

**2010-11 NEW YORK STATE EXECUTIVE BUDGET  
TRANSPORTATION  
ECONOMIC DEVELOPMENT AND  
ENVIRONMENTAL CONSERVATION  
ARTICLE VII LEGISLATION**

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# STATE OF NEW YORK

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S. 6609

A. 9709

## SENATE - ASSEMBLY

January 19, 2010

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

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2010-2011 (Part A); to amend the highway law and the state finance law, in relation to modifying the distribution of funds (Part B); to amend the environmental conservation law, in relation to the diesel emissions reduction act (Part C); to amend the tax law, in relation to mortgage recording tax exemptions granted by industrial development agencies (Part D); to amend chapter 279 of the laws of 1998 amending the transportation law relating to enabling the commissioner of transportation to establish a single audit pilot program, in relation to extending such provisions (Part E); to amend the public authorities law, in relation to the ownership status of transit facilities (Part F); to amend the insurance law, in relation to extending owner controlled insurance programs in certain instances (Part G); to amend the public authorities law, in relation to permitting the NYCTA and the MTA to conduct pilot programs to purchase procurements using electronic bidding and related reverse auction technology; and providing for the repeal of such provisions upon the expiration thereof (Part H); to amend the public authorities law, in relation to limited liability for specified forms of conduct (Part I); to amend the vehicle and traffic law, in relation to motor vehicle accident reports; and to repeal certain provisions of such law relating thereto (Part J); to amend the vehicle and traffic law, in relation to the mailing of suspension and revocation orders (Part K); to amend the public authorities law, in relation to the elimination of the department of economic development and the New York state urban development corporation and consolidation of their affairs into, and the transfer of their powers and functions to, the New York job development authority to be renamed the New York state job development corporation (Part L); to amend chapter 57 of the laws of 2005 amending the labor law and

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

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other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to New York state higher education matching grant program for independent colleges, in relation to the effectiveness thereof (Part M); to amend the New York state urban development corporation act, in relation to creating a small business revolving loan fund (Part N); to amend the New York state urban development corporation act, in relation to creating the new technology seed fund (Part O); 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 P); authorizing the New York state urban development corporation to make contributions to various projects from excess funds received from the port authority of New York and New Jersey (Part Q); to amend the racing, pari-mutuel wagering and breeding law, in relation to equine drug testing (Part R); to amend the state finance law, in relation to the transfer of tribal compact revenue to the general fund (Part S); to amend the agriculture and markets law and the general municipal law, in relation to the licensing, identification and control of dogs; and to repeal certain provisions of the agriculture and markets law relating thereto (Part T); to amend the education law, in relation to authorizing state agencies to enter into memoranda of understanding with Cornell University to procure services and technical assistance (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 chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, in relation to establishing protocols for professional mixed martial arts events in this state; to amend the tax law, in relation to the imposition of a tax on the gross receipts of any person holding any professional or amateur boxing, sparring or wrestling match or exhibition, or professional mixed martial arts match or exhibition; and providing for the repeal of such provisions upon expiration thereof (Part W); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending such provisions (Part X); to amend the executive law, in relation to the community services block grant program and to amend chapter 728 of the laws of 1982 and chapter 710 of the laws of 1983 amending the executive law relating to the community services block grant program, in relation to extending such program for one year (Part Y); to amend the not-for-profit corporation law, in relation to the classification of type C not-for-profit corporations (Part Z); to amend the public authorities law, in relation to including the New York city housing development corporation under the state bond issuance charge (Part AA); 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 BB); 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 CC); to amend the environmental conservation law and the state finance law, in relation to waste tire management and recycling fees (Part DD); to amend the environmental conservation law and the state finance law, in relation to publication of certain notices, eliminating certain boards and report-



ing requirements, streamlining certain statutory requirements, and to provide for mutual aid and assistance between New York state and any state which is party to another regional forest fire protection compact; to amend the environmental conservation law, relating to sales of products from reforestation areas; to repeal subdivision 11 of section 9-1103 and subdivision 5 of section 9-1105 of the environmental conservation law, relating to permits for open burning; and to repeal certain provisions of the environmental conservation law relating to reports of the department of environmental conservation (Part EE); to amend the tax law, in relation to real estate transfer tax revenue deposits into the environmental protection fund (Part FF); to amend the navigation law, in relation to the authorized reimbursement rate paid to governmental entities (Part GG); and to amend the parks, recreation and historic preservation law, in relation to expanding the usage of funds in the snowmobile trail development and maintenance fund (Part HH)

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 2010-2011  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through HH. 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

26 (a) Thirty-nine million seven hundred thousand dollars (\$39,700,000)  
27 to municipalities for repayment of eligible costs of federal aid municipi-  
28 pal street and highway projects pursuant to section 15 of chapter 329 of  
29 the laws of 1991, as added by section 9 of chapter 330 of the laws of  
30 1991, as amended. The department of transportation shall provide such  
31 information to the municipalities as may be necessary to maintain the  
32 federal tax exempt status of any bonds, notes, or other obligations  
33 issued by such municipalities to provide for the non-federal share of



1 the cost of projects pursuant to chapter 330 of the laws of 1991 or  
2 section 80-b of the highway law.

3 The program authorized pursuant to section 15 of chapter 329 of the  
4 laws of 1991, as added by section 9 of chapter 330 of the laws of 1991,  
5 as amended, shall additionally make payments for reimbursement according  
6 to the following schedule:

| 7 | State Fiscal Year | Amount       |
|---|-------------------|--------------|
| 8 | 2010-11           | \$39,700,000 |

9 (b) Three hundred four million three hundred thousand dollars  
10 (\$304,300,000) to counties, cities, towns and villages for reimbursement  
11 of eligible costs of local highway and bridge projects pursuant to  
12 sections 16 and 16-a of chapter 329 of the laws of 1991, as added by  
13 section 9 of chapter 330 of the laws of 1991, as amended. For the  
14 purposes of computing allocations to municipalities, the amount distrib-  
15 uted pursuant to section 16 of chapter 329 of the laws of 1991 shall be  
16 deemed to be \$121,520,000. The amount distributed pursuant to section  
17 16-a of chapter 329 of the laws of 1991 shall be deemed to be  
18 \$182,780,000. Notwithstanding the provisions of any general or special  
19 law, the amounts deemed distributed in accordance with section 16 of  
20 chapter 329 of the laws of 1991 shall be adjusted so that such amounts  
21 will not be less than 83.807 percent of the "funding level" as defined  
22 in subdivision 5 of section 10-c of the highway law for each such muni-  
23 cipality. In order to achieve the objectives of section 16 of chapter  
24 329 of the laws of 1991, to the extent necessary, the amounts in excess  
25 of 83.807 percent of the funding level to be deemed distributed to each  
26 municipality under this subdivision shall be reduced in equal propor-  
27 tion.

28 (c) Fifty-eight million seven hundred ninety-seven thousand dollars  
29 (\$58,797,000) to municipalities for reimbursement of eligible costs of  
30 local highway and bridge projects pursuant to sections 16 and 16-a of  
31 chapter 329 of the laws of 1991, as added by section 9 of chapter 330 of  
32 the laws of 1991, as amended. For the purposes of computing allocations  
33 to municipalities, the amount distributed pursuant to section 16 of  
34 chapter 329 of the laws of 1991 shall be deemed to be \$23,480,000. The  
35 amount distributed pursuant to section 16-a of chapter 329 of the laws  
36 of 1991 shall be deemed to be \$35,317,000. Notwithstanding the  
37 provisions of any general or special law, the amounts deemed distributed  
38 in accordance with section 16 of chapter 329 of the laws of 1991 shall  
39 be adjusted so that such amounts will not be less than 16.193 percent of  
40 the "funding level" as defined in subdivision 5 of section 10-c of the  
41 highway law for each such municipality. In order to achieve the objec-  
42 tives of section 16 of chapter 329 of the laws of 1991, to the extent  
43 necessary, the amounts in excess of 16.193 percent of the funding level  
44 to be deemed distributed to each municipality under this subdivision  
45 shall be reduced in equal proportion. To the extent that the total of  
46 remaining payment allocations calculated herein varies from \$58,797,000,  
47 the payment amounts to each locality shall be adjusted by a uniform  
48 percentage so that the total payments equal \$58,797,000.

49 The program authorized pursuant to sections 16 and 16-a of chapter 329  
50 of the laws of 1991, as added by section 9 of chapter 330 of the laws of  
51 1991, as amended, shall additionally make payments for reimbursement  
52 according to the following schedule:

| 53 | State Fiscal Year | Amount        |
|----|-------------------|---------------|
| 54 | 2010-11           | \$363,097,000 |

55 § 2. This act shall take effect immediately.

1

## PART B

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

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

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

20 (a) The special obligation reserve and payment account shall consist  
21 (i) of all moneys required to be deposited in the dedicated highway and  
22 bridge trust fund pursuant to the provisions of sections two hundred  
23 five, two hundred eighty-nine-e, three hundred one-j, five hundred  
24 fifteen and eleven hundred sixty-seven of the tax law, section four  
25 hundred one of the vehicle and traffic law, and section thirty-one of  
26 chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all  
27 fees, fines or penalties collected by the commissioner of transportation  
28 pursuant to section fifty-two, section three hundred twenty-six, and  
29 subdivisions five, eight and twelve of section eighty-eight of the high-  
30 way law, subdivision fifteen of section three hundred eighty-five of the  
31 vehicle and traffic law, section two of the chapter of the laws of two  
32 thousand three that amended this paragraph, subdivision (d) of section  
33 three hundred four-a, paragraph one of subdivision (a) and subdivision  
34 (d) of section three hundred five, subdivision six-a of section four  
35 hundred fifteen and subdivision (g) of section twenty-one hundred twen-  
36 ty-five of the vehicle and traffic law, section fifteen of this chapter,  
37 excepting moneys deposited with the state on account of betterments  
38 performed pursuant to subdivision twenty-seven or subdivision thirty-  
39 five of section ten of the highway law, (iii) any moneys collected by  
40 the department of transportation for services provided pursuant to  
41 agreements entered into in accordance with section ninety-nine-r of the  
42 general municipal law, and (iv) any other moneys collected therefor or  
43 credited or transferred thereto from any other fund, account or source.

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

47 (a) The special obligation reserve and payment account shall consist  
48 (i) of all moneys required to be deposited in the dedicated highway and  
49 bridge trust fund pursuant to the provisions of sections two hundred  
50 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven  
51 hundred sixty-seven of the tax law, section four hundred one of the  
52 vehicle and traffic law, and section thirty-one of chapter fifty-six of  
53 the laws of nineteen hundred ninety-three, (ii) all fees, fines or  
54 penalties collected by the commissioner of transportation pursuant to  
55 section fifty-two, section three hundred twenty-six, and subdivisions



1 five, eight and twelve of section eighty-eight of the highway law,  
2 subdivision fifteen of section three hundred eighty-five of the vehicle  
3 and traffic law, section fifteen of this chapter, excepting moneys  
4 deposited with the state on account of betterments performed pursuant to  
5 subdivision twenty-seven or subdivision thirty-five of section ten of  
6 the highway law, (iii) any moneys collected by the department of trans-  
7 portation for services provided pursuant to agreements entered into in  
8 accordance with section ninety-nine-r of the general municipal law, and  
9 (iv) any other moneys collected therefor or credited or transferred  
10 thereto from any other fund, account or source.

11 § 4. This act shall take effect immediately, and shall be deemed to  
12 have been in full force and effect on and after April 1, 2010; and  
13 provided, however, that the amendments to paragraph (a) of subdivision 3  
14 of section 89-b of the state finance law made by section two of this act  
15 shall be subject to the expiration and reversion of such paragraph  
16 pursuant to section 13 of part U-1 of chapter 62 of the laws of 2003, as  
17 amended, when upon such date the provisions of section three of this act  
18 shall take effect.

19

## PART C

20 Section 1. Subdivisions 5, 6 and 7 of section 19-0323 of the environ-  
21 mental conservation law are renumbered subdivisions 6, 7 and 8 and a new  
22 subdivision 5 is added to read as follows:

23 5. The department shall issue a waiver to a state agency, a state or  
24 regional public authority, or a person operating any diesel powered  
25 heavy duty vehicle on behalf of a state agency, state or regional public  
26 authority, upon a request in a form acceptable to the department for a  
27 useful life waiver from the provisions of subdivision three of this  
28 section for a vehicle engine that will be taken out of service in the  
29 state on or before December thirty-first, two thousand thirteen. The  
30 waiver shall expire when the vehicle engine is taken out of service in  
31 the state but not later than December thirty-first, two thousand thir-  
32 teen.

33 § 2. This act shall take effect immediately.

34

## PART D

35 Section 1. Paragraph (a) of subdivision 2 of section 253 of the tax  
36 law, as amended by section 2 of part A of chapter 63 of the laws of  
37 2005, is amended to read as follows:

38 (a) In addition to the taxes imposed by subdivisions one and one-a of  
39 this section, there shall be imposed on each mortgage of real property  
40 situated within the state recorded on or after the first day of July,  
41 nineteen hundred sixty-nine, an additional tax of twenty-five cents for  
42 counties outside of the metropolitan commuter transportation district,  
43 as defined pursuant to section twelve hundred sixty-two of the public  
44 authorities law, and thirty cents for counties within such metropolitan  
45 commuter transportation district for each one hundred dollars and each  
46 remaining major fraction thereof of principal debt or obligation which  
47 is, or under any contingency may be secured at the date of execution  
48 thereof or at any time thereafter by such mortgage, saving and excepting  
49 the first ten thousand dollars of such principal debt or obligation in  
50 any case in which the related mortgage is of real property principally  
51 improved or to be improved by a one or two family residence or dwelling.  
52 All the provisions of this article shall apply with respect to the addi-

1 tional tax imposed by this subdivision to the same extent as if it were  
2 imposed by the said subdivision one of this section, except as otherwise  
3 expressly provided in this article. Notwithstanding any other provision  
4 of law, a mortgage secured by or through an industrial development agen-  
5 cy created pursuant to article eighteen-A of the general municipal law  
6 shall not be exempt from the additional tax imposed on each mortgage of  
7 real property of twenty-five cents in counties comprising the Niagara  
8 Frontier transportation district, the Rochester-Genesee transportation  
9 district, the capital district transportation district or the central  
10 New York regional transportation district and the additional tax imposed  
11 on each mortgage of real property of thirty cents in counties within the  
12 metropolitan commuter transportation district for each one hundred  
13 dollars and each remaining fraction thereof of principal debtor obli-  
14 gation which is, or under any contingency may be, secured at the date of  
15 execution thereof or at any time thereafter by such mortgage. The impo-  
16 sition of this additional tax on mortgages recorded in a county outside  
17 the city of New York, other than one of the counties from time to time  
18 comprising the metropolitan commuter transportation district, the  
19 Niagara Frontier transportation district, the Rochester-Genesee trans-  
20 portation district, the capital district transportation district or the  
21 central New York regional transportation district may be suspended for a  
22 specified period of time or without limitation as to time by a local  
23 law, ordinance or resolution duly adopted by the local legislative body  
24 of such county.  
25 § 2. This act shall take effect July 1, 2010 and shall apply to mort-  
26 gages secured after such date.

27

## PART E

28 Section 1. Section 2 of chapter 279 of the laws of 1998, amending the  
29 transportation law relating to enabling the commissioner of transporta-  
30 tion to establish a single audit pilot program, as amended by section 1  
31 of part A of chapter 59 of the laws of 2009, is amended to read as  
32 follows:

33 § 2. This act shall take effect on December 31, 1998, except that the  
34 commissioner of transportation is immediately authorized to promulgate  
35 rules and regulations necessary for the implementation of this act and  
36 shall expire December 31, [2010] 2011 when upon such date the provisions  
37 of this act shall be deemed repealed.

38 § 2. This act shall take effect immediately.

39

## PART F

40 Section 1. Section 1203 of the public authorities law is amended by  
41 adding a new subdivision 8 to read as follows:

42 8. Notwithstanding any other provision of law, upon the conveyance of  
43 the transit facilities in accordance with this section, whether by deed,  
44 lease, license or other arrangement, the authority shall be deemed the  
45 sole owner of such facilities with respect to all obligations and  
46 liabilities imposed by law on property owners.

47 § 2. Section 1203-a of the public authorities law is amended by adding  
48 a new subdivision 12 to read as follows:

49 12. Notwithstanding any other provision of law, upon the conveyance of  
50 any omnibus line acquired by the city to the subsidiary corporation in  
51 accordance with this section, the subsidiary corporation shall be deemed



1 the sole owner of such facilities with respect to all obligations and  
2 liabilities imposed by law on property owners.

3 § 3. This act shall take effect immediately and shall apply to all  
4 matters arising on or after such effective date and to all matters pend-  
5 ing on such effective date.

