

**2012-13 NEW YORK STATE EXECUTIVE BUDGET
TRANSPORTATION
ECONOMIC DEVELOPMENT AND
ENVIRONMENTAL CONSERVATION
ARTICLE VII LEGISLATION**

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CONTENTS

PART	DESCRIPTION	STARTING PAGE NUMBER
A	Provide the annual authorization for the CHIPS and Marchiselli programs.	5
B	Consolidate the Department of Transportation's Accident Damage Account with the Dedicated Highway and Bridge Trust Fund.	13
C	Implement a performance-based bus inspection program.	16
D	Conform the Vehicle and Traffic Law to federal requirements governing operators of commercial motor vehicles and medical certification requirements pertaining to such operators.	16
E	Raise the statutory limit on the amount of bonds, notes and other obligations the MTA, the New York City Transit Authority (NYCTA), and the Triborough Bridge and Tunnel Authority (TBTA) may issue.	20
F	Establish an additional retention rate for county clerks acting as an agent of the Department of Motor Vehicles based upon internet transactions.	21
G	Ensure State compliance with Federal motor carrier regulations issued by FMSCA and prevents the loss of half the State's Federal MCSAP funding.	23
H	Eliminate certain tagging requirements, streamline various fish and wildlife licenses, permits and associated fees and extend the authority of the Department of Environmental Conservation to collect fees for ocean quahogs taken from all certified waters.	44
I	Clarify that the State does not regulate Voice over Internet Protocol (VoIP) service, in order to facilitate competition for the benefit of consumers and businesses alike.	63
J	Reduce costs on businesses by amending the formula for the imposition of the fees on hazardous waste and hazardous wastewater to incentivize the on-site recycling of such waste.	65

PART	DESCRIPTION	STARTING PAGE NUMBER
K	Terminate unnecessary State Operating Fund support of the Environmental Facilities Corporation with respect to the Clean Water and Drinking Water State Revolving Funds.	66
L	Eliminate the mandate that the New York State Agricultural Experiment Station be the exclusive seed testing entity in the State, and allow testing to be conducted by the Department of Agriculture and Markets or a qualified laboratory.	70
M	Provide the Department of Agriculture and Markets with more comprehensive fee-for-service authority in order to recover normal costs related to services provided to other states.	72
N	Redirect certain fees currently deposited to the Consumer Food Account and the Commercial Feed Licensing Account to the General Fund, as a result of the consolidation of these accounts into the General Fund.	72
O	Authorize and direct the Comptroller to receive for deposit to the credit of the General Fund a payment of up to \$913,000 from the New York State Energy Research and Development Authority.	74
P	Authorize the New York State Energy Research and Development Authority to finance a portion of its research, development and demonstration, and policy and planning programs, and to finance the Department of Environmental Conservation's climate change program, from an assessment on gas and electric corporations.	75
Q	Amend the Jacob K. Javits Convention Center enabling legislation to authorize the disposal of adjacent properties.	76
R	Make permanent the general loan powers of the New York State Urban Development Corporation.	77
S	Make permanent the Empire State Economic Development Fund.	78
T	Provide general grant-making power for the New York State Urban Development Corporation.	78
U	Provide a 3 percent linked loan savings for agricultural businesses.	79
V	Authorize the Department of Health to finance certain activities with revenues generated from an assessment on cable television companies.	81
W	Extends the renewal period for certain disciplines licensed by the Department of State.	81
X	Make uncashed pari-mutuel vouchers subject to escheatment.	86

PART	DESCRIPTION	STARTING PAGE NUMBER
Y	Reduce Racing and Wagering Board employee costs.	89
Z	Enable the Commissioner of Agriculture and Markets to issue a dairy research and education order to fund research for the purpose of improving dairy industry production and increasing the efficiency and profitability of the State's dairy industry.	90
AA	Increase cost recovery from public authorities to support auditing and oversight work done by the Office of the State Comptroller.	99

Legislative Bill Drafting Commission
12673-01-2

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts major components of legis-
lation necessary to implement the
transportation, economic development
and environmental conservation budg-
et for 2012-2013)

TED Art. VII - pull together

AN ACT

to authorize funding for the Consol-
idated Local Street and Highway
Improvement Program (CHIPS) and
Marchiselli program for state fiscal
year 2012-2013; to amend chapter 329
of the laws of 1991, amending the
state finance law and other laws
relating to the establishment of the
dedicated highway and bridge trust
fund; and to amend chapter 60 of the
laws of 2011, authorizing funding

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s20 Adams	s44 Farley	s58 Kennedy	s54 Nozzolio	s28 Serrano
s15 Addabbo	s02 Flanagan	s34 Klein	s53 O'Mara	s51 Seward
s55 Alesi	s08 Fuschillo	s26 Krueger	s37 Oppenheimer	s09 Skelos
s11 Avella	s59 Gallivan	s24 Lanza	s21 Parker	s14 Smith
s40 Ball	s12 Gianaris	s39 Larkin	s13 Peralta	s25 Squadron
s42 Bonacic	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s46 Breslin	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart- Cousins
s38 Carlucci	s60 Grisanti	s45 Little	s48 Ritchie	s49 Valesky
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s33 Rivera	s57 Young
s32 Diaz	s36 Hassell- Thompson	s07 Martins	s56 Robach	s03 Zeldin
s17 Dilan		s62 Maziarz	s41 Saland	s27
s29 Duane	s10 Huntley	s43 McDonald	s19 Sampson	
s31 Espaillat	s04 Johnson	s18 Montgomery	s23 Savino	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a107 Crouch	a095 Jaffee	a052 Millman	a012 Saladino
a092 Abinanti	a014 Curran	a057 Jeffries	a015 Montesano	a113 Sayward
a105 Amedore	a063 Cusick	a135 Johns	a132 Morelle	a029 Scarborough
a084 Arroyo	a045 Cymbrowitz	a112 Jordan	a039 Moya	a016 Schimel
a035 Aubry	a034 DenDekker	a099 Katz	a003 Murray	a140 Schimminger
a124 Barclay	a081 Dinowitz	a074 Kavanagh	a037 Nolan	a064 Silver
a040 Barron	a114 Duprey	a065 Kellner	a128 Oaks	a027 Simanowitz
a082 Benedetto	a004 Englebright	a129 Kolb	a069 O'Donnell	a036 Simotas
a122 Blankenbush	a054 Espinal	a025 Lancman	a051 Ortiz	a146 Smardz
a055 Boyland	a071 Farrell	a091 Latimer	a136 Palmesano	a079 Stevenson
a008 Boyle	a123 Finch	a013 Lavine	a088 Paulin	a011 Sweeney
a026 Braunstein	a007 Fitzpatrick	a050 Lentol	a141 Peoples- Stokes	a110 Tedisco
a044 Brennan	a137 Friend	a125 Lifton	a058 Perry	a115 Tenney
a116 Brindisi	a143 Gabryszak	a072 Linares	a087 Pretlow	a002 Thiele
a131 Bronson	a090 Galef	a127 Lopez, P.	a073 Quart	a061 Titone
a046 Brook-Krasny	a133 Gantt	a053 Lopez, V.	a021 Ra	a031 Titus
a147 Burling	a077 Gibson	a001 Losquadro	a097 Rabbitt	a062 Tobacco
a117 Butler	a149 Giglio	a126 Lupardo	a009 Raia	a148 Walter
a101 Cahill	a066 Glick	a111 Magee	a006 Ramos	a041 Weinstein
a096 Calhoun	a023 Goldfeder	a120 Magnarelli	a134 Reilich	a020 Weisenberg
a043 Camara	a150 Goodell	a059 Maisel	a109 Reilly	a024 Weprin
a106 Canestrari	a075 Gottfried	a060 Malliotakis	a078 Rivera, J.	a070 Wright
a089 Castelli	a005 Graf	a030 Markey	a080 Rivera, N.	a094 Zebrowski
a086 Castro	a098 Gunther	a019 McDonough	a076 Rivera, P.	a093
a138 Ceretto	a130 Hanna	a104 McEneny	a119 Roberts	a100
a033 Clark	a139 Hawley	a017 McKevitt	a056 Robinson	a103
a047 Colton	a083 Heastie	a108 McLaughlin	a068 Rodriguez	a145
a010 Conte	a028 Hevesi	a022 Meng	a067 Rosenthal	
a032 Cook	a048 Hikind	a121 Miller, D.	a118 Russell	
a142 Corwin	a018 Hooper	a102 Miller, J.	a144 Ryan	
a085 Crespo	a042 Jacobs	a038 Miller, M.		

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

for the Consolidated Local Street and Highway Improvement Program (CHIPPS) and Marchiselli program for state fiscal year 2011-2012 and amending chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the effectiveness thereof (Part A); to amend the highway law and the state finance law, in relation to modifying the distribution of certain funds (Part B); to amend the transportation law, in relation to enacting a performance based bus inspection program (Part C); to amend the vehicle and traffic law, in relation to commercial driver's licenses and medical certifications; and to repeal paragraph (f) of subdivision 3 of section 510-a of the vehicle and traffic law, relating to commercial driver's licenses (Part D); to amend the public authorities law, in relation to notes, bonds and other obligations of the metropolitan transportation authority, Triborough bridge and tunnel authority and New York city transit authority (Part E); to amend vehicle and traffic law in relation to establishing an additional retention rate for county clerks acting as an agent of the department of motor vehicles based upon internet transactions (Part F); to amend the transportation law, the vehicle and traffic law, the general municipal law, the environmental conservation law and the executive law, in relation to federal revenue; and repealing section 214 of the transportation law relating thereto (Part G); to amend the environmental conservation law, in relation to the regulation of various fish and wildlife licenses, permits and fees; and repealing certain provisions of such law relating thereto (Part H); to amend the public service law, in relation to eliminating state regulation of VoIP service in order to facilitate competition and ensure consumers receive the maximum benefit of competition (Part I); to

amend the environmental conservation law, in relation to hazardous waste program fees and surcharges (Part J); to amend the state finance law and the public authorities law, in relation to the sewage treatment and drinking water funds and the water pollution control and drinking water revolving funds (Part K); to amend the agriculture and markets law, in relation to seed testing (Part L); to amend the agriculture and markets law, in relation to fees for services (Part M); to amend the agriculture and markets law, in relation to food processing license fees; and to repeal subdivision 4 of section 128-a and subdivision 3 of section 133-a of the agriculture and markets law and section 90-b of the state finance law relating to the commercial feed licensing fund (Part N); to authorize and direct the New York state energy research and development authority to make a payment to the general fund of up to \$913,000 (Part O); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration and policy and planning programs from assessments on gas and electric corporations (Part P); to amend chapter 35 of the laws of 1979, relating to appropriating funds to the New York state urban development corporation for the acquisition and initial planning of convention and exhibition center facilities in New York county, in relation to additional powers of such corporation (Part Q); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part R); to repeal subdivision 3 of section 16-m of the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part S); to amend the New York state urban development

corporation act, relating to the powers of the New York state urban development corporation to make grants (Part T); to amend the state finance law, in relation to the excelsior linked deposit act (Part U); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part V); to amend the general business law and the real property law, in relation to increasing the term of licensure and registration from two to four years (Part W); to amend the racing, pari-mutuel wagering and breeding law, in relation to presenting uncashed pari-mutuel vouchers within a prescribed period of time (Part X); to amend the racing, pari-mutuel wagering and breeding law and the public officers law, in relation to employment of officials at harness race meetings (Part Y); to amend the agriculture and markets law, in relation to authorizing the creation of a dairy research and education order (Part Z); and to amend public authorities law, in relation to the recovery of state governmental costs from public authorities and public benefit corporations (Part AA)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2012-2013
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through AA. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. The sum of four hundred two million seven hundred ninety-
14 seven thousand dollars (\$402,797,000), or so much thereof as shall be
15 necessary, and in addition to amounts previously appropriated by law, is
16 hereby made available, in accordance with subdivision 1 of section 380
17 of the public authorities law as amended, according to the following
18 schedule. Payments pursuant to subdivision (a) of this section shall be
19 made available as moneys become available for such payments. Payments
20 pursuant to subdivisions (b) and (c) of this section shall be made
21 available on the fifteenth day of June, September, December and March or
22 as soon thereafter as moneys become available for such payments. No
23 moneys of the state in the state treasury or any of its funds shall be
24 available for payments pursuant to this section:

25 SCHEDULE

1 (a) Thirty-nine million seven hundred thousand dollars (\$39,700,000)
2 to municipalities for repayment of eligible costs of federal aid municipi-
3 pal street and highway projects pursuant to section 15 of chapter 329 of
4 the laws of 1991, as added by section 9 of chapter 330 of the laws of
5 1991, as amended. The department of transportation shall provide such
6 information to the municipalities as may be necessary to maintain the
7 federal tax exempt status of any bonds, notes, or other obligations
8 issued by such municipalities to provide for the non-federal share of
9 the cost of projects pursuant to chapter 330 of the laws of 1991 or
10 section 80-b of the highway law.

11 The program authorized pursuant to section 15 of chapter 329 of the
12 laws of 1991, as added by section 9 of chapter 330 of the laws of 1991,
13 as amended, shall additionally make payments for reimbursement according
14 to the following schedule:

15	State Fiscal Year	Amount
16	2012-13	\$39,700,000

17 (b) Three hundred four million three hundred thousand dollars
18 (\$304,300,000) to counties, cities, towns and villages for reimbursement
19 of eligible costs of local highway and bridge projects pursuant to
20 sections 16 and 16-a of chapter 329 of the laws of 1991, as added by
21 section 9 of chapter 330 of the laws of 1991, as amended. For the
22 purposes of computing allocations to municipalities, the amount distrib-
23 uted pursuant to section 16 of chapter 329 of the laws of 1991 shall be
24 deemed to be \$121,520,000. The amount distributed pursuant to section
25 16-a of chapter 329 of the laws of 1991 shall be deemed to be
26 \$182,780,000. Notwithstanding the provisions of any general or special
27 law, the amounts deemed distributed in accordance with section 16 of
28 chapter 329 of the laws of 1991 shall be adjusted so that such amounts

1 will not be less than 83.807 percent of the "funding level" as defined
2 in subdivision 5 of section 10-c of the highway law for each such muni-
3 cipality. In order to achieve the objectives of section 16 of chapter
4 329 of the laws of 1991, to the extent necessary, the amounts in excess
5 of 83.807 percent of the funding level to be deemed distributed to each
6 municipality under this subdivision shall be reduced in equal propor-
7 tion.

8 (c) Fifty-eight million seven hundred ninety-seven thousand dollars
9 (\$58,797,000) to municipalities for reimbursement of eligible costs of
10 local highway and bridge projects pursuant to sections 16 and 16-a of
11 chapter 329 of the laws of 1991, as added by section 9 of chapter 330 of
12 the laws of 1991, as amended. For the purposes of computing allocations
13 to municipalities, the amount distributed pursuant to section 16 of
14 chapter 329 of the laws of 1991 shall be deemed to be \$23,480,000. The
15 amount distributed pursuant to section 16-a of chapter 329 of the laws
16 of 1991 shall be deemed to be \$35,317,000. Notwithstanding the
17 provisions of any general or special law, the amounts deemed distributed
18 in accordance with section 16 of chapter 329 of the laws of 1991 shall
19 be adjusted so that such amounts will not be less than 16.193 percent of
20 the "funding level" as defined in subdivision 5 of section 10-c of the
21 highway law for each such municipality. In order to achieve the objec-
22 tives of section 16 of chapter 329 of the laws of 1991, to the extent
23 necessary, the amounts in excess of 16.193 percent of the funding level
24 to be deemed distributed to each municipality under this subdivision
25 shall be reduced in equal proportion. To the extent that the total of
26 remaining payment allocations calculated herein varies from \$58,797,000,
27 the payment amounts to each locality shall be adjusted by a uniform
28 percentage so that the total payments equal \$58,797,000.

1 The program authorized pursuant to sections 16 and 16-a of chapter 329
2 of the laws of 1991, as added by section 9 of chapter 330 of the laws of
3 1991, as amended, shall additionally make payments for reimbursement
4 according to the following schedule:

5	State Fiscal Year	Amount
6	2012-13	\$363,097,000

7 § 2. Subdivision (f) of section 16 of chapter 329 of the laws of 1991,
8 amending the state finance law and other laws relating to the establish-
9 ment of the dedicated highway and bridge trust fund, as added by section
10 2 of part A of chapter 60 of the laws of 2011, is amended to read as
11 follows:

12 (f) For purposes of this section and section 10-c of the highway law,
13 for projects completed on or before March 31, [2012] 2013 local highway
14 and bridge projects may also include the following work types: (1)
15 microsurfacing, (2) paver placed surface treatment, (3) single course
16 surface treatment involving chip seals and oil and stone, and (4) double
17 course surface treatment involving chip seals and oil and stone, howev-
18 er, no reimbursement shall be made for (1) microsurfacing, (2) paver
19 placed surface treatment, (3) single course surface treatment involving
20 chip seals and oil and stone, and (4) double course surface treatment
21 involving chip seals and oil and stone after March 31, [2012] 2013.
22 Reimbursement for projects using these treatments may be made from the
23 proceeds of bonds, notes or other obligations issued by the New York
24 state thruway authority pursuant to section 380 of the public authori-
25 ties law or otherwise as determined by the director of the budget.

26 § 3. Subdivision (f) of section 16-a of chapter 329 of the laws of
27 1991, amending the state finance law and other laws relating to the
28 establishment of the dedicated highway and bridge trust fund, as added

1 by section 3 of part A of chapter 60 of the laws of 2011, is amended to
2 read as follows:

3 (f) For purposes of this section and section 10-c of the highway law,
4 for projects completed on or before March 31, [2012] 2013 local highway
5 and bridge projects may also include the following work types: (1)
6 microsurfacing, (2) paver placed surface treatment, (3) single course
7 surface treatment involving chip seals and oil and stone, and (4) double
8 course surface treatment involving chip seals and oil and stone, howev-
9 er, no reimbursement shall be made for (1) microsurfacing, (2) paver
10 placed surface treatment, (3) single course surface treatment involving
11 chip seals and oil and stone, and (4) double course surface treatment
12 involving chip seals and oil and stone after March 31, [2012] 2013.
13 Reimbursement for projects using these treatments may be made from the
14 proceeds of bonds, notes or other obligations issued by the New York
15 state thruway authority pursuant to section 380 of the public authori-
16 ties law or otherwise as determined by the director of the budget.

17 § 4. Subdivision (d) of section 11 of chapter 329 of the laws of 1991,
18 amending the state finance law and other laws relating to the establish-
19 ment of the dedicated highway and bridge trust fund, as amended by
20 section 4 of part A of chapter 60 of the laws of 2011, is amended to
21 read as follows:

22 (d) Any such service contract (i) shall provide that the obligation of
23 the director of the budget or the state to fund or to pay the amounts
24 therein provided for shall not constitute a debt of the state within the
25 meaning of any constitutional or statutory provisions in the event the
26 thruway authority assigns or pledges service contract payments as secu-
27 rity for its bonds or notes, (ii) shall be deemed executory only to the
28 extent moneys are available and that no liability shall be incurred by

1 the state beyond the moneys available for the purpose, and that such
2 obligation is subject to annual appropriation by the legislature, and
3 (iii) shall provide that no funds shall be made available from the
4 proceeds of bonds or notes issued pursuant to this chapter unless the
5 commissioner of transportation has certified to the chairman of the
6 thruway authority that such funds shall be used exclusively for the
7 purposes authorized by subdivision (a) of this section, and/or
8 construction, reconstruction or improvement of local highways, bridges
9 and/or highway-railroad crossings, including right of way acquisition,
10 preliminary engineering, and construction supervision and inspection,
11 where the service life of the project is at least ten years or for
12 projects completed on or before March 31, [2012] 2013 where the project
13 is: (1) microsurfacing, (2) paver placed surface treatment, (3) single
14 course surface treatment involving chip seals and oil and stone and (4)
15 double course surface treatment involving chip seals and oil and stone,
16 and unless the director of the budget has certified to the chairman of
17 the thruway authority that a spending plan has been submitted by the
18 commissioner of transportation and has been approved by the director of
19 the budget. No reimbursement shall be made for (1) microsurfacing, (2)
20 paver placed surface treatment, (3) single course surface treatment
21 involving chip seals and oil and stone, and (4) double course surface
22 treatment involving chip seals and oil and stone after March 31, [2012]
23 2013.

24 § 5. Subdivision (b) of section 16 of chapter 329 of the laws of 1991,
25 amending the state finance law and other laws relating to the establish-
26 ment of the dedicated highway and bridge trust fund, as amended by
27 section 5 of part A of chapter 60 of the laws of 2011, is amended to
28 read as follows:

1 (b) Each county, city, town and village shall certify to the commis-
2 sioner of transportation that amounts to be reimbursed are for
3 construction, reconstruction or improvement of local highways, bridges
4 and/or highway-railroad crossings, including right of way acquisition,
5 preliminary engineering, and construction supervision and inspection
6 where the service life of the project is at least ten years or for
7 projects completed on or before March 31, [2012] 2013 where the project
8 is: (1) microsurfacing, (2) paver placed surface treatment, (3) single
9 course surface treatment involving chip seals and oil and stone and (4)
10 double course surface treatment involving chip seals and oil and stone.
11 No reimbursement shall be made for (1) microsurfacing, (2) paver placed
12 surface treatment, (3) single course surface treatment involving chip
13 seals and oil and stone, and (4) double course surface treatment involv-
14 ing chip seals and oil and stone after March 31, [2012] 2013. Such
15 certification shall include any such information as may be necessary to
16 maintain the federal tax exempt status of bonds, notes or other obli-
17 gations issued by the New York state thruway authority pursuant to
18 section 380 of the public authorities law. The commissioner of transpor-
19 tation shall in writing request the municipalities to furnish such
20 information as may be necessary to comply with this section.

21 § 6. Subdivision (b) of section 16-a of chapter 329 of the laws of
22 1991, amending the state finance law and other laws relating to the
23 establishment of the dedicated highway and bridge trust fund, as amended
24 by section 6 of part A of chapter 60 of the laws of 2011, is amended to
25 read as follows:

26 (b) Each county, city, town and village shall certify to the commis-
27 sioner of transportation that amounts to be reimbursed are for
28 construction, reconstruction or improvement of local highways, bridges

1 and/or highway-railroad crossings, including right of way acquisition,
2 preliminary engineering, and construction supervision and inspection
3 where the service life of the project is at least ten years or for
4 projects completed on or before March 31, [2012] 2013 where the project
5 is: (1) microsurfacing, (2) paver placed surface treatment, (3) single
6 course surface treatment involving chip seals and oil and stone and (4)
7 double course surface treatment involving chip seals and oil and stone.
8 No reimbursement shall be made for (1) microsurfacing, (2) paver placed
9 surface treatment, (3) single course surface treatment involving chip
10 seals and oil and stone, and (4) double course surface treatment involv-
11 ing chip seals and oil and stone after March 31, [2012] 2013. Such
12 certification shall include any such information as may be necessary to
13 maintain the federal tax exempt status of bonds, notes or other obli-
14 gations issued by the New York state thruway authority pursuant to
15 section 380 of the public authorities law. The commissioner shall in
16 writing request the municipalities to furnish such information as may be
17 necessary to comply with this section.

18 § 7. Section 7 of part A of chapter 60 of the laws of 2011, authoriz-
19 ing funding for the Consolidated Local Street and Highway Improvement
20 Program (CHIPS) and Marchiselli program for state fiscal year 2011-2012
21 and amending chapter 329 of the laws of 1991, amending the state finance
22 law and other laws relating to the establishment of the dedicated high-
23 way and bridge trust fund, is amended to read as follows:

24 § 7. This act shall take effect immediately; provided, however, that
25 sections two, three, four, five and six of this act shall expire and be
26 deemed repealed on April 1, [2012] 2013.

27 § 8. This act shall take effect immediately; provided, however, that
28 the amendments to subdivisions (f) and (b) of section 16 of chapter 329

1 of the laws of 1991 made by sections two and five of this act, respec-
2 tively, shall not affect the repeal of such subdivisions and shall be
3 deemed repealed therewith; provided, further, that the amendments to
4 subdivisions (f) and (b) of section 16-a of chapter 329 of the laws of
5 1991 made by sections three and six of this act, respectively, shall not
6 affect the repeal of such subdivisions and shall be deemed repealed
7 therewith; and provided, further, that the amendments to subdivision (d)
8 of section 11 of chapter 329 of the laws of 1991 made by section four of
9 this act shall not affect the repeal of such subdivision and shall be
10 deemed repealed therewith.

11 PART B

12 Section 1. Section 326 of the highway law, as amended by chapter 1110
13 of the laws of 1971, is amended to read as follows:

14 § 326. Penalties, how recovered. All penalties or forfeitures given in
15 this chapter, and not otherwise specially provided for, shall be recov-
16 ered by the town superintendent, in the name of the town in which the
17 offense shall be committed; and when recovered, shall be applied by them
18 in improving the highways and bridges in such town, except that if the
19 offense occurs on any highway included in the systems defined by section
20 three hundred forty-one of this chapter, such penalties or forfeitures
21 may be recovered by the commissioner of transportation and where so
22 recovered shall be [paid to the state treasurer to the credit of the
23 fund available for the maintenance and repair of state highways] depos-
24 ited by the comptroller into the special obligation reserve and payment
25 account of the dedicated highway and bridge trust fund established
26 pursuant to section eighty-nine-b of the state finance law.

1 § 2. Paragraph (a) of subdivision 3 of section 89-b of the state
2 finance law, as amended by section 2 of chapter 165 of the laws of 2008,
3 is amended to read as follows:

4 (a) The special obligation reserve and payment account shall consist
5 (i) of all moneys required to be deposited in the dedicated highway and
6 bridge trust fund pursuant to the provisions of sections two hundred
7 five, two hundred eighty-nine-e, three hundred one-j, five hundred
8 fifteen and eleven hundred sixty-seven of the tax law, section four
9 hundred one of the vehicle and traffic law, and section thirty-one of
10 chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all
11 fees, fines or penalties collected by the commissioner of transportation
12 pursuant to section fifty-two, section three hundred twenty-six, and
13 subdivisions five, eight and twelve of section eighty-eight of the high-
14 way law, subdivision fifteen of section three hundred eighty-five of the
15 vehicle and traffic law, section two of the chapter of the laws of two
16 thousand three that amended this paragraph, subdivision (d) of section
17 three hundred four-a, paragraph one of subdivision (a) and subdivision
18 (d) of section three hundred five, subdivision six-a of section four
19 hundred fifteen and subdivision (g) of section twenty-one hundred twen-
20 ty-five of the vehicle and traffic law, section fifteen of this chapter,
21 excepting moneys deposited with the state on account of betterments
22 performed pursuant to subdivision twenty-seven or subdivision thirty-
23 five of section ten of the highway law, (iii) any moneys collected by
24 the department of transportation for services provided pursuant to
25 agreements entered into in accordance with section ninety-nine-r of the
26 general municipal law, and (iv) any other moneys collected therefor or
27 credited or transferred thereto from any other fund, account or source.

1 § 3. Paragraph (a) of subdivision 3 of section 89-b of the state
2 finance law, as amended by section 3 of chapter 165 of the laws of 2008,
3 is amended to read as follows:

4 (a) The special obligation reserve and payment account shall consist
5 (i) of all moneys required to be deposited in the dedicated highway and
6 bridge trust fund pursuant to the provisions of sections two hundred
7 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven
8 hundred sixty-seven of the tax law, section four hundred one of the
9 vehicle and traffic law, and section thirty-one of chapter fifty-six of
10 the laws of nineteen hundred ninety-three, (ii) all fees, fines or
11 penalties collected by the commissioner of transportation pursuant to
12 section fifty-two, section three hundred twenty-six, and subdivisions
13 five, eight and twelve of section eighty-eight of the highway law,
14 subdivision fifteen of section three hundred eighty-five of the vehicle
15 and traffic law, section fifteen of this chapter, excepting moneys
16 deposited with the state on account of betterments performed pursuant to
17 subdivision twenty-seven or subdivision thirty-five of section ten of
18 the highway law, (iii) any moneys collected by the department of trans-
19 portation for services provided pursuant to agreements entered into in
20 accordance with section ninety-nine-r of the general municipal law, and
21 (iv) any other moneys collected therefor or credited or transferred
22 thereto from any other fund, account or source.

23 § 4. This act shall take effect immediately, and shall be deemed to
24 have been in full force and effect on and after April 1, 2012; and
25 provided, however, that the amendments to paragraph (a) of subdivision 3
26 of section 89-b of the state finance law made by section two of this act
27 shall be subject to the expiration and reversion of such paragraph
28 pursuant to section 13 of part U-1 of chapter 62 of the laws of 2003, as

1 amended, when upon such date the provisions of section three of this act
2 shall take effect.

3 PART C

4 Section 1. Subdivision 3 of section 140 of the transportation law, as
5 added by chapter 635 of the laws of 1983, is amended to read as follows:

6 3. No motor vehicle [carrying] designed to carry passengers, as
7 described in subdivision two of this section, shall be operated within
8 the state unless it carries prominently displayed thereon the name of
9 the operator and certificate evidencing an inspection in accordance with
10 the rules and regulations of the commissioner [within a period of six
11 months last preceding]. The commissioner may, by order, rule or regu-
12 lation, exempt from the requirements of this subdivision, vehicles which
13 are not operated exclusively in transportation services for which
14 inspection is required, provided that written evidence of the names
15 otherwise subject to prominent display and such a certificate of
16 inspection are at all times carried within such vehicles to be made
17 available for examination upon proper demand, while the vehicles are
18 operated in such service.

19 § 2. This act shall take effect immediately and shall be deemed to
20 have been in full force and effect on and after April 1, 2012.

21 PART D

22 Section 1. Subdivision 1 of section 502 of the vehicle and traffic
23 law, as amended by section 2 of part CC of chapter 58 of the laws of
24 2011, is amended to read as follows:

1 1. Application for license. Application for a driver's license shall
2 be made to the commissioner. The fee prescribed by law may be submitted
3 with such application. The applicant shall furnish such proof of identi-
4 ty, age, and fitness as may be required by the commissioner. The commis-
5 sioner may also provide that the application procedure shall include the
6 taking of a photo image or images of the applicant in accordance with
7 rules and regulations prescribed by the commissioner. In addition, the
8 commissioner also shall require that the applicant provide his or her
9 social security number and provide space on the application so that the
10 applicant may register in the New York state organ and tissue donor
11 registry under section forty-three hundred ten of the public health law.
12 In addition, an applicant for a commercial driver's license who will
13 operate a commercial motor vehicle in interstate commerce shall certify
14 that such applicant meets the requirements to operate a commercial motor
15 vehicle, as set forth in public law 99-570, title XII, and title 49 of
16 the code of federal regulations, and all regulations promulgated by the
17 United States secretary of transportation under the hazardous materials
18 transportation act. In addition, an applicant for a commercial driver's
19 license shall submit a medical certificate at such intervals as required
20 by the federal motor carrier safety improvement act of 1999 and Part
21 383.71(h) of title 49 of the code of federal regulations relating to
22 medical certification and in a manner prescribed by the commissioner.
23 For purposes of this section and sections five hundred three [and], five
24 hundred ten-a, and five hundred ten-aa of this title, the [term] terms
25 "medical certificate" and "medical certification" shall mean a form
26 substantially in compliance with the form set forth in Part 391.43(h) of
27 title 49 of the code of federal regulations. Upon a determination that
28 the holder of a commercial driver's license has made any false state-

1 ment, with respect to the application for such license, the commissioner
2 shall revoke such license.

3 § 2. Paragraph (b) of subdivision 1 of section 503 of the vehicle and
4 traffic law, as amended by section 3 of part CC of chapter 58 of the
5 laws of 2011, is amended to read as follows:

6 (b) An application for a license shall be valid for a period of time
7 specified by regulation of the commissioner not to exceed five years. A
8 learner's permit shall be valid from its issuance until the expiration
9 of the application for a driver's license for which it was issued.
10 Provided, however, that [if the medical certificate submitted in accord-
11 ance with the requirements of the federal motor carrier safety improve-
12 ment act of 1999 and Part 383.71(h) of title 49 of the code of federal
13 regulations by an applicant for a commercial driver's license expires,
14 any] a learner's permit [that may have been] issued by the commissioner
15 in connection with [the] an application for a commercial driver's
16 license shall be [suspended] cancelled upon: (i) the expiration of the
17 holder's medical certification or medical variance documentation
18 required by the federal motor carrier safety improvement act of 1999 and
19 Part 383.71(h) of title 49 of the code of federal regulations; (ii) the
20 holder's failure to submit such medical certification or medical vari-
21 ance documentation when required to do so by the commissioner; or (iii)
22 the receipt by the commissioner of information from the issuing medical
23 examiner or the federal motor carrier safety administration that a
24 medical certification or medical variance was issued in error.

25 § 3. Paragraph (f) of subdivision 3 of section 510-a of the vehicle
26 and traffic law is REPEALED.

27 § 4. The vehicle and traffic law is amended by adding a new section
28 510-aa to read as follows:

1 § 510-aa. Downgrade of commercial driver's licenses. A commercial
2 driver's license shall be downgraded to a non-commercial driver's
3 license by the commissioner upon the expiration of the holder's medical
4 certification or medical variance documentation required by the federal
5 motor carrier safety improvement act of 1999 and Part 383.71(h) of title
6 49 of the code of federal regulations, or upon the holder's failure to
7 submit such medical certification or medical variance documentation when
8 required to do so by the commissioner. A commercial driver's license
9 shall also be downgraded to a non-commercial driver's license by the
10 commissioner upon receipt of information from the issuing medical exam-
11 iner or the federal motor carrier safety administration that a medical
12 certification or medical variance was issued in error. Such downgrade
13 shall be terminated, and the commercial driver's license restored, upon:
14 (1) the holder's submission of the required valid medical examiner's
15 certificate or medical variance documentation; or (2) the holder's self-
16 certification specifying the type of commercial motor vehicle operation
17 he or she engages, or expects to engage in, and that the holder is
18 therefore not subject to the physical qualification requirements of the
19 federal motor carrier safety improvement act of 1999 and Part 383.71(h)
20 of title 49 of the code of federal regulations.

21 § 5. Section 509 of the vehicle and traffic law is amended by adding a
22 new subdivision 7-a to read as follows:

23 7-a. No person shall operate a commercial motor vehicle unless
24 medically certified in accordance with the federal motor carrier safety
25 improvement act of 1999 and Part 383.71(h) of title 49 of the code of
26 federal regulations.

27 § 6. This act shall take effect immediately; provided, however, that
28 if sections 2 and 3 of part CC of chapter 58 of the laws of 2011 shall

1 not have taken effect on or before such date then sections one and two
2 of this act shall take effect on the same date and in the same manner as
3 such chapter of the laws of 2011 takes effect; provided further, howev-
4 er, that section five of this act shall take effect on the sixtieth day
5 after it shall have become a law.

6 PART E

7 Section 1. Subdivision 12 of section 1269 of the public authorities
8 law, as amended by section 1 of part NN of chapter 59 of the laws of
9 2010, is amended to read as follows:

10 12. The aggregate principal amount of bonds, notes or other obli-
11 gations issued after the first day of January, nineteen hundred ninety-
12 three by the authority, the Triborough bridge and tunnel authority and
13 the New York city transit authority to fund projects contained in capi-
14 tal program plans approved pursuant to section twelve hundred sixty-
15 nine-b of this [article] title for the period nineteen hundred ninety-
16 two through two thousand fourteen shall not exceed [thirty-four]
17 forty-one billion eight hundred seventy-seven million dollars. Such
18 aggregate principal amount of bonds, notes or other obligations or the
19 expenditure thereof shall not be subject to any limitation contained in
20 any other provision of law on the principal amount of bonds, notes or
21 other obligations or the expenditure thereof applicable to the authori-
22 ty, the Triborough bridge and tunnel authority or the New York city
23 transit authority. The aggregate limitation established by this subdivi-
24 sion shall not include (i) obligations issued to refund, redeem or
25 otherwise repay, including by purchase or tender, obligations thereto-
26 fore issued either by the issuer of such refunding obligations or by the

1 authority, the New York city transit authority or the Triborough bridge
2 and tunnel authority, (ii) obligations issued to fund any debt service
3 or other reserve funds for such obligations, (iii) obligations issued or
4 incurred to fund the costs of issuance, the payment of amounts required
5 under bond and note facilities, federal or other governmental loans,
6 security or credit arrangements or other agreements related thereto and
7 the payment of other financing and related costs associated with such
8 obligations, (iv) an amount equal to any original issue discount from
9 the principal amount of such obligations or to fund capitalized inter-
10 est, (v) obligations incurred pursuant to section twelve hundred seven-m
11 of this article, (vi) obligations incurred to fund the acquisition of
12 certain buses for the New York city transit authority as identified in a
13 capital program plan approved pursuant to chapter fifty-three of the
14 laws of nineteen hundred ninety-two, (vii) obligations incurred in
15 connection with the leasing, selling or transferring of equipment, and
16 (viii) bond anticipation notes or other obligations payable solely from
17 the proceeds of other bonds, notes or other obligations which would be
18 included in the aggregate principal amount specified in the first
19 sentence of this subdivision, whether or not additionally secured by
20 revenues of the authority, or any of its subsidiary corporations, New
21 York city transit authority, or any of its subsidiary corporations, or
22 Triborough bridge and tunnel authority.

23 § 2. This act shall take effect immediately.

24

PART F

25 Section 1. Section 205 of the vehicle and traffic law is amended by
26 adding a new subdivision 3-a to read as follows:

1 3-a. In addition to the fees retained pursuant to subdivision three of
2 this section, each county clerk acting as the agent of the commissioner
3 pursuant to subdivision one of this section shall retain four percent of
4 "enhanced internet and electronic partner revenue" collected by the
5 commissioner. For the purposes of this subdivision, "enhanced internet
6 and electronic partner revenue" shall mean the amount of gross receipts
7 attributable to all transactions conducted on the internet by residents
8 of such county and by designated partners of the department on behalf of
9 such residents for the current calendar year that exceeds the amount of
10 such revenue collected by the commissioner during calendar year two
11 thousand eleven. The commissioner shall certify the amounts to be
12 retained by each county clerk pursuant to this subdivision. Provided,
13 however, that if the aggregate amount of fees retained by county clerks
14 pursuant to this subdivision in calendar years two thousand twelve and
15 two thousand thirteen combined exceeds eighty-eight million five hundred
16 thousand dollars, then the percentage of fees to be retained thereafter
17 shall be reduced to a percentage that, if applied to the fees collected
18 during calendar years two thousand twelve and two thousand thirteen
19 combined, would have resulted in an aggregate retention of eighty-eight
20 million five hundred thousand dollars or 2.5 percent of enhanced inter-
21 net and electronic partner revenue, whichever is higher. If the aggre-
22 gate amount of fees retained by county clerks pursuant to this subdivi-
23 sion in calendar years two thousand twelve and two thousand thirteen
24 combined is less than eighty-eight million five hundred thousand
25 dollars, then the percentage of fees to be retained thereafter shall be
26 increased to a percentage that, if applied to the fees collected during
27 calendar years two thousand twelve and two thousand thirteen combined,
28 would have resulted in an aggregate retention of eighty-eight million

1 five hundred thousand dollars, or six percent of enhanced internet and
2 electronic partner revenue, whichever is less. On and after April first,
3 two thousand sixteen, the percent of enhanced internet and electronic
4 partner revenue to be retained by county clerks shall be the average of
5 the annual percentages that were in effect between April first, two
6 thousand twelve and March thirty-first, two thousand sixteen.

7 § 2. This act shall take effect April 1, 2012.

8 PART G

9 Section 1. Subdivision 1 of section 140 of the transportation law, as
10 added by chapter 635 of the laws of 1983, is amended to read as follows:

11 1. Every [common and contract] for hire and private carrier of passen-
12 ger by motor vehicle involved in interstate, intrastate, or interna-
13 tional commerce domiciled in New York shall furnish and provide with
14 respect thereto such service and facilities as shall be safe and
15 adequate. Any such carrier shall give immediate notice to the commis-
16 sioner of every accident to which it shall, in the course of its oper-
17 ations, have been a party.

18 § 2. Subparagraph (ii) of paragraph a of subdivision 2 of section 140
19 of the transportation law, as amended by chapter 602 of the laws of
20 1985, is amended to read as follows:

21 (ii) All motor carriers, employees and motor vehicles [operated pursu-
22 ant to or requiring a certificate or permit for the transportation of
23 passengers or property from the interstate commerce commission or the
24 commissioner] that transport property or passengers in intrastate,
25 interstate, or international commerce.

1 § 3. Paragraphs b and c of subdivision 2 of section 140 of the trans-
2 portation law, paragraph b as amended by chapter 173 of the laws of 1990
3 and paragraph c as amended by chapter 602 of the laws of 1985, are
4 amended to read as follows:

5 b. [In addition to those vehicles operated pursuant to or requiring a
6 certificate or a permit for the transportation of property from the
7 interstate commerce commission or the commissioner as set forth in
8 subparagraph (ii) of paragraph a of this subdivision, the commissioner
9 shall have the power to adopt rules and regulations governing the safety
10 of operation of other motor vehicles operated for the commercial trans-
11 portation of property.

12 c.] The department shall have the power to examine vehicles, facili-
13 ties and records subject to the provisions of this subdivision, at any
14 time and place where they are found, to ascertain whether such rules and
15 regulations are being obeyed. The rules and regulations of the commis-
16 sioner shall provide for the inspection of all such vehicles, facilities
17 and records subject to the provisions of this subdivision, at such peri-
18 ods and at such manner as the commissioner may direct, and, when
19 adopted, shall have the full force and effect of law.

20 § 3-a. Paragraph d of subdivision 2 of section 140 of the transporta-
21 tion law is relettered paragraph c and subparagraph (i) of such para-
22 graph, as added by chapter 173 of the laws of 1990, is amended to read
23 as follows:

24 (i) No motor carrier, employee or motor vehicle [operated pursuant to
25 or requiring a certificate or a permit for the transportation of proper-
26 ty from the interstate commerce commission or the commissioner and no
27 motor vehicle operated for the commercial transportation of property]
28 that transports property or passengers in intrastate, interstate, or

1 international commerce shall [be operated] operate in this state unless
2 [it] such motor carrier, employee or motor vehicle is in compliance with
3 the department's safety rules and regulations.

4 § 4. Subdivisions 4 and 5 of section 140 of the transportation law,
5 subdivision 4 as added by chapter 635 of the laws of 1983 and subdivi-
6 sion 5 as amended by chapter 731 of the laws of 1988, are amended to
7 read as follows:

8 4. Each motor vehicle engaged in the interstate or international
9 transportation of passengers operated within the state shall be subject
10 to subdivision three of this section as to the display of the name of
11 the operator thereof, and of such certificate of inspection as to the
12 safety of its appliances, equipment and mechanical operation, as the
13 commissioner may, by rules and regulations require. In respect to such
14 motor vehicle, the commissioner may, in lieu of a certificate of the
15 commissioner, authorize the display of a certificate of inspection
16 issued within a period of [six] twelve months last preceding, by a regu-
17 latory body of another state, or a province of Canada, having safety
18 standards determined by the commissioner not to be substantially lower
19 than those prescribed by the commissioner. The rules and regulations to
20 be adopted under this subdivision shall insofar as practicable be
21 uniform and the provisions of the vehicle and traffic law so far as
22 applicable and not in conflict with the provisions of this subdivision,
23 shall continue to apply to all such motor vehicles.

24 5. No motor vehicle with a seating capacity of more than eleven
25 passengers manufactured after December thirty-first, nineteen hundred
26 seventy-five, used in the business of transporting school children for
27 hire or used for the transportation of school children, owned and/or
28 operated by school districts or by any public or private school shall be

1 operated within the state, unless each seat, other than the driver's
2 seat, on such vehicle is equipped with a padded back at least twenty-
3 eight inches in height of a type and specification approved by the
4 commissioner. Any person who operates a motor vehicle in violation of
5 the requirement for such seat backs shall be guilty of a violation,
6 punishable by a fine not exceeding one hundred dollars. The provisions
7 of this subdivision shall not apply to any bus used for the transporta-
8 tion of pupils, teachers and other persons acting in a supervisory
9 capacity to and from school activities and which bus does not receive or
10 discharge passengers on or along the public highways on regularly sched-
11 uled routes and which is being operated pursuant to [a permit or certif-
12 icate of public convenience and necessity] for-hire operating authority
13 issued by the commissioner or by the [interstate commerce commission]
14 United States department of transportation. School buses manufactured or
15 assembled prior to April first, nineteen hundred seventy-seven may not
16 be used to transport pupils, teachers and other persons acting in a
17 supervisory capacity to and from school activities.

18 § 5. The closing paragraph of section 151 of the transportation law,
19 as added by chapter 635 of the laws of 1983, is amended to read as
20 follows:

21 For the purposes of this article, the term "sedan" or "sedans" as used
22 herein shall include private passenger automobiles [larger than a
23 conventional sedan and commonly known as a limousine], but shall not
24 include [vans or buses] vehicles with a seating capacity of eleven
25 persons or more including the driver.

26 § 6. Section 210 of the transportation law, as amended by chapter 488
27 of the laws of 1979, is amended to read as follows:

1 § 210. Application of this article. The term "motor truck" as used in
2 this article shall be deemed to mean and include any motor vehicle held
3 and used for the transportation of goods, wares and merchandise for hire
4 or for a business purpose, [including such motor vehicles commonly known
5 as an auto truck or light delivery car] pursuant to the rules and regu-
6 lations of the commissioner. The term "motor bus" as used in this arti-
7 cle shall be deemed to mean and include any motor vehicle held and used
8 for the transportation of passengers for hire or for a business purpose,
9 pursuant to the rules and regulations of the commissioner.

10 § 7. Section 211 of the transportation law, as amended by chapter 475
11 of the laws of 1996, is amended to read as follows:

12 § 211. General provisions. No driver of a motor truck or motor bus
13 shall drive such vehicle or be on duty for any period of time in excess
14 of that authorized pursuant to regulation of the commissioner. The
15 commissioner is hereby authorized to promulgate rules and regulations
16 governing the hours of service of drivers of motor trucks and motor
17 buses. Such rules and regulations shall be no less protective of public
18 safety than the rules and regulations promulgated by the federal govern-
19 ment with respect to hours of labor of operation of motor trucks and
20 motor buses, provided, however, that with regard to drivers of motor
21 buses [operated exclusively in a town or county or] operated by a public
22 transportation authority operating exclusively within its jurisdictional
23 area, the rules and regulations of the commissioner shall provide that
24 no driver of such motor buses shall drive more than twelve hours follow-
25 ing eight consecutive hours off duty and no driver of such motor buses
26 shall drive for any period after having been on duty for fifteen hours
27 following eight consecutive hours off duty and every driver of such
28 motor buses shall have at least twenty-four consecutive hours off duty

1 in every period of seven consecutive days and in no event shall such a
2 driver be on duty for more than seventy-five hours in any period of
3 seven consecutive days.

4 § 8. Section 212 of the transportation law, as added by chapter 342 of
5 the laws of 1974, subdivision a as amended by chapter 843 of the laws of
6 1980, is amended to read as follows:

7 § 212. Records. [a.] Every driver of a motor truck or motor bus shall
8 keep and carry on the vehicle records showing the day and hour when and
9 the place where he went and was released from duty, whether in this
10 state or outside of this state. The commissioner shall prescribe the
11 form of such records and may require such other information to be shown
12 thereon as he shall deem advisable to insure the proper enforcement of
13 this article. Such records shall be exhibited to the commissioner, his
14 representatives, or to any peace officer, acting pursuant to his special
15 duties or police officer who shall demand to see the same and shall be
16 held available for further inspection for a period of sixty days within
17 the state of New York in an office designated by the owner. Failure to
18 produce such records upon demand shall be presumptive evidence of a
19 violation of this article relating to keeping such records. In any pros-
20 ecution for the violation of any of the provisions of this article such
21 records shall be prima facie evidence of the truth of the contents ther-
22 eof.

23 [b. The provisions of this article with reference to the carrying of
24 records on the vehicle shall not apply to the operation of a motor bus
25 or motor buses operated on fixed schedules, but this shall not relieve
26 any corporation, company, association, joint-stock association, partner-
27 ship or person engaged in the operation of a motor bus or motor buses on

1 fixed schedules from the necessity of keeping such records and having
2 them available in an office within the state of New York.]

3 § 9. Section 214 of the transportation law is REPEALED.

4 § 10. Paragraph (a) of subdivision 1 of section 14-f of the transpor-
5 tation law, as added by chapter 963 of the laws of 1981, subparagraphs 7
6 and 8 as amended and subparagraphs 9, 10 and 11 as added by chapter 186
7 of the laws of 1987, subparagraph 9 as amended by chapter 180 and
8 subparagraph 12 as amended by chapter 190 of the laws of 1989 and the
9 second undesignated paragraph as amended by chapter 402 of the laws of
10 1993, is amended to read as follows:

11 (a) Have the power to make rules and regulations governing transporta-
12 tion of hazardous materials, which shall mean a substance or material in
13 a quantity and form which may pose an unreasonable risk to health and
14 safety or property when transported in commerce, by all modes as defined
15 by the rules and regulations of the department. [For purposes of this
16 section, the term "hazardous materials" shall include the following:

17 (1) "Irritating material" which shall mean a liquid or solid substance
18 which upon contact with fire or when exposed to air gives off dangerous
19 or intensely irritating fumes such as benzylcyande, chloracetophenone,
20 diphenylaminechlorarsine, and diphenyl chlorarsine, but not including
21 any poisonous material, Class A;

22 (2) "Poison A" which shall mean those poisonous gases or liquids of
23 such nature that a small amount of the gas, liquid or vapor of the
24 liquid, when in contact with air is dangerous to life. This class
25 includes the following: bromacetone, cyanogen, cyanogen chloride
26 containing less than 0.9 percent water, diphosgene, ethyldichlorarsine,
27 hydrocyanic acid, methyldichlorarsine, nitrogen peroxide (tetroxide),

1 phosgene (diphosgene), nitrogen tetroxide - nitric oxide mixtures
2 containing up to 33.2 percent weight nitric oxide;

3 (3) "Poison B" which shall mean those substances, liquid or solid
4 (including pastes and semi-solids), other than Class A poisons or irri-
5 tating materials, which are known to be so toxic as to be a hazard to
6 health;

7 (4) "Corrosive materials" which shall mean those acids, alkaline caus-
8 tic liquids and other corrosive liquids or solids which when in contact
9 with living tissue, will cause severe damage of such tissue by chemical
10 action; or in the case of leakage, will materially damage or destroy
11 other freight by chemical action; or are liable to cause fire when in
12 contact with organic matter or with certain chemicals that cause visible
13 destruction or irreversible alteration in human skin tissue at the site
14 of contact;

15 (5) "Oxidizing materials" which shall mean those substances such as a
16 chlorate, permanganate, peroxide, or a nitrate, that yields oxygen read-
17 ily to stimulate the combustion of organic matter;

18 (6) "Flammable solids" which shall mean any solid material, other than
19 one designated an explosive, as further defined in this section, which
20 under conditions incident to transportation, cause fires through fric-
21 tion, through absorption of moisture, through spontaneous chemical
22 changes, or as a result of retained heat from the manufacturing or proc-
23 essing. Included in this class are spontaneously combustible and
24 water-reactive materials;

25 (7) "Flammable liquids" which shall mean any liquid, except any liquid
26 meeting the definition of subparagraph nine, ten or eleven of this para-
27 graph, which gives off flammable vapors below a temperature of one
28 hundred degrees Fahrenheit;

1 (8) "Radioactive materials" which shall mean irradiated nuclear reac-
2 tor fuel and the waste by-products of reprocessed irradiated nuclear
3 reactor fuel and any other material or combination of materials that
4 spontaneously emits ionizing radiation which the commissioner of trans-
5 portation determines by regulation to present significant potential
6 threat to public health and safety;

7 (9) "Liquefied compressed gas" which shall mean a gas liquefied
8 through compression and under charged pressure is partially liquid at a
9 temperature of seventy degrees Fahrenheit;

10 (9) "Regulated medical waste" which shall be defined as provided in
11 subdivision one of section 27-1501 of the environmental conservation
12 law.

13 (10) "Cryogenic liquid" which shall mean a refrigerated liquefied gas
14 having a boiling point colder than minus one hundred thirty degrees
15 Fahrenheit (minus ninety degrees centigrade) at one atmosphere absolute;

16 (11) "Flammable compressed gas" which shall mean any material or
17 mixture having in the container an absolute pressure exceeding forty
18 p.s.i. at seventy degrees Fahrenheit, or, regardless of the pressure at
19 seventy degrees Fahrenheit, having an absolute pressure exceeding one
20 hundred four p.s.i. at one hundred thirty degrees Fahrenheit, or any
21 liquid flammable material having a vapor pressure exceeding forty p.s.i.
22 absolute at one hundred degrees Fahrenheit as determined by ASTM test
23 D-323, if any one of the following occurs:

24 (i) either a mixture of thirteen percent or less, (by volume) with air
25 forms a flammable mixture or the flammable range with air is wider than
26 twelve percent regardless of the lower limit. These limits shall be
27 determined at atmospheric temperature and pressure;

1 (ii) using the bureau of explosives, association of American railroads
2 flame projection apparatus, the flame projects more than eighteen inches
3 beyond the ignition source with valve open fully, or, the flame flashes
4 back and burns at the valve with any degree of valve opening;

5 (iii) using the bureau of explosives, association of American rail-
6 roads open drum apparatus, there is any significant propagation of flame
7 away from the ignition source;

8 (iv) using the bureau of explosives, association of American railroads
9 close drum apparatus, there is any explosion of the vapor-air mixture in
10 the drum; and

11 (12) Other identical or similar substances which shall from time to
12 time be identified by the commissioner of transportation by rules and
13 regulations promulgated pursuant to this section as being hazardous
14 materials, provided, however, that this section shall not apply to the
15 regular military or naval forces of the United States; nor to the duly
16 authorized militia of any state or territory thereof; nor to the police
17 or fire departments of this state, or of its counties, cities, towns,
18 villages, agencies or instrumentalities, providing the same are acting
19 within their official capacity and in the performance of their duties.

20 Such rules and regulations shall be no less protective of public safe-
21 ty than the rules and regulations promulgated by the federal government
22 with respect to the transportation of hazardous materials. The regu-
23 lations shall set forth the criteria for identifying and listing, and a
24 list of hazardous materials subject to this section as may be amended by
25 the commissioner of transportation from time to time in a manner
26 consistent with the state administrative procedure act and consistent
27 with this section. Such regulations shall include specifications for
28 marking and placarding of vehicles transporting hazardous materials as

1 will be applied pursuant to paragraph (a) of subdivision three of this
2 section. The regulations promulgated hereunder shall include notice that
3 a violation of the rules and regulations is subject to a fine or a peri-
4 od of imprisonment, and the rules and regulations shall set forth the
5 penalty provisions contained in subdivision four of this section.
6 Provided, however, that all local laws or ordinances, except those of
7 cities having a population of one million or more, regulating the trans-
8 portation of flammable liquids in trucks, trailers or semi-trailers, are
9 hereby superseded and without force and hereafter no such local law or
10 ordinance shall be adopted to regulate or control the equipment or means
11 of transporting flammable liquids in trucks, trailers or semi-trailers.

12 For the purposes of this section, a "vehicle" shall mean every device
13 in which property may be transported upon a highway, stationary rails or
14 tracks, or on the navigable waterways of the state.]

15 § 11. Subdivision 3 of section 14-g of the transportation law, as
16 amended by chapter 921 of the laws of 1983, is amended to read as
17 follows:

18 3. For the purposes of this section, the term "intercity bus passenger
19 service" shall mean transportation provided to the public on a regular
20 and continuing basis by a person, firm, or corporation authorized to
21 transport passengers in interstate commerce by the [interstate commerce
22 commission] United States department of transportation or in intrastate
23 commerce by the state department of transportation that is primarily
24 intended to satisfy longer distance travel demand between cities, and
25 villages and unincorporated urban places that have a population of two
26 thousand five hundred or more. Such term does not include services that
27 are primarily local or commuter oriented in nature.

1 § 12. Subdivisions 1-a, 1-b and 2 of section 18 of the transportation
2 law, as amended by chapter 199 of the laws of 1987, are amended to read
3 as follows:

4 1-a. The department of transportation is hereby designated the offi-
5 cial state agency to receive all notifications from the [federal inter-
6 state commerce commission] United States department of transportation or
7 any other federal or state agency in regard to discontinuance of service
8 or railroad property abandonment proceedings, including notification of
9 applications from railroad companies for any such purposes.

10 1-b. The department of transportation shall promptly inform in writing
11 all interested state agencies, transportation authorities, and every
12 county, city, town and village in which such property is located and the
13 appropriate entity designated by the governor pursuant to title IV of
14 the federal intergovernmental cooperation act of nineteen hundred
15 sixty-eight and the federal office of management and budget circular
16 A-98 of (a) the issuance of any certificate from the [federal interstate
17 commerce commission] United States department of transportation or other
18 federal or state agency authorizing discontinuance of railroad service
19 or abandonment of railroad transportation property, (b) approval of
20 discontinuance of service or a determination of abandonment of railroad
21 transportation property pursuant to this section, and (c) the receipt of
22 an application to release a preferential acquisition right to railroad
23 transportation property pursuant to this section.

24 2. For the purposes of this section, property shall be deemed to be
25 abandoned for railroad transportation purposes (a) when, where required
26 by law, a certificate of abandonment of the railroad line situate there-
27 on has been issued by the [interstate commerce commission] United States
28 department of transportation and/or any other federal or state agency

1 having jurisdiction thereof; or (b) when such a certificate of abandon-
2 ment is not so required and the use of such property for railroad trans-
3 portation purposes has been discontinued with the intent not to resume.
4 Intent not to resume may be inferred from circumstances. Non-use of the
5 property for railroad transportation purposes for two consecutive years
6 shall create a presumption of abandonment. When use of such property
7 for railroad transportation purposes has been discontinued and upon
8 request of the property owner or his own motion, the commissioner shall
9 undertake an investigation thereof, which may include consultation with
10 the [interstate commerce commission] United States department of trans-
11 portation, and shall render a determination as to whether or not (a) the
12 property owner has definite plans for the use of such property for
13 purposes ordinarily associated with the safe and normal operation of a
14 railroad or associated transportation purposes; (b) such property
15 continues to be suitable for such railroad transportation purposes; and
16 (c) such property is necessary, either presently or in the future, for
17 such railroad transportation purposes. Such property shall be deemed to
18 be abandoned for railroad transportation purposes if the commissioner
19 shall determine that (a) the property owner has no definite plans for
20 the use of such property for purposes ordinarily associated with the
21 safe and normal operation of a railroad or associated transportation
22 purposes; or (b) such property is no longer suitable for such railroad
23 transportation purposes; and (c) such property is not necessary, either
24 presently or in the future, for such railroad transportation purposes.
25 The commissioner shall render such determination within ninety days
26 after the commencement of such investigation and such determination
27 shall be conclusive except that if the property is determined not to be
28 so abandoned such determination shall not preclude the undertaking of a

1 subsequent investigation concerning the same property. Sales of aban-
2 doned railroad transportation property for continued or resumed rail
3 transportation use may be exempted at the commissioner's discretion from
4 the preferential right of acquisition. This section shall not apply to
5 the subsequent resale of property lawfully acquired subject to the
6 provisions of this section as then applicable, except when the subse-
7 quent sale involves property previously exempted from this section by
8 the commissioner.

9 § 13. Section 98 of the transportation law, as added by chapter 267 of
10 the laws of 1970, is amended to read as follows:

11 § 98. Tariff schedules; publication. Every common carrier shall file
12 with the commissioner and shall print and keep open to public inspection
13 schedules showing the rates, fares and charges for the transportation of
14 passengers and property within the state between each point upon its
15 route and all other points thereon; and between each point upon its
16 route and all points upon every route leased, operated or controlled by
17 it; and between each point on its route or upon any route leased, oper-
18 ated or controlled by it and all points upon the route of any other
19 common carrier, whenever a through route and joint rate shall have been
20 established or ordered between any two such points. If no joint rate
21 over a through route has been established, the several carriers in such
22 through route shall file, print and keep open to public inspection, as
23 aforesaid, the separately established rates, fares and charges applied
24 to the through transportation. The schedules printed as aforesaid shall
25 plainly state the places between which property and passengers will be
26 carried, and shall also contain the classification of passengers or
27 property in force, and shall also state separately all terminal charges,
28 storage charges, icing charges, and all other charges which the commis-

1 sioner may require to be stated, all privileges or facilities granted or
2 allowed, and any rules or regulations which may in anywise change,
3 affect or determine any part, or the aggregate of, such aforesaid rates,
4 fares and charges, or the value of the service rendered to the passen-
5 ger, shipper or consignee. Such schedules shall be plainly printed in
6 large type, and a copy thereof shall be kept by every such carrier read-
7 ily accessible to and for convenient inspection by the public in every
8 station or office of such carrier where passengers or property are
9 respectively received for transportation, when such station or office is
10 in charge of an agent, and in every station or office of such carrier
11 where passenger tickets for transportation or tickets covering sleeping
12 or parlor car or other train accommodation are sold or bills of lading
13 or receipts for property are issued. All or any of such schedules kept
14 as aforesaid shall be immediately produced by such carrier for
15 inspection upon the demand of any person. A notice printed in bold type
16 and stating that such schedules are on file with the agent and open to
17 inspection by any person and that the agent will assist any such person
18 to determine from such schedules any transportation rates or fares or
19 rules or regulations which are in force shall be kept posted by the
20 carrier in two public and conspicuous places in every such station or
21 office. The form of every such schedule shall be prescribed by the
22 commissioner and shall conform in the case of railroad company as nearly
23 as may be to the form of schedule required by the [interstate commerce
24 commission] United States department of transportation under the act of
25 congress entitled "An act to regulate commerce," approved February
26 fourth, eighteen hundred and eighty-seven and the acts amendatory there-
27 of and supplementary thereto. The commissioner shall have power, from
28 time to time, in his discretion, to determine and prescribe by order

1 such changes in the form of such schedules as may be found expedient,
2 and to modify the requirements of this section in respect to publishing,
3 posting and filing of schedules either in particular instances or by
4 general order applicable to special or peculiar circumstances or condi-
5 tions.

6 § 14. Section 126 of the transportation law, as added by chapter 267
7 of the laws of 1970, is amended to read as follows:

8 § 126. Uniform system of accounts; access to accounts; forfeitures.
9 The commissioner may, whenever he deems advisable, establish a system of
10 accounts to be used by common carriers which are subject to his super-
11 vision, or may classify the said carriers and prescribe a system of
12 accounts for each class, and may prescribe the manner in which such
13 accounts shall be kept. He may also in his discretion prescribe the
14 forms of accounts, records and memoranda to be kept by such carriers,
15 including the accounts, records and memoranda of the movement of traffic
16 as well as the receipts and expenditures of moneys. Notice of alter-
17 ations by the commissioner in the required method or form of keeping a
18 system of accounts shall be given to such persons or carriers by the
19 commissioner at least six months before the same are to take effect. The
20 system of accounts established by the commissioner and the forms of
21 accounts, records and memoranda prescribed by him as provided above
22 shall conform in the case of railroad companies as nearly as may be to
23 those from time to time established and prescribed by the [interstate
24 commerce commission] United States department of transportation under
25 the provisions of the act of congress entitled "An act to regulate
26 commerce" approved February fourth, eighteen hundred eighty-seven, and
27 the acts amendatory thereof or supplementary thereto. The commissioner
28 shall at all times have access to all accounts, records and memoranda

1 kept by common carriers and may designate any officers or employees of
2 the department who shall thereupon have authority under the order of the
3 commissioner to inspect and examine any and all accounts, records and
4 memoranda kept by such carriers. The commissioner may, after hearing,
5 prescribe by order the accounts in which particular outlays and receipts
6 shall be entered, charged or credited. At any such hearing the burden of
7 proof shall be on the common carrier to establish the correctness of the
8 accounts in which such outlays and receipts have been entered, and the
9 commissioner may suspend a charge or credit pending submission of proof
10 by such carrier. Where the commissioner has prescribed the forms of
11 accounts, records and memoranda to be kept by such carriers it shall be
12 unlawful for them to keep any other accounts, records or memoranda than
13 those so prescribed, or those prescribed by or under authority of the
14 United States.

15 § 15. Section 134 of the transportation law, as added by chapter 267
16 of the laws of 1970, is amended to read as follows:

17 § 134. Duties of commissioner as to interstate traffic. The commis-
18 sioner may investigate interstate freight or passenger rates or inter-
19 state freight or passenger service on railroads within the state, and
20 when such rates are, in the opinion of the commissioner, excessive or
21 discriminatory or are levied or laid in violation of the act of congress
22 entitled "An act to regulate commerce," approved February fourth, eigh-
23 teen hundred and eighty-seven, and the acts amendatory thereof and
24 supplementary thereto, or in conflict with the rulings, orders or regu-
25 lations of the [interstate commerce commission] United States department
26 of transportation, the commissioner may apply by petition to the [inter-
27 state commerce commission] United States department of transportation
28 for relief or may present to the [interstate commerce commission] United

1 States department of transportation all facts coming to his knowledge,
2 as to violations of the rulings, orders, or regulations of that commis-
3 sion or as to violations of the said act to regulate commerce or acts
4 amendatory thereof or supplementary thereto.

5 § 16. The opening paragraph of section 432 of the transportation law,
6 as amended by chapter 385 of the laws of 1994 and as further amended by
7 section 1 of part W of chapter 56 of the laws of 2010, is amended to
8 read as follows:

9 The level of railroad participation in the program for the period
10 nineteen hundred eighty-seven through nineteen hundred ninety-one shall
11 depend on the estimated tax abatement as computed by the commissioner of
12 taxation and finance pursuant to either subdivision (c) of section four
13 hundred eighty-nine-j or subdivision (c) of section four hundred eight-
14 y-nine-hh of the real property tax law. The nature of railroad partic-
15 ipation in the program, as set forth below, shall be based on the rail-
16 road's economic or exemption factor under title two-A and title two-B of
17 article four of the real property tax law, as applicable, and the rail-
18 road's size classification as determined by the [interstate commerce
19 commission] United States department of transportation, based on rail-
20 road system gross revenues. Regardless of the level of their partic-
21 ipation, all railroads shall annually certify to the commissioner that
22 to the best of their knowledge and belief such railroads are in substan-
23 tial compliance with the terms and conditions of any contracts they may
24 have with the department.

25 § 17. The opening paragraph of subdivision 1 of section 1690 of the
26 vehicle and traffic law, as amended by chapter 420 of the laws of 2001,
27 is amended to read as follows:

1 Notwithstanding any other provision of law, where the trial of a traf-
2 fic or parking infraction is authorized or required to be tried before
3 the Nassau county district court, and such traffic and parking infrac-
4 tion does not constitute a misdemeanor, felony, violation of subdivision
5 one of section eleven hundred ninety-two, subdivision five of section
6 eleven hundred ninety-two, section three hundred ninety-seven-a, or
7 subdivision (g) of section eleven hundred eighty of this chapter, or a
8 violation of paragraph (b) of subdivision four of section fourteen-f or
9 clause (b) of subparagraph (iii) of paragraph [d] c of subdivision two
10 of section one hundred forty of the transportation law, or any offense
11 that is part of the same criminal transaction, as that term is defined
12 in subdivision two of section 40.10 of the criminal procedure law, as
13 such a misdemeanor, felony, violation of subdivision one of section
14 eleven hundred ninety-two, subdivision two of section eleven hundred
15 ninety-two, section three hundred ninety-seven-a or subdivision (g) of
16 section eleven hundred eighty of this chapter, or a violation of para-
17 graph (b) of subdivision four of section fourteen-f or clause (b) of
18 subparagraph (iii) of paragraph d of subdivision two of section one
19 hundred forty of the transportation law, the administrative judge of the
20 county in which the trial court is located, may assign judicial hearing
21 officers to conduct such a trial. Such judicial hearing officers shall
22 be village court justices or retired judges either of which shall have
23 at least two years of experience conducting trials of traffic and park-
24 ing violations cases and shall be admitted to practice law in this
25 state. Where such assignment is made, the judicial hearing officer shall
26 entertain the case in the same manner as a court and shall:

1 § 18. Subdivision 2 of section 371 of the general municipal law, as
2 amended by chapter 19 of the laws of 2009, is amended to read as
3 follows:

4 2. The Nassau county traffic and parking violations agency, as estab-
5 lished, may be authorized to assist the Nassau county district court in
6 the disposition and administration of infractions of traffic and parking
7 laws, ordinances, rules and regulations and the liability of owners for
8 violations of subdivision (d) of section eleven hundred eleven of the
9 vehicle and traffic law in accordance with section eleven hundred
10 eleven-b of such law, except that such agency shall not have jurisdic-
11 tion over (a) the traffic infraction defined under subdivision one of
12 section eleven hundred ninety-two of the vehicle and traffic law; (b)
13 the traffic infraction defined under subdivision five of section eleven
14 hundred ninety-two of the vehicle and traffic law; (c) the violation
15 defined under paragraph (b) of subdivision four of section fourteen-f of
16 the transportation law and the violation defined under clause (b) of
17 subparagraph (iii) of paragraph [d] c of subdivision two of section one
18 hundred forty of the transportation law; (d) the traffic infraction
19 defined under section three hundred ninety-seven-a of the vehicle and
20 traffic law and the traffic infraction defined under subdivision (g) of
21 section eleven hundred eighty of the vehicle and traffic law; (e) any
22 misdemeanor or felony; or (f) any offense that is part of the same crim-
23 inal transaction, as that term is defined in subdivision two of section
24 40.10 of the criminal procedure law, as a violation of subdivision one
25 of section eleven hundred ninety-two of the vehicle and traffic law, a
26 violation of subdivision five of section eleven hundred ninety-two of
27 the vehicle and traffic law, a violation of paragraph (b) of subdivision
28 four of section fourteen-f of the transportation law, a violation of

1 clause (b) of subparagraph (iii) of paragraph d of subdivision two of
2 section one hundred forty of the transportation law, a violation of
3 section three hundred ninety-seven-a of the vehicle and traffic law, a
4 violation of subdivision (g) of section eleven hundred eighty of the
5 vehicle and traffic law or any misdemeanor or felony.

6 § 19. Subdivision 1 of section 27-1321 of the environmental conserva-
7 tion law, as added by chapter 915 of the laws of 1983, is amended to
8 read as follows:

9 1. Notwithstanding any other provision of law to the contrary, any
10 person who is, by professional training or experience and attainment,
11 qualified to analyze and interpret matters pertaining to the treatment,
12 storage, disposal, or transport of hazardous materials or hazardous
13 wastes, and who voluntarily and without expectation of monetary compen-
14 sation provides assistance or advice in mitigating the effects of an
15 accidental or threatened discharge of any hazardous materials or hazard-
16 ous wastes, or in preventing, cleaning up, or disposing of any such
17 discharge, shall not be subject to a penalty or to civil liability for
18 damages or injuries alleged to have been sustained by any person or
19 entity by reason of an act or omission in the giving of such assistance
20 or advice. For the purposes of this section, the term "hazardous materi-
21 als" shall have the same meaning [given] as that term [in subdivision
22 one of] is defined in regulations promulgated by the commissioner of
23 transportation pursuant to section fourteen-f of the transportation law,
24 and the term "hazardous wastes" shall mean those wastes identified or
25 listed pursuant to section 27-0903 of this article and any rules and
26 regulations promulgated thereunder.

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

4 1. The state fire administrator shall[, in his or her discretion,
5 consult with the fire fighting and code enforcement personnel standards
6 and education commission established pursuant to section one hundred
7 fifty-nine-a of this article, to] establish a specialized hazardous
8 materials emergency response training program for individuals responsi-
9 ble for providing emergency response recovery following incidents
10 involving hazardous materials as such term is defined in [accordance
11 with] regulations promulgated by the commissioner of transportation
12 pursuant to section fourteen-f of the transportation law. The state fire
13 administrator shall inform all fire companies, municipal corporations
14 and districts, including agencies and departments thereof and all fire-
15 fighters, both paid and volunteer, and related officers and employees
16 and police officers of the implementation and availability of the
17 hazardous materials emergency response training program and shall,
18 subject to the availability of an appropriation, conduct such training
19 with sufficient frequency to assure adequate response to incidents
20 involving hazardous materials and protection of responders in all
21 geographic areas of the state.

22 § 21. This act shall take effect immediately; provided, however that
23 the amendments to subdivision 2 of section 371 of the general municipal
24 law, made by section eighteen of this act shall not affect the expira-
25 tion of such section and shall be deemed to expire therewith.

1 Section 1. Subdivisions 1 and 2 of section 11-0515 of the environ-
2 mental conservation law, as amended by chapter 528 of the laws of 1986,
3 are amended to read as follows:

4 1. The department may issue to any person a license revocable at its
5 pleasure to collect or possess fish, wildlife, shellfish, crustacea, or
6 aquatic insects[, birds' nests or eggs] for propagation, banding, scien-
7 tific or exhibition purposes. The department in its discretion may
8 require an applicant to pay a license fee of ten dollars, [to submit
9 written testimonials from two well-known persons] and to file a bond of
10 two hundred dollars to be approved by the department that he or she will
11 not violate any provisions of this article. Each licensee shall file
12 with the department [on or before February 1] a report [of his oper-
13 ations during the preceding calendar year] containing such information
14 as the department may require. Such license shall be [effective until
15 revoked] in force for one year only and shall not be transferable.

16 2. The department may also issue a license revocable at its pleasure
17 to possess and sell protected fish, wildlife, shellfish, crustacea or
18 aquatic insects for propagation, scientific or exhibition purposes. The
19 department in its discretion may require a license fee of ten dollars.
20 Such license shall be in force for one year only and shall not be trans-
21 ferable. Each licensee shall [make] file with the department a report
22 [of his or her operations at the expiration of the license] containing
23 such information as the department may require. Fish, wildlife, shellf-
24 ish, crustacea or aquatic insects lawfully possessed under this section
25 may be sold at any time by the licensee for propagation, scientific or
26 exhibition purposes only.

1 § 2. Subdivision 1 of section 11-0521 of the environmental conserva-
2 tion law, as amended by chapter 600 of the laws of 1993, is amended to
3 read as follows:

4 1. The department may direct any environmental conservation officer,
5 or issue a permit to any person, to take any wildlife at any time when-
6 ever it becomes a nuisance, destructive to public or private property or
7 a threat to public health or welfare, provided, however, that where such
8 wildlife is a bear, no such permit shall be issued except upon proof of
9 damage to such property or threat to public health or safety presented
10 to the department. Upon presentation of such proof, the department may
11 issue a permit authorizing the use of trained tracking dogs pursuant to
12 section 11-0928 of this article, and, if the department has determined
13 that no other alternative is feasible, a separate permit to take the
14 bear. Wildlife so taken shall be disposed of as the department may
15 direct. Any person, agency, corporation or municipality who obtains a
16 migratory bird depredation permit or order issued by the federal depart-
17 ment of the interior pursuant to 50 C.F.R. 13 and 50 C.F.R. 21, as may
18 be amended from time to time, shall not be required to obtain a permit
19 from the department to conduct the authorized activities.

20 § 3. Subdivisions 6 and 9 of section 11-0523 of the environmental
21 conservation law, subdivision 6 as added by chapter 911 of the laws of
22 1990 and subdivision 9 as amended by chapter 114 of the laws of 1981,
23 are amended to read as follows:

24 6. Raccoons, muskrats, coyotes or fox injuring private property may be
25 taken by the owner, occupant or lessee thereof, or an employee or family
26 member of such owner, occupant or lessee, at any time in any manner.

27 9. Varying hares, cottontail rabbits, skunks, black, grey and fox
28 squirrels, raccoons, muskrats, opossums or weasels taken pursuant to

1 this section in the closed season or in a manner not permitted by
2 section 11-0901 shall be immediately buried or cremated. No person shall
3 possess or traffic in such skunks or raccoons or the pelts thereof or in
4 such varying hares or cottontail rabbits or the flesh thereof.

5 § 4. Subdivision 4 of section 11-0524 of the environmental conserva-
6 tion law, as added by chapter 265 of the laws of 2002, is amended to
7 read as follows:

8 4. The fee for a nuisance wildlife control operator license shall be
9 fifty dollars paid annually to be deposited in the conservation fund
10 established pursuant to section eighty-three of the state finance law,
11 provided, however, that a municipality shall not be subject to this fee.

12 § 5. Subdivisions 3 and 4 of section 11-0927 of the environmental
13 conservation law, are amended to read as follows:

14 3. Wild game shall not be taken by shooting or otherwise killed in the
15 course of a field trial. Other game on which a field trial may be held
16 as provided in this section may be taken by shooting in the course of a
17 field trial, except a field trial held on a licensed dog training area,
18 provided a license for such shooting has been procured from the depart-
19 ment. Game so taken shall be immediately [tagged for identification with
20 seals, to be supplied to the licensee] identified on forms provided by
21 the department [at the price of five cents each, and such seals shall
22 not be removed] until the game is finally prepared for consumption.

23 4. Game so [tagged] identified may be possessed, transported, bought
24 and sold at any time, without limitation by section 11-0917.

25 § 6. Subdivision 2 of section 11-0931 of the environmental conserva-
26 tion law, as amended by chapter 483 of the laws of 2010, is amended to
27 read as follows:

1 2. No firearm or crossbow except a pistol or revolver shall be carried
2 or possessed in or on a motor vehicle unless it is unloaded, for a
3 firearm in both the chamber and the magazine, except that a loaded
4 firearm which may be legally used for taking migratory game birds may be
5 carried or possessed in a motorboat while being legally used in hunting
6 migratory game birds, and no person except a law enforcement officer in
7 the performance of his official duties shall, while in or on a motor
8 vehicle, use a jacklight, spotlight or other artificial light upon lands
9 inhabited by deer if he is in possession or is accompanied by a person
10 who is in possession, at the time of such use, of a longbow, crossbow or
11 a firearm of any kind except a pistol or revolver, unless such longbow
12 is unstrung or such firearm or crossbow is taken down or securely
13 fastened in a case or locked in the trunk of the vehicle. For purposes
14 of this subdivision, motor vehicle shall mean every vehicle or other
15 device operated by any power other than muscle power, and which shall
16 include but not be limited to automobiles, trucks, motorcycles, trac-
17 tors, trailers and motorboats, snowmobiles and snowtravelers, whether
18 operated on or off public highways. Notwithstanding the provisions of
19 this subdivision, the department may issue a permit to any person who is
20 non-ambulatory, except with the use of a mechanized aid, to possess a
21 loaded firearm in or on a motor vehicle as defined in this section,
22 subject to such restrictions as the department may deem necessary in the
23 interest of public safety[, and for a fee of five dollars]. Nothing in
24 this section permits the possession of a pistol or a revolver contrary
25 to the penal law.

26 § 7. Subdivision 2 of section 11-0931 of the environmental conserva-
27 tion law, as amended by section 50 of part F of chapter 82 of the laws
28 of 2002, is amended to read as follows:

1 2. No firearm except a pistol or revolver shall be carried or
2 possessed in or on a motor vehicle unless it is unloaded in both the
3 chamber and the magazine, except that a loaded firearm which may be
4 legally used for taking migratory game birds may be carried or possessed
5 in a motorboat while being legally used in hunting migratory game birds,
6 and no person except a law enforcement officer in the performance of his
7 official duties shall, while in or on a motor vehicle, use a jacklight,
8 spotlight or other artificial light upon lands inhabited by deer if he
9 is in possession or is accompanied by a person who is in possession, at
10 the time of such use, of a longbow, crossbow or a firearm of any kind
11 except a pistol or revolver, unless such longbow is unstrung or such
12 firearm is taken down or securely fastened in a case or locked in the
13 trunk of the vehicle. For purposes of this subdivision, motor vehicle
14 shall mean every vehicle or other device operated by any power other
15 than muscle power, and which shall include but not be limited to automo-
16 biles, trucks, motorcycles, tractors, trailers and motorboats, snowmo-
17 biles and snowtravelers, whether operated on or off public highways.
18 Notwithstanding the provisions of this subdivision, the department may
19 issue a permit to any person who is non-ambulatory, except with the use
20 of a mechanized aid, to possess a loaded firearm in or on a motor vehi-
21 cle as defined in this section, subject to such restrictions as the
22 department may deem necessary in the interest of public safety[, and for
23 a fee of five dollars]. Nothing in this section permits the possession
24 of a pistol or a revolver contrary to the penal law.

25 § 8. Section 11-1003 of the environmental conservation law, as amended
26 by section 51 of part F of chapter 82 of the laws of 2002, is amended to
27 read as follows:

28 § 11-1003. Falconry license.

1 Any resident of this state may be issued a falconry license. The
2 department shall prescribe and furnish forms for application for such
3 license. The fee for the license shall be [twenty] forty dollars.
4 Falconry licenses shall expire on December 31 every [second] fifth year
5 and shall be renewable at the discretion of the department. A falconry
6 license shall authorize the licensee to obtain, buy, sell, barter,
7 possess and train raptors for falconry and to engage in falconry,
8 provided that no game shall be taken or killed except during an open
9 season therefor, and further provided that such licensee shall also
10 possess a license pursuant to this chapter which authorizes the holder
11 to hunt wildlife. Any non-resident, who legally possesses a raptor
12 where he or she resides and who may legally engage in falconry where he
13 or she resides, may engage in falconry in New York without a falconry
14 license provided he or she possesses a valid non-resident hunting
15 license.

16 § 9. Section 11-1721 of the environmental conservation law, subdivi-
17 sion 2 as amended by chapter 528 of the laws of 1986, is amended to read
18 as follows:

19 § 11-1721. [Tagging] Identification of carcasses and parts thereof.

20 1. The provisions of this section apply to carcasses and parts thereof
21 of

22 a. domestic game killed on the premises of the holder of a domestic
23 game bird breeder's license pursuant to section 11-1901 of this article,
24 domestic game animal breeder's license pursuant to section 11-1905 of
25 this article or shooting preserve license pursuant to section 11-1903 of
26 this article;

27 b. [domestic game raised outside the state on the premises of a holder
28 of a certificate under section 11-1715, subdivision 1;

1 c. foreign game imported from outside the United States;

2 d. wild deer (other than white-tailed deer), moose, elk, caribou and
3 antelope, coming from outside the state, imported pursuant to section
4 11-1711;

5 e.] bear possessed under license pursuant to section 11-0515 or
6 outside the state under a license similar in principle and killed for
7 food purposes[, and bought and sold for such purpose under permit from
8 the department pursuant to section 11-1713];

9 [f.] c. trout, black bass, lake trout, landlocked salmon, muskellunge,
10 pike, pickerel and walleye taken from fishing preserve waters licensed
11 pursuant to section 11-1913.

12 2. All such [game] carcasses and parts shall be [tagged] identified
13 with a [tag or seal, which shall be supplied] form provided by the
14 department [for a fee of five cents for each tag or seal. The tag or
15 seal shall be affixed to each game bird, and in the case of foreign game
16 shall be affixed to the breast skin, and to the flesh of each quarter
17 and loin of other game, and shall remain so affixed until the game is
18 finally prepared for consumption. Trout, black bass, lake trout, land-
19 locked salmon, muskellunge, pike, pickerel and walleye taken from fish-
20 ing preserve waters licensed pursuant to section 11-1913 shall be tagged
21 as prescribed by the department, with a seal, which shall be supplied by
22 the department for a fee of five cents for each seal].

23 3. [Domestic game killed in this state] Carcasses and parts shall not
24 be possessed unless [tagged] accompanied by a form provided by the
25 department as required by this section. [Foreign game imported from
26 outside the United States and domestic and wild game coming from outside
27 the state shall be tagged before it is brought into the state or imme-
28 diately upon its receipt within this state by the consignee.

1 4. No person shall counterfeit any seal or tag issued by the depart-
2 ment. No person shall attach such a tag to game which is not game
3 described in subdivision 1, nor attach to any game described in subdivi-
4 sion 1 a tag or seal other than the tag or seal prescribed by the
5 department for the tagging of such game.]

6 § 10. Section 11-1723 of the environmental conservation law is amended
7 to read as follows:

8 § 11-1723. Sale of game and trout; transportation within the state.

9 1. a. Except as provided in paragraph b, game and trout required by
10 section 11-1721 to be [tagged, when so tagged] identified, may be
11 possessed, bought and sold, and subject to section 11-1725 may be trans-
12 ported within and from within to without the state by any means.

13 b. No domestic duck, goose, brant or swan killed by shooting shall be
14 bought or sold unless marked [by having had the hind toe of the right
15 foot removed as provided in subdivision 5 of section 11-1901] in accord-
16 ance with requirements set forth in rules and regulations established by
17 the department of the interior pursuant to 50 C.F.R. 21 as may be
18 amended from time to time.

19 2. No person shall sell or offer for sale any such game or trout
20 unless it is so [tagged] identified.

21 § 11. Section 11-1725 of the environmental conservation law is amended
22 to read as follows:

23 § 11-1725. Shipment by carriers.

24 1. Carriers may receive, and may transport, within and from within to
25 without the state, carcasses and parts thereof of game, described in
26 subdivision 1 of section 11-1721[, tagged] and identified as provided in
27 that section, when they are also labeled as provided in this section.

1 2. a. When received in this state by a carrier, or transported within
2 or from within to without the state by a carrier, every shipment of game
3 required by section 11-1721 to be [tagged] identified, shall also have
4 attached a card or label with the following data plainly printed or
5 written thereon: names and addresses of consignor and consignee, number
6 and kind of carcasses or parts thereof[, and that the same is (as the
7 case may be) domestic game, imported foreign game, or game imported
8 under permit (in the case of game imported pursuant to section 11-1711
9 or 11-1713)].

10 b. If the consignor is the person who holds the game breeder's license
11 or shooting preserve license[, or the certificate under section 11-1715,
12 or the permit under section 11-1711 or 11-1713,] by authority of which
13 such game (other than imported foreign game) is saleable, or if the game
14 is imported foreign game shipped by a licensed game dealer, the card or
15 label shall also state the name and address of the holder of such
16 license, [certificate or permit] and the number of the license[, certif-
17 icate or permit].

18 3. No carrier or employee thereof shall, while engaged in such busi-
19 ness, transport as owner any fish or game not lawfully saleable. No
20 carrier or employee thereof shall knowingly receive or possess any fish
21 or game, whether packed or unpacked, for shipment for any person, unless
22 (a) if it is game or trout described in section 11-1721, it is [tagged]
23 identified as required by that section, and (b) in any case, it bears
24 the tag, card, identification or label required by this section or by
25 sections 11-0911, 11-0917, 11-1319 or 11-1913.

26 § 12. Subdivisions 1, 5 and 8 of section 11-1901 of the environmental
27 conservation law, paragraphs a and b of subdivision 1 as amended by
28 chapter 528 of the laws of 1986, are amended to read as follows:

1 1. The department may, in its discretion, issue to an owner or lessee
2 of wholly enclosed lands, or an entire island, a domestic game bird
3 breeder's license permitting him to possess and propagate such species
4 of domestic game birds as, in its opinion, he has facilities for propa-
5 gating on the licensed premises. The license shall expire on March 31
6 [in each] every fifth year. The department shall prescribe and furnish
7 forms for application for such license. Applicants shall pay to the
8 department, and the department shall be entitled to receive, fees
9 according to the type of license so issued as follows:

10 a. Class A license, [fifty] two hundred dollars. This license shall
11 allow the holder thereof to purchase, possess, propagate, transport and
12 sell domestic game birds, dead or alive, and their eggs.

13 b. Class B license, [ten] forty dollars. This license shall allow the
14 holder thereof to purchase, possess and propagate domestic game birds
15 for his own use. Birds may be killed for food or released to the wild
16 for restocking. No live birds or their eggs or carcasses may be sold,
17 exchanged or given away.

18 5. Each such domestic duck, goose, brant and swan [before attaining
19 the age of four weeks] shall be marked [by having the hind toe of the
20 right foot removed, and no such duck, goose, brant or swan, over four
21 weeks of age, may be possessed or sold without such mark] in accordance
22 with requirements set forth in rules and regulations established by the
23 department of the interior pursuant to 50 C.F.R. 21 as may be amended
24 from time to time. [Birds so marked, which have escaped, may be recap-
25 tured by the licensee. Other such domestic game birds which have escaped
26 may be recaptured by the licensee provided they are marked as prescribed
27 in the rules and regulations of the department. Escaped birds may be
28 recaptured only on the premises of the licensee. However, removal of the

1 hind toe of the right foot shall not be required for captive geese,
2 brant and swans, which were adult birds on March 1, 1967 and previously
3 had been marked with a V-shaped mark on the web of one foot.]

4 8. [a. The department shall supply tags, for which the licensee shall
5 pay a fee of five cents each, which shall be affixed to the carcass of a
6 domestic game bird and remain so affixed until the bird is finally
7 prepared for consumption. No domestic game bird so killed shall be
8 possessed without such tag, and only an authorized person shall have in
9 his possession such tags.

10 b. Notwithstanding any provision in this section to the contrary, no
11 untagged carcass may be removed from the premises except carcasses which
12 are removed for the purpose of processing. When transporting untagged
13 carcasses for such processing, the bearer must have a statement signed
14 by the licensee stating the number of carcasses being transported and
15 the name and address of the processor. The bearer must also have in his
16 possession tags equal in number to the carcasses transported. The
17 processor or bearer, after picking and dressing the carcasses, shall
18 affix the tags, furnished by the licensee, to each carcass.

19 c. The licensee shall keep records of the number of tags used, and no
20 tags shall be removed from the licensed premises except as provided in
21 this subdivision. If a game bird breeder's license is not renewed on its
22 expiration date, all unused tags and inventory shall be returned to the
23 nearest regional office of the department not later than ten days after
24 the expiration date of the license. There shall be no refund of money
25 for such returned tags, which shall be immediately invalidated.

26 d. The tagging required by this subdivision shall constitute compli-
27 ance with the tagging requirements of section 11-1721. Carcasses of
28 domestic game birds, tagged as provided in this subdivision, may be

1 possessed, bought, sold, offered for sale and transported, to the extent
2 permitted by sections 11-1719 and 11-1723.] Domestic game bird carcasses
3 and parts shall be identified as required by section 11-1721 of this
4 article.

5 § 13. Subdivisions 2, 4 and 6 of section 11-1903 of the environmental
6 conservation law are REPEALED and subdivisions 1, 3, 7, and 10, para-
7 graph c of subdivision 1 as amended by chapter 528 of the laws of 1986,
8 subdivision 3 as amended by chapter 465 of the laws of 1976, and para-
9 graph d of subdivision 7 as amended by chapter 37 of the laws of 1978,
10 are amended to read as follows:

11 1. The department may, in its discretion, issue to an owner or lessee
12 of wholly enclosed lands or an entire island a shooting preserve license
13 permitting him or her to purchase, possess, rear and transport, and to
14 release and take by shooting therein, domestic game birds legally
15 possessed or acquired. No birds may be held for propagation after [March
16 31] April 15 unless the owner or lessee also has a domestic game bird
17 breeder's license as provided for in section 11-1901. In the case of
18 leased lands, the applicant shall furnish with his or her application
19 evidence of a written lease executed by each lessor covering the prem-
20 ises to be licensed. The license shall expire on [March 31 in each]
21 April 15 every fifth year. The department shall prescribe and furnish
22 forms for application for such license. Applicants shall pay, and the
23 department shall be entitled to receive, fees according to the type of
24 license issued as follows:

25 a. Class A license, [fifty] two hundred dollars [for the first one
26 hundred acres and five dollars for each additional one hundred acres or
27 portion thereof comprising the premises described in the application].
28 This license shall allow the holder thereof to operate a commercial club

1 or membership shooting preserve with a minimum of one hundred acres and
2 charge a daily fee for hunting or charge a fee for each bird killed or a
3 combination thereof. Birds may be killed by the licensee for his or her
4 own use and may be sold dead or alive.

5 b. [Class B license, twenty-five dollars for the first one hundred
6 acres and two dollars and fifty cents for each additional one hundred
7 acres or portion thereof comprising the premises described in the appli-
8 cation. This license shall allow the holder thereof to operate a nonpro-
9 fit shooting preserve or a nonprofit club or membership shooting
10 preserve with use limited to members and guests. Birds may be killed by
11 the licensee for his own use but no live birds, or their eggs, or
12 carcasses may be sold unless the licensee holds a Class A game bird
13 breeder's license.

14 c.] Class [C] B license, [~~fifteen~~ sixty dollars [for the first one
15 hundred acres and two dollars for each additional one hundred acres or
16 portion thereof comprising the premises described in the application].
17 This license shall allow the holder thereof to operate a shooting
18 preserve with use restricted to the licensee, his or her family and
19 invitees, provided no fees are charged for the privilege of hunting or
20 for birds shot. Birds may be killed by the licensee for his or her own
21 use but no live birds, or their eggs, or carcasses may be sold unless
22 the licensee holds a Class A game bird breeder's license.

23 3. The department may revoke the license of any licensee convicted of
24 a violation of this section, and no license shall be issued to him or
25 her for the ensuing two years. The licensee, unless he or she shall
26 waive such right, shall have an opportunity to be heard. Notice of hear-
27 ing shall be given by mailing the same in writing to the licensee at the
28 address contained in his or her license. Attendance of witnesses may be

1 compelled by subpoena. Revocation shall be deemed an administrative act
2 reviewable by the supreme court as such.

3 7. Domestic game birds may not be killed, by shooting, on the premises
4 specified in the application for the license, except under the following
5 conditions:

6 a. [Birds must be at least fourteen weeks of age before liberation.
7 Ducks, geese, brant and swans shall be marked by having had the hind toe
8 of the right foot removed, except as provided in subdivision 5 of
9 section 11-1901, and no such duck, goose, brant or swan, over four weeks
10 of age, may be possessed, sold or killed by shooting without such mark.
11 Birds so marked, which have escaped, may be recaptured by the licensee.
12 Other such domestic game birds which have escaped may be recaptured by
13 the licensee provided they are marked as prescribed in the rules and
14 regulations of the department. Escaped birds may be recaptured only on
15 the premises of the licensee.

16 b. Before any shooting of domestic game birds may be done on a
17 licensed shooting preserve the licensee must advise the department in
18 writing of the numbers of each species of domestic game birds reared,
19 purchased or otherwise acquired for liberation, and request and receive
20 in writing a shooting authorization which shall state the numbers of
21 each species of game bird that may be taken by shooting. The number of
22 birds authorized to be taken by shooting shall not be less than eighty
23 per cent of the number liberated.

24 Shooting authorization shall be based on the actual number of birds on
25 hand or on contract at the time of application for such authorization.
26 If birds are purchased, the applicant shall submit one copy of the
27 contract agreement signed by the purchaser and seller on forms furnished
28 by the department. The contract shall state the name, address and

1 license number of the party from whom purchased as well as the numbers
2 of birds purchased and the dates of delivery.

3 c.] Ducks, geese, brant and swans liberated under this section may be
4 taken only under rules and regulations made by the department or adopted
5 by the federal department of the interior.

6 [d] b. On the premises described in the application for the license,
7 the licensee may kill domestic game birds by shooting from September 1
8 through [March 31] April 15 and in any manner, other than by shooting,
9 at any time, or any person may take domestic game birds by shooting from
10 September 1 through [March 31] April 15 with the consent of the licen-
11 see. [When an investigation made by the department in the month of March
12 of any year reveals that during the current shooting preserve season
13 reasonable opportunities were not afforded to harvest domestic game
14 birds in any area or areas of the state because of abnormal weather
15 conditions, the department shall have power to extend by order the
16 shooting preserve season in such area or areas for a period not to
17 exceed 15 days.]

18 10. a. [The department shall supply tags, for which the licensee shall
19 pay a fee of five cents each, which shall be affixed to the carcass]
20 Carcasses and parts of [a] domestic game [bird and remain so affixed
21 until the bird is finally prepared for consumption] birds shall be
22 accompanied by a form provided by the department pursuant to section
23 11-1721 of this article. No domestic game birds so killed shall be
24 possessed or transported without such [tag] form. Only an authorized
25 person as provided in the rules and regulations of the department shall
26 have in his or her possession such [tags] form.

27 b. [Notwithstanding any provision in this section to the contrary, no
28 untagged carcass may be removed from the premises except carcasses which

1 are removed for processing. When transporting untagged carcasses for
2 processing, the bearer must have a statement signed by the licensee
3 stating the number of carcasses transported and the name and address of
4 the processor. The bearer must also have in his possession tags equal in
5 number to the carcasses transported. The processor or bearer, after
6 picking and dressing the carcasses, shall affix the tags, furnished by
7 the licensee, to each carcass.

8 c. The licensee shall keep records of the number of tags used. If a
9 shooting preserve license is not renewed on its expiration date, all
10 unused tags on inventory shall be returned to the nearest regional
11 office of the department not later than ten days after the expiration
12 date of the license. There shall be no refund of money for such returned
13 tags, which shall be immediately invalidated.

14 d. The tagging required by this subdivision shall constitute compli-
15 ance with the tagging requirements of section 11-1721. Carcasses of
16 domestic game birds, tagged as provided in this subdivision, may be
17 possessed and transported by all licensees under this section, and they
18 may be bought, sold and offered for sale to the extent permitted by
19 sections 11-1719 and 11-1723, except that no domestic duck, goose, brant
20 or swan shall be bought, sold or killed by shooting unless marked as
21 provided in subdivision 7 of this section] Domestic game bird carcasses
22 and parts shall be identified as required by section 11-1721 of this
23 article.

24 § 14. Subdivisions 1 and 6 of section 11-1905 of the environmental
25 conservation law, the opening paragraph of subdivision 1 as amended by
26 chapter 41 of the laws of 1973, paragraphs a and b of subdivision 1 as
27 amended by chapter 528 of the laws of 1986, are amended to read as
28 follows:

1 1. The department may, in its discretion, issue to an owner or lessee
2 of wholly enclosed lands or an entire island a domestic game animal
3 breeder's license permitting him to possess and propagate domestic game
4 animals provided such animals are confined and cared for according to
5 specifications and regulations which the department, by order, shall
6 adopt. The license shall expire on March 31 [of each] every fifth year.
7 The department shall prescribe and furnish forms for application for
8 such license. Applicants shall pay, and the department shall be entitled
9 to receive, fees in accordance with the type of license issued.

10 a. Class A license, [fifty] two hundred dollars. This license shall
11 allow the holder thereof to purchase, possess, propagate, transport and
12 sell domestic game animals dead or alive.

13 b. Class B license, [ten] forty dollars. This license shall allow the
14 holder thereof to purchase, possess and propagate domestic game animals
15 for his own use. No animals may be sold, exchanged or given away except
16 that portions of the carcass may be given away provided they are pack-
17 aged and the package bears the name and license number of the licensee.

18 6. [a. The department shall supply tags for Class A licenses, for
19 which the licensees shall pay five cents each, which shall be affixed to
20 each quarter and loin of each carcass of domestic game animals killed by
21 Class A licensees and remain so affixed until the game is finally
22 prepared for consumption. No domestic game animal so killed, nor any
23 portion of the carcass thereof, shall be possessed without such tag, and
24 no person shall sell such quarter or loin without such tag attached.

25 b. The tagging required by this subdivision shall constitute compli-
26 ance with the tagging requirements of section 11-1721. Loins or quarters
27 of domestic game animals, killed by Class A licensees and tagged as
28 provided in this subdivision, may be possessed, bought, sold and offered

1 for sale, and transported as provided in section 11-1723 and may be sold
2 and offered for sale by the holder of a Class A license under this
3 section without the game dealer's license provided for in section
4 11-1719.] Domestic game animal carcasses and parts shall be identified
5 as required by section 11-1721 of this article.

6 § 15. Section 11-1907 of the environmental conservation law is amended
7 by adding a new subdivision 3 to read as follows:

8 3. On or after April first, two thousand twelve, the department shall
9 not issue any new licenses pursuant to this section.

10 § 16. Subparagraph 4 of paragraph b of subdivision 2 and subdivision 6
11 of section 11-1913 of the environmental conservation law, paragraph a of
12 subdivision 6 as amended by chapter 528 of the laws of 1986, are amended
13 to read as follows:

14 (4) specify the manner of [tagging] identification of fish taken from
15 the licensed waters, and

16 6. a. All trout, black bass, lake trout, landlocked salmon, muskel-
17 lunge, pike, pickerel and walleye taken from the licensed fishing
18 preserve waters, shall be immediately [tagged] identified on forms
19 provided by the department as prescribed in the license or by order of
20 the department. [Such tags shall be furnished by the department and sold
21 to the licensee at the cost of five cents per tag.]

22 b. The [tag so affixed] identification form shall [not be removed
23 from] accompany the fish until the same is finally prepared for consump-
24 tion.

25 c. No fish, required to be [tagged] identified as specified in para-
26 graph a of this subdivision, taken pursuant to this section shall be
27 possessed off the premises of the fishing preserve without such [tag]
28 identification form, and no person shall sell such fish without such

1 [tag attached, except for scientific, exhibition or stocking purposes]
2 identification form.

3 d. Fish taken from such fishing preserves and [tagged] identified as
4 provided in this subdivision, may be possessed, bought, sold and offered
5 for sale, and transported without restriction. Fish raised or possessed
6 under license issued under this section may be sold at any time for
7 scientific, exhibition, propagation or stocking purposes.

8 § 17. Subdivision 14 of section 13-0309 of the environmental conserva-
9 tion law, as amended by section 1 of part A of chapter 59 of the laws of
10 2006, is amended to read as follows:

11 14. The department, until April first, two thousand [ten] sixteen
12 shall be entitled to collect fifteen cents per bushel of surf clams and
13 ten cents per bushel of ocean quahogs taken from all certified waters to
14 be deposited in the surf clam/ocean quahog account as provided in
15 section eighty-three of the state finance law.

16 § 18. This act shall take effect immediately, except that if this act
17 shall have become a law on or after April 1, 2012 this act shall take
18 effect immediately and shall be deemed to have been in full force and
19 effect on and after April 1, 2012; provided that the amendments to
20 subdivision 2 of section 11-0931 of the environmental conservation law
21 made by section six of this act shall be subject to the expiration and
22 reversion of such subdivision pursuant to chapter 483 of the laws of
23 2010, as amended, when upon such date the provisions of section seven of
24 this act shall take effect.

1 Section 1. Section 2 of the public service law is amended by adding a
2 new subdivision 28 to read as follows:

3 28. The term "voice-over-internet protocol service" or "VoIP service"
4 when used in this chapter, shall mean any service that: (a) enables
5 real-time two-way voice communications that originate from or terminate
6 to the user's location using Internet protocol or any successor proto-
7 col; (b) uses a broadband connection from the user's location; and (c)
8 permits users generally to receive calls that originate on the public
9 switched telephone network and to terminate calls to the public switched
10 telephone network.

11 § 2. Paragraph d of subdivision 1 of section 5 of the public service
12 law, as amended by chapter 155 of the laws of 1970, is amended to read
13 as follows:

14 d. To every telephone line which lies wholly within the state and that
15 part within the state of New York of every telephone line which lies
16 partly within and partly without the state and to the persons or corpo-
17 rations owning, leasing or operating any such telephone line. Notwith-
18 standing any other provision of law to the contrary, neither the commis-
19 sion, the department of public service, nor any other department or
20 agency of this state, or any political subdivision thereof, shall have
21 authority to regulate the entry, rates or other terms of service of
22 voice-over-internet protocol service. Provided, however, that nothing
23 in this paragraph shall affect the authority of the state or its agen-
24 cies to enforce such requirements as are otherwise expressly provided
25 for by federal law, including, but not limited to, connection to 911
26 facilities, the collection of enhanced 911 fees, telecommunications
27 relay service fees, or federal universal service fund fees on voice-
28 over-internet protocol services that may be determined to apply, or be

1 construed to (1) modify or affect the rights, obligations or authority
2 of any entity, including but not limited to the public service commis-
3 sion, to act pursuant to, or enforce the provisions of 47 U.S.C. 251,
4 47 U.S.C. 252, any applicable tariff, or any state law, rule, regulation
5 or order related to wholesale rights, duties and obligations, including
6 the rights, duties, and obligations of local exchange carriers to inter-
7 connect and exchange voice traffic; (2) modify or affect the authority
8 of the public service commission to implement, carry out, and enforce
9 such provisions, rights, duties, obligations or tariff through arbi-
10 tration proceedings or other available mechanisms and procedures; or (3)
11 affect the payment of switched network access rates or other intercarri-
12 er compensation rates, as applicable. Nothing herein shall be construed
13 to affect the application or enforcement of other statutes or regu-
14 lations that apply generally to the conduct of business in the state,
15 including consumer protection, taxation or unfair or deceptive trade
16 practices rules of general applicability.

17 § 3. Subdivision 1 of section 90 of the public service law, as amended
18 by chapter 414 of the laws of 1981, is amended to read as follows:

19 1. [The] Except as provided in paragraph d of subdivision one of
20 section five of this chapter, the provisions of this article shall apply
21 to communication by telegraph or telephone between one point and another
22 within the state of New York and to every telegraph corporation and
23 telephone corporation.

24 § 4. This act shall take effect immediately.

1 Section 1. Paragraph f of subdivision 1 of section 72-0402 of the
2 environmental conservation law, as added by chapter 99 of the laws of
3 2010, is amended to read as follows:

4 f. In any case where a generator either (i) recycles more than ninety
5 percent of the [amount] total tons of hazardous waste or more than nine-
6 ty percent of the [amount] total tons of hazardous wastewater which it
7 [produces in any] generated during that calendar year, as certified to
8 the commissioner, [upon which a fee is imposed pursuant to this section,
9 any such fee imposed or to be imposed in such case] or (ii) recycles
10 more than four thousand tons of hazardous waste or more than four thou-
11 sand tons of hazardous wastewater which it generated in that calendar
12 year, as certified to the commissioner, the fee imposed pursuant to this
13 section shall be [determined] calculated and imposed based upon the net
14 amount of hazardous waste or the net amount of hazardous wastewater
15 generated[, as applicable, which] that is not [so] recycled in [such]
16 that calendar year, rather than upon the gross [amount] amounts of
17 hazardous waste [or] and hazardous wastewater generated in such calendar
18 year.

19 § 2. This act shall take effect immediately and shall apply to hazard-
20 ous waste program fee bills issued by the department of environmental
21 conservation after January 1, 2012 for hazardous waste or hazardous
22 wastewater generated during calendar year 2011 or later.

23 PART K

24 Section 1. Subdivisions 2 and 4 of section 97-1 of the state finance
25 law, as added by chapter 565 of the law of 1989, are amended to read as
26 follows:

1 2. The sewage treatment program management and administration fund
2 [shall] may consist of (a) all moneys transferred to the state from the
3 water pollution control revolving fund pursuant to section twelve
4 hundred eighty-five-j of the public authorities law, (b) all or a
5 portion of moneys made available to New York state for the purposes of
6 administering and managing financial assistance provided to munici-
7 palities from the water pollution control revolving fund pursuant to the
8 Federal Water Pollution Control Act, and (c) all other moneys credited
9 or transferred thereto from any other fund or source pursuant to law.
10 Notwithstanding the foregoing, no money reserved for planning pursuant
11 to section six hundred four (b) of the Federal Water Pollution Control
12 Act shall be deposited in the sewage treatment program management and
13 administration fund.

14 4. Moneys in such fund, following appropriation by the legislature,
15 [shall] may be used, for the purpose of paying all costs of the depart-
16 ment of environmental conservation and New York state environmental
17 facilities corporation for management and administration of the sewage
18 treatment program established by section 17-1909 of the environmental
19 conservation law and of the water pollution control revolving fund
20 established by section twelve hundred eighty-five-j of the public
21 authorities law.

22 § 2. Subdivisions 2 and 4 of section 97-ddd of the state finance law,
23 as added by chapter 432 of the laws of 1997, are amended to read as
24 follows:

25 2. The drinking water program management and administration fund
26 [shall] may consist of (a) all moneys transferred to the state from the
27 drinking water revolving fund pursuant to section twelve hundred eight-
28 y-five-m of the public authorities law, (b) all or a portion of moneys

1 made available to New York state for purposes of administering and
2 managing financial assistance provided to recipients from the drinking
3 water revolving fund pursuant to the Federal Safe Drinking Water Act,
4 and (c) all other moneys credited or transferred thereto from any other
5 fund or source pursuant to law.

6 4. Moneys in the fund, following appropriation by the legislature,
7 [shall] may be used, for the purpose of paying all costs of the depart-
8 ment of health and New York state environmental facilities corporation
9 for management and administration of the drinking water program estab-
10 lished by title four of article eleven of the public health law and of
11 the drinking water revolving fund established by section twelve hundred
12 eighty-five-m of the public authorities law.

13 § 3. Subdivisions 5 and 7 of section 1285-j of the public authorities
14 law, subdivision 5 as amended by chapter 134 of the laws of 2007 and
15 subdivision 7 as added by chapter 565 of the laws of 1989, are amended
16 to read as follows:

17 5. The corporation [shall] may make payments to the sewage treatment
18 program management and administration fund in accordance with subdivi-
19 sion seven of this section to reimburse such fund for expenditures made
20 pursuant to appropriation to pay the cost of the corporation and the
21 department of environmental conservation for administering and managing
22 the water pollution control revolving fund program established in
23 section ninety-seven-1 of the state finance law, for such costs. Such
24 reimbursement shall be made from (a) available investment earnings on
25 all amounts in the water pollution control revolving fund excluding all
26 amounts in the fund which are the subject of allocations or other finan-
27 cial assistance to a municipality; and (b) payments received from a
28 municipality for such purpose pursuant to a project financing agreement

1 or loan agreement; and (c) if the sources of revenue described in this
2 paragraph and paragraphs (a) and (b) of this subdivision are or are
3 anticipated to be insufficient, then from the proceeds of federal
4 capitalization grants, awards or assistance appropriated to the fund for
5 administration and management of such program.

6 Notwithstanding the foregoing, if the sources of revenues described in
7 paragraphs (a), (b) and (c) of this subdivision are at any time insuffi-
8 cient to make a reimbursement to the state pursuant to this subdivision
9 when due, the corporation shall make such reimbursement from any other
10 available amounts in the water pollution control revolving fund, exclud-
11 ing all amounts that are the subject of allocations, provided, that the
12 amounts paid from fund sources other than those described in paragraphs
13 (a), (b) and (c) of this subdivision shall be reimbursed upon a determi-
14 nation by the director of the budget that future revenues obtained from
15 sources described in paragraphs (a), (b) and (c) of this subdivision are
16 in excess of the amounts reasonably needed to make future reimbursements
17 pursuant to this subdivision.

18 7. The corporation [shall] may transfer to the sewage treatment
19 program management and administration fund established pursuant to
20 section ninety-seven-1 of the state finance law no less frequently than
21 semi-monthly amounts from the fund sufficient to reimburse the sewage
22 treatment program management and administration fund in accordance with
23 the provisions of subdivision five of this section.

24 § 4. Subdivision 7 of section 1285-m of the public authorities law, as
25 added by chapter 413 of the laws of 1996, is amended to read as follows:

26 7. The corporation [shall] may transfer to the state on such schedule
27 as the corporation and the department of health shall agree amounts from

1 the fund to reimburse the state in accordance with the provisions of
2 subdivision five of this section.

3 § 5. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2012.

5 PART L

6 Section 1. Section 140 of the agriculture and markets law, as added by
7 chapter 631 of the laws of 1955, subdivision 1 as amended by chapter 592
8 of the laws of 2003, is amended to read as follows:

9 § 140. Samples; publication of results of tests. 1. The commissioner
10 or his or her duly authorized representatives shall take samples of
11 seeds [and submit them to the director of the New York state agricul-
12 tural experiment station] for examination, analysis, and testing by the
13 department. The commissioner may contract with a qualified laboratory to
14 perform such examination, analysis, and testing. When the analysis of an
15 official sample indicates that seed is mislabeled, the results of such
16 analysis shall be provided to the person responsible for the labeling of
17 the seed and, upon that person's request, made within fifteen days of
18 his or her receipt of said results, the commissioner or his or her
19 authorized agent shall furnish such person with a portion of the sample
20 taken.

21 2. [The director of the New York state agricultural experiment station
22 shall examine, analyze, or test, or cause to be examined, analyzed or
23 tested such samples of seeds taken under the provisions of this article
24 as shall be submitted to him for that purpose by the commissioner, and
25 shall report the results of such analysis, examination, or testing to
26 the commissioner. For this purpose the New York state agricultural

1 experiment station may establish and maintain trial grounds and a seed
2 laboratory with the necessary equipment, and may employ experts and
3 incur such expense as may be necessary to comply with the requirements
4 of this article.

5 3.] From time to time the [New York state agricultural experiment
6 station, in cooperation with the] department of agriculture and markets,
7 shall make public the results of examinations, analyses, trials, and
8 tests of any sample or samples so procured, together with such addi-
9 tional information as circumstances advise. These published results
10 shall be the property of the state of New York and shall not be used for
11 advertising or regulatory purposes by any person or agency, governmental
12 or otherwise without requested and granted permission of the commis-
13 sioner [of agriculture and markets].

14 § 2. Section 140-a of the agriculture and markets law, as added by
15 chapter 631 of the laws of 1955, is amended to read as follows:

16 § 140-a. Provision for seed tests. Any citizen of this state shall
17 have the privilege of submitting to the [New York state agricultural
18 experiment station] department samples of seeds for [test] testing and
19 analysis subject to [such rules and regulations as may be adopted by the
20 director of said experiment station and approved by Cornell university]
21 payment of a fee to the commissioner that shall, at a minimum, cover the
22 full costs of the services provided. All monies received by the commis-
23 sioner pursuant to this section shall be deposited in an account within
24 the miscellaneous special receive fund and shall be used to defray the
25 expenses incidental to carrying out the services authorized by this
26 section.

27 § 3. This act shall take effect immediately.

1

PART M

2 Section 1. Subdivision 25-c of section 16 of the agriculture and
3 markets law, as added by section 1 of part H of chapter 59 of the laws
4 of 2006, is amended to read as follows:

5 25-c. The commissioner may enter into a contract or cooperative agree-
6 ment under which [laboratory] services, including, but not limited to,
7 laboratory services and services relating to food safety and inspection,
8 animal health, invasive species control, the collection of samples for
9 research studies and similar services relating to the duties and respon-
10 sibilities of the department may be made available to federal, state,
11 local, and educational entities when, in the commissioner's judgment,
12 such contract or cooperative agreement shall be in the public interest
13 and shall not adversely affect the department's obligations under this
14 chapter. Such contracts or cooperative agreements shall require payment
15 by contractors and cooperators of, at a minimum, the full costs of the
16 services provided. All moneys received by the commissioner pursuant to
17 such contracts and agreements shall be deposited in an account within
18 the miscellaneous special revenue fund and shall be used to defray the
19 expenses incidental to carrying out the services authorized by this
20 subdivision.

21 § 2. This act shall take effect immediately.

22

PART N

23 Section 1. Section 251-z-3 of the agriculture and markets law, as
24 amended by chapter 307 of the laws of 2004, the second undesignated

1 paragraph as amended by section 2 of part II of chapter 59 of the laws
2 of 2009, is amended to read as follows:

3 § 251-z-3. Licenses; fees. No person shall maintain or operate a food
4 processing establishment unless licensed biennially by the commissioner.
5 Application for a license to operate a food processing establishment
6 shall be made, upon a form prescribed by the commissioner[, on or before
7 the fifteenth of the month preceding the applicable license period as
8 herein prescribed. The license period shall begin February fifteenth for
9 applicants who apply for a license between February fifteenth and May
10 fourteenth, May fifteenth for applicants who apply for a license between
11 May fifteenth and August fourteenth, August fifteenth for applicants who
12 apply for a license between August fifteenth and November fourteenth,
13 and November fifteenth for applicants who apply for a license between
14 November fifteenth and February fourteenth]. Renewal applications shall
15 be submitted to the commissioner at least thirty days prior to the
16 commencement of the next license period.

17 The applicant shall furnish evidence of his or her good character,
18 experience and competency, that the establishment has adequate facili-
19 ties and equipment for the business to be conducted, that the establish-
20 ment is such that the cleanliness of the premises can be maintained,
21 that the product produced therein will not become adulterated and, if
22 the applicant is a retail food store, that the applicant has an individ-
23 ual in a position of management or control who has completed an approved
24 food safety education program pursuant to section two hundred fifty-one-
25 z-twelve of this article. The commissioner, if so satisfied, shall issue
26 to the applicant, upon payment of the license fee of four hundred
27 dollars, a license to operate the food processing establishment
28 described in the application. However, the license fee shall be nine

1 hundred dollars for a food processing establishment determined by the
2 commissioner, pursuant to duly promulgated regulations, to require more
3 intensive regulatory oversight due to the volume of the products
4 produced, the potentially hazardous nature of the product produced or
5 the multiple number of processing operations conducted in the establish-
6 ment. The license application for retail food stores shall be accompa-
7 nied by documentation in a form approved by the commissioner which
8 demonstrates that the food safety education program requirement has been
9 met. The license shall take effect on the date of issuance and continue
10 [until the last day of the applicable license period set forth in this
11 section] for two years from such date.

12 [Notwithstanding any other provision of law to the contrary, the
13 commissioner is hereby authorized and directed to deposit all money
14 received pursuant to this section in an account within the miscellaneous
15 special revenue fund.]

16 § 2. Subdivision 4 of section 128-a of the agriculture and markets law
17 is REPEALED and subdivisions 5, 6, 7, 8, 9 and 10 are renumbered subdi-
18 visions 4, 5, 6, 7, 8 and 9.

19 § 3. Subdivision 3 of section 133-a of the agriculture and markets law
20 is REPEALED.

21 § 4. Section 90-b of the state finance law is REPEALED.

22 § 5. This act shall take effect immediately.

23 PART O

24 Section 1. Notwithstanding any law to the contrary, the comptroller is
25 hereby authorized and directed to receive for deposit to the credit of

1 the general fund the amount of up to \$913,000 from the New York state
2 energy research and development authority.

3 § 2. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2012.

5 PART P

6 Section 1. Expenditures of moneys appropriated in a chapter of the
7 laws of 2012 to the energy research and development authority, under the
8 research, development and demonstration program, from the special reven-
9 ue funds - other/state operations, miscellaneous special revenue fund -
10 339, energy research and planning account, and special revenue funds -
11 other/aid to localities, miscellaneous special revenue fund - 339, ener-
12 gy research and planning account shall be subject to the provisions of
13 this section. Notwithstanding the provisions of subdivision 4-a of
14 section 18-a of the public service law, all moneys committed or expended
15 shall be reimbursed by assessment against gas corporations and electric
16 corporations as defined in section 2 of the public service law, and the
17 total amount which may be charged to any gas corporation and any elec-
18 tric corporation shall not exceed one cent per one thousand cubic feet
19 of gas sold and .010 cent per kilowatt-hour of electricity sold by such
20 corporations in their intrastate utility operations in calendar year
21 2010. Such amounts shall be excluded from the general assessment
22 provisions of subdivision 2 of section 18-a of the public service law,
23 but shall be billed and paid in the manner set forth in such subdivision
24 and upon receipt shall be paid to the state comptroller for deposit in
25 the state treasury for credit to the miscellaneous special revenue fund.
26 The director of the budget shall not issue a certificate of approval

1 with respect to the commitment and expenditure of moneys hereby appro-
2 priated until the chair of such authority shall have submitted, and the
3 director of the budget shall have approved, a comprehensive financial
4 plan encompassing all moneys available to and all anticipated commit-
5 ments and expenditures by such authority from any source for the oper-
6 ations of such authority. Copies of the approved comprehensive financial
7 plan shall be immediately submitted by the director of the budget to the
8 chairs and secretaries of the legislative fiscal committees.

9 § 2. This act shall take effect immediately and shall be deemed to
10 have been in full force and effect on and after April 1, 2012.

11 PART Q

12 Section 1. Paragraphs (c) and (d) of subdivision 3 of section 5 of
13 chapter 35 of the laws of 1979, relating to appropriating funds to the
14 New York state urban development corporation for the acquisition and
15 initial planning of convention and exhibition center facilities in New
16 York county, as amended by chapter 3 of the laws of 2004, are amended
17 and a new paragraph (e) is added to read as follows:

18 (c) Enter into such other agreements with the city, the state, the New
19 York state urban development corporation, the operating corporation,
20 Triborough bridge and tunnel authority and the state of New York mort-
21 gage agency as the parties thereto deem appropriate to effectuate the
22 provisions of this act, and to effectuate the expansion project and any
23 convention center hotel and the financing thereof pursuant to the chap-
24 ter of the laws of 2004 which amended this paragraph; [and]

25 (d) If the subsidiary enters into an agreement with the metropolitan
26 transportation authority for the acquisition of the Quill building, then

1 any and all proceeds shall be applied to and used for the metropolitan
2 transportation authority's capital plan[.]; and

3 (e) Sell, grant or otherwise dispose of any real or personal property
4 owned by the New York convention center development corporation includ-
5 ing, without limitation, the properties in the borough of Manhattan in
6 the city of New York, located between 11th and 12th Avenues and 33rd
7 Street and 34th Street and between 35th Street and 36th Street along the
8 eastern border of 11th Avenue, that is determined by the New York
9 convention center development corporation to be unnecessary for the
10 operation of the convention center, the expansion project or any conven-
11 tion center hotel, subject to any obligations set forth in any applica-
12 ble bond resolution or credit support agreement and subject to the prior
13 approval of the director of the budget, provided that any proceeds from
14 the disposition of the property shall be transferred to the state treas-
15 ury to the credit of the general fund.

16 § 2. This act shall take effect immediately.

17 PART R

18 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
19 New York state urban development corporation act, relating to the powers
20 of the New York state urban development corporation to make loans, as
21 amended by section 1 of part G of chapter 60 of the laws of 2011, is
22 amended to read as follows:

23 § 2. This act shall take effect immediately [provided, however, that
24 section one of this act shall expire on July 1, 2012, at which time the
25 provisions of subdivision 26 of section 5 of the New York state urban
26 development corporation act shall be deemed repealed; provided, however,

1 that neither the expiration nor the repeal of such subdivision as
2 provided for herein shall be deemed to affect or impair in any manner
3 any loan made pursuant to the authority of such subdivision prior to
4 such expiration and repeal].

5 § 2. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after April 1, 2012.

7 PART S

8 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
9 of the laws of 1968, constituting the New York state urban development
10 corporation act, is REPEALED.

11 § 2. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after April 1, 2009.

13 PART T

14 Section 1. Subdivisions 27, 28, 29 and 30 of section 5 of section 1 of
15 chapter 174 of the laws of 1968, constituting the New York state urban
16 development corporation act, subdivisions 28 and 29 as renumbered by
17 chapter 686 of the laws of 1986, are renumbered subdivisions 28, 29, 30
18 and 31 and a new subdivision 27 is added to read as follows:

19 (27) To make grants using funds from any source on such terms and
20 conditions as the corporation may deem advisable, in furtherance of the
21 legislative findings and purposes of this act, to any person or entity,
22 whether public or private, provided that such grants are made or issued
23 in compliance with guidelines established by the corporation.

24 § 2. This act shall take effect immediately.

1

PART U

2 Section 1. Subdivision 1 of section 218 of the state finance law, as
3 amended by chapter 424 of the laws of 2009, is amended to read as
4 follows:

5 1. Linked loans made to certified businesses in empire zones or to
6 eligible businesses in highly distressed areas or to eligible businesses
7 that are defined in paragraph (b-1) of subdivision eleven of section two
8 hundred thirteen of this article that are located in a renewal community
9 or defined in paragraph (b-2) of such subdivision that are located in an
10 empowerment zone or defined in paragraph (b-3) of such subdivision that
11 are located in an enterprise community, respectively for eligible
12 projects defined in paragraph (c) of subdivision twelve of section two
13 hundred thirteen of this article or to minority- or women-owned business
14 enterprises for an eligible project defined in paragraph (e) of subdivi-
15 sion twelve of section two hundred thirteen of this article or to a
16 defense industry manufacturer for a project defined in paragraph (d) of
17 subdivision twelve of section two hundred thirteen of this article or to
18 an eligible business pursuant to paragraph (a) of subdivision eleven of
19 section two hundred thirteen of this article that produces products
20 defined in subdivision two of section three hundred one of the agricul-
21 ture and markets law for an eligible project as defined in paragraph (b)
22 of subdivision twelve of section two hundred thirteen of this article
23 shall bear interest at a fixed rate equal to three percentage points
24 below the fixed interest rate the lender would have charged for the loan
25 in the absence of a linked deposit based on its usual credit consider-
26 ations. All other linked loans shall bear interest at a fixed rate
27 equal to two percentage points below the fixed interest rate the lender

1 would have charged for the loan in the absence of a linked deposit based
2 on its usual credit considerations. Lenders shall certify to the commis-
3 sioner of economic development that the rate to be charged on a linked
4 loan is two percentage points or three percentage points, as the case
5 may be, below the interest rate the lender would have charged for the
6 loan in the absence of a linked deposit.

7 § 2. Paragraph (a) of subdivision 11 and paragraph (b) of subdivision
8 12 of section 213 of the state finance law, as added by chapter 705 of
9 the laws of 1993, are amended to read as follows:

10 (a) a manufacturing firm or agricultural business which employs five
11 hundred or fewer employees within the state on a full-time basis; or

12 (b) for manufacturing, agricultural and service firms, projects which
13 involve the preparation of strategic plans for improving productivity
14 and competitiveness; the introduction of modern equipment and/or an
15 expansion of facilities as part of a modernization plan; the introduc-
16 tion of advanced technologies to improve productivity and quality;
17 improvements in production processes and operations, including agricul-
18 tural operations; introduction of computerized information, reporting
19 and control systems; reorganization or improvement of work place systems
20 and the introduction of total quality and employee participation
21 programs; development and introduction of new products; identification
22 and development of new markets, including entry into foreign markets;
23 financial restructuring for purposes of enabling modernization activ-
24 ities; buyouts of viable companies by employees or local owners residing
25 in the state; and the provision of working capital for other moderniza-
26 tion activities that will improve the competitiveness and productivity
27 of a firm and result in the creation or retention of jobs; or

28 § 3. This act shall take effect immediately.

1

PART V

2 Section 1. Notwithstanding any other law, rule or regulation to the
3 contrary, expenses of the department of health public service education
4 program incurred pursuant to appropriations from the cable television
5 account of the state miscellaneous special revenue funds shall be deemed
6 expenses of the department of public service.

7 § 2. This act shall take effect immediately and shall be deemed to
8 have been in full force and effect on and after April 1, 2012.

9

PART W

10 Section 1. Subdivision 10 of section 89-h of the general business law,
11 as amended by chapter 699 of the laws of 2004, is amended to read as
12 follows:

13 10. Fees: pay (a) a fee of [~~thirty-six~~] seventy-two dollars for proc-
14 essing of the application, investigation of the applicant and for the
15 initial [~~biennial~~] four year registration period. Such fees shall be
16 deposited to the credit of the business and licensing services account
17 established pursuant to the provisions of section ninety-seven-y of the
18 state finance law; and (b) a fee pursuant to subdivision eight-a of
19 section eight hundred thirty-seven of the executive law, and amendments
20 thereto, for the cost of the division's full search and retain proce-
21 dures, and a fee as determined by the federal bureau of investigation
22 for the cost of its fingerprint search procedures, which fees shall be
23 remitted by the department to the division and federal bureau of inves-
24 tigation; and

1 § 2. Subdivision 1 of section 89-m of the general business law, as
2 added by chapter 336 of the laws of 1992, is amended to read as follows:

3 1. Registration cards shall expire [two] four years from the date of
4 issuance or last renewal as the case may be. Not less than sixty nor
5 more than ninety days prior to the expiration date of a registration
6 card, the department shall mail to each registrant at his last known
7 address, notice of renewal and a registration renewal form. Registration
8 cards shall not be renewed unless not more than sixty nor less than
9 thirty days prior to the expiration date of the registration card, the
10 holder submits to the department, a registration renewal form sworn to
11 or affirmed by the holder under the penalty of perjury together with a
12 [biennial] renewal fee in the amount of [twenty-five] fifty dollars
13 payable to the department and a certificate certifying that the holder
14 has satisfactorily completed the required annual in-service training
15 courses as prescribed by the commissioner pursuant to subdivision one of
16 section eight hundred forty-one-c of the executive law. Unless the
17 department determines the existence of facts which would constitute
18 cause for denial, revocation or suspension of the registration card
19 pursuant to this article, it shall renew the registration card. Denial
20 of renewal hereunder shall be reviewable by an administrative hearing as
21 set forth in section seventy-nine of this chapter. The [twenty-five]
22 fifty dollar [biennial] renewal fee collected by the department shall be
23 deposited to the licensing examinations services account established
24 pursuant to the provisions of section 97-aa of the state finance law.
25 Notice that a registration card has expired or has not been renewed
26 pursuant to this section shall be given by the secretary to the holder
27 of such registration card and to the security guard company by which
28 such holder was employed at the time of such expiration or non-renewal.

1 § 3. Subdivision 2 and paragraph (a) of subdivision 3 of section 441
2 of the real property law, subdivision 2 as amended by chapter 81 of the
3 laws of 1995 and paragraph (a) of subdivision 3 as amended by chapter
4 474 of the laws of 2007, are amended to read as follows:

5 2. Renewals. Any license granted under the provision hereof may be
6 renewed by the department upon application therefor by the holder there-
7 of, in such form as the department may prescribe and conforming to the
8 requirements of section 3-503 of the general obligations law, and
9 payment of the fee for such license. In case of application for renewal
10 of license, the department may dispense with the requirement of such
11 statements as it deems unnecessary in view of those contained in the
12 original application for license but may not dispense with the require-
13 ments of section 3-503 of the general obligations law. A renewal period
14 within the meaning of this act is considered as being a period of [two]
15 four years from the date of expiration of a previously issued license.
16 The department shall require any applicant, who does not apply for
17 renewal of license within such period, to qualify by passing the written
18 examination as provided herein, and may require any licensee who has not
19 yet passed the written examination, and who cannot reasonably prove to
20 the satisfaction of the department, that he can meet the competency
21 requirements, to pass the written examination before a renewal of
22 license shall be granted; provided, however, that a person who failed or
23 was unable to renew his license by reason of his induction or enlistment
24 in the armed forces of the United States shall not be required to take
25 or pass such examination.

26 (a) No renewal license shall be issued any licensee under this article
27 for any license period commencing [November first, nineteen hundred
28 ninety-five] April first, two thousand seventeen unless such licensee

1 shall have within the [two] four year period immediately preceding such
2 renewal attended at least [twenty-two and one-half] forty-five hours
3 which shall include at least [three] six hours of instruction pertaining
4 to fair housing and/or discrimination in the sale or rental of real
5 property or an interest in real property and successfully completed a
6 continuing education real estate course or courses approved by the
7 secretary of state as to method, content and supervision, which approval
8 may be withdrawn if in the opinion of the secretary of state such course
9 or courses are not being conducted properly as to method, content and
10 supervision. Applicants with a license expiring prior to April first,
11 two thousand fifteen, shall have within the two year period immediately
12 preceding such renewal attended at least twenty-two and one-half hours
13 which shall include at least three hours of instruction pertaining to
14 fair housing and/or discrimination in the sale or rental of real proper-
15 ty or an interest in real property and successfully completed a continu-
16 ing education real estate course or courses approved by the secretary of
17 state as to method, content and supervision, which approval may be with-
18 drawn if in the opinion of the secretary of state such course or courses
19 are not being conducted properly as to method, content and supervision.
20 The licensee shall provide an affidavit, in a form acceptable to the
21 department of state, establishing the nature of the continuing education
22 acquired and shall provide such further proof as required by the depart-
23 ment of state. The provisions of this paragraph shall not apply to any
24 licensed real estate broker who is engaged full time in the real estate
25 business and who has been licensed under this article prior to July
26 first, two thousand eight for at least fifteen consecutive years imme-
27 diately preceding such renewal.

1 § 4. Subdivisions 2 and 7 of section 441-a of the real property law,
2 subdivision 2 as amended by chapter 324 of the laws of 1998 and subdivi-
3 sion 7 as amended by chapter 497 of the laws of 1985, are amended to
4 read as follows:

5 2. Terms. A license issued or reissued under the provisions of this
6 article shall entitle the person, co-partnership, limited liability
7 company or corporation to act as a real estate broker, or, if the appli-
8 cation is for a real estate salesman's license, to act as a real estate
9 salesman in this state [up to and including the thirty-first day of
10 October of the year in which the license by its terms expires] for a
11 period of four years following the issuance of said license.

12 7. License term. From and after the date when this subdivision shall
13 take effect, the term for which a license shall be issued or reissued
14 under this article shall be a period of [two] four years.

15 § 5. Subdivision 1 of section 441-b of the real property law, as
16 amended by chapter 324 of the laws of 1998, is amended to read as
17 follows:

18 1. The fee for a license issued or reissued under the provisions of
19 this article entitling a person, co-partnership, limited liability
20 company or corporation to act as a real estate broker shall be [one
21 hundred fifty] three hundred dollars. The fee for a license issued or
22 reissued under the provisions of this article entitling a person to act
23 as a real estate salesman shall be [fifty] one hundred dollars.
24 Notwithstanding the provisions of subdivision seven of section four
25 hundred forty-one-a of this article, after January first, nineteen
26 hundred eighty-six, the secretary of state shall assign staggered expi-
27 ration dates for outstanding licenses that have been previously renewed
28 on October thirty-first of each year from the assigned date unless

1 renewed. [If the assigned date results in a term that exceeds twenty-
2 four months, the applicant shall pay an additional prorated adjustment
3 together with the regular renewal fee.] The secretary of state shall
4 assign dates to existing licenses in a manner which shall result in a
5 term of not less than [two] four years.

6 § 6. This act shall take effect immediately; provided, however, that
7 sections three, four and five of this act shall take effect April 1,
8 2013.

9 PART X

10 Section 1. Subdivision 3 of section 235 of the racing, pari-mutuel
11 wagering and breeding law is renumbered subdivision 4 and a new subdivi-
12 sion 3 is added to read as follows:

13 3. The rules shall provide that all winning cash vouchers must be
14 presented for payment before April first of the year following the year
15 of their purchase and failure to present any such voucher within the
16 prescribed period of time shall constitute a waiver of the right to
17 participate in the award or dividend. The funds received from uncashed
18 vouchers shall be paid to the racing regulation account established
19 pursuant to section one hundred eleven of this chapter.

20 § 2. Paragraph c of subdivision 2 of section 301 of the racing, pari-
21 mutuel wagering and breeding law, as relettered by chapter 211 of the
22 laws of 1999, is relettered paragraph d and a new paragraph c is added
23 to read as follows:

24 c. The rules of the board shall provide that all winning cash vouchers
25 must be presented for payment before April first of the year following
26 the year of their purchase and failure to present any such voucher with-

1 in the prescribed period of time shall constitute a waiver of the right
2 to participate in the award or dividend. The funds received from
3 uncashed vouchers shall be paid to the racing regulation account estab-
4 lished pursuant to section one hundred eleven of this chapter.

5 § 3. Subdivision 2 of section 401 of the racing, pari-mutuel wagering
6 and breeding law is amended to read as follows:

7 2. Without limiting the generality of the foregoing, and in addition
8 to its other powers:

9 a. [The state racing and wagering board shall have power to fix mini-
10 mum and maximum charges for admission to quarter horse race meetings at
11 which pari-mutuel betting is conducted provided, however, that the state
12 racing and wagering board shall have power to fix the charge for admis-
13 sion of members of the armed forces of the United States in uniform at
14 one-half of the amount fixed for such admission generally under authori-
15 ty of this section.

16 b.] The state racing and wagering board shall prescribe rules and
17 regulations for effectually preventing the use of improper devices, the
18 administration of drugs or stimulants or other improper acts for the
19 purpose of affecting the speed of quarter horses in any race in which
20 they are about to participate.

21 [c.] b. The rules of the board shall also provide that all winning
22 pari-mutuel tickets must be presented for payment before April first of
23 the year following the year of their purchase and failure to present any
24 such ticket within the prescribed period of time shall constitute a
25 waiver of the right to participate in the award or dividend.

26 c. The rules of the board shall also provide that all winning cash
27 vouchers must be presented for payment before April first of the year
28 following the year of their purchase and failure to present any such

1 voucher within the prescribed period of time shall constitute a waiver
2 of the right to participate in the award or dividend. The funds received
3 from uncashed vouchers shall be paid to the racing regulation account
4 established pursuant to section one hundred eleven of this chapter.

5 d. The board shall have power in its discretion, consistent with the
6 powers of the state tax commission, to prescribe uniform methods of
7 keeping accounts, records and books to be observed by associations or
8 corporations licensed under the provisions of this article or by any
9 association or corporation which owns stock in, or shares in the
10 profits, or participates in the management or affairs of, such licensed
11 association or corporation, or by any person, firm, association or
12 corporation holding any concession, right or privilege to perform any
13 service or sell any article at any track at which pari-mutuel quarter
14 horse racing meets are conducted. The board may also in its discretion,
15 consistent with the powers of the state tax commission, prescribe by
16 order forms of accounts, records and memoranda to be kept by such
17 persons, firms, associations or corporations. The board shall have power
18 to visit, investigate, and place expert accountants, or such other
19 persons as it may deem necessary, in the offices, tracks or other places
20 of business of any such person, firm, association or corporation for the
21 purpose of seeing that the provisions of sections two hundred twenty-two
22 through seven hundred five of this chapter and rules and regulations
23 issued by the board thereunder are strictly complied with. Such persons,
24 firms, associations or corporations shall annually file with the board,
25 on such date as the board shall prescribe, a report showing their finan-
26 cial condition and financial transactions during the fiscal year,
27 including a balance sheet and a profit and loss statement, verified by
28 the oath of at least two of its principal officers, if it be an associ-

1 ation or corporation having officers, and by one or more of the owners
2 or proprietors thereof if not an association or corporation. The report
3 shall be in such form and contain such other matters as the board may
4 determine from time to time to be necessary to disclose accurately the
5 financial condition and operation of such persons, firms, associations
6 or corporations during the preceding fiscal year. The board may for good
7 cause shown grant a reasonable extension of time for the filing of any
8 such report.

9 § 4. Subdivision 2 of section 529 of the racing, pari-mutuel wagering
10 and breeding law, is renumbered subdivision 3 and a new subdivision 2 is
11 added to read as follows:

12 2. The rules shall provide that all winning cash vouchers must be
13 presented for payment before April first of the year following the year
14 of their purchase and failure to present any such voucher within the
15 prescribed period of time shall constitute a waiver of the right to
16 participate in the award or dividend. The funds received from uncashed
17 vouchers shall be paid to the racing regulation account established
18 pursuant to section one hundred eleven of this chapter.

19 § 5. This act shall take effect immediately; provided, however, that
20 effective immediately, the addition, amendment and/or repeal of any rule
21 or regulation necessary for the implementation of this act on its effec-
22 tive date is authorized and directed to be made and completed on or
23 before such effective date.

24 PART Y

25 Section 1. Section 308 of the racing, pari-mutuel wagering and breed-
26 ing law is amended to read as follows:

1 § 308. Officials at harness horse race meetings. At all harness race
2 meetings licensed by the state racing and wagering board in accordance
3 with the provisions of sections two hundred twenty-two through seven
4 hundred five of this chapter qualified judges and [starters] racing
5 officials shall be designated by the state racing and wagering board.
6 The licensed racing associations and corporations shall employ and
7 appoint one associate judge and the starter to serve at harness race
8 meetings, subject to written approval of the state racing and wagering
9 board before entering upon the discharge of their duties. Such officials
10 shall enforce the rules and regulations of the state racing and wagering
11 board and shall render regular written reports of the activities and
12 conduct of such race meetings to the state racing and wagering board,
13 provided however, that the judges and starters employed by the racing
14 association or corporation shall not have the power to impose fines or
15 issue suspensions of occupational racing licenses.

16 § 2. Subdivision 8 of section 73 of the public officers law is amended
17 by adding a new paragraph (j) to read as follows:

18 (j) The provisions of subparagraphs (i) and (ii) of paragraph (a) of
19 this subdivision shall not apply to any person as a result of his or her
20 employment by the New York state racing and wagering board in the civil
21 service title of starter or associate judge whose employment was termi-
22 nated within ninety days after the effective date of this paragraph as a
23 result of the abolition of his or her position.

24 § 3. This act shall take effect on the ninetieth day after it shall
25 have become a law.

1 Section 1. The agriculture and markets law is amended by adding a new
2 article 21-A to read as follows:

3 ARTICLE 21-A

4 DAIRY RESEARCH AND EDUCATION

5 Section 258-s. Legislative declaration.

6 258-t. Definitions.

7 258-u. Powers and duties of the commissioner.

8 258-v. Rules and regulations; enforcement.

9 § 258-s. Legislative declaration. It is hereby declared that the
10 dairy industry is of vital significance to the state's economy, social
11 fabric, and welfare of the people of this state, and that research,
12 education and development associated with dairy production is imperative
13 to ensure that the state's dairy farms and industry remain competitive
14 and profitable. It is therefore declared to be the legislative intent
15 and policy of the state:

16 1. To enable milk producers and others in the dairy industry, with the
17 aid of the state, to more economically and effectively produce milk and
18 dairy products,

19 2. To provide methods and means for the development of new, improved
20 or innovative dairy industry production practices, and to promote their
21 use, and

22 3. To improve the economic strength, farm profitability and well-being
23 of the milk producers of this state through applied research, farmer
24 education and training.

25 § 258-t. Definitions. 1. "Advisory board" means the persons appointed
26 by the commissioner from nominations from producers as herein defined to
27 assist the commissioner in administering a dairy research and education
28 order.

1 2. "Area" means the entire geographic area of the state of New York.

2 3. "Commissioner" means the commissioner of agriculture and markets of
3 the state of New York.

4 4. "Cooperative" means an association or federation or cooperative of
5 milk producers organized under the laws of New York state, or any other
6 state, having agreements with its producer members to market, bargain
7 for or sell the milk of such producers, and is actually performing one
8 or more of these services in the marketing of the milk produced by its
9 members, through the cooperative or through a federation of milk cooper-
10 atives in which the cooperative has membership.

11 5. "Dairy products" means milk and products derived therefrom.

12 6. "Dairy research and education order" means an order issued by the
13 commissioner, pursuant to the provisions of this article.

14 7 "Milk" means cow's milk.

15 8. "Milk dealer" means any person who purchases or handles or receives
16 or sells milk, including individuals, partnerships, corporations, coop-
17 erative associations, and unincorporated cooperative associations.

18 9. "Producer" means any person in this state who is engaged in the
19 production of milk for commercial use.

20 § 258-u. Powers and duties of the commissioner. 1. In order to effec-
21 tuate the declared policy of this article, the commissioner may, after
22 due notice and opportunity for hearing, make and issue a dairy research
23 and education order.

24 2. Such order shall be issued and amended or terminated in accordance
25 with the following procedures:

26 (a) Before any such order may become effective it must be approved by
27 fifty-one per centum of the producers of milk voting in the referendum
28 for the area to be regulated by such order. Such referendum shall not

1 constitute valid approval unless fifty-one per centum of all milk
2 producers for the area to be regulated vote in the referendum. Producers
3 may vote by individual ballot or through their cooperatives in accord-
4 ance with the following procedures:

5 (i) Cooperatives may submit written approval of such order within a
6 period of ninety days after the commissioner has announced a referendum
7 on a proposed order, for such producers who are listed and certified to
8 the commissioner as members of such cooperative, provided, however, that
9 any cooperative before submitting such written approval shall give at
10 least thirty days prior written notice to each producer who is its
11 member, of the intention of the cooperative to approve such proposed
12 order, and further provide that if such cooperative does not intend to
13 approve such proposed order, it shall likewise give written notice to
14 each such producer who is its member, of its intention not to approve of
15 such proposed order.

16 (ii) In order to ensure that all milk producers are informed regarding
17 a proposed order, the commissioner shall notify all milk producers that
18 an order is being considered and that each producer may register
19 approval or disapproval with the commissioner either directly or through
20 the producer's cooperative.

21 (iii) Any producer may obtain a ballot from the commissioner in order
22 to register his or her own approval or disapproval of the proposed
23 order. Individual ballots shall be considered confidential and not
24 subject to public disclosure, except such ballots shall not be consid-
25 ered confidential as deemed necessary by the commissioner to implement
26 the purposes of this article.

27 (iv) A producer who is a member of a cooperative that has notified the
28 producer of its intent to approve or not to approve a proposed order,

1 and who obtains a ballot and with such ballot expresses approval or
2 disapproval of the proposed order, shall notify the commissioner as to
3 the name of the cooperative of which the producer is a member, and the
4 commissioner shall remove such producer's name from the list certified
5 by such cooperative.

6 (v) The commissioner may appoint a referendum advisory committee to
7 assist and advise in the conduct of the referendum. Such committee shall
8 review referendum procedures and the tabulation of results, and shall
9 advise the commissioner of its findings. The final certification of the
10 referendum results shall be made by the commissioner. The committee
11 shall consist of not less than three members, none of whom shall be
12 persons directly affected by the proposed dairy research and education
13 order. Two members shall be representatives of general farm organiza-
14 tions which are not directly affected by the proposed order. The members
15 of the committee shall not receive a salary but shall be entitled to
16 actual and reasonable expenses incurred in the performance of their
17 duties.

18 3. The commissioner shall administer and enforce any such dairy
19 research and education order while it is in effect, to:

20 (a) Encourage the stability and continued growth of the dairy indus-
21 try,

22 (b) Provide for research and education programs designed to improve
23 milk production and farm profitability,

24 (c) Carry out, in other ways, the declared policy and intent of this
25 article.

26 4. The commissioner may, and upon written petition of not less than
27 twenty-five per centum of the producers in the area, either as individ-
28 uals or through cooperative representation, shall call a hearing to

1 consider amending or terminating such order, and any such amendment or
2 termination shall be effective only upon approval of fifty-one per
3 centum of the producers of milk for the area regulated participating in
4 a referendum vote as provided pursuant to subdivision two of this
5 section.

6 5. The commissioner shall prepare a budget for the administration and
7 operating costs and expenses associated with any dairy research and
8 education order issued pursuant to this article.

9 6. Any dairy research and education order issued by the commissioner
10 pursuant to this article may contain any or all of the following:

11 (a) Provisions for levying an assessment against all producers subject
12 to the order for the purposes of carrying out the provisions and paying
13 the costs of administering and enforcing such order. In order to collect
14 any such assessments, provision shall be made for each milk dealer who
15 receives milk from producers to deduct the amount of assessment from
16 moneys otherwise due to producers for the milk so delivered. The rate of
17 such assessment shall not exceed one-tenth of one percent per hundred-
18 weight of the average statistical uniform price for the northeast feder-
19 al milk marketing order, or any successor thereto, at Onondaga county
20 for the preceding year. Notwithstanding the provisions of subdivision
21 two of this section, the commissioner, upon written petition of no less
22 than twenty-five percent of producers in the area, either as individuals
23 or through cooperative representation, may call a hearing for the sole
24 purpose of considering establishing a new rate of assessment hereunder
25 and may submit a proposed change in the rate of assessment to the
26 producers for acceptance or rejection without otherwise affecting the
27 order. The producers in the area may vote on the proposed rate either as
28 individuals or thorough cooperative representation.

1 (b) Provisions for payments to institutions or organizations engaged
2 in research leading to the development of new, innovative or improved
3 practices or methods for dairy production and farm profitability.

4 (c) Provisions for payments to institutions or organizations engaged
5 in educational activities to promote the use of new, innovative or
6 improved practices or methods for dairy production and farm profitabil-
7 ity.

8 (d) Provisions for requiring records to be kept and reports to be
9 filed by milk dealers with respect to milk received from producers and
10 with respect to assessments on the milk of such producers.

11 (e) Provisions for the auditing of the records of such milk dealers
12 for the purpose of verifying payment of producer assessments.

13 (f) Provisions for an advisory board as hereinafter indicated.

14 (g) Such other provisions as may be necessary to effectuate the
15 declared polices of this article.

16 7. The commissioner may temporarily suspend the operation of an effec-
17 tive dairy research and education order for a continuing period of not
18 longer than one year, if the purposes of this article are deemed unnec-
19 essary during such year.

20 8. Prior to the issuance, amendment or termination of any dairy
21 research and education order, the commissioner may require the petition-
22 ers for such issuance, amendment or termination to deposit with him or
23 her such amount as he or she may deem necessary to defray the expenses
24 of preparing and making effective, amending or terminating the order.
25 Such funds shall be received, deposited and disbursed by the commission-
26 er in the same manner as other moneys received by the commissioner under
27 this article and, in the event the application for adoption, amendment
28 or termination of a research and education order is approved in a refer-

1 endum, the commissioner shall reimburse any such applicant in the amount
2 of any such deposit from any unexpended monies collected under the
3 research order affected by such referendum.

4 9. Any moneys collected by the commissioner pursuant to this article
5 shall not be deemed state funds and shall be deposited in a bank or
6 other depository in this state, approved by the commissioner, and shall
7 be disbursed by the commissioner only for the necessary expenses
8 incurred by the commissioner with respect to the order, all in accord-
9 ance with the rules and regulations of the commissioner. All such
10 expenditures shall be audited by the state comptroller or a certified
11 public accountant at least every two years and within forty-five days
12 after the completion thereof the state comptroller or certified public
13 accountant shall give a copy thereof to the commissioner and the advi-
14 sory board. Any moneys remaining in such fund may, in the discretion of
15 the commissioner, be refunded at the close of any fiscal year upon a
16 pro-rata basis to all persons from whom assessments therefore were
17 collected or, whenever the commissioner finds that such moneys may be
18 necessary to defray the cost of operating such research and education
19 order in a succeeding fiscal year, the commissioner may carry over all
20 or any portion of such moneys into the next such succeeding year. Upon
21 the termination by the commissioner of any dairy research and education
22 order, all moneys remaining and not required by the commissioner to
23 defray the expenses of operating such dairy research and education
24 order, shall be refunded by the commissioner upon a pro-rata basis to
25 all persons from whom assessments therefore were collected; provided,
26 however, that if the commissioner finds that the amounts so refundable
27 are so small as to make impracticable the computation and refunding of
28 such refunds, the commissioner may use such moneys to defray the

1 expenses incurred in the formulation, issuance, administration or
2 enforcement of any subsequent research order.

3 10. Advisory board. (a) Any dairy research and education order issued
4 pursuant to this article shall provide for the establishment of an advi-
5 sory board to advise and assist the commissioner in the administration
6 of such order. This board shall consist of not less than five members.
7 At least three members shall represent dairy cooperatives, one member
8 shall represent a general farm organization, and one member shall be an
9 at-large producer representative. Members shall serve three-year terms
10 and shall be appointed by the commissioner from nominations submitted by
11 producers located in the area to which the order applies. The commis-
12 sioner shall make every effort to ensure that there is geographical
13 representation from the major dairy producing regions of the state.
14 Nominating procedures, qualifications, representation and size of the
15 advisory board shall be prescribed in the order.

16 (b) No member of an advisory board shall receive a salary but shall be
17 entitled to actual and reasonable expenses incurred while performing
18 duties as authorized in this section.

19 (c) The duties and responsibilities of the advisory board shall be
20 prescribed by the commissioner in the dairy research and education
21 order, and may include all or any of the following duties and responsi-
22 bilities:

23 (1) Recommending to the commissioner of administrative rules and regu-
24 lations relating to the order.

25 (2) Recommending to the commissioner such amendments to the order as
26 deemed advisable.

27 (3) Preparing and submitting to the commissioner an estimated budget
28 required for the proper operation of the order.

1 (4) Reviewing, evaluating and recommending to the commissioner
2 research and education activities for funding that are designed to
3 improve milk production and farm profitability.

4 (5) Recommending to the commissioner methods for assessing producers
5 and methods for collecting the necessary funds.

6 (6) Assisting the commissioner in the collection and assembly of
7 information and data necessary for the proper administration of the
8 order.

9 (7) The performance of such other duties in connection with the order
10 as the commissioner shall designate.

11 § 258-v. Rules and regulations; enforcement. 1. The commissioner may
12 make and promulgate such rules and regulations as may be necessary to
13 effectuate the provisions and intent of this article and to enforce the
14 provision of any dairy research and education order, all of which shall
15 have the force and effect of law.

16 2. The commissioner may institute such action at law or in equity as
17 may appear necessary to enforce compliance with any provision of this
18 article, or any rule or regulation, or research and education order,
19 committed to his or her administration, and in addition to any other
20 remedy under article three of this chapter or otherwise, may apply for
21 relief by injunction if necessary to protect the public interest without
22 being compelled to allege or prove that an adequate remedy at law does
23 not exist. Such application may be made to the supreme court in any
24 district or county as provided in the civil practice law and rules, or
25 to the supreme court in the third judicial district.

26 § 2. This act shall take effect immediately.

1 Section 1. Paragraph (b) of subdivision 2 of section 2975 of the
2 public authorities law, as amended by section 1 of part J of chapter 60
3 of the laws of 2011, is amended to read as follows:

4 (b) On or before November first, two thousand three and on or before
5 November first of each year thereafter, the director of the budget shall
6 determine the amount owed under this section by each public benefit
7 corporation. The director of the budget may reduce, in whole or part,
8 the amount of such assessment if the payment thereof would necessitate a
9 state appropriation for the purpose, or would otherwise impose an
10 extraordinary hardship upon the affected public benefit corporation. The
11 aggregate amount assessed under this section in any given state fiscal
12 year may not exceed [~~sixty~~] sixty-two million dollars.

13 § 2. This act shall take effect immediately.

14 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
15 sion, section or part of this act shall be adjudged by any court of
16 competent jurisdiction to be invalid, such judgment shall not affect,
17 impair, or invalidate the remainder thereof, but shall be confined in
18 its operation to the clause, sentence, paragraph, subdivision, section
19 or part thereof directly involved in the controversy in which such judg-
20 ment shall have been rendered. It is hereby declared to be the intent of
21 the legislature that this act would have been enacted even if such
22 invalid provisions had not been included herein.

23 § 3. This act shall take effect immediately provided, however, that
24 the applicable effective date of Parts A through AA of this act shall be
25 as specifically set forth in the last section of such Parts.