources of future revenues; and (d) such other matters as it shall deem pertinent.

Neither the tax status nor profit-making status of proposed certified home health agencies shall be criteria for establishment.

§ 223. Subdivisions 2 and 3 of section 3606-a of the public health law, as added by chapter 576 of the laws of 1981, are amended to read as follows:

2. An application for such construction shall be filed with the department, together with such other forms and information as shall be prescribed by, or acceptable to, the department. Thereafter the department shall forward a copy of the application and accompanying documents to the [state hospital review and planning council] public health and health planning council and the health systems agency, if any, having geographical jurisdiction of the area where the agency is located.

3. The commissioner shall not act upon an application for construction unless (a) the applicant has obtained all approvals and consents required by law for its incorporation or establishment (including the approval of the public health and health planning council pursuant to the provisions of this article) and until the [state hospital review and planning] public health and health planning council and the health systems agency, if any, concerned have had a reasonable time to submit their recommendations; and (b) the commissioner is satisfied as to the public need for the construction, at the time and place and under the circumstances proposed.

§ 224. Subdivision 2 of section 3610 of the public health law, as amended by chapter 433 of the laws of 1980, is amended to read as follows:

2. A hospital, residential health care facility, or certified home health agency seeking authorization to provide a long term home health care program shall transmit to the commissioner an application setting forth the scope of the proposed program. Such application shall be in a format and shall be submitted in a quantity determined by the commis-
The commissioner shall transmit the application to the [state hospital review and planning council] public health and health planning council and to the health systems agency, if any, having geographic jurisdiction of the area where the proposed program is to be located. The application shall include a detailed description of the proposed program including, but not limited to, the following:

(a) an outline of the institution's or agency's plans for the program;
(b) the need for the proposed program;
(c) the number and types of personnel to be employed;
(d) the ability of the agency, hospital, or facility to provide the program;
(e) the estimated number of visits to be provided;
(f) the geographic area in which the proposed programs will be provided;
(g) any special or unusual services, programs, or equipment to be provided;
(h) a demonstration that the proposed program is feasible and adequate in terms of both short range and long range goals;
(i) such other information as the commissioner may require.

The [state hospital review and planning council] public health and health planning council and the health systems agency shall review the application and submit their recommendations to the commissioner. At the time members of the [state hospital review and planning council] public health and health planning council are notified that an application is scheduled for consideration, the applicant and the health systems agency shall be so notified in writing. The health systems agency or the [state hospital review and planning council] public health and health planning council shall not recommend approval of the application unless it is satisfied as to:

(a) the public need for the program at the time and place and under the circumstances proposed;
(b) the financial resources of the provider of the proposed program and its sources of future revenues;
(c) the ability of the proposed program to meet those standards established for participation as a home health agency under title XVIII of the federal Social Security Act; and
(d) such other matters as it shall deem pertinent.

After receiving and considering the recommendations of the [state hospital review and planning council] public health and health planning council and the health systems agency, the commissioner shall make his or her determination. The commissioner shall act upon an application after the [state hospital review and planning council] public health and health planning council and the health systems agency have had a reasonable time to submit their recommendations. The commissioner shall not take any action contrary to the advice of either until he or she affords to either an opportunity to request a public hearing and, if so requested, a public hearing shall be held. The commissioner shall not approve the application unless he or she is satisfied as to the detailed description of the proposed program and

(a) the public need for the existence of the program at the time and place and under the circumstances proposed;
(b) the financial resources of the provider of the proposed program and its sources of future revenues;
(c) the ability of the proposed program to meet those standards established for participation as a home health agency under title XVIII of the federal Social Security Act; and
(d) such other matters as he or she shall deem pertinent.

If the application is approved, the applicant shall be so notified in writing. The commissioner's written approval of the application shall constitute authorization to provide a long term home health care program. In making his or her authorization, the commissioner shall stipulate the maximum number of persons which a provider of a long term home health care program may serve. If the commissioner proposes to disapprove the application, he or she shall notify the applicant in writing, stating his or her reasons for disapproval, and afford the applicant an opportunity for a public hearing.

§ 225. Subdivision 2 of section 3611 of the public health law, as added by chapter 959 of the laws of 1984, is amended to read as follows:

2. The public health and health planning council shall not act upon an application for licensure or a certificate of approval for any agency referred to in paragraph one of this section unless it is satisfied as to the character, competence and standing in the community of the proposed incorporators, directors, sponsors, controlling persons, principal stockholders of the parent corporation, health related subsidiary corporation and the New York state corporation established pursuant to paragraph (a) of subdivision one of this section. For the purposes of this section the public health and health planning council may adopt rules and regulations relative to what constitutes parent and subsidiary corporations.

§ 226. Subdivisions 1 and 2 of section 3611-a of the public health law, as amended by section 92 of part C of chapter 58 of the laws of 2009, are amended to read as follows:

1. Any change in the person who, or any transfer, assignment, or other disposition of an interest or voting rights of ten percent or more, or any transfer, assignment or other disposition which results in the ownership or control of an interest or voting rights of ten percent or more, in a limited liability company or a partnership which is the operator of a licensed home care services agency or a certified home health agency shall be approved by the public health and health planning council, in accordance with the provisions of subdivision four of section thirty-six hundred five of this article relative to licensure or subdivision two of section thirty-six hundred six of this article relative to certificate of approval, except that:

(a) Public health and health planning council approval shall be required only with respect to the person, or the member or partner that is acquiring the interest or voting rights; and

(b) With respect to certified home health agencies, such change shall not be subject to the public need assessment described in paragraph (a) of subdivision two of section thirty-six hundred six of this article.

(c) No prior approval of the public health and health planning council shall be required with respect to a transfer, assignment or disposition of:

(i) an interest or voting rights to any person previously approved by the public health and health planning council, or its predecessor, for that operator; or

(ii) an interest or voting rights of less than ten percent in the operator. However, no such transaction shall be effective unless at least ninety days prior to the intended effective date thereof, the partner or member completes and files with the public health and health planning council notice on forms to be developed by the public health council, which shall disclose such information as may reasonably be necessary for the public health and health planning council to determine
whether it should bar the transaction. Such transaction will be final as of the intended effective date unless, prior thereto, the public health and health planning council shall state specific reasons for barring such transactions under this paragraph and shall notify each party to the proposed transaction.

2. Any transfer, assignment or other disposition of ten percent or more of the stock or voting rights thereunder of a corporation which is the operator of a licensed home care services agency or a certified home health agency, or any transfer, assignment or other disposition of the stock or voting rights thereunder of such a corporation which results in the ownership or control of more than ten percent of the stock or voting rights thereunder of such corporation by any person shall be subject to approval by the public health and health planning council in accordance with the provisions of subdivision four of section thirty-six hundred fifty of this article relative to licensure or subdivision two of section thirty-six hundred sixty of this article relative to certificate of approval, except that:

(a) Public health [council] and health planning council's approval shall be required only with respect to the person or entity acquiring such stock or voting rights; and

(b) With respect to certified home health agencies, such change shall not be subject to the public need assessment described in paragraph (a) of subdivision two of section thirty-six hundred sixty of this article. In the absence of such approval, the license or certificate of approval shall be subject to revocation or suspension.

(c) No prior approval of the public health and health planning council shall be required with respect to a transfer, assignment or disposition of an interest or voting rights to any person previously approved by the public health and health planning council, or its predecessor, for that operator. However, no such transaction shall be effective unless at least one hundred twenty days prior to the intended effective date thereof, the partner or member completes and files with the public health and health planning council notice on forms to be developed by the public health and health planning council, which shall disclose such information as may reasonably be necessary for the public health and health planning council to determine whether it should bar the transaction. Such transaction will be final as of the intended effective date unless, prior thereto, the public health and health planning council shall state specific reasons for barring such transactions under this paragraph and shall notify each party to the proposed transaction.

§ 227. Section 4002 of the public health law is amended by adding a new subdivision 4 to read as follows:

4. "Public health council" shall mean the public health and health planning council.

§ 227-a. Subdivisions 1 and 2 of section 4004 of the public health law, as added by chapter 416 of the laws of 1983, is amended to read as follows:

1. The commissioner shall not issue a certificate of approval to any hospice except with the written approval of the public health and health planning council. However, a hospice demonstration program participant making application to the commissioner solely to establish a hospice shall be deemed to have met such requirement.

2. An application for approval of the proposed hospice shall be filed with the public health and health planning council together with such other forms and information as shall be prescribed by, or acceptable to, the public health and health planning council. Thereafter, the public
health and health planning council shall forward a copy of the proposed application for establishment and accompanying documents to the [state hospital review and planning council and the] health systems agency, if any, having geographical jurisdiction of the area where the services of the proposed hospice are to be offered. The public health and health planning council shall act upon such application after the [state hospital review and planning council and the] health systems agency [has] had a reasonable time to submit [their] its recommendations. At the time members of the public health and health planning council are notified that an application is scheduled for consideration, the applicant and the health systems agency shall be so notified in writing. The public health and health planning council shall not take any action contrary to the advice of [either the state hospital review and planning council or] the health systems agency until it affords to [either the] the health system agency an opportunity to request a public hearing and, if so requested, a public hearing shall be held. If the public health and health planning council proposes to disapprove the application, it shall afford the applicant an opportunity to request a public hearing. The public health and health planning council may hold a public hearing on the application on its own motion. Any public hearing held pursuant to this subdivision may be conducted by the public health and health planning council or by any individual designated by the public health and health planning council. The public health and health planning council shall not approve an application for establishment unless it is satisfied, insofar as applicable, as to (a) the public need for the existence of the hospice at the time and place and under the circumstances proposed; (b) the character, competence, and standing in the community, of the proposed incorporators, directors, sponsors, stockholders or operators; (c) the financial resources of the proposed hospice and its sources of future revenues; and (d) such other matters as it shall deem pertinent.

§ 228. Subdivisions 2 and 3 of section 4006 of the public health law, as added by chapter 416 of the laws of 1983, are amended to read as follows:

2. An application for such construction shall be filed with the department, together with such other forms and information as shall be prescribed by, or acceptable to, the department. Thereafter the department shall forward a copy of the application and accompanying documents to the [state hospital review and] public health and health planning council and the health systems agency, if any, having geographical jurisdiction of the area where the hospice is located.

3. The commissioner shall not act upon an application for construction unless (a) the applicant has obtained all approvals and consents required by law for its incorporation or establishment (including the approval of the public health and health planning council pursuant to the provisions of this article) and until the [state hospital review and] public health and health planning council and the health systems agency concerned have had a reasonable time to submit their recommendations, and (b) the commissioner is satisfied as to the public need for the construction, at the time and place and under the circumstances proposed.

§ 229. Paragraph (e) of section 201 of the business corporation law, as added by chapter 669 of the laws of 1977, is amended to read as follows:

(e) A corporation may not include as its purpose or among its purposes the establishment or maintenance of a hospital or facility providing
health related services, as those terms are defined in article twenty-
eight of the public health law unless its certificate of incorporation
shall so state and such certificate shall have annexed thereto the
approval of the public health and health planning council.

§ 230. Section 205-a of the county law, as added by chapter 873 of the
laws of 1976, is amended to read as follows:
§ 205-a. Certain pilot projects. Any county operating a county hospi-
tal employing physicians and dentists pursuant to a pilot project
approved by the public health and health planning council, whereby such
physicians and dentists may receive fees for private professional
services rendered in accordance with section one hundred thirty of the
general municipal law in addition to the amount of remuneration fixed by
the respective county legislative bodies for regular services, shall be
required to adopt rules and regulations to govern such fees. Such rules
and regulations shall be subject to the approval of the public health
and health planning council.

§ 231. Subdivision 1-a of section 250 of the county law, as added by
chapter 622 of the laws of 1984, is amended to read as follows:
1-a. For the purpose of (a) procuring by purchase, lease or other
means and installing water quality treatment units or devices, if
required; providing periodic testing and monitoring of raw and finished
water from private wells in the district; monitoring, modifying, repair-
ing, replacing, operation and maintenance, regenerating water quality
treatment units and devices and the administering of the treatment and
disposal of residuals generated in the operation of the district pursu-
ant to rules and regulations adopted by the public health and health
planning council under section two hundred twenty-five of the public
health law; (b) assisting local, state and federal agencies and offici-
als in efforts to establish causes of, and implement remedial measures
to reduce water contamination and protect future water resources within
the district; (c) conduct public meetings and issue an annual public
report to members of the district on the operation, financial position
and water quality condition of said district; provided, however, that
with respect to any town in the county the board of supervisors shall
first determine that such district or service will not be established or
provided by such town.

§ 232. Subdivision 1 of section 253 of the county law, as amended by
chapter 622 of the laws of 1984, is amended to read as follows:
1. A petition may be presented to the board of supervisors requesting
that a certain area or areas of the county be established as a county
district. Such petition shall be executed and acknowledged on behalf of
a municipality or district, any part of which is included within such
area or areas, by the chief executive officer of such municipality, or
of such district furnishing a similar service as the district to be
established hereunder. In lieu of execution of the petition by the chief
executive officer of such municipality or district, the petition may be
executed and acknowledged by at least twenty-five owners of taxable real
property of record situated within such municipality or district, or in
Suffolk county, if all of the taxable real property of record situate
within such municipality which is to be included within a certain area
or areas of the county to be established as a county district is owned
by one or more but less than twenty-five owners, then the petition may
be executed and acknowledged by one or more of said owners within the
area or areas to be established as a county district. Upon presentation
of such a petition or on its own motion, the board of supervisors may
direct the agency to cause maps and plans to be prepared for a project

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as requested in the petition or for the establishment of a certain area
or areas of the county as a county district, provided, however, that if
the petitioning municipality, district or owners of taxable property
undertake to furnish or pay the cost of such maps and plans at its or
their cost and expense, the board of supervisors shall direct the agency
to accept or prepare the same. In the case of a petition to create or
extend a water quality treatment district, the petition may be executed
and acknowledged by one or more of the owners of taxable real property
of record situated within such municipality whose private well water is
contaminated. At the time the petition is executed and acknowledged,
notice and copy of such petition shall be submitted to the state depart-
ment of health. Such maps or plans shall show (1) the boundaries of the
area or areas which the agency in its judgment considers will be bene-
fited by the particular project, (2) a description of the area or areas
sufficient to permit definite and conclusive identification of all
parcels of property included therein, (3) the proposed location of all
facilities such as (a) reservoirs, stand pipes, wells, pumping stations,
water purification or treatment works, mains and hydrants, the source of
water supply, a description of the lands, streams, water or water rights
to be acquired and the mode of constructing the proposed water works,
(b) benefited parcels of properties with water quality treatment units
or devices installed prior to the formation of the district and/or those
properties requiring installation of water quality treatment units or
devices and the mode and frequency of testing, monitoring, modifying if
required, operation and maintenance, regenerating of such water quality
treatment units or devices and the administering of the treatment and
disposal of residuals and any other requirements pursuant to rules and
regulations adopted by the public health and health planning council
under section two hundred twenty-five of the public health law. Any
water quality treatment unit or device which has been installed prior to
the formation of the district must be approved pursuant to rules and
regulations adopted by the public health and health planning council
under section two hundred twenty-five of the public health law, prior to
acceptance of such unit or device and its benefited property within the
district, (c) trunk, interceptor and outfall sewers, pumping stations,
sewage treatment and disposal works, (d) properties requiring
construction or replacement of private on-site wastewater disposal
systems and the mode and frequency of conveying, treating and disposing
of wastewater and residual wastewater, (e) drains, ditches, channels,
pumping stations, dams, dikes, bulkheads and retaining walls, or (f)
refuse disposal and incinerator plants and all necessary appliances
appurtenant thereto, (4) estimates of the cost of construction, or
procurement and installation of the facilities, and/or in the case of
water quality treatment districts, estimates of the costs of monitoring,
testing, modifying, if required, operation and maintenance, regenerating
of such water quality treatment units or devices and the treatment and
disposal of residuals, as shown on the maps and plans and the method of
financing the same and (5) an evaluation of rehabilitation needs based
upon water quality, public use and private development, special wild-
life, scenic or other values, sedimentation, shoreland zoning, potential
for adequate pollution and erosion controls within the drainage basin,
and potential for future successful management. Such maps and plans
pertaining to sewer districts shall be consistent with, so far as possi-
ble, any comprehensive plan for sewers developed pursuant to section
17-1901 of the environmental conservation law. Such maps and plans
pertaining to water districts shall be consistent with, so far as possi-
ble, any comprehensive plan for public water supply systems developed
pursuant to title thirteen of article fifteen of the environmental
conservation law.

§ 233. Paragraph b of subdivision 1 of section 483 of the general
business law, as added by section 3 of part B of chapter 58 of the laws
of 2006, is amended to read as follows:
b. Pursuant to section two hundred twenty-five of the public health
law, the public health and health planning council, subject to the
approval of the commissioner of health, is hereby authorized and
directed to prescribe such rules and regulations as may be necessary and
proper for the administration and enforcement of this article with
respect to radioactive material and radiation equipment. Such regu-
lations may require the posting of a bond or other security.

§ 234. The second undesignated paragraph of section 135-b of the
general municipal law, as added by chapter 161 of the laws of 1922, is
amended to read as follows:
The chief medical officer of such public general hospital, tuberculo-
sis hospital or sanatorium shall have authority to employ one or more
occupational therapists to carry on the work of such department under
his supervision. The qualifications of occupational therapists so
employed shall be defined by the public health and health planning coun-
cil.

§ 235. Paragraph 7 of subdivision (a) and subdivision (b) of section
7.05 of the mental hygiene law, paragraph 7 of subdivision (a) as
amended by chapter 725 of the laws of 1982 and as renumbered by chapter
410 of the laws of 2008 and subdivision (b) as added by chapter 724 of
the laws of 1982, are amended to read as follows:
7. the [two members] member of the [state hospital review and planning
council] public health and health planning council appointed by the
governor pursuant to subdivision (b) of this section.
(b) The chairman shall recommend [two members] one member of the coun-
cil for appointment by the governor to the [hospital review and planning
council] public health and health planning council pursuant to section
[twenty-nine hundred four] two hundred twenty of the public health law.

§ 236. Subparagraph 1 of paragraph (a) of section 301 of the not-for-
profit corporation law, as amended by chapter 669 of the laws of 1977,
is amended to read as follows:
(1) Shall, unless the corporation is formed for charitable or reli-
gious purposes, or for purposes for which the approval of the commis-
sioner of social services or the public health and health planning coun-
 cil is required, or is a bar association, contain the word
"corporation", "incorporated" or "limited" or an abbreviation of one of
such words; or, in the case of a foreign corporation, it shall, for use
in this state, add at the end of its name one of such words or an abbre-
viation thereof.

§ 237. Paragraphs (o), (p) and (t) of section 404 of the not-for-profit
corporation law, as amended by chapter 139 of the laws of 1993 and
as relettered by chapter 431 of the laws of 1993, are amended to read as
follows:
(o) Every certificate of incorporation which includes among its corpo-
rate purposes or powers the establishment or maintenance of any hospi-
tal, as defined in article twenty-eight of the public health law, or the
solicitation of contributions for any such purpose, or purposes, shall
have endorsed thereon or annexed thereto the approval of the public
health and health planning council.
Every certificate of incorporation of a medical corporation as defined in article forty-four of the public health law and organized pursuant thereto and pursuant to this chapter, shall have endorsed thereto or annexed thereto the consent of the commissioner of health and the approval of the public health and health planning council.

Every certificate of incorporation which includes among its purposes and powers the establishment or maintenance of a hospital or facility providing health related services, as those terms are defined in article twenty-eight of the public health law, or the solicitation of contributions for any such purpose or two or more of such purposes, shall have endorsed thereon the approval of the public health and health planning council.

§ 238. Subdivision 4 of section 364 of the social services law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

4. The public health and health planning council shall be responsible for establishing and maintaining qualifications for persons employed by social services districts as professional directors.

§ 239. Subdivision 2 of section 365-b of the social services law, as amended by chapter 770 of the laws of 1977, is amended to read as follows:

2. The commissioner of social services of each social services district shall appoint a person, possessing the qualifications established by the public health and health planning council and promulgated by the department pursuant to section three hundred sixty-four of this title, to serve on a full or part-time basis. Each professional director shall serve under the general direction of the commissioner of social services and shall have the responsibility for supervising the program of medical assistance for needy persons in his social services district, pursuant to the regulations of the department. The state commissioner of health may authorize two or more social services districts to appoint the same person to serve as professional director in each of such districts.

§ 240. Paragraphs (b), (c), (e) and (f) of subdivision 3 of section 461-l of the social services law, as added by chapter 165 of the laws of 1991, are amended to read as follows:

(b) If the application for the proposed program includes an application for licensure as a home care service agency, the department of health shall forward the application for the proposed program and accompanying documents to the public health and health planning council for its written approval in accordance with the provisions of section thirty-six hundred five of the public health law.

(c) An application for an assisted living program shall not be approved unless the commissioner is satisfied as to:

(i) the character, competence and standing in the community of the operator of the adult care facility;
(ii) the financial responsibility of the operator of the adult care facility;
(iii) that the buildings, equipment, staff, standards of care and records of the adult care facility to be employed in the operation comply with applicable law, rule and regulation;
(iv) the commissioner of health is satisfied that the licensed home care agency has received the written approval of the public health and health planning council as required by paragraph (b) of this subdivision and the equipment, personnel, rules, standards of care, and home care services provided by [a] the licensed home care agency and certified
home health agency or long term home health care program are fit and adequate and will be provided in the manner required by article thirty-six of the public health law and the rules and regulations thereunder; and

(v) the commissioner and the commissioner of health are satisfied as to the public need for the assisted living program.

(e) The commissioner of health shall provide written notice of approval or disapproval of portions of the proposed application concerning a licensed home care agency, certified home health agency or long term home health care program, and, where applicable, of the approval or disapproval of the public health and health planning council to the commissioner. If an application receives all the necessary approvals, the commissioner shall notify the applicant in writing. The commissioner's written approval shall constitute authorization to operate an assisted living program.

(f) No assisted living program may be operated without the written approval of the department, the department of health and, where applicable, the public health and health planning council.

§ 241. Subdivision 21 of section 130 of the town law, as amended by chapter 465 of the laws of 1955, is amended to read as follows:

21. House trailer camps, tourist camps and house trailers. Regulating house trailer camps, tourist camps or similar establishments; requiring approval of suitable plans for house trailer camps and tourist camps and prescribing regulations therefore including provision for sewer connection, water supply, toilets, bathing facilities, garbage removal, registration of occupants, inspection of camps. The town board may either adopt the provisions of the sanitary code established by the public health and health planning council or may formulate other rules and regulations relating to house trailer camps, tourist camps or similar establishments not inconsistent with the provisions of such state sanitary code. Regulating the parking, storage or otherwise locating of house trailers when used or occupied as living or sleeping quarters in any part of the town outside an established house trailer camp, tourist camp or similar establishment; providing time limits on duration of the stay of such house trailers and requiring registration of such house trailers when so used.

§ 242. Subdivisions 1 and 2 of section 190-g of the town law, as added by chapter 622 of the laws of 1984, is amended to read as follows:

1. The town board of any town is hereby authorized to establish or extend a water quality treatment district, or more than one such district, for the purposes of (a) procuring by purchase, lease or other means, and installing water quality treatment units or devices, if required; providing periodic testing and monitoring of raw and finished water from private wells in the district; monitoring, modifying, repairing, replacing, operation and maintenance, regenerating water quality treatment units and devices and the administering of the treatment and disposal of residuals generated in the operation of the district pursuant to rules and regulations adopted by the public health and health planning council under section two hundred twenty-five of the public health law; (b) assisting local, state and federal agencies and officials in efforts to establish causes of, and implement remedial measures to reduce, water contamination and protect future water resources within the district; (c) conduct public meetings and issue an annual public report to members of the district on the operation, financial position and water quality condition of said district.
2. A water quality treatment district established hereunder may consist of noncontiguous or contiguous benefited parcels of property and shall be created by a resolution of the town board, upon petition after a public hearing. The petition may be executed and acknowledged by one or more of the owners of taxable real property of record situated within the town whose private well water is contaminated and at the time the petition is executed and acknowledged, notice and copy of such petition shall be submitted to the state department of health. Upon a petition signed and acknowledged the town board may, or on its own motion, after a public hearing, assemble data relating to the number and location of private wells within the town, the contaminants present in the water supply in such town's private wells, (for the purposes of this section, "contaminants" shall mean those substances found in amounts or concentrations which violate federal, state or local laws, guidelines or rules and regulations relating to drinking water or which may pose a risk to public health), the extent of contamination of the water supply in the town's private wells, and the availability of appropriate treatment technologies for the contaminants found to be present, or which are reasonably expected to be found, currently or in the future, in the water supply in the town's private wells. Upon presentation of the petition or on its own motion, the town board may direct or cause maps and plans to be prepared, provided however, that if the owner or owners of taxable real property undertake to furnish or pay the cost of such maps and plans at his or their cost and expense, the town board shall accept or prepare the same or the town board may adopt a resolution, subject to a permissive referendum, appropriating a specific amount to pay the cost of preparing a general map and plan for providing water quality treatment units or devices and related services. The town board may determine that such maps and plans shall be prepared by or under the supervision of town officers and employees to be designated by the town board, or by persons to be employed for that purpose, or the town board may contract for the preparation thereof, within the limitations of the amount appropriated. Except as otherwise provided herein, the expense incurred for the preparation of such maps and plans shall be a town charge, and shall be assessed, levied and collected in the same manner as other town charges. If the town board shall thereafter establish or extend a water quality treatment district, the expense incurred by the town for the preparation of the maps and plans therefor shall be deemed to be part of the cost of such improvement, and the town shall be reimbursed the amount paid therefor, or such portion of that amount which the town board, at the public hearing held pursuant to section one hundred ninety-four of this chapter, shall allocate against such district. Nothing in this section contained, or in any other section of this act, shall be construed to prevent the financing, in whole or in part, of expenditures by private sources, grants or by other means. All such maps and plans shall be filed with the town clerk. Such maps and plans shall show (1) the location of all benefited parcels of properties with water quality treatment units or devices installed prior to the formation of the district and/or those properties requiring installation of water quality treatment units or devices and the mode and frequency of testing, monitoring, modifying if required, operation and maintenance, regenerating of such water quality treatment units or devices and the administering of the treatment and disposal of residuals and any other requirements pursuant to rules and regulations adopted by the public health and health planning council under section two hundred twenty-five of the public health law, and (2) estimates of the costs of procurement,
installation, monitoring, testing, modifying, if required, operation and
maintenance, regenerating of such water quality treatment units or
devices and the treatment and disposal of residuals, and the method of
financing the same. Any water quality treatment unit or device which has
been installed prior to the formation of the district must be approved
pursuant to rules and regulations adopted by the public health and
health planning council under section two hundred twenty-five of the
public health law, prior to acceptance of such unit or device and its
benefited property within the district.

§ 243. Subdivision 3 of section 13-b of the workers' compensation law,
as amended by chapter 1068 of the laws of 1960, is amended to read as
follows:

3. Laboratories and bureaus engaged in x-ray diagnosis or treatment or
in physiotherapy or other therapeutic procedures and which participate
in the diagnosis or treatment of injured workmen under this chapter
shall be operated or supervised by qualified physicians duly authorized
under this chapter and shall be subject to the provisions of section
thirteen-c of this [chapter] article. The person in charge of diagnos-
tic clinical laboratories duly authorized under this chapter shall
possess the qualifications established by the public health and health
planning council for approval by the state commissioner of health or, in
the city of New York, the qualifications approved by the board of health
of said city and shall maintain the standards of work required for such
approval.

§ 244. This act shall take effect immediately, provided that:

a. section twenty-two of this act shall be deemed to have been in full
force and effect on the same date as chapter 299 of the laws of 2008
took effect; and provided further that the amendments to section 554 of
the executive law made by section twenty-two of this act shall not
affect the expiration of such section and shall expire therewith;

b. sections thirty-three and thirty-four of this act shall take effect
April 1, 2013;

c. the amendments to subdivision 10 of section 3615 of the public
health law made by section fifty-three of this act shall not affect the
expiration of such section and shall expire therewith;

d. the amendments to subdivision 1 of section 210 of the elder law
made by section one hundred ninety-eight-a of this act shall take effect
on the first of September next succeeding the date on which it shall
have become a law;

e. the amendments to paragraph (a) of subdivision 2 of section 2802-a
of the public health law made by section two hundred eighteen of this
act shall not affect the repeal of such section and shall be deemed
repealed therewith; and

f. sections one hundred ninety-nine through two hundred forty-three of
this act shall take effect December 1, 2010, provided however, that the
public health and health planning council shall be authorized to
complete action on any application, regulation, complaint or other
matter under consideration by the public health council or state hospi-
tal review and planning council on such effective date; and provided
further that any final approval granted or regulation adopted by the
public health council or state hospital review and planning council
shall remain in effect according to its terms after the effective date
of this act, unless otherwise lawfully annulled, revoked, modified,
amended, limited or suspended.