6

## PART G

7 Section 1. Subparagraph (B) of paragraph 2 of subsection (a) of  
8 section 2504 of the insurance law is amended to read as follows:

9 (B) the city of New York, a public corporation or a public authority,  
10 in connection with the construction of electrical generating and trans-  
11 mission facilities or construction, extensions and additions of light  
12 rail or heavy rail rapid transit and commuter railroads, or bridge,  
13 tunnel or omnibus facilities.

14 § 2. This act shall take effect immediately.

15

## PART H

16 Section 1. Section 1209 of the public authorities law is amended by  
17 adding a new subdivision 14 to read as follows:

18 14. (a) The authority may accept bids electronically. All provisions  
19 of this subdivision shall apply only to competitively bid purchase  
20 contracts for supplies, materials and equipment initiated during this  
21 period.

22 (b) Notwithstanding any other provisions in this section, any require-  
23 ment for sealed bids and public bid openings under this section shall be  
24 deemed satisfied by bids accepted electronically, and the electronic  
25 posting of bids along with the names of the bidders shall constitute  
26 public opening and reading of bids. The authority may require electronic  
27 submission as the sole method for the submission of bids for a sollicita-  
28 tion. The authority may accept such electronic bids through a website  
29 operated by an agency or authority of the state or on behalf of the  
30 authority by a commercial third party and, in such instances, the  
31 authority shall be deemed to have satisfied any requirements for authen-  
32 tication and security of the transaction and any electronic signature,  
33 under article three of the state technology law, if the standards  
34 applied by that website meet those requirements.

35 (c) The authority shall be allowed to use an electronic bidding system  
36 that informs bidders whether their bid is the current low bid, provided  
37 that it does not disclose the bids of any bidders prior to the date and  
38 time assigned for the opening of bids, and allows bidders to submit new  
39 bids before the date and time assigned for the opening of bids. Such  
40 procedure shall not constitute disclosure of bids in violation of  
41 section twenty-eight hundred seventy-eight of this chapter.

42 (d) The authority may charge bidders a fee in connection with bids  
43 solicited under this section, and may require bidders to pay the fee to  
44 a commercial third party, if any, which operates the bidding website  
45 utilized by the authority.

46 § 2. Section 1265-a of the public authorities law is amended by adding  
47 a new subdivision 9 to read as follows:

48 9. (a) The authority may accept bids electronically. All provisions of  
49 this subdivision shall apply only to competitively bid purchase  
50 contracts for supplies, materials and equipment initiated during this  
51 period.



1 (b) Notwithstanding any other provisions in this section, any require-  
2 ment for sealed bids and public bid openings under this section shall be  
3 deemed satisfied by bids accepted electronically, and the electronic  
4 posting of bids along with the names of the bidders shall constitute  
5 public opening and reading of bids. The authority may require electronic  
6 submission as the sole method for the submission of bids for a sollicita-  
7 tion. The authority may accept such electronic bids through a website  
8 operated by an agency or authority of the state or on behalf of the  
9 authority by a commercial third party and, in such instances, the  
10 authority shall be deemed to have satisfied any requirements for authen-  
11 tication and security of the transaction and any electronic signature,  
12 under article three of the state technology law, if the standards  
13 applied by that website meet those requirements.

14 (c) The authority shall be allowed to use an electronic bidding system  
15 that informs bidders whether their bid is the current low bid, provided  
16 that it does not disclose the bids of any bidders prior to the date and  
17 time assigned for the opening of bids, and allows bidders to submit new  
18 bids before the date and time assigned for the opening of bids. Such  
19 procedure shall not constitute disclosure of bids in violation of  
20 section twenty-eight hundred seventy-eight of this chapter.

21 (d) The authority may charge bidders a fee in connection with bids  
22 solicited under this section, and may require bidders to pay the fee to  
23 a commercial third party, if any, which operates the bidding website  
24 utilized by the authority.

25 § 3. This act shall take effect immediately, and shall expire and be  
26 deemed repealed December 31, 2014.

27

## PART I

28 Section 1. Section 1212 of the public authorities law is amended by  
29 adding a new subdivision 7 to read as follows:

30 7. Notwithstanding any other provision of law to the contrary, there  
31 shall be no right of recovery in an action for personal injury, injury  
32 to property or wrongful death against the authority when it is found  
33 that the claimant or decedent acted with wanton disregard for his or her  
34 own personal safety or well being.

35 § 2. Section 1276 of the public authorities law is amended by adding a  
36 new subdivision 7 to read as follows:

37 7. Notwithstanding any other provision of law to the contrary, there  
38 shall be no right of recovery in an action for personal injury, injury  
39 to property or wrongful death against the authority when it is found  
40 that the claimant or decedent acted with wanton disregard for his or her  
41 own personal safety or well being.

42 § 3. This act shall take effect immediately and shall apply to any  
43 cause of action accruing on or after the date this act shall have become  
44 a law.

45

## PART J

46 Section 1. Subdivision 6 of section 201 of the vehicle and traffic  
47 law, as amended by chapter 432 of the laws of 1997, is amended to read  
48 as follows:

49 6. Whenever any document referred to in subdivision one of this  
50 section is filed with this department when it is not required to be  
51 filed and is used by this department for no other purposes, other than  
52 for statistics or research, the document shall not be a public record.



1 Provided, however, that an accident report filed with this department  
2 when it is not required to be filed shall not be a public record [except  
3 as follows: for use by the state or any political subdivision thereof  
4 for no other purposes other than for statistics or research relating to  
5 highway safety; for any lawful purpose by a person to whom such report  
6 pertains or named in such report, or his or her authorized represen-  
7 tative; and, for use by any other person, or his or her authorized  
8 representative, who has demonstrated to the satisfaction of the commis-  
9 sioner that such person is or may be a party to a civil action arising  
10 out of the conduct described in such accident report].

11 § 2. Subdivision 1 of section 603 of the vehicle and traffic law, as  
12 amended by chapter 432 of the laws of 1997, is amended to read as  
13 follows:

14 1. Every police or judicial officer to whom an accident resulting in  
15 injury to a person shall have been reported, pursuant to the foregoing  
16 provisions of this chapter, shall immediately investigate the facts, or  
17 cause the same to be investigated, and report the matter to the commis-  
18 sioner forthwith; provided, however, that the report of the accident is  
19 made to the police officer or judicial officer within five days after  
20 such accident. Every coroner, or other official performing like func-  
21 tions, shall likewise make a report to the commissioner with respect to  
22 all deaths found to have been the result of motor vehicle or motorcycle  
23 accidents. Such report shall include information on the width and  
24 length of trucks, tractors, trailers and semitrailers, which are in  
25 excess of ninety-five inches in width or thirty-four feet in length and  
26 which are involved in such accidents, whether such accident took place  
27 in a work area and whether it was being operated with an overweight or  
28 overdimension permit. Such report shall distinctly indicate and include  
29 information as to whether the inflatable restraint system inflated and  
30 deployed. Nothing contained in this subdivision shall be deemed to  
31 preclude a police officer from reporting any other accident which, in  
32 the judgment of such police officer, [would be required to be reported  
33 to the commissioner by the operator of a vehicle pursuant to section six  
34 hundred five of this article] resulted in damage to the property of any  
35 one person in excess of three thousand dollars.

36 § 3. Subdivisions (a) and (c) of section 605 of the vehicle and traf-  
37 fic law are REPEALED, and subdivision (b), as added by chapter 254 of  
38 the laws of 1989, is amended to read as follows:

39 [(b)] Every person operating a bicycle which is in any manner involved  
40 in an accident on a public highway in this state in which any person is  
41 killed, other than the operator, or suffers serious physical injury as  
42 defined pursuant to subdivision ten of section 10.00 of the penal law,  
43 shall within ten days after such operator learns of the fact of such  
44 death or serious physical injury, report the matter in writing to the  
45 commissioner. If such operator is physically incapable of making such  
46 report within ten days, he or she shall make the report immediately upon  
47 recovery from the physical incapacity. If such operator is an unemanci-  
48 pated minor who is incapable of making such report for any reason, the  
49 parent or guardian of such operator shall make such report within ten  
50 days after learning of the fact of such accident. Every such operator of  
51 a bicycle, or parent or guardian of such unemancipated minor operator,  
52 shall make such other and additional reports as the commissioner shall  
53 require.

54 § 4. This act shall take effect on the one hundred twentieth day after  
55 it shall have become a law and shall apply to motor vehicle accidents  
56 occurring on or after such date.

1

## PART K

2 Section 1. Section 214 of the vehicle and traffic law, as amended by  
3 chapter 568 of the laws of 1994, is amended to read as follows:

4 § 214. Proof of mailing of notice or order. The production of a copy  
5 of a notice or order issued by the department, together with an elec-  
6 tronically-generated record of entry of such order or notice upon the  
7 appropriate driver's license or registration file of the department and  
8 an affidavit by an employee designated by the commissioner as having  
9 responsibility for the issuance of such order or notice issued by the  
10 department setting forth the procedure for the issuance and the mailing  
11 of such notice or order at the address of such person on file with the  
12 department or at the current address provided by the United States  
13 postal service shall be presumptive evidence that such notice of suspen-  
14 sion, revocation or order was produced and mailed in accordance with  
15 such procedures. The foregoing procedure shall not preclude the use of  
16 an affidavit of service by mail, a certificate of mailing or proof of  
17 certified or registered mail as proof of mailing of any such order or  
18 notice.

19 § 2. Paragraph (b) of subdivision 3 of section 226 of the vehicle and  
20 traffic law, as added by chapter 607 of the laws of 1993, is amended to  
21 read as follows:

22 (b) Failure to answer or appear in accordance with the requirements of  
23 this section and any regulations promulgated hereunder shall be deemed  
24 an admission to the violation as charged, and an appropriate order may  
25 be entered in the department's records, and a fine consistent with the  
26 provisions of this chapter and regulations of the commissioner may be  
27 imposed by the commissioner or person designated by the commissioner.  
28 Prior to entry of an order and imposition of a fine, the commissioner  
29 shall notify such person by mail at the address of such person on file  
30 with the department or at the current address provided by the United  
31 States postal service in accordance with section two hundred fourteen of  
32 this chapter: (i) of the violation charged; (ii) of the impending entry  
33 of such order and fine; (iii) that such order and fine may be filed as a  
34 judgment with the county clerk of the county in which the operator or  
35 registrant is located; and (iv) that entry of such order and imposition  
36 of such fine may be avoided by entering a plea or making an appearance  
37 within thirty days of the sending of such notice. In no case shall such  
38 an order and fine be entered and imposed more than two years after the  
39 date of the alleged violation. Upon application in such manner and form  
40 as the commissioner shall prescribe an order and fine shall be vacated  
41 upon the ground of excusable default.

42 § 3. Paragraph b of subdivision 4 of section 227 of the vehicle and  
43 traffic law, as amended by chapter 221 of the laws of 1985, such subdi-  
44 vision as renumbered by chapter 288 of the laws of 1989, is amended to  
45 read as follows:

46 b. Unpaid fines may be recovered by the commissioner in a civil action  
47 in the name of the commissioner. In addition, as an alternative to such  
48 civil action, and provided that no appeal is pending, the commissioner  
49 may file with the county clerk of the county in which the person resides  
50 a final order of the commissioner containing the amount of the fine or  
51 fines. The filing of such final order shall have the full force and  
52 effect of a judgment duly docketed in the office of such clerk and may  
53 be enforced in the same manner and with the same effect as that provided  
54 by law in respect to execution issued against property upon judgments of  
55 a court of record. No such civil action shall be commenced nor shall



1 such final order be filed until at least thirty days after the depart-  
2 ment has posted by ordinary mail to the person at the address of such  
3 person on file with the department or at the current address provided by  
4 the United States postal service notice of the amount of such fine or  
5 fines and that such fine or fines are due and owing.

6 § 4. Subdivision 6 of section 318 of the vehicle and traffic law is  
7 amended to read as follows:

8 6. Notice of revocation pursuant to this section may be given to the  
9 owner of a vehicle registered in this state or to a driver licensed in  
10 this state, by mailing the same to such owner or licensee at the address  
11 contained in the certificate of registration for the vehicle owned by  
12 such person or to the address contained [in] on his or her driving  
13 license or to the current address provided by the United States postal  
14 service.

15 § 5. Subdivision 7 of section 510 of the vehicle and traffic law, as  
16 amended by chapter 606 of the laws of 1993, is amended to read as  
17 follows:

18 7. Miscellaneous provisions. Except as expressly provided, a court  
19 conviction shall not be necessary to sustain a revocation or suspension.  
20 Revocation or suspension hereunder shall be deemed an administrative act  
21 reviewable by the supreme court as such. Notice of revocation or suspen-  
22 sion, as well as any required notice of hearing, where the holder is not  
23 present, may be given by mailing the same in writing to him or her at  
24 the address contained in his or her license [or], certificate of regis-  
25 tration or at the current address provided by the United States postal  
26 service, as the case may be. Proof of such mailing by certified mail to  
27 the holder shall be presumptive evidence of the holder's receipt and  
28 actual knowledge of such notice. Attendance of witnesses may be  
29 compelled by subpoena. Failure of the holder or any other person  
30 possessing the license card or number plates, to deliver the same to the  
31 suspending or revoking officer is a misdemeanor. Suspending or revoking  
32 officers shall place such license cards and number plates in the custody  
33 of the commissioner except where the commissioner shall otherwise  
34 direct. If any person shall fail to deliver a license card or number  
35 plates as provided herein, any police officer, bridge and tunnel officer  
36 of the Triborough bridge and tunnel authority, or agent of the commis-  
37 sioner having knowledge of such facts shall have the power to secure  
38 possession thereof and return the same to the commissioner, and the  
39 commissioner may forthwith direct any police officer, bridge and tunnel  
40 officer of the Triborough bridge and tunnel authority, acting pursuant  
41 to his or her special duties, or agent of the commissioner to secure  
42 possession thereof and to return the same to the commissioner. Failure  
43 of the holder or of any person possessing the license card or number  
44 plates to deliver to any police officer, bridge and tunnel officer of  
45 the Triborough bridge and tunnel authority, or agent of the commissioner  
46 who requests the same pursuant to this subdivision shall be a misdemea-  
47 nor. Notice of revocation or suspension of any license or registration  
48 shall be transmitted forthwith by the commissioner [of motor vehicles]  
49 to the chief of police of the city or prosecuting officer of the locali-  
50 ty in which the person whose license or registration so revoked or  
51 suspended resides. In case any license or registration shall expire  
52 before the end of any period for which it has been revoked or suspended,  
53 and before it shall have been restored as provided in this chapter, then  
54 and in that event any renewal thereof may be withheld until the end of  
55 such period of suspension or until restoration, as the case may be.



1 The revocation of a learner's permit shall automatically cancel the  
2 application for a license of the holder of such permit.

3 No suspension or revocation of a license or registration shall be made  
4 because of a judgment of conviction if the suspending or revoking offi-  
5 cer is satisfied that the magistrate who pronounced the judgment failed  
6 to comply with subdivision one of section eighteen hundred seven of this  
7 chapter. In case a suspension or revocation has been made and the  
8 commissioner is satisfied that there was such failure, [he] the commis-  
9 sioner shall restore the license or registration or both as the case may  
10 be.

11 § 6. This act shall take effect immediately.

12

PART L

13 Section 1. Section 1802 of the public authorities law, as added by  
14 chapter 443 of the laws of 1961, subdivisions 1, 1-a and 7 as amended by  
15 chapter 118 of the laws of 1990, subdivision 2 as separately amended by  
16 chapters 355 and 829 of the laws of 1966, subdivision 3 as amended by  
17 chapter 55 of the laws of 1992, subdivision 4 as amended by chapter 482  
18 of the laws of 1985, subdivision 8 as amended by chapter 185 of the laws  
19 of 1986, subdivision 8-a as added by chapter 714 of the laws of 1977 and  
20 subdivision 9 as amended by chapter 348 of the laws of 1980, is amended  
21 to read as follows:

22 § 1802. New York job development authority. [1.] There is hereby  
23 created the "New York job development authority." The authority shall be  
24 a body corporate and politic constituting a public benefit corporation.  
25 [Its members shall consist of the commissioner of economic development,  
26 the commissioner of labor, the commissioner of agriculture and markets,  
27 and the superintendent of banks, serving ex officio, and seven members  
28 to be appointed by the governor with the advice and consent of the  
29 senate. Each member appointed by the governor shall be a citizen of the  
30 United States and a resident of the state.

31 1-a. The commissioner of economic development, the commissioner of  
32 labor, the commissioner of agriculture and markets, and the superinten-  
33 dent of banks each may designate a person from his department to repre-  
34 sent him at all meetings of the authority from which such member may be  
35 absent. Any representative so designated shall have the power to attend  
36 and to vote at any meeting of the authority from which the member so  
37 designating him is absent, with the same force and effect as if the  
38 member designating him were present and voting. Such designation shall  
39 be by written notice to the chairman by the member making the desig-  
40 nation. Such designation shall not limit the power of the member making  
41 the designation to attend and vote in person at any meeting of the  
42 authority.

43 2. Members shall continue in office until the expiration of their  
44 terms and until their successors have been appointed and confirmed.  
45 Persons appointed for full terms as their successors shall serve for  
46 four years each commencing as of January first. In the event of a vacan-  
47 cy occurring in the office of a member by death, resignation or other-  
48 wise, the governor shall appoint a successor with the advice and consent  
49 of the senate to serve for the balance of the unexpired term.

50 3. The members of the authority shall serve without salary or other  
51 compensation, but each member shall be entitled to reimbursement for  
52 actual and necessary expenses incurred in the performance of his or her  
53 official duties.

1 4. The members of the authority may engage in private employment, or  
2 in a profession or business, subject to the limitations contained in  
3 sections seventy-three and seventy-four of the public officers law. The  
4 authority shall, for the purposes of such sections, be a "state agency",  
5 and such members shall be "officers" of the agency for the purposes of  
6 said sections. In addition, the authority may adopt such standards and  
7 procedures as it considers necessary to ensure compliance with the  
8 provisions of sections seventy-three and seventy-four of the public  
9 officers law.

10 5. Notwithstanding any inconsistent provisions of law, general,  
11 special or local, no officer or employee of the state, or of any civil  
12 division thereof, shall be deemed to have forfeited or shall forfeit his  
13 office or employment by reason of his acceptance of membership on the  
14 authority created by this section, provided, however, that a member who  
15 holds such other public office or employment shall receive no additional  
16 compensation or allowance for services rendered pursuant to this title,  
17 but shall be entitled to reimbursement for his actual and necessary  
18 expenses incurred in the performance of such services.

19 6. The governor may remove any member for inefficiency, neglect of  
20 duty or misconduct in office after giving him a copy of the charges  
21 against him, and an opportunity to be heard, in person or by counsel, in  
22 his defense, upon not less than ten days' notice. If any such member  
23 shall be removed, the governor shall file in the office of the depart-  
24 ment of state a complete statement of charges made against such member,  
25 and his findings thereon, together with a complete record of the  
26 proceedings.

27 7. The commissioner of economic development shall be the chairman of  
28 the authority and shall preside over all meetings of the authority and  
29 shall have such other duties as the authority may direct. A vice-chair-  
30 man may be elected by the authority from among its other members for one  
31 or more terms of one year each. The vice-chairman shall preside over  
32 all meetings of the authority in the absence of the commissioner of  
33 economic development and shall have such other duties as the authority  
34 may direct.

35 8. Six members of the authority shall constitute a quorum for the  
36 transaction of any business or the exercise of any power or function of  
37 the authority. Resolutions authorizing the issuance of bonds or notes of  
38 the authority and resolutions authorizing the granting of mortgage loans  
39 shall be approved by not less than six members of the authority at a  
40 meeting duly called for such purpose, but for the transaction of any  
41 other business or the performance of any other power or function of the  
42 authority, the authority may act by a majority of the members present at  
43 any meeting at which a quorum is in attendance.

44 8-a. Determination on mortgage loan applications. The chairman of the  
45 authority shall convene meetings for the transaction of business or the  
46 exercise of any power or function of the authority at regular intervals,  
47 and whenever prudent and practical, the authority shall render a deter-  
48 mination on an application for a mortgage loan and notify the applicant  
49 of the determination within four weeks of the receipt of such completed  
50 application. In the event that a determination cannot be reached within  
51 the four week period, the authority shall submit to the applicant a  
52 statement of the reasons for such delay upon or prior to the expiration  
53 of such four week period.

54 9. The authority may appoint such persons to serve as officers of the  
55 authority as it may deem advisable, including a president and a counsel,  
56 and such employees as it deems advisable, and may prescribe their duties

1 and fix their compensation, subject to the civil service law and the  
2 rules and regulations of the civil service commission of the state.

3 10. The authority may appoint one or more advisory committees consist-  
4 ing of not more than seven members each to consider and advise the  
5 authority upon all matters submitted to them by the authority and to  
6 recommend to the authority such changes in the administration of this  
7 title and the operations of the authority as the advisory committee may  
8 deem desirable. Members of advisory committees shall serve without sala-  
9 ry for such terms, not to exceed four years, as the authority may deter-  
10 mine. Each member of an advisory committee shall be entitled to  
11 reimbursement for his actual and necessary travel expenses incurred in  
12 the performance of his duties.]

13 § 2. The public authorities law is amended by adding a new section  
14 1802-a to read as follows:

15 § 1802-a. Renamed the New York state job development corporation. The  
16 authority is hereby renamed the New York state job development corpo-  
17 ration, and all references to the authority in this chapter and in rules  
18 and regulations promulgated by the authority or by others with respect  
19 to the authority or this chapter shall mean the New York state job  
20 development corporation.

21 § 3. The public authorities law is amended by adding a new section  
22 1802-b to read as follows:

23 § 1802-b. New York state job development corporation membership and  
24 operations. 1. The membership of the corporation's board shall consist  
25 of eight directors as follows: the superintendent of banks, and seven  
26 directors to be appointed by the governor with the advice and consent of  
27 the senate. From the seven directors appointed by him, the governor  
28 shall designate the chairman of the corporation and two others who shall  
29 all serve at the pleasure of the governor. Of the four remaining direc-  
30 tors, one of such directors first appointed by the governor after the  
31 effective date of this subdivision, as amended, shall serve for a term  
32 ending January first next succeeding his appointment, one of such direc-  
33 tors shall serve for a term ending one year from such date, one of such  
34 directors shall serve for a term ending two years from such date, and  
35 one of such directors shall serve for a term ending three years from  
36 such date. Their successors shall serve for terms of four years each.  
37 Directors shall continue in office until their successors have been  
38 appointed and qualified. In the event of a vacancy occurring in the  
39 office of a director by death, resignation or otherwise, the governor  
40 shall appoint a successor with the advice and consent of the senate to  
41 serve for the balance of the unexpired term. The governor shall appoint  
42 the president of the corporation, with the advice and consent of the  
43 senate, who shall be the chief executive officer of the corporation and  
44 who shall serve at the pleasure of the governor. Such president may be  
45 one of the directors appointed by the governor. Notwithstanding the  
46 foregoing, and any other provision of law to the contrary, the directors  
47 of the New York state urban development corporation in office on the  
48 effective date of this section shall be deemed directors of the corpo-  
49 ration, for the balance of the respective terms for which they were  
50 appointed.

51 2. The superintendent of banks may designate a person from his or her  
52 department to represent the superintendent of banks at all meetings of  
53 the corporation from which such director may be absent. Any represen-  
54 tative so designated shall have the power to attend and to vote at any  
55 meeting of the corporation from which the director so designating him is  
56 absent, with the same force and effect as if the director designating

1 him were present and voting. Such designation shall be by written notice  
2 filed with the chairman of the corporation by the director making the  
3 designation. The designation of each such person shall continue until  
4 revoked at any time by written notice to the chairman by the director  
5 making the designation. Such designation shall not limit the power of  
6 the director making the designation to attend and vote in person at any  
7 meeting of the corporation.

8 3. The directors, other than the chairman, shall serve without salary  
9 or other compensation, but each director, including the chairman, shall  
10 be entitled to reimbursement for actual and necessary expenses incurred  
11 in the performance of his or her official duties. Anything to the  
12 contrary contained herein notwithstanding, the president of the corpo-  
13 ration, whether or not he or she is a director, and the chairman if he  
14 or she is not the president shall be entitled to receive such salary as  
15 the directors may determine for their services as chief executive offi-  
16 cer and chairman respectively.

17 4. Such directors other than the superintendent of banks and any  
18 director who serves as president of the corporation may engage in  
19 private employment, or in a profession or business. The corporation, its  
20 directors, officers and employees shall be subject to the provisions of  
21 sections seventy-three and seventy-four of the public officers law.

22 5. The state shall save harmless and indemnify any person who shall  
23 have served as a director, officer or employee of the corporation  
24 against financial loss or litigation expense arising in connection with  
25 any claim, demand, suit or judgment, or the defense thereof, based on a  
26 cause of action, whenever accrued, involving allegations that pecuniary  
27 harm was sustained by any person as a result of any transaction of the  
28 corporation taking place on or after the effective date of the New York  
29 state project finance agency act. In the event any such claim, demand,  
30 suit or judgment shall occur, a director, officer or employee of the  
31 corporation shall be saved harmless and indemnified by the state under  
32 this subdivision unless such individual is found by a final judicial  
33 determination not to have acted in good faith, for a purpose which he  
34 reasonably believed to be in the best interests of the corporation or  
35 not to have had reasonable cause to believe that his conduct was lawful.  
36 In any suit described in the first sentence of this subdivision, any  
37 director, officer or employee made a party defendant to such suit shall  
38 be entitled to be represented by private counsel of his choice;  
39 provided, however, that the attorney general is authorized, as a condi-  
40 tion to indemnification of the fees and expenses of such representation,  
41 to require that appropriate groups of such individuals be represented by  
42 the same counsel; and provided further, that with the approval of the  
43 attorney general or of a court (obtained by application substantially as  
44 provided in section seven hundred twenty-five of the business corpo-  
45 ration law), indemnification for such fees and expenses shall be paid  
46 from time to time during the pendency of such suit. The provisions of  
47 this subdivision shall be in addition to and shall not supplant any  
48 indemnification or other benefits heretofore or hereafter conferred upon  
49 directors, officers and employees of the corporation by section seven-  
50 teen of the public officers law, by action of the corporation, or other-  
51 wise. The provisions of this subdivision shall inure only to directors,  
52 officers and employees of the corporation, shall not enlarge or diminish  
53 the rights of any other party, and shall not impair, limit or modify the  
54 rights and obligations of any insurer under any policy of insurance.

55 6. The directors of the corporation shall serve ex officio as direc-  
56 tors of the corporation for urban development and research of New York,

1 created by the New York state urban development and research corporation  
2 act, and of the urban development guarantee fund of New York, created by  
3 the urban development guarantee fund of New York act. The chairman of  
4 the corporation shall serve as chairman of the corporation for urban  
5 development and research of New York and of the urban development guar-  
6 antee fund of New York.

7 7. Notwithstanding any inconsistent provisions of law, general,  
8 special or local, no officer or employee of the state or of any civil  
9 division thereof, shall be deemed to have forfeited or shall forfeit his  
10 office or employment by reason of his acceptance of membership on the  
11 corporation created by this section; provided, however, a director who  
12 holds such other public office or employment shall receive no additional  
13 compensation or allowance for services rendered pursuant to this  
14 section, but shall be entitled to reimbursement for his actual and  
15 necessary expenses incurred in the performance of such services.

16 8. The corporation shall establish one or more community advisory  
17 committees to consider and advise the corporation upon matters submitted  
18 to them by the corporation concerning the development of any area or any  
19 project, and may establish rules and regulations with respect to such  
20 committees. The members of such community advisory committees shall  
21 serve, at the pleasure of the corporation, without salary, but shall be  
22 entitled to reimbursement for their actual and necessary expenses  
23 incurred in the performance of their duties. Notwithstanding any incon-  
24 sistent provision of law, general, special or local, no officer or  
25 employee of the state or of any civil division thereof, shall be deemed  
26 to have forfeited or shall forfeit his office or employment by reason of  
27 his acceptance of membership on such community advisory committee.

28 9. The governor may remove any director appointed by him for ineffi-  
29 ciency, breach of fiduciary duty, neglect of duty or misconduct in  
30 office after being given a copy of the charges against him or her, and  
31 an opportunity to be heard, in person or by counsel, in his defense,  
32 upon not less than ten days' notice. If any such director shall be  
33 removed, the governor shall file in the office of the department of  
34 state a complete statement of charges made against such director and his  
35 findings thereon, together with a complete record of the proceeding. The  
36 foregoing provisions shall not apply in the case of the chairman and any  
37 other director who serves at the pleasure of the governor.

38 10. The corporation and its existence shall continue until terminated  
39 by law, provided, however, that no such law shall take effect so long as  
40 the corporation shall have bonds, notes and other obligations outstand-  
41 ing, unless adequate provision has been made for the payment thereof in  
42 the documents securing the same. Upon termination of the existence of  
43 the corporation, all its rights and properties shall pass to and be  
44 vested in the state.

45 11. A majority of the directors of the corporation then in office  
46 shall constitute a quorum for the transaction of any business or the  
47 exercise of any power or function of the corporation, except as other-  
48 wise provided in subdivision two of section sixteen of the urban devel-  
49 opment corporation act. The corporation may delegate to one or more of  
50 its directors, or its officers, agents and employees, such powers and  
51 duties as it may deem proper.

52 12. The corporation shall take affirmative action in working with  
53 construction firms, contractors and subcontractors, labor unions and  
54 manufacturing and industrial firms, to the end that residents of areas  
55 in which projects are to be located shall be afforded participation in  
56 the construction work on projects of the corporation, and in the busi-

1 ness operations of tenants and occupants of industrial projects under-  
2 taken by the corporation.

3 § 4. Economic development efficiency. In order to promote economic  
4 development efficiency in the state of New York, the transfers to the  
5 New York state job development corporation of the respective powers,  
6 functions and affairs of the department of economic development and New  
7 York state urban development corporation are hereby authorized,  
8 provided, however, that with respect to the New York state urban devel-  
9 opment corporation, that no such transfers to the New York state job  
10 development corporation shall take effect so long as the New York state  
11 urban development corporation shall have bonds, notes and other obli-  
12 gations outstanding, unless adequate provision has been made for the  
13 payment thereof in the documents securing the same.

14 § 5. Transfer of powers of the department of economic development. The  
15 functions and powers possessed by and all of the obligations and duties  
16 of the department of economic development, as established pursuant to  
17 the economic development law, the general municipal law, the environ-  
18 mental conservation law, the executive law, the state finance law, the  
19 tax law and chapter 180 of the laws of 2009 shall be transferred and  
20 assigned to, and assumed by and devolved upon the New York state job  
21 development corporation. Notwithstanding the foregoing, any programs  
22 specified in law to be administered by the department of economic devel-  
23 opment shall be administered by the New York state job development  
24 corporation only to the extent of available appropriations.

25 § 6. Transfer of powers of the New York state urban development corpo-  
26 ration. The functions and powers possessed by and all of the obligations  
27 and duties and assets of the New York state urban development corpo-  
28 ration, as established pursuant to the New York state urban development  
29 corporation act, the executive law, the state finance law, the tax law,  
30 the New York state urban development and research authority act, the  
31 urban development guarantee fund of New York act, and chapter 180 of the  
32 laws of 2009 shall be transferred and assigned to, and assumed by and  
33 devolved upon the New York state job development corporation, provided,  
34 however, that no such transfer, assignment, assumption and devolution  
35 shall take effect so long as the New York state urban development corpo-  
36 ration shall have bonds, notes and other obligations outstanding, unless  
37 adequate provision has been made for the payment thereof in the docu-  
38 ments securing the same. Upon such transfer, assignment, assumption and  
39 devolution taking effect, any programs specified in law to be adminis-  
40 tered by New York state urban development corporation shall be adminis-  
41 tered by the New York state job development corporation only to the  
42 extent of available appropriations.

43 § 7. Abolition of the department of economic development. Upon the  
44 transfer pursuant to this act of the functions and powers possessed by  
45 and all of the obligations and duties of the department of economic  
46 development, as established pursuant to the economic development law,  
47 the general municipal law, the environmental conservation law, the exec-  
48 utive law, the state finance law, the tax law and chapter 180 of the  
49 laws of 2009, the department of economic development shall be abolished,  
50 and sections 10 and 50 of the economic development law shall be  
51 repealed.

52 § 8. Abolition of the New York state urban development corporation.  
53 Upon the transfer pursuant to this act of the functions and powers  
54 possessed by and all of the obligations and duties of the New York state  
55 urban development corporation, as established pursuant to the New York  
56 state urban development corporation act, the executive law, the state

1 finance law, the tax law, the New York state urban development and  
2 research authority act, the urban development guarantee fund of New York  
3 act and chapter 180 of the laws of 2009, the New York state urban devel-  
4 opment corporation shall be abolished, and section 4 of the New York  
5 state urban development corporation act shall be repealed, provided,  
6 however, that no such abolition and repeal shall take effect so long as  
7 the New York state urban development corporation shall have bonds, notes  
8 and other obligations outstanding, unless adequate provision has been  
9 made for the payment thereof in the documents securing the same.

10 § 9. Continuity of authority of the department of economic develop-  
11 ment. Except as herein otherwise provided, upon the transfer pursuant  
12 to this act of the functions and powers possessed by and all of the  
13 obligations and duties of the department of economic development as  
14 established pursuant to the economic development law, the general munic-  
15 ipal law, the environmental conservation law, the executive law, the  
16 state finance law, the tax law and chapter 180 of the laws of 2009 to  
17 the New York state job development corporation as prescribed by this act  
18 for the purpose of succession of all functions, powers, duties and obli-  
19 gations of the department of economic development, the New York state  
20 job development corporation shall be deemed and be held to constitute  
21 the continuation of such functions, powers, duties and obligations and  
22 not a different agency or authority.

23 § 10. Continuity of authority of the New York state urban development  
24 corporation. Except as herein otherwise provided, upon the transfer  
25 pursuant to this act of the functions and powers possessed by the New  
26 York state urban development corporation and all of the obligations and  
27 duties of the New York state urban development corporation as estab-  
28 lished pursuant to the New York state urban development corporation act,  
29 the executive law, the state finance law, the tax law, the New York  
30 state urban development and research authority act, the urban develop-  
31 ment guarantee fund of New York act and chapter 180 of the laws of 2009  
32 to the New York state job development corporation as prescribed by this  
33 act for the purpose of succession of all functions, powers, duties and  
34 obligations of the New York state urban development corporation, the New  
35 York state job development corporation shall be deemed and be held to  
36 constitute the continuation of such functions, powers, duties and obli-  
37 gations and not a different agency, public benefit corporation, or  
38 authority.

39 § 11. Transfer of records of the department of economic development.  
40 Upon the transfer pursuant to this act of the functions and powers  
41 possessed by and all of the obligations and duties of the department of  
42 economic development as established pursuant to the economic development  
43 law, the general municipal law, the environmental conservation law, the  
44 executive law, the state finance law, the tax law and chapter 180 of the  
45 laws of 2009 to the New York state job development corporation as  
46 prescribed by this act, all books, papers, records and property pertain-  
47 ing to the department of economic development shall be transferred to  
48 and maintained by the New York state job development corporation.

49 § 12. Transfer of records of the New York state urban development  
50 corporation. Upon the transfer pursuant to this act of the functions and  
51 powers possessed by and all of the obligations and duties of the New  
52 York state urban development corporation as established pursuant to the  
53 New York state urban development corporation act, the executive law, the  
54 state finance law, the tax law, the New York state urban development and  
55 research authority act, the urban development guarantee fund of New York  
56 act and chapter 180 of the laws of 2009 to the New York state job devel-



1 opment corporation as prescribed by this act, all books, papers, records  
2 and property pertaining to the New York state urban development corpo-  
3 ration shall be transferred to and maintained by the New York state job  
4 development corporation.

5 § 13. Completion of unfinished business of the department of economic  
6 development. Upon the transfer pursuant to this act of the functions and  
7 powers possessed by and all of the obligations and duties of the depart-  
8 ment of economic development as established pursuant to the economic  
9 development law, the general municipal law, the environmental conserva-  
10 tion law, the executive law, the state finance law, the tax law and  
11 chapter 180 of the laws of 2009 to the New York state job development  
12 corporation as prescribed by this act, any business or other matter  
13 undertaken or commenced by the department of economic development  
14 pertaining to or connected with the functions, powers, obligations and  
15 duties so transferred and assigned to the New York state job development  
16 corporation may be conducted or completed by the New York state job  
17 development corporation.

18 § 14. Completion of unfinished business of the New York state urban  
19 development corporation. Upon the transfer pursuant to this act of the  
20 functions and powers possessed by and all of the obligations and duties  
21 of the New York state urban development corporation as established  
22 pursuant to the New York state urban development corporation act, the  
23 executive law, the state finance law, the tax law, the New York state  
24 urban development and research authority act, the urban development  
25 guarantee fund of New York act and chapter 180 of the laws of 2009 to  
26 the New York state job development corporation as prescribed by this  
27 act, any business or other matter undertaken or commenced by the New  
28 York state urban development corporation pertaining to or connected with  
29 the functions, powers, obligations and duties so transferred and  
30 assigned to the New York state job development corporation may be  
31 conducted or completed by the New York state job development corpo-  
32 ration.

33 § 15. Terms occurring in laws, contracts or other documents of or  
34 pertaining to the department of economic development. Upon the transfer  
35 pursuant to this act of the functions and powers possessed by and all of  
36 the obligations and duties of the department of economic development as  
37 established pursuant to the economic development law, the general munic-  
38 ipal law, the environmental conservation law, the executive law, the  
39 state finance law, the tax law and chapter 180 of the laws of 2009 as  
40 prescribed by this act, whenever the department of economic development  
41 and the commissioner thereof, the functions, powers, obligations and  
42 duties of which are transferred to the New York state job development  
43 corporation are referred to or designated in any law, contract or docu-  
44 ment pertaining to the functions, powers, obligations and duties trans-  
45 ferred and assigned pursuant to this title, such reference or desig-  
46 nation shall be deemed to refer to the New York state job development  
47 corporation and its president. Notwithstanding any law to the contrary,  
48 all rights and benefits, including terms and conditions of employment,  
49 and protection of civil service and collective bargaining of all employ-  
50 ees affected by the transfer of the department of economic development  
51 to the New York state job development corporation, shall be preserved  
52 and protected under the transfer, and all transferred employees and all  
53 persons newly hired by the New York state job development corporation  
54 after the transfer, except for those employees whose job titles are  
55 identified pursuant to a personnel plan filed by the commissioner of  
56 economic development with the civil service commission and approved by

1 the commissioner of civil service, shall be considered for all purposes  
2 of article fourteen of the civil service law public employees. Notwith-  
3 standing any other law to the contrary, employees who are transferred  
4 shall remain in the same collective bargaining unit and any newly  
5 created positions, except for those job titles which are identified  
6 pursuant to a personnel plan filed by the New York state job development  
7 corporation president and approved by the commissioner of civil service,  
8 shall be assigned to the appropriate collective bargaining unit as if  
9 they were employees of the state. All employees who are transferred to  
10 the New York state job development corporation shall retain their rights  
11 under subdivision 6 of section 52 and subdivisions 1 and 4 of section 70  
12 of the civil service law to transfer to comparable jobs in state agen-  
13 cies. In the event of a reduction in work force within the New York  
14 state job development corporation, former employees of the department of  
15 economic development will enjoy the protections provided under sections  
16 78, 80, 80-a, 81 and 81-a of the civil service law, as though still in  
17 the employment of the state of New York.

18 § 16. Terms occurring in laws, contracts or other documents of or  
19 pertaining to New York state urban development corporation. Upon the  
20 transfer pursuant to this act of the functions and powers possessed by  
21 and all of the obligations and duties of the New York state urban devel-  
22 opment corporation as established pursuant to the New York state urban  
23 development corporation act, the executive law, the state finance law,  
24 the tax law, the New York state urban development and research authority  
25 act, the urban development guarantee fund of New York act and chapter  
26 180 of the laws of 2009 as prescribed by this act, whenever the New York  
27 state urban development corporation and the chairman or president there-  
28 of, the functions, powers, obligations and duties of which are trans-  
29 ferred to the New York state job development corporation are referred to  
30 or designated in any law, contract or document pertaining to the func-  
31 tions, powers, obligations and duties transferred and assigned pursuant  
32 to this act, such reference or designation shall be deemed to refer to  
33 the New York state job development corporation and its president.  
34 Notwithstanding any provision of law to the contrary, all rights and  
35 benefits, including terms and conditions of employment, and protection  
36 of employees affected by the transfer of the New York state urban devel-  
37 opment corporation to the New York state job development corporation  
38 shall be preserved and protected under the transfer and all persons  
39 newly hired by the New York state job development corporation after the  
40 transfer except for those employees whose job titles are identified  
41 pursuant to a personnel plan filed by the commissioner of economic  
42 development with the civil service commission and approved by the  
43 commissioner of civil service, shall be considered for all purposes of  
44 article 14 of the civil service law public employees.

45 § 17. Existing rights and remedies of or pertaining to the department  
46 of economic development preserved. Upon the transfer pursuant to this  
47 act of the functions and powers possessed by and all of the obligations  
48 and duties of the department of economic development as established  
49 pursuant to the economic development law, the general municipal law, the  
50 environmental conservation law, the executive law, the state finance  
51 law, the tax law and chapter 180 of the laws of 2009 to the New York  
52 state job development corporation as prescribed by this act, no existing  
53 right or remedy of the state, including the department of economic  
54 development, shall be lost, impaired or affected by reason of this act.

55 § 18. Existing rights and remedies of or pertaining to New York state  
56 urban development corporation preserved. Upon the transfer pursuant to

1 this act of the functions and powers possessed by and all of the obli-  
2 gations and duties of the New York state urban development corporation  
3 as established pursuant to the New York state urban development corpo-  
4 ration act, the executive law, the state finance law, the tax law, the  
5 New York state urban development and research authority act, the urban  
6 development guarantee fund of New York act and chapter 180 of the laws  
7 of 2009 to the New York state job development corporation as prescribed  
8 by this act, no existing right or remedy of the New York state job  
9 development corporation shall be lost, impaired or affected by reason of  
10 this act.

11 § 19. Pending actions and proceedings of or pertaining to the depart-  
12 ment of economic development. Upon the transfer pursuant to this act of  
13 the functions and powers possessed by and all of the obligations and  
14 duties of the department of economic development as established pursuant  
15 to the economic development law, the general municipal law, the environ-  
16 mental conservation law, the executive law, the state finance law, the  
17 tax law and chapter 180 of the laws of 2009 transfer to the New York  
18 state job development corporation as prescribed by this act, no action  
19 or proceeding pending on the effective date of this act, brought by or  
20 against the department of economic development or commissioner thereof  
21 shall be affected by any provision of this act, but the same may be  
22 prosecuted or defended in the name of the New York state job development  
23 corporation. In all such actions and proceedings, the New York state job  
24 development corporation, upon application to the court, shall be substi-  
25 tuted as a party.

26 § 20. Pending actions and proceedings of or pertaining to New York  
27 state urban development corporation. Upon the transfer pursuant to this  
28 act of the functions and powers possessed by and all of the obligations  
29 and duties of the New York state urban development corporation as estab-  
30 lished pursuant to the New York state urban development corporation act,  
31 the executive law, the state finance law, the tax law, the New York  
32 state urban development and research authority act, the urban develop-  
33 ment guarantee fund of New York act and chapter 180 of the laws of 2009  
34 transfer to the New York state job development corporation as prescribed  
35 by this act, no action or proceeding pending on the effective date of  
36 this act, brought by or against the New York state urban development  
37 corporation or the chairman, directors or president thereof shall be  
38 affected by any provision of this act, but the same may be prosecuted or  
39 defended in the name of the New York state job development corporation.  
40 In all such actions and proceedings, the New York state job development  
41 corporation, upon application to the court, shall be substituted as a  
42 party.

43 § 21. Continuation of rules and regulations of or pertaining to the  
44 department of economic development. Upon the transfer pursuant to this  
45 act of the functions and powers possessed by and all the obligations and  
46 duties of the department of economic development as established pursuant  
47 to the economic development law, the general municipal law, the environ-  
48 mental conservation law, the executive law, the state finance law, the  
49 tax law and chapter 180 of the laws of 2009, transfer to the New York  
50 state job development corporation as prescribed by this act, all rules,  
51 regulations, acts, determinations and decisions of the department of  
52 economic development, pertaining to the functions transferred and  
53 assigned by this act to the New York state job development corporation  
54 in force at the time of such transfer, assignment, assumption or devolu-  
55 tion shall continue in force and effect as rules, regulations, acts,

1 determinations and decisions of the New York state job development  
2 corporation until duly modified or repealed.

3 § 22. Continuation of rules and regulations of or pertaining to New  
4 York state urban development corporation. Upon the transfer pursuant to  
5 this act of the functions and powers possessed by and all the obli-  
6 gations and duties of the New York state urban development corporation  
7 as established pursuant to the New York state urban development corpo-  
8 ration act, the executive law, the state finance law, the tax law, the  
9 New York state urban development and research authority act, the urban  
10 development guarantee fund of New York act and chapter 180 of the laws  
11 of 2009, transfer to the New York state job development corporation as  
12 prescribed by this act, all rules, regulations, acts, determinations and  
13 decisions of the New York state urban development corporation, pertain-  
14 ing to the functions transferred and assigned by this act to the New  
15 York state job development corporation in force at the time of such  
16 transfer, assignment, assumption or devolution shall continue in force  
17 and effect as rules, regulations, acts, determinations and decisions of  
18 the New York state job development corporation until duly modified or  
19 repealed.

20 § 23. Transfer of appropriations heretofore made to the department of  
21 economic development. Upon the transfer pursuant to this act of the  
22 functions and powers possessed by and all of the obligations and duties  
23 of the department of economic development as established pursuant to the  
24 economic development law, the general municipal law, the environmental  
25 conservation law, the executive law, the state finance law, the tax law  
26 and chapter 180 of the laws of 2009 to the New York state job develop-  
27 ment corporation as prescribed by this act, all appropriations and reap-  
28 propriations which shall have been made available as of the date of such  
29 transfer to the department of economic development or segregated pursu-  
30 ant to law, to the extent of remaining unexpended or unencumbered  
31 balances thereof, whether allocated or unallocated and whether obligated  
32 or unobligated, shall be transferred to and made available for use and  
33 expenditure by the New York state job development corporation and shall  
34 be payable on vouchers certified or approved by the commissioner of  
35 taxation and finance, on audit and warrant of the comptroller. Payments  
36 of liabilities for expenses of personal services, maintenance and opera-  
37 tion which shall have been incurred as of the date of such transfer by  
38 the department of economic development, and for liabilities incurred and  
39 to be incurred in completing its affairs shall also be made on vouchers  
40 certified or approved by the president of the New York state job devel-  
41 opment corporation, on audit and warrant of the comptroller.

42 § 24. Transfer of appropriations heretofore made to the New York state  
43 urban development corporation. Upon the transfer pursuant to this act of  
44 the functions and powers possessed by and all of the obligations and  
45 duties of the New York state urban development corporation as estab-  
46 lished pursuant to the New York state urban development corporation, the  
47 executive law, the state finance law, the tax law, the New York state  
48 urban development and research authority act, the urban development  
49 guarantee fund of New York act and chapter 180 of the laws of 2009 to  
50 the New York state job development corporation as prescribed by this  
51 act, all appropriations and reappropriations which shall have been made  
52 available as of the date of such transfer to the New York state urban  
53 development corporation or segregated pursuant to law, to the extent of  
54 remaining unexpended or unencumbered balances thereof, whether allocated  
55 or unallocated and whether obligated or unobligated, shall be trans-  
56 ferred to and made available for use and expenditure by the New York



1 state job development corporation and shall be payable on vouchers  
2 certified or approved by the commissioner of taxation and finance, on  
3 audit and warrant of the comptroller. Payments of liabilities for  
4 expenses of personal services, maintenance and operation which shall  
5 have been incurred as of the date of such transfer by the New York state  
6 urban development corporation, and for liabilities incurred and to be  
7 incurred in completing its affairs shall also be made on vouchers certi-  
8 fied or approved by the president of the New York state job development  
9 corporation, on audit and warrant of the comptroller.

10 § 25. Severability. If any clause, sentence, paragraph, section or  
11 part of this act shall be adjudged by any court of competent jurisdic-  
12 tion to be invalid, such judgment shall not affect, impair or invalidate  
13 the remainder thereof, but shall be confined in its operation to the  
14 clause, sentence, paragraph, section or part thereof directly involved  
15 in the controversy in which such judgment shall have been rendered.

16 § 26. This act shall take effect immediately and shall be deemed to  
17 have been in full force and effect on and after April 1, 2010.

18

## PART M

19 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of  
20 chapter 57 of the laws of 2005 amending the labor law and other laws  
21 implementing the state fiscal plan for the 2005-2006 state fiscal year,  
22 relating to the New York state higher education capital matching grant  
23 program for independent colleges, as added by section 1 of part D of  
24 chapter 63 of the laws of 2005, is amended to read as follows:

25 (a) The New York state higher education capital matching grant board  
26 is hereby created to have and exercise the powers, duties and preroga-  
27 tives provided by the provisions of this section and any other provision  
28 of law. The board shall remain in existence during the period of the New  
29 York state higher education capital matching grant program from the  
30 effective date of this section through March 31, [2010] 2011, or the  
31 date on which the last of the funds available for grants under this  
32 section shall have been disbursed, whichever is earlier; provided,  
33 however, that the termination of the existence of the board shall not  
34 effect the power and authority of the dormitory authority to perform its  
35 obligations with respect to any bonds, notes, or other indebtedness  
36 issued or incurred pursuant to authority granted in this section.

37 § 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter  
38 57 of the laws of 2005 amending the labor law and other laws implemen-  
39 ting the state fiscal plan for the 2005-2006 state fiscal year, relating  
40 to New York state higher education matching grant program for independ-  
41 ent colleges, as added by section 1 of part D of chapter 63 of the laws  
42 of 2005, is amended to read as follows:

43 (h) If a college [does] did not apply for a potential grant by March  
44 31, 2009, funds associated with such potential grant shall be awarded,  
45 on a competitive basis, to other colleges, according to the priorities  
46 set forth below. Colleges shall be eligible to apply for unutilized  
47 grants. In such cases, the following priorities shall apply: first,  
48 priority shall be given to otherwise eligible colleges that either were,  
49 or would have been, deemed ineligible for the program prior to March 31,  
50 2009, due to missed deadlines, insufficient matching funds, lack of  
51 accreditation or other disqualifying reasons; and second, after the  
52 board has acted upon all such first-priority applications for unused  
53 funds, if any such funds remain, those funds shall be available for  
54 distribution to eligible colleges that are located within the same

1 Regents of the State of New York region for which such funds were  
2 originally allocated. The dormitory authority shall develop a request  
3 for proposals and application process, in consultation with the board,  
4 for such grants and shall develop criteria, subject to review by the  
5 board, for the awarding of such grants. Such criteria shall incorporate  
6 the matching criteria contained in paragraph (c) of this subdivision,  
7 and the application criteria set forth in paragraph (e) of this subdivi-  
8 sion. The dormitory authority shall require all applications in response  
9 to the request for proposals to be submitted by September 1, [2009]  
10 2010, and the board shall act on each application for such matching  
11 grants by November 1, [2009] 2010.

12 § 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of  
13 section 1 of part U of chapter 57 of the laws of 2005 amending the labor  
14 law and other laws implementing the state fiscal plan for the 2005-2006  
15 state fiscal year, relating to New York state higher education matching  
16 grant program for independent colleges, as added by section 1 of part D  
17 of chapter 63 of the laws of 2005, is amended to read as follows:

18 (A) Notwithstanding the provision of any general or special law to the  
19 contrary, and subject to the provisions of chapter 59 of the laws of  
20 2000 and to the making of annual appropriations therefor by the legisla-  
21 ture, in order to assist the dormitory authority in providing such high-  
22 er education capital matching grants, the director of the budget is  
23 authorized in any state fiscal year commencing April 1, 2005 or any  
24 state fiscal year thereafter for a period ending on March 31, [2010]  
25 2011, to enter into one or more service contracts, none of which shall  
26 exceed 30 years in duration, with the dormitory authority, upon such  
27 terms as the director of the budget and the dormitory authority agree.

28 § 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter  
29 57 of the laws of 2005 amending the labor law and other laws implement-  
30 ing the state fiscal plan for the 2005-2006 state fiscal year, relating  
31 to New York state higher education matching grant program for independ-  
32 ent colleges, as added by section 1 of part D of chapter 63 of the laws  
33 of 2005, is amended to read as follows:

34 (b) Any eligible institution receiving a grant pursuant to this arti-  
35 cle shall report to the dormitory authority no later than June 1, [2008]  
36 2011, on the use of funding received and its programmatic and economic  
37 impact. The dormitory authority shall submit a report no later than  
38 November 1, [2008] 2011 to the board, the governor, the director of the  
39 budget, the temporary president of the senate, and the speaker of the  
40 assembly on the aggregate impact of the higher education capital match-  
41 ing grant program. Such report shall provide information on the progress  
42 and economic impact of [each] such project.

43 § 5. This act shall take effect immediately and shall be deemed to  
44 have been in full force and effect on and after April 1, 2010.

45

## PART N

46 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting  
47 the New York state urban development corporation act, is amended by  
48 adding a new section 16-t to read as follows:

49 § 16-t. Small business revolving loan fund. 1. The small business  
50 revolving loan fund program is hereby created. The corporation is  
51 authorized, within available appropriations, to provide low interest  
52 loans to local community based financial institutions, including commu-  
53 nity development financial institutions (CDFIs), small business lending  
54 consortia, certified development companies, providers of United States



1 department of agriculture business and industrial guaranteed loans,  
2 United States small business administration loan providers, credit  
3 unions and community banks, in order to provide funding for those insti-  
4 tutions' loans to small businesses, located within New York state, that  
5 generate economic growth and job creation within New York state but that  
6 are unable to obtain adequate credit or adequate terms for such credit.  
7 As used in this section "small business" means a business that is resi-  
8 dent in New York state, independently owned and operated, not dominant  
9 in its field, and employs one hundred or fewer persons.

10 2. In order for a financial institution to be eligible to receive  
11 program funds, it must have staff with sufficient expertise to analyze  
12 small business applications for program loans, evaluate the creditwor-  
13 thiness of small businesses, and regularly monitor program loans. The  
14 institution shall review every program loan application in order to  
15 determine, among other things, the feasibility of the proposed use of  
16 the requested financing by the small business applicant, the likelihood  
17 of repayment and the potential that the loan will generate economic  
18 development and jobs within New York state. The corporation shall iden-  
19 tify eligible financial institutions through one or more competitive  
20 statewide or local request for proposal processes.

21 3. Program loans to small businesses shall be used for: (a) working  
22 capital, provided that the term of the loan does not exceed five years;  
23 (b) the acquisition and/or improvement of real property; (c) the acqui-  
24 sition of machinery and equipment, provided that the term of the loan  
25 does not exceed the shorter period of seven years or the useful life of  
26 the equipment, property or improvement; and (d) the refinancing of debt  
27 obligations. There shall be two categories of loans to small businesses:  
28 a micro loan that shall have a principal amount that is less than twen-  
29 ty-five thousand dollars and a regular loan that shall have a principal  
30 amount not less than twenty-five thousand dollars. Prior to receiving  
31 program funds, the institution must certify to the corporation that such  
32 loan complies with this section and rules and regulations promulgated  
33 for the program and that the institution has performed its obligations  
34 pursuant to and is in compliance with this section, the program rules  
35 and regulations and all agreements entered into between the corporation  
36 and the institution. The program funds amount used by the institution to  
37 fund a program applicant loan shall not be more than fifty percent of  
38 the principal amount of such loan, and shall not be greater than one  
39 hundred and twenty-five thousand dollars.

40 4. Program funds shall not be used for: (a) projects that would result  
41 in the relocation of any business operation from one municipality within  
42 the state to another, except under one of the following conditions: (i)  
43 when a business is relocating within a municipality with a population of  
44 at least one million where the governing body of such municipality  
45 approves such relocation; or (ii) the financial institution notifies  
46 each municipality from which such business operation will be relocated  
47 and each municipality agrees to such relocation; (b) projects of newspa-  
48 pers, broadcasting or other news media; medical facilities, libraries,  
49 community or civic centers; or public infrastructure improvements; and  
50 (c) providing funds, directly or indirectly, for payment, distribution,  
51 or as a loan, to owners, members, partners or shareholders of the appli-  
52 cant business, except as ordinary income for services rendered.

53 5. With respect to its program loans, the financial institution may  
54 charge application, commitment and loan guarantee fees pursuant to a  
55 schedule of fees adopted by the institution and approved by the corpo-  
56 ration.

1 6. Each program funds disbursement to a financial institution by the  
2 corporation shall constitute a loan to the institution. The term of the  
3 loan shall commence upon disbursement of the program funds by the corpo-  
4 ration to the institution. The loan shall carry a low interest rate  
5 determined by the corporation based on then prevailing interest rates  
6 and the circumstances of the financial institution. As determined by the  
7 corporation, a portion of the loan may be used to fund the institution's  
8 administrative expenses with respect to the program and a portion of the  
9 loan may be forgivable. Notwithstanding the performance of the loans  
10 made by the institution using program funds, the financial institution  
11 shall remain liable to the corporation with respect to any unpaid  
12 amounts due from the institution pursuant to the terms of the corpo-  
13 ration's loans to the institution.

14 7. Notwithstanding any provision of law to the contrary, the corpo-  
15 ration may establish a program fund for program use and pay into such  
16 fund any funds available to the corporation from any source that are  
17 eligible for program use, including moneys appropriated by the state.

18 8. With respect to a financial institution's program loan applicants,  
19 no person who is a member of the board or other governing body, officer,  
20 employee, or member of a loan committee, or a family member of any such  
21 person of the institution shall participate in any decision on such  
22 application if such person is a party to or has a financial or personal  
23 interest in such loan. Any person who cannot participate in a loan  
24 application decision for such reasons shall not be counted as a member  
25 of the loan committee, board or other governing body for purposes of  
26 determining the number of members required for approval of such applica-  
27 tion.

28 9. The financial institution shall submit to the corporation annual  
29 reports stating: the number of program loans made; the amount of program  
30 funding used for loans; the use of loan proceeds by the borrower; the  
31 number of jobs created or retained; a description of the economic devel-  
32 opment generated; the status of each outstanding program loan; and such  
33 other information as the corporation may require.

34 10. The corporation may conduct audits of the financial institution in  
35 order to ensure compliance with the provisions of this section, any  
36 regulations promulgated with respect thereto and agreements between the  
37 institution and the corporation of all aspects of the use of program  
38 funds and program loan transactions. In the event that the corporation  
39 finds substantive noncompliance, the corporation may terminate the  
40 institution's participation in the program.

41 11. Upon termination of a financial institution's participation in the  
42 program, the institution shall return to the corporation, promptly after  
43 its demand therefor, all program fund proceeds held by the institution;  
44 and provide to the corporation, promptly after its demand therefor, an  
45 accounting of all program funds received by the institution, including  
46 all currently outstanding loans that were made using program funds.  
47 Notwithstanding such termination, the financial institution shall remain  
48 liable to the corporation with respect to any unpaid amounts due from  
49 the institution pursuant to the terms of the corporation's loans to the  
50 institution.

51 § 2. This act shall take effect immediately and shall be deemed to  
52 have been in full force and effect on and after April 1, 2010.





1 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting  
2 the New York state urban development corporation act, is amended by  
3 adding a new section 16-u to read as follows:

4 § 16-u. New technology seed fund. 1. The new technology seed fund is  
5 hereby created. The purpose of the new technology seed fund is to make  
6 available state funds to venture capital and other similar firms to  
7 support emerging business ideas and products that may eventually result  
8 in the growth of business within the state and the concomitant creation  
9 of jobs and tax revenues for the state. It is expected that the appli-  
10 cant will provide matching funds and share the risk and benefit with the  
11 corporation for any development funded under this program. The applicant  
12 will be responsible for selecting the beneficiary companies that will  
13 receive the benefit of the new technology seed funds and ensure that the  
14 funds are expended in accordance with the terms set forth herein.

15 2. The corporation is authorized to make investments from the new  
16 technology seed fund to eligible applicants for the purposes of further-  
17 ing the economic development goals set forth in subdivision one of this  
18 section.

19 3. Eligible applicants for new technology seed funds may include for-  
20 profit businesses, not-for-profit corporations, local development corpo-  
21 rations or universities.

22 4. Funding from the new technology seed fund may be made available to  
23 the applicant for application to eligible costs incurred, or to be  
24 incurred, by the beneficiary company with respect to applicable oper-  
25 ations in the state, including the cost of purchasing equipment,  
26 supplies, costs related to the use of laboratories or clean rooms,  
27 prototype design costs, manufacturing costs, wages and related employee  
28 costs with respect to employees involved in research and development and  
29 such other costs deemed appropriate by the corporation. Eligible costs  
30 shall not include general overhead costs of the applicant or beneficiary  
31 company, legal costs or other costs deemed inappropriate by the corpo-  
32 ration.

33 5. Applications for new technology seed funds will be received by the  
34 corporation through a competitive process established by the corpo-  
35 ration. To be eligible for funding, an application must demonstrate that  
36 (a) the beneficiary company has a viable plan for the development of a  
37 new or enhanced product that could ultimately result in additional  
38 private investment within the state, result in the creation of jobs or  
39 otherwise generate economic development activity within the state; (b)  
40 matching funds are committed and available to the applicant in an amount  
41 not less than the amount of new technology seed funds being applied for;  
42 (c) the application is supported by local industry entities, universi-  
43 ties, or otherwise has municipal or regional support; (d) the benefi-  
44 ciary company has appropriate staffing and management capabilities and  
45 financial resources to be reasonably likely to generate a return on  
46 investment; and (e) the beneficiary company has generated revenue for no  
47 more than one year.

48 6. In accordance with the rules and regulations to be promulgated by  
49 the corporation, the corporation may impose fees, establish repayment  
50 terms and provide for equity participation by the corporation in  
51 connection with investments from the new technology seed fund.

52 7. Notwithstanding any provision of law to the contrary, the corpo-  
53 ration may establish a program fund for program use and pay into such  
54 fund any funds available to the corporation from any source that are  
55 eligible for program use, including moneys appropriated by the state.

1 8. The corporation shall submit a report to the director of the budg-  
2 et, the president of the senate, the speaker of the assembly, the minor-  
3 ity leader of the senate and the minority leader of the assembly  
4 consistent with section twenty-nine hundred twenty-five of the public  
5 authorities law.

6 9. The corporation is hereby authorized to promulgate rules and regu-  
7 lations in accordance with the state administrative procedure act as are  
8 necessary to fulfill the purposes of this section.

9 10. The provisions of section ten and subdivision two of section  
10 sixteen of this act shall not apply to assistance provided under this  
11 section.

12 § 2. This act shall take effect immediately and shall be deemed to  
13 have been in full force and effect on and after April 1, 2010.

14

## PART P

15 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the  
16 New York state urban development corporation act relating to the powers  
17 of the New York state urban development corporation to make loans, as  
18 amended by section 1 of part X of chapter 59 of the laws of 2009, is  
19 amended to read as follows:

20 § 2. This act shall take effect immediately [provided, however, that  
21 section one of this act shall expire on July 1, 2010, at which time the  
22 provisions of subdivision 26 of section 5 of the New York state urban  
23 development corporation act shall be deemed repealed; provided, however,  
24 that neither the expiration nor the repeal of such subdivision as  
25 provided for herein shall be deemed to affect or impair in any manner  
26 any loan made pursuant to the authority of such subdivision prior to  
27 such expiration and repeal].

28 § 2. This act shall take effect immediately and shall be deemed to  
29 have been in full force and effect on and after April 1, 2010.

30

## PART Q

31 Section 1. Notwithstanding any provisions of law to the contrary, the  
32 New York state urban development corporation is authorized to make  
33 contributions totaling \$29.4 million to the New York City Empowerment  
34 Zone, \$10 million for the New Technology Seed Fund, and \$7 million to  
35 the Governors Island Preservation and Education Corporation from excess  
36 funds paid to the New York state urban development corporation pursuant  
37 to the provisions of the public authorities control board resolutions,  
38 04-UD-838A and 06-UD-900.

39 § 2. This act shall take effect immediately and shall be deemed to  
40 have been in full force and effect on and after April 1, 2010.

41

## PART R

42 Section 1. Subdivision 1 of section 902 of the racing, pari-mutuel  
43 wagering and breeding law, as added by chapter 60 of the laws of 1993,  
44 is amended to read as follows:

45 1. In order to assure the public's confidence and continue the high  
46 degree of integrity in racing at the pari-mutuel betting tracks, equine  
47 drug testing at race meetings shall be conducted by a [land grant  
48 university] state college within this state with [a regents] an approved  
49 [veterinary college facility] equine science program. The state racing  
50 and wagering board shall promulgate any rules and regulations necessary

1 to implement the provisions of this section, including administrative  
2 penalties of loss of purse money, fines, or denial, suspension, or revo-  
3 cation of a license for racing drugged horses.

4 § 2. The opening paragraph of subdivision 2 of section 228 of the  
5 racing, pari-mutuel wagering and breeding law, as amended by chapter 400  
6 of the laws of 2009, is amended to read as follows:

7 The state racing and wagering board shall, as a condition of racing,  
8 require any franchised corporation and every other corporation subject  
9 to its jurisdiction to withhold one percent of all purses, except that  
10 for the franchised corporation, starting on September first, two thou-  
11 sand seven and continuing through August thirty-first, two thousand ten,  
12 two percent of all purses shall be withheld, and, in the case of the  
13 franchised corporation, to pay such sum to the horsemen's organization  
14 or its successor that was first entitled to receive payments pursuant to  
15 this section in accordance with rules of the board adopted effective  
16 November third, nineteen hundred eighty-three representing at least  
17 fifty-one percent of the owners and trainers utilizing the facilities of  
18 such franchised corporation, on the condition that such horsemen's  
19 organization shall expend as much as is necessary, but not to exceed  
20 one-half of one percent of such total sum, to acquire and maintain the  
21 equipment required to establish a program at a [land grant university]  
22 state college within this state with [a regents] an approved [veterinary  
23 college facility,] equine science program to test for the presence of  
24 steroids in horses, provided further that the qualified organization  
25 shall also, in an amount to be determined by its board of directors,  
26 annually include in its expenditures for benevolence programs, funds to  
27 support an organization providing services necessary to backstretch  
28 employees, and, in the case of every other corporation, to pay such one  
29 percent sum of purses to the horsemen's organization or its successor  
30 that was first entitled to receive payments pursuant to this section in  
31 accordance with rules of the board adopted effective May twenty-third,  
32 nineteen hundred eighty-six representing at least fifty-one percent of  
33 the owners and trainers utilizing the facilities of such corporation.

34 § 3. This act shall take effect immediately.

35

#### PART S

36 Section 1. Subdivision 3 of section 99-h of the state finance law, as  
37 amended by section 1 of part QQ of chapter 59 of the laws of 2009, is  
38 amended to read as follows:

39 3. Moneys of the account[, following appropriation by the legisla-  
40 ture,] shall be available for purposes including but not limited to: (a)  
41 reimbursements or payments to municipal governments that host tribal  
42 casinos pursuant to a tribal-state compact for costs incurred in  
43 connection with services provided to such casinos or arising as a result  
44 thereof, for economic development opportunities and job expansion  
45 programs authorized by the executive law; provided, however, that for  
46 any gaming facility located in the city of Buffalo, the city of Buffalo  
47 shall receive a minimum of twenty-five percent of the negotiated  
48 percentage of the net drop from electronic gaming devices the state  
49 receives pursuant to the compact, and provided further that for any  
50 gaming facility located in the city of Niagara Falls, county of Niagara  
51 a minimum of twenty-five percent of the negotiated percentage of the net  
52 drop from electronic gaming devices the state receives pursuant to the  
53 compact shall be distributed in accordance with subdivision four of this  
54 section, and provided further that for any gaming facility located in

1 the county or counties of Cattaraugus, Chautauqua or Allegany, the  
2 municipal governments of the state hosting the facility shall collec-  
3 tively receive a minimum of twenty-five percent of the negotiated  
4 percentage of the net drop from electronic gaming devices the state  
5 receives pursuant to the compact; and provided further that pursuant to  
6 chapter five hundred ninety of the laws of two thousand four, a minimum  
7 of twenty-five percent of the revenues received by the state pursuant to  
8 the state's compact with the St. Regis Mohawk tribe shall be made avail-  
9 able to the counties of Franklin and St. Lawrence, and affected towns in  
10 such counties. Each such county and its affected towns shall receive  
11 fifty percent of the moneys made available by the state; and (b) support  
12 and services of treatment programs for persons suffering from gambling  
13 addictions. Moneys not [appropriated] designated for such purposes shall  
14 be transferred to the general fund for the support of government during  
15 the fiscal year in which they are received.

16 § 2. Subdivision 3 of section 99-h of the state finance law, as  
17 amended by section 1 of part V of chapter 59 of the laws of 2006, is  
18 amended to read as follows:

19 3. Moneys of the account[, following appropriation by the legisla-  
20 ture,] shall be available for purposes including but not limited to: (a)  
21 reimbursements or payments to municipal governments that host tribal  
22 casinos pursuant to a tribal-state compact for costs incurred in  
23 connection with services provided to such casinos or arising as a result  
24 thereof, for economic development opportunities and job expansion  
25 programs authorized by the executive law; provided, however, that for  
26 any gaming facility located in the county of Erie or Niagara, the munic-  
27 ipal governments hosting the facility shall collectively receive a mini-  
28 mum of twenty-five percent of the negotiated percentage of the net drop  
29 from electronic gaming devices the state receives pursuant to the  
30 compact and provided further that for any gaming facility located in the  
31 county or counties of Cattaraugus, Chautauqua or Allegany, the municipal  
32 governments of the state hosting the facility shall collectively receive  
33 a minimum of twenty-five percent of the negotiated percentage of the net  
34 drop from electronic gaming devices the state receives pursuant to the  
35 compact; and provided further that pursuant to chapter five hundred  
36 ninety of the laws of two thousand four, a minimum of twenty-five  
37 percent of the revenues received by the state pursuant to the state's  
38 compact with the St. Regis Mohawk tribe shall be made available to the  
39 counties of Franklin and St. Lawrence, and affected towns in such coun-  
40 ties. Each such county and its affected towns shall receive fifty  
41 percent of the moneys made available by the state; and (b) support and  
42 services of treatment programs for persons suffering from gambling  
43 addictions. Moneys not [appropriated] designated for such purposes shall  
44 be transferred to the general fund for the support of government during  
45 the fiscal year in which they are received.

46 § 3. Clause 5 of subparagraph (ii) of paragraph (a) of subdivision 4  
47 of section 99-h of the state finance law, as amended by section 2 of  
48 part QQ of chapter 59 of the laws of 2009, is amended to read as  
49 follows:

50 (5) within thirty-five days upon receipt of such funds by such city,  
51 one percent [or three hundred fifty thousand dollars, whichever is  
52 greater,] of the total annual amount received in each year, not to  
53 exceed three hundred fifty thousand dollars annually, shall be trans-  
54 ferred to the Niagara Falls Underground Railroad Heritage Commission,  
55 established pursuant to article forty-three of the parks, recreation and  
56 historic preservation law to be used for, but not limited to, develop-

1 ment, capital improvements, acquisition of real property, and acquisi-  
2 tion of personal property within the heritage area in the city of  
3 Niagara Falls as established pursuant to the commission; and

4 § 4. This act shall take effect immediately; provided that:

5 (a) the amendments to subdivision 3 of section 99-h of the state  
6 finance law made by section one of this act shall be subject to the  
7 expiration and reversion of such section pursuant to section 2 of chap-  
8 ter 747 of the laws of 2006, as amended, when upon such date the  
9 provisions of section two of this act shall take effect; and

10 (b) the amendments to clause 5 of subparagraph (ii) of paragraph (a)  
11 of subdivision 4 of section 99-h of the state finance law made by  
12 section three of this act shall not affect the expiration of such  
13 section and shall be deemed to expire therewith.

14

## PART T

15 Section 1. Section 107 of the agriculture and markets law, as added by  
16 chapter 220 of the laws of 1978, subdivision 1 as amended by chapter 473  
17 of the laws of 1995, subdivision 3 as amended by chapter 619 of the laws  
18 of 1987 and subdivision 5 as added by chapter 530 of the laws of 1997,  
19 is amended to read as follows:

20 § 107. Application. 1. This article shall apply to all areas of the  
21 state except any city having a population of over two million [except  
22 that the provisions in this article relating to the animal population  
23 control program shall be applicable to the entire state].

24 2. In the event that any dog owned by a resident of any city having a  
25 population of over two million or by a non-resident of this state is  
26 harbored within this state outside of any such city, the licensing muni-  
27 cipality in which such animal is harbored may exempt such dog [shall be  
28 exempt] from the identification and licensing provisions of this article  
29 for a period of thirty days provided such dog is licensed pursuant to  
30 the provisions of law of the area of residence.

31 3. This article shall not apply to any dog confined to the premises of  
32 any public or private hospital devoted solely to the treatment of sick  
33 animals, or confined for the purposes of research to the premises of any  
34 college or other educational or research institution.

35 4. This article shall not apply to any dog confined to the premises of  
36 any person, firm or corporation engaged in the business of breeding or  
37 raising dogs for profit and licensed as a class A dealer under the  
38 Federal Laboratory Animal Welfare Act[, provided that such person, firm  
39 or corporation has obtained a certificate of exemption. Application for  
40 such certificate shall be made annually to the commissioner and shall be  
41 accompanied by a fee of one hundred dollars].

42 5. Nothing contained in this article shall prevent a municipality from  
43 adopting its own program for the control of dangerous dogs; provided,  
44 however, that no such program shall be less stringent than this article,  
45 and no such program shall regulate such dogs in a manner that is specif-  
46 ic as to breed. Notwithstanding the provisions of subdivision one of  
47 this section, this subdivision and [section one hundred twenty-one]  
48 sections 123, 123-a and 123-b of this article shall apply to all muni-  
49 cipalities including cities of two million or more.

50 § 2. Subdivision 14 of section 108 of the agriculture and markets law  
51 is REPEALED.

52 § 3. Subdivisions 11, 12 and 16 of section 108 of the agriculture and  
53 markets law, as added by chapter 220 of the laws of 1978, are amended to  
54 read as follows:

1 11. "Identification tag" means a tag issued by the licensing municipi-  
2 pality which sets forth an [official] identification number [as required  
3 by the provisions], together with the name of [this article] the municipi-  
4 pality, the state of New York and contact information for the municipi-  
5 pality.

6 12. "Identified dog" means any dog carrying an identification tag as  
7 provided in section one hundred [twelve] eleven of this article.

8 16. "Owner of record" means the person in whose name any dog was last  
9 licensed pursuant to [either subdivision one or subdivision two of  
10 section one hundred nine of] this article, except that if any license is  
11 issued on application of a person under eighteen years of age, the owner  
12 of record shall be deemed to be the parent or guardian of such person.  
13 If it cannot be determined in whose name any dog was last licensed or if  
14 the owner of record has filed a statement pursuant to the provisions of  
15 section [one hundred thirteen] one hundred twelve of this article, the  
16 owner shall be deemed to be the owner of record of such dog, except that  
17 if the owner is under eighteen years of age, the owner of record shall  
18 be deemed to be the parent or guardian of such person.

19 § 4. Section 109 of the agriculture and markets law, as added by chap-  
20 ter 220 of the laws of 1978, subdivision 1 as amended by chapter 645 of  
21 the laws of 1988, paragraph (a) of subdivision 1 as amended by chapter  
22 86 of the laws of 2006, paragraph (b) as amended by chapter 562 of the  
23 laws of 1995, paragraphs (f) and (h) of subdivision 1 and paragraphs (f)  
24 and (h) of subdivision 2 as amended by chapter 39 of the laws of 2002,  
25 paragraph (c) of subdivision 2 as amended by chapter 180 of the laws of  
26 2002, and subdivision 3 as amended by chapter 269 of the laws of 2005,  
27 is amended to read as follows:

28 § 109. Licensing of dogs required; rabies vaccination [requirement]  
29 required. 1. [Licensing of dogs.] (a) The owner of any dog reaching the  
30 age of four months shall immediately make application for a dog license.  
31 No license shall be required for any dog which is under the age of four  
32 months and which is not at large. Except as otherwise provided in this  
33 subdivision, a license shall be issued or renewed for a period of at  
34 least one year, provided[, that at the option of the governing board of  
35 the municipality, a license may be issued or renewed for a period of  
36 one, two or three years, and provided further], that no license shall be  
37 issued for a period expiring after the last day of the eleventh month  
38 following the expiration date of the current rabies certificate for the  
39 dog being licensed. All licenses shall expire on the last day of the  
40 last month of the period for which they are issued. In the event an  
41 applicant for a license presents, in lieu of a rabies certificate, a  
42 statement certified by a licensed veterinarian, as provided in subdivi-  
43 sion [three] two of this section, a license shall be issued or renewed  
44 for a period of one year from the date of said statement. Any municipi-  
45 pality[, authorized to issue licenses pursuant to this article, which  
46 has a population not exceeding two thousand five hundred] may[, upon the  
47 approval of and pursuant to rules and regulations promulgated by the  
48 commissioner,] establish a common renewal date for all such licenses. A  
49 license issued by a municipality that has established a common renewal  
50 date shall expire no later than the common renewal date prior to the  
51 expiration date of the rabies certificate for the dog being licensed.

52 (b) Application for a dog license shall be made to the clerk of the  
53 town or city or, in the counties of Nassau and Westchester, incorporated  
54 village in which the dog is harbored or to the village clerk of those  
55 villages in the county of Rockland with a population of fifteen thousand  
56 or more which have elected to accept applications pursuant to the

1 provisions of this paragraph or to the village clerk of the village of  
2 Newark in the county of Wayne upon the election of the village of Newark  
3 pursuant to the provisions of this paragraph. Provided, however, that in  
4 the counties of Nassau and Westchester, the board of trustees of any  
5 incorporated village may by resolution provide that applications for  
6 licenses shall no longer be made to the village clerk, but to the clerk  
7 of the town in which the village is situated. [If such resolution is  
8 approved by the town board of the town in which the village is situated,  
9 such resolution shall become effective not less than six months after a  
10 certified copy of such resolution of the village board and of the resol-  
11 ution of approval of the town board shall have been filed with the  
12 commissioner.] Provided further, however, that in the county of Rock-  
13 land, the board of trustees of any incorporated village with a popu-  
14 lation of fifteen thousand or more may by resolution provide that appli-  
15 cation for licenses shall be made to the village clerk. Provided  
16 further, however, that in the county of Wayne, the board of trustees of  
17 the village of Newark may by resolution provide that application for  
18 licenses shall be made to the village clerk. [If such resolution is  
19 approved by the town or towns in which the village is located, it shall  
20 become effective not less than six months after a certified copy of such  
21 approved resolution shall have been filed with the commissioner.] The  
22 governing body of any town or city or, in the counties of Nassau and  
23 Westchester, incorporated village or in the county of Rockland, those  
24 villages with a population of fifteen thousand or more which have so  
25 elected to accept applications or in the county of Wayne, the village of  
26 Newark if such village has so elected to accept applications may, on  
27 resolution of such body, authorize that such application be made to one  
28 or more named dog control officers of any such town, city or village.  
29 The issuance of any license by any such officer shall be under the  
30 control and supervision of the clerk. In the case of a seized dog being  
31 redeemed or a dog being otherwise obtained from a county animal shelter  
32 or pound, such application may be made to the county dog control officer  
33 in charge of such facility [provided such officer has been authorized by  
34 the commissioner to accept such applications]. In the case of a dog  
35 being redeemed or a dog being adopted from a shelter or pound estab-  
36 lished, maintained or contracted for, pursuant to section one hundred  
37 [fifteen] fourteen of this article, such application may be made to the  
38 manager of such facility, provided such manager has been authorized by  
39 the [commissioner] municipality in which the prospective owner resides  
40 to accept such application. Such authorization shall be requested by the  
41 governing body of the pound or shelter and the granting or denial of  
42 such authorization shall be in the discretion of the [commissioner]  
43 municipality in which the prospective owner resides.

44 (c) The application shall state the sex, actual or approximate age,  
45 breed, color, and [official] municipal identification number of the dog,  
46 and other identification marks, if any, and the name, address, telephone  
47 number, county and town, city or village of residence of the owner.  
48 Municipalities may also require additional information on such applica-  
49 tion as deemed appropriate.

50 (d) The application shall be accompanied by the license fee prescribed  
51 by section one hundred ten of this article and a certificate of rabies  
52 vaccination or statement in lieu thereof, as required by subdivision  
53 [three] two of this section. In the case of a spayed or neutered dog,  
54 every application shall also be accompanied by a certificate signed by a  
55 licensed veterinarian or an affidavit signed by the owner, showing that  
56 the dog has been spayed or neutered, provided such certificate or affi-

1 davit shall not be required if the same is already on file with the  
2 clerk or authorized dog control officer. In lieu of the spay or neuter  
3 certificate an owner may present a statement certified by a licensed  
4 veterinarian stating that he has examined the dog and found that because  
5 of old age or other reason, the life of the dog would be endangered by  
6 spaying or neutering. In such case, the license fee for the dog shall be  
7 the same as for a spayed or neutered dog as set forth in [paragraph (a)  
8 of] subdivision one of section one hundred ten of this article.

9 (e) Upon validation by the clerk, authorized dog control officer or  
10 authorized pound or shelter manager, the application shall become a  
11 license for the dog described therein. [Once an application has been  
12 validated, no refund therefor shall be made.]

13 (f) The clerk, authorized dog control officer or authorized pound or  
14 shelter manager shall: (i) provide a copy of the license to the owner;  
15 (ii) [send, by the fifth day of the month following the month of license  
16 issuance, a copy] retain a record of the license that shall be made  
17 available upon request to the commissioner for purposes of [the license,  
18 or a report of the information contained therein, to the commissioner;  
19 and (iii) retain a record of the license in the manner prescribed by the  
20 commissioner] rabies and other animal disease control. In addition, the  
21 authorized pound or shelter manager shall send, within forty-eight hours  
22 of validation, a copy of the license to the licensing municipality with-  
23 in which the dog is to be harbored.

24 (g) No license shall be transferable. Upon the transfer of ownership  
25 of any dog, the new owner shall immediately make application for a  
26 license for such dog.

27 (h) Notwithstanding the provisions of any general, special or local  
28 law, or any rule or regulation to the contrary, the clerk, authorized  
29 dog control officer or authorized pound or shelter manager in munici-  
30 palities having a population of less than one hundred thousand shall  
31 [send to the commissioner a copy of the validated license, or a report  
32 of the information therein, by the fifth day of the month following the  
33 month of license issuance. In addition, the authorized dog control offi-  
34 cer or authorized pound or shelter manager in such municipalities  
35 shall,] within five business days after the license has been validated,  
36 send a copy of the validated license to the licensing municipality in  
37 which the dog is to be harbored.

38 2. [Purebred license. (a) The owner of one or more purebred dogs  
39 registered by a recognized registry association may annually make an  
40 application for a purebred license, in lieu of or in addition to the  
41 individual licenses required by subdivision one of this section. A pure-  
42 bred license shall be valid for a period of one year beginning with the  
43 first day of the month following the date of issuance and shall be  
44 renewable annually thereafter prior to the expiration date.

45 (b) Such application shall be made to the person specified in para-  
46 graph (b) of subdivision one of this section.

47 (c) The application shall state the name, address and telephone number  
48 of the owner; the county and city, town or village where such dogs are  
49 harbored; the sex, breed, registry name and number of each purebred  
50 registered dog over the age of four months which is harbored on the  
51 premises; and the sex and breed of each purebred dog over the age of  
52 four months which is harbored on the premises and which is eligible for  
53 registration. The application shall also include a statement by the  
54 owner that all purebred dogs over the age of four months which are  
55 harbored on the premises have been listed.



1 (d) The application shall be accompanied by the license fee prescribed  
2 by section one hundred ten of this article and a certificate of rabies  
3 vaccination or statement in lieu thereof, as required by subdivision  
4 three of this section.

5 (e) Upon receipt of the foregoing items, the clerk or authorized dog  
6 control officer shall assign a license number, which shall be reserved  
7 for the sole use of the named owner, and shall issue a purebred license.  
8 Once a purebred license has been issued, no refund therefor shall be  
9 made.

10 (f) The clerk, authorized dog control officer or authorized pound or  
11 shelter manager shall: (i) provide a copy of the purebred license to the  
12 owner; (ii) send, by the fifth day of the month following the month of  
13 license issuance, a copy of the purebred license, or a report of the  
14 information contained therein, to the commissioner; and (iii) retain a  
15 record of the purebred license in the manner prescribed by the commis-  
16 sioner. In addition, the authorized dog control officer or authorized  
17 pound or shelter manager shall send, within forty-eight hours of vali-  
18 dation, a copy of the license to the licensing municipality within which  
19 the dog is to be harbored.

20 (g) No purebred license shall be transferable. Upon change of owner-  
21 ship of any dog licensed under a purebred license, such dog shall become  
22 subject to the licensing provisions of subdivision one of this section,  
23 except when the new owner holds a valid purebred license.

24 (h) Notwithstanding the provisions of any general, special or local  
25 law, or any rule or regulation to the contrary, the clerk, authorized  
26 dog control officer or authorized pound or shelter manager in munici-  
27 palities having a population of less than one hundred thousand shall  
28 send to the commissioner a copy of the validated license, or a report of  
29 the information contained therein, by the fifth day of the month follow-  
30 ing the month of license issuance. In addition, the authorized dog  
31 control officer or authorized pound or shelter manager in such munici-  
32 palities shall, within five business days after the license has been  
33 validated, send a copy of the validated license to the licensing munici-  
34 pality within which the dog is to be harbored.

35 3. The clerk, authorized dog control officer or authorized pound or  
36 shelter manager, at the time of issuing any license pursuant to this  
37 article, shall require the applicant to present a statement certified by  
38 a licensed veterinarian showing that the dog or dogs have been vaccinat-  
39 ed to prevent rabies or, in lieu thereof, a statement certified by a  
40 licensed veterinarian stating that because of old age or other reason,  
41 the life of the dog or dogs would be endangered by the administration of  
42 vaccine. The clerk, authorized dog control officer or authorized pound  
43 or shelter manager shall make or cause to be made from such statement a  
44 record of such information as may be required by the commissioner and  
45 shall file such record with a copy of the license.]

46 The clerk, authorized dog control officer or authorized pound or shel-  
47 ter manager, at the time of issuing any license pursuant to this arti-  
48 cle, shall require the applicant to present a statement certified by a  
49 licensed veterinarian showing that the dog or dogs have been vaccinated  
50 to prevent rabies or, in lieu thereof, a statement certified by a  
51 licensed veterinarian stating that because of old age or another reason,  
52 the life of the dog or dogs would be endangered by the administration of  
53 vaccine. The clerk, authorized dog control officer or authorized pound  
54 or shelter manager shall make or cause to be made from such statement a  
55 record of such information and shall file such record with a copy of the  
56 license. Such records shall be made available to the commissioner of

1 agriculture and markets upon request for rabies and other animal disease  
2 control efforts.

3 3. Municipalities may provide for the establishment and issuance of  
4 purebred licenses.

5 § 5. Section 110 of the agriculture and markets law is REPEALED and a  
6 new section 110 is added to read as follows:

7 § 110. License fees. 1. The license fee for dog licenses issued  
8 pursuant to subdivision one of section one hundred nine of this article  
9 shall be determined by the municipality issuing the license, provided  
10 that the total fee for an unspayed or unneutered dog shall be at least  
11 five dollars more than the total fee for a spayed or neutered dog. All  
12 revenue derived from such fees shall be the sole property of the munici-  
13 pality setting the same and shall be used only for controlling dogs and  
14 enforcing this article and any rule, regulation, or local law or ordi-  
15 nance adopted pursuant thereto, including subsidizing the spaying or  
16 neutering of dogs and any facility as authorized under section one  
17 hundred sixteen of this article used therefor, and subsidizing public  
18 humane education programs in responsible dog ownership.

19 2. Municipalities may exempt from their licensing fees any guide dog,  
20 hearing dog, service dog, war dog, working search dog, detection dog,  
21 police work dog or therapy dog. Each copy of any license for such dogs  
22 shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog",  
23 "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or  
24 "Therapy Dog", as may be appropriate, by the clerk or authorized dog  
25 control officer.

26 3. In addition to the fee charged pursuant to subdivisions one and two  
27 of this section, any municipality issuing dog licenses pursuant to this  
28 article is hereby authorized to provide for the assessment of additional  
29 surcharges for the purposes of:

30 (a) carrying out animal population control efforts;

31 (b) recovering costs associated with enumeration conducted pursuant to  
32 subdivision six of section one hundred thirteen of this article should a  
33 dog be identified as unlicensed during such enumeration. Such additional  
34 fee shall be the property of the licensing municipality and shall be  
35 used to pay the expenses incurred by the municipality in conducting the  
36 enumeration. In the event the additional fees collected exceed the  
37 expenses incurred by the municipality in conducting an enumeration in  
38 any year, such excess fees may be used by the municipality for any other  
39 lawful purpose; and

40 (c) offsetting costs associated with the provision and replacement of  
41 identification tags pursuant to section one hundred eleven of this arti-  
42 cle.

43 4. Each copy of any license for any guide dog, hearing dog, service  
44 dog, war dog, working search dog, detection dog, police work dog or  
45 therapy dog shall be conspicuously marked "Guide Dog", "Hearing Dog",  
46 "Service Dog", "Working Search Dog", or "Therapy Dog".

47 5. Any town, city or village assessing surcharges pursuant to para-  
48 graph (a) of subdivision three of this section may adopt a resolution  
49 exempting from the payment of such surcharges, dogs owned by one or more  
50 persons each of whom is sixty-five years of age or over.

51 § 6. Section 111 of the agriculture and markets law is REPEALED and  
52 section 112 of such law, as added by chapter 220 of the laws of 1978,  
53 subdivisions 1 and 5 as amended by chapter 645 of the laws of 1988,  
54 subdivision 7 as amended by chapter 494 of the laws of 2002 and subdivi-  
55 sion 8 as added by chapter 169 of the laws of 1994, is renumbered  
56 section 111 and amended to read as follows:

1 § 111. Identification of dogs. 1. Each dog licensed pursuant to subdi-  
2 vision one of section one hundred nine of this article shall be  
3 assigned, at the time the dog is first licensed, a [permanent official]  
4 municipal identification number. Such identification number shall be  
5 carried by the dog on an identification tag which shall be affixed to a  
6 collar on the dog at all times, provided that a [dog] municipality may  
7 exempt dogs participating in a dog show [shall be exempt from this  
8 requirement] during such participation.

9 2. [The official identification number shall constitute the official  
10 identification of the dog to which it is assigned, regardless of changes  
11 of ownership, and the number shall not be reassigned to any other dog  
12 during the lifetime of the dog to which it is assigned.

13 3. At the time a dog is first licensed, one identification tag shall  
14 be furnished to the owner at no charge. Any replacement tag shall be  
15 obtained by the owner at his expense at a fee and in a manner prescribed  
16 by the commissioner.

17 4.] No tag carrying an [official] identification number shall be  
18 affixed to the collar of any dog other than the one to which that number  
19 has been assigned.

20 [5. The holder of] 3. A municipality offering a purebred license may  
21 [procure] provide a licensee, at his or her expense, any number of tags  
22 imprinted with the same number as the purebred license. One such tag  
23 shall be affixed to the collar of each dog harbored pursuant to the  
24 purebred license at all times, provided that a dog participating in a  
25 dog show shall be exempt from this requirement during such partic-  
26 ipation. Such a tag shall be affixed only to the collar of a dog owned  
27 by the holder of the purebred license and harbored on his premises.

28 [6. The shape, size and form of imprints on identification tags and  
29 purebred license tags shall be prescribed by the commissioner, and any  
30 tag bearing an imprint other than that prescribed shall not constitute  
31 valid identification for the purposes of this article.

32 7. The applicant for] 4. A municipality offering a license for any  
33 guide dog, service dog, hearing dog or detection dog may [procure] issue  
34 a special tag for identifying such dog[. This special], provided that  
35 such tag shall be in addition to the identification tag required by  
36 subdivision one of this section. [The commissioner shall prescribe the  
37 shape, size, color, and form of imprint of the tag which shall be a  
38 different color and shape than the official identification tag. Upon  
39 application, the commissioner shall furnish such tags without payment of  
40 a fee.

41 8. Fees received by the department pursuant to this section shall be  
42 deposited in an account within the miscellaneous special revenue fund.]

43 § 7. Section 113 of the agriculture and markets law, as amended by  
44 chapter 57 of the laws of 1981, is renumbered section 112 and amended to  
45 read as follows:

46 § 112. Change of ownership; lost or stolen dog. 1. In the event of a  
47 change in the ownership of any dog which has been [assigned an official  
48 identification number] licensed pursuant to this article or in the  
49 address of the owner of record of any such dog, the owner of record  
50 shall, within ten days of such change, file with the [commissioner]  
51 municipality in which the dog is licensed a written report of such  
52 change. Such owner of record shall be liable for any violation of this  
53 article until such filing is made or until the dog is licensed in the  
54 name of the new owner.

55 2. If any dog which has been [assigned an official identification  
56 number] licensed pursuant to this article is lost or stolen, the owner

1 of record shall, within ten days of the discovery of such loss or theft  
2 file with the [commissioner] municipality in which the dog is licensed a  
3 written report of such loss or theft. In the case of a loss or theft,  
4 the owner of record of any such dog shall not be liable for any  
5 violation of this article committed after such report is filed.

6 3. In the case of a dog's death, the owner of record shall so notify  
7 the [commissioner] municipality in which the dog is licensed either  
8 prior to renewal of licensure or upon the time of such renewal as set  
9 forth [in subdivision one of section one hundred nine of this chapter.  
10 Until such time that the commissioner files such information with] by  
11 the [central registry of official identification numbers, said number  
12 shall not be reassigned. Failure to notify] municipality in which the  
13 the [commissioner of the death of a dog as so required herein shall  
14 constitute a violation and the owner of record shall be held liable] dog  
15 is licensed.

16 § 8. Section 114 of the agriculture and markets law, as added by chap-  
17 ter 220 of the laws of 1978, subdivisions 2 and 4 as amended by chapter  
18 714 of the laws of 1980, subdivision 4 as separately amended and subdi-  
19 vision 5 as amended by chapter 843 of the laws of 1980 and subdivision 7  
20 as amended by chapter 180 of the laws of 2002, is renumbered section 113  
21 and amended to read as follows:

22 § 113. Dog control officers. 1. Each town and city, and each village  
23 in which licenses are issued, shall appoint, and any other village and  
24 any county may appoint, one or more dog control officers for the purpose  
25 of assisting, within the appointing municipality, with the control of  
26 dogs and the enforcement of this article [and rules and regulations  
27 promulgated pursuant thereto].

28 2. In lieu of or in addition to the appointment of a dog control offi-  
29 cer or officers, any town or city, or any village in which licenses are  
30 issued shall, and any other village and any county may, contract for dog  
31 control officer services with any other municipality or with any incor-  
32 porated humane society or similar incorporated dog protective associ-  
33 ation, or shall appoint, jointly with one or more other municipalities,  
34 one or more dog control officers having jurisdiction in each of the  
35 cooperating municipalities.

36 3. [The commissioner may appoint as many state dog control officers as  
37 he deems necessary to supervise the provisions of this article and any  
38 rules and regulations adopted pursuant thereto.

39 4.] Every dog control officer shall have the power to issue an appear-  
40 ance ticket pursuant to section 150.20 of the criminal procedure law, to  
41 serve a summons and to serve and execute any other order or process in  
42 the execution of the provisions of this article. In addition, any dog  
43 control officer or any peace officer, when acting pursuant to his  
44 special duties, or police officer, who is authorized by a municipality  
45 to assist in the enforcement of this article may serve any process,  
46 including an appearance ticket, a uniform appearance ticket and a  
47 uniform appearance ticket and simplified information, related to any  
48 proceeding, whether criminal or civil in nature undertaken in accord  
49 with the provisions of this article or any local law or ordinance  
50 promulgated pursuant thereto.

51 [5] 4. Every dog control officer, peace officer, when acting pursuant  
52 to his special duties or police officer shall promptly make and maintain  
53 a complete record of any seizure and subsequent disposition of any dog.  
54 Such record shall include, but not be limited to, a description of the  
55 dog, the date and hour of seizure, the official identification number of

1 such dog, if any, the location where seized, the reason for seizure, and  
2 the owner's name and address, if known.

3 [6] 5. Every dog control officer shall file and maintain[, in the  
4 manner prescribed by the commissioner,] such records [as may be required  
5 by this article or rules and regulations promulgated pursuant thereto]  
6 for not less than three years following the creation of such record, and  
7 shall make such reports available to the commissioner [as may be  
8 required thereby] upon request.

9 [7] 6. The governing body of any municipality in which licenses are  
10 issued, may, either individually or in cooperation with other municipal  
11 entities, require its dog control officer or animal control officer or  
12 any other authorized agent to ascertain and list the names of all  
13 persons in the municipality owning or harboring dogs, or in lieu there-  
14 of, such municipality may contract to have the same done.

15 § 9. Sections 115 and 116 of the agriculture and markets law are  
16 renumbered sections 114 and 115.

17 § 10. Section 117 of the agriculture and markets law is renumbered  
18 section 116 and subdivision 4 of such section, as amended by chapter 473  
19 of the laws of 1995, is amended to read as follows:

20 4. [In] Except for the surcharge authorized by paragraph (a) of subdi-  
21 vision three of section one hundred ten of this article, in no event  
22 shall any of the moneys or fees derived from, or collected pursuant to,  
23 the provisions of this article [except as provided in paragraph c of  
24 subdivision four of section one hundred ten of this article and section  
25 one hundred seventeen-a of this article] be used to subsidize the spay-  
26 ing or neutering of cats.

27 § 11. Section 117-a of the agriculture and markets law is REPEALED.

28 § 12. Section 118 of the agriculture and markets law is renumbered  
29 section 117 and subdivisions 1, 4, and 5, subdivision 1 as amended by  
30 chapter 843 of the laws of 1980, paragraphs (c) and (d) of subdivision 1  
31 as added by chapter 530 of the laws of 1997 and the closing paragraph of  
32 subdivision 1 as amended by chapter 392 of the laws of 2004, and subdi-  
33 visions 4 and 5 as added by chapter 220 of the laws of 1978, are amended  
34 to read as follows:

35 1. Any dog control officer or peace officer, acting pursuant to his  
36 special duties, or police officer in the employ of or under contract to  
37 a municipality shall seize:

38 (a) any dog which is not identified and which is not on the owner's  
39 premises; [and]

40 (b) any dog which is not licensed, whether on or off the owner's prem-  
41 ises[.];

42 (c) any licensed dog which is not in the control of its owner or  
43 custodian or not on the premises of the dog's owner or custodian, if  
44 there is probable cause to believe the dog is [a] dangerous [dog.]; and

45 (d) any dog which poses an immediate threat to the public safety.

46 Promptly upon seizure the dog control officer shall commence a  
47 proceeding as provided for in subdivision two of section [one hundred  
48 twenty-one] one hundred twenty-three of this article.

49 4. Each dog which is not identified, whether or not licensed, shall be  
50 held for a period of five days from the day seized during which period  
51 the dog may be redeemed by its owner, provided that such owner produces  
52 proof that the dog has been licensed and has been identified pursuant to  
53 the provisions of this article and further provided that the owner pays  
54 the following impoundment fees:

55 (a) not less than ten dollars for the first impoundment of any dog  
56 owned by that person;

1 (b) not less than twenty dollars for the first twenty-four hours or  
2 part thereof and three dollars for each additional twenty-four hours or  
3 part thereof for the second impoundment, within one year of the first  
4 impoundment, of any dog owned by that person; or

5 (c) not less than thirty dollars for the first twenty-four hours or  
6 part thereof and three dollars for each additional twenty-four hours or  
7 part thereof for the third and subsequent impoundments, within one year  
8 of the first impoundment, of any dog owned by that person.

9 The impoundment fees set forth in paragraphs (a), (b) and (c) of this  
10 subdivision notwithstanding, any municipality may set by local law or  
11 ordinance such fees in any amount.

12 5. All impoundment fees shall be the property of the municipality to  
13 which they are paid and shall be used only for controlling dogs and  
14 enforcing this article and any rule, regulation, or local law or ordi-  
15 nance adopted pursuant thereto, including subsidizing the spaying or  
16 neutering of dogs and any facility as authorized under section [one  
17 hundred seventeen] one hundred sixteen of this article used therefor,  
18 and subsidizing public humane education programs in responsible dog  
19 ownership.

20 § 13. Section 119 of the agriculture and markets law, as added by  
21 chapter 220 of the laws of 1978, paragraph (c) of subdivision 1 as added  
22 by chapter 404 of the laws of 1986, paragraph (g) of subdivision 1 as  
23 amended and paragraph (h) of subdivision 1 as added by chapter 263 of  
24 the laws of 2000, subdivision 2 as amended by chapter 221 of the laws of  
25 1978, subdivision 3 as added and subdivision 4 as renumbered by chapter  
26 714 of the laws of 1980, subdivisions 5 and 6 as added by chapter 473 of  
27 the laws of 1995, paragraphs (a) and (b) of subdivision 5 as amended by  
28 chapter 534 of the laws of 2005 and subdivision 7 as added by chapter  
29 494 of the laws of 2002, is renumbered section 118 and amended to read  
30 as follows:

31 § 118. Violations. 1. It shall be a violation, punishable as provided  
32 in subdivision two of this section, for:

33 (a) any owner to fail to license any dog;

34 (b) any owner to fail to have any dog identified as required by this  
35 article;

36 (c) any person to knowingly affix to any dog any false or improper  
37 identification tag, special identification tag for identifying guide,  
38 service or hearing dogs or purebred license tag;

39 [(f)] (d) any owner or custodian of any dog to fail to confine,  
40 restrain or present such dog for any lawful purpose pursuant to this  
41 article;

42 [(g)] (e) any person to furnish any false or misleading information on  
43 any form required to be filed with any municipality [or the commission-  
44 er] pursuant to the provisions of this article or rules and regulations  
45 promulgated pursuant thereto;

46 [(h)] (f) the owner or custodian of any dog to fail to exercise due  
47 diligence in handling his or her dog if the handling results in harm to  
48 another dog that is a guide, hearing or service dog.

49 2. It shall be the duty of the dog control officer of any municipality  
50 to bring an action against any person who has committed within such  
51 municipality any violation set forth in subdivision one of this section.  
52 Any municipality may elect either to prosecute such action as a  
53 violation under the penal law or to commence an action to recover a  
54 civil penalty.

55 A violation of this section shall be punishable, subject to such an  
56 election, either:

1 (a) where prosecuted pursuant to the penal law, by a fine of not  
2 [more] less than twenty-five dollars, except that (i) where the person  
3 was found to have violated this section or former article seven of this  
4 chapter within the preceding five years, the fine may be not [more] less  
5 than fifty dollars, and (ii) where the person was found to have commit-  
6 ted two or more such violations within the preceding five years, it  
7 shall be punishable by a fine of not [more] less than one hundred  
8 dollars or imprisonment for not more than fifteen days, or both; or

9 (b) where prosecuted as an action to recover a civil penalty, by a  
10 civil penalty of not [more] less than twenty-five dollars, except that  
11 (i) when the person was found to have violated this section or [former]  
12 this article [seven of this chapter] within the preceding five years,  
13 the civil penalty may be not [more] less than fifty dollars, and (ii)  
14 where the person was found to have committed two or more such violations  
15 within the preceding five years, the civil penalty may be not [more]  
16 less than one hundred dollars.

17 3. A defendant charged with a violation of any provision of this arti-  
18 cle or any local law or ordinance promulgated pursuant thereto may  
19 [himself] plead guilty to the charge in open court. He or she may also  
20 submit to the magistrate having jurisdiction, in person, by duly author-  
21 ized agent, or by registered mail, a statement (a) that he or she waives  
22 arraignment in open court and the aid of counsel, (b) that he or she  
23 pleads guilty to the offense charged, (c) that he or she elects and  
24 requests that the charge be disposed of and the fine or penalty fixed by  
25 the court, (d) of any explanation that he or she desires to make  
26 concerning the offense charged, and (e) that he or she makes all state-  
27 ments under penalty of perjury. Thereupon the magistrate may proceed as  
28 though the defendant had been convicted upon a plea of guilty in open  
29 court, provided however, that any imposition of fine or penalty here-  
30 under shall be deemed tentative until such fine or penalty shall have  
31 been paid and discharged in full. If upon receipt of the aforesaid  
32 statement the magistrate shall deny the same, he or she shall thereupon  
33 notify the defendant of this fact, and that he or she is required to  
34 appear before the said magistrate at a stated time and place to answer  
35 the charge which shall thereafter be disposed of pursuant to the appli-  
36 cable provisions of law.

37 4. [Any person who shall violate any other provision of this article  
38 or rules and regulations promulgated pursuant thereto shall be subject  
39 to the penalty provisions of sections thirty-nine and forty of this  
40 chapter, but not section forty-one of this chapter. Such violations  
41 shall include, but not be limited to, the following:

42 (a) failure of any owner of record to notify the commissioner of any  
43 change of ownership or address as required by section one hundred thir-  
44 teen of this article;

45 (b) failure of any person to perform any other duty or carry out any  
46 other requirement imposed pursuant to the provisions of this article or  
47 the rules and regulations promulgated pursuant thereto. Each day that  
48 failure continues shall constitute a separate violation.

49 5. For the purpose of participating in the "animal population control  
50 program" established under section one hundred seventeen-a of this arti-  
51 cle, it shall be a violation punishable as provided in subdivision six  
52 of this section, for:

53 (a) any person to falsify proof of adoption from a pound, shelter,  
54 duly incorporated society for the prevention of cruelty to animals,  
55 humane society or dog or cat protective association or to falsify proof

1 of participation in any of the programs enumerated in paragraph (b) of  
2 subdivision two of section one hundred seventeen-a of this article;

3 (b) any person to furnish any licensed veterinarian of this state with  
4 inaccurate information concerning his or her residency or the ownership  
5 of an animal or such person's authority to submit an animal for a spay-  
6 ing or neutering procedure pursuant to section one hundred seventeen-a  
7 of this article or to knowingly furnish the department or any licensed  
8 veterinarian of this state with inaccurate information concerning his or  
9 her participation in any of the programs enumerated in paragraph (b) of  
10 subdivision two of section one hundred seventeen-a of this article;

11 (c) any licensed veterinarian to furnish the commissioner with false  
12 information concerning an animal sterilization fee schedule or an animal  
13 sterilization certificate submitted pursuant to subdivision four of  
14 section one hundred seventeen-a of this article.

15 6. Any person or veterinarian who violates the provisions of subdivi-  
16 sion five of this section or any rule or regulation promulgated by the  
17 commissioner to carry out the provisions of section one hundred seven-  
18 teen-a of this article shall be subject to a fine of not more than two  
19 hundred fifty dollars where prosecuted pursuant to the penal law, or  
20 where prosecuted as an action to recover a civil penalty of not more  
21 than two hundred fifty dollars.

22 7.] Any person who intentionally refuses, withholds, or denies a  
23 person, because [they are] he or she is accompanied by an on-duty police  
24 work dog, working search, war, or detection dog as defined in section  
25 one hundred eight of this article, any accommodations, facilities, or  
26 privileges thereof shall be subject to a civil penalty of up to two  
27 hundred dollars for the first violation and up to four hundred dollars  
28 for each subsequent violation.

29 § 14. Section 120 of the agriculture and markets law, as added by  
30 chapter 220 of the laws of 1978, is renumbered section 119 and amended  
31 to read as follows:

32 § 119. Disposition of fines. Notwithstanding any other provision of  
33 law, all moneys collected as fines or penalties by any municipality as a  
34 result of any prosecution for violations of the provisions of this arti-  
35 cle or any local law or ordinance and all bail forfeitures by persons  
36 charged with such violations shall be the property of the municipality  
37 and shall be paid to the financial officer of such municipality. Such  
38 moneys shall be used only for controlling dogs and enforcing this arti-  
39 cle and any rule, regulation, or local law or ordinance adopted pursuant  
40 thereto, including subsidizing the spaying or neutering of dogs and any  
41 facility as authorized under section [one hundred seventeen] one hundred  
42 sixteen of this article used therefor, and subsidizing public humane  
43 education programs in responsible dog ownership.

44 § 15. Section 122 of the agriculture and markets law is renumbered  
45 section 120.

46 § 16. Section 123 of the agriculture and markets law is renumbered  
47 section 121.

48 § 17. Section 121 of the agriculture and markets law is renumbered  
49 section 123, and subdivisions 1 and 2 as amended by chapter 392 of the  
50 laws of 2004, are amended to read as follows:

51 1. Any person who witnesses an attack or threatened attack, or in the  
52 case of a minor, an adult acting on behalf of such minor, may make a  
53 complaint of an attack or threatened attack upon a person, companion  
54 animal as defined in section three hundred fifty of this chapter, farm  
55 animal as defined in [subdivision twenty-four of] such section [one  
56 hundred eight of this article] three hundred fifty, or a domestic animal



1 as defined in subdivision seven of section one hundred eight of this  
2 article to a dog control officer or police officer of the appropriate  
3 municipality. Such officer shall immediately inform the complainant of  
4 his or her right to commence a proceeding as provided in subdivision two  
5 of this section and, if there is reason to believe the dog is a danger-  
6 ous dog, the officer shall forthwith commence such proceeding himself or  
7 herself.

8 2. Any person who witnesses an attack or threatened attack, or in the  
9 case of a minor, an adult acting on behalf of such minor, may, and any  
10 dog control officer or police officer as provided in subdivision one of  
11 this section shall, make a complaint under oath or affirmation to any  
12 municipal judge or justice of such attack or threatened attack. There-  
13 upon, the judge or justice shall immediately determine if there is prob-  
14 able cause to believe the dog is a dangerous dog and, if so, shall issue  
15 an order to any dog control officer, peace officer, acting pursuant to  
16 his or her special duties, or police officer directing such officer to  
17 immediately seize such dog and hold the same pending judicial determi-  
18 nation as provided in this section. Whether or not the judge or justice  
19 finds there is probable cause for such seizure, he or she shall, within  
20 five days and upon written notice of not less than two days to the owner  
21 of the dog, hold a hearing on the complaint. The petitioner shall have  
22 the burden at such hearing to prove the dog is a "dangerous dog" by  
23 clear and convincing evidence. If satisfied that the dog is a dangerous  
24 dog, the judge or justice shall then order neutering or spaying of the  
25 dog, microchipping of the dog and one or more of the following as deemed  
26 appropriate under the circumstances and as deemed necessary for the  
27 protection of the public:

28 (a) evaluation of the dog by a certified applied behaviorist, a board  
29 certified veterinary behaviorist, or another recognized expert in the  
30 field and completion of training or other treatment as deemed appropri-  
31 ate by such expert. The owner of the dog shall be responsible for all  
32 costs associated with evaluations and training ordered under this  
33 section;

34 (b) secure, humane confinement of the dog for a period of time and in  
35 a manner deemed appropriate by the court but in all instances in a  
36 manner designed to: (1) prevent escape of the dog, (2) protect the  
37 public from unauthorized contact with the dog, and (3) to protect the  
38 dog from the elements pursuant to section three hundred fifty-three-b of  
39 this chapter. Such confinement shall not include lengthy periods of  
40 tying or chaining;

41 (c) restraint of the dog on a leash by an adult of at least twenty-one  
42 years of age whenever the dog is on public premises;

43 (d) muzzling the dog whenever it is on public premises in a manner  
44 that will prevent it from biting any person or animal, but that shall  
45 not injure the dog or interfere with its vision or respiration; or

46 (e) maintenance of a liability insurance policy in an amount deter-  
47 mined by the court, but in no event in excess of one hundred thousand  
48 dollars for personal injury or death resulting from an attack by such  
49 dangerous dog.

50 § 18. Section 121-a of the agriculture and markets law is renumbered  
51 section 123-a.

52 § 19. Section 121-b of the agriculture and markets law is renumbered  
53 section 123-b.

54 § 20. Section 124 of the agriculture and markets law is renumbered  
55 section 122 and subdivision 1 of such section, as amended by chapter 714  
56 of the laws of 1980, is amended to read as follows:

1 1. Any municipality may enact a local law or ordinance upon the keep-  
2 ing or running at large of dogs and the seizure thereof, provided no  
3 municipality shall vary, modify, enlarge or restrict the provisions of  
4 this article relating to [identification, licensing,] rabies vaccination  
5 and euthanization.

6 § 21. Section 125 of the agriculture and markets law is REPEALED.

7 § 22. Section 126 of the agriculture and markets law, as added by  
8 chapter 220 of the laws of 1978, is renumbered section 124 and amended  
9 to read as follows:

10 § 124. [Duties and powers] Powers of commissioner. [1. The commission-  
11 er shall:

12 (a) supervise the enforcement of this article;

13 (b) maintain a central registry of official identification numbers;

14 (c) prescribe the form of all notices, reports and other papers and  
15 documents required by this article and the rules and regulations promul-  
16 gated pursuant thereto; and

17 (d) prescribe the manner in which all reports required by this article  
18 and the rules or regulations promulgated thereto are to be filed and  
19 maintained, and all licenses issued or validated; and

20 (e) furnish all forms and other supplies, including identification  
21 tags and preprinted license applications, necessary for the implementa-  
22 tion and enforcement of this article and the rules and regulations  
23 promulgated pursuant thereto; and

24 (f) supply, for identification purposes, names and addresses of owners  
25 of record of identified dogs immediately upon request; and

26 (g) furnish such information and assistance to dog control officers as  
27 he deems necessary for enforcement purposes.

28 2.] The commissioner is hereby authorized to:

29 (a) promulgate, after public hearing, such rules and regulations as  
30 are necessary to supplement and give full effect to the provisions of  
31 sections one hundred thirteen, one hundred fourteen and one hundred  
32 seventeen of this article; and

33 (b) exercise all other powers and functions as are necessary to carry  
34 out the duties and purposes set forth in sections one hundred thirteen,  
35 one hundred fourteen and one hundred seventeen of this article.

36 § 23. Subdivision 5 of section 373 of the agriculture and markets law,  
37 as amended by chapter 674 of the laws of 1980, is amended to read as  
38 follows:

39 5. Nothing herein contained shall restrict the rights and powers  
40 derived from section one hundred [eighteen] seventeen of this chapter  
41 relating to seizure of unlicensed dogs and the disposition to be made of  
42 animals so seized or taken, nor those derived from any other general or  
43 special law relating to the seizure or other taking of dogs and other  
44 animals by a society for the prevention of cruelty to animals.

45 § 24. Subparagraph 2 of paragraph b of subdivision 6 of section 373 of  
46 the agriculture and markets law, as amended by chapter 256 of the laws  
47 of 1997, is amended to read as follows:

48 (2) If the court orders the posting of a security, the security shall  
49 be posted with the clerk of the court within five business days of the  
50 hearing provided for in subparagraph one of this paragraph. The court  
51 may order the immediate forfeiture of the seized animal to the impound-  
52 ing organization if the person ordered to post the security fails to do  
53 so. Any animal forfeited shall be made available for adoption or euthan-  
54 ized subject to subdivision seven-a of section [one hundred eighteen]  
55 one hundred seventeen of this chapter or section three hundred seventy-  
56 four of this article.

1 § 25. Paragraph (d) of subdivision 2 of section 209-cc of the general  
2 municipal law, as amended by chapter 392 of the laws of 2004, is amended  
3 to read as follows:

4 (d) the term "dangerous dog" means a dog found dangerous pursuant to  
5 the provisions of section [one hundred twenty-one] one hundred twenty-  
6 three of the agriculture and markets law.

7 § 26. This act shall take effect January 1, 2011.

8

## PART U

9 Section 1. Section 5704 of the education law is amended to read as  
10 follows:

11 § 5704. Trustees shall make reports; university subject to visitation  
12 of regents; memoranda with state agencies. 1. The trustees of said  
13 university shall make all the reports and perform such other acts as may  
14 be necessary to conform to the act of congress, entitled "An act donat-  
15 ing public lands to the several states and territories which may provide  
16 colleges for the benefit of agriculture and the mechanic arts, "  
17 approved July second, eighteen hundred sixty-two. The said university  
18 shall be subject to visitation of the regents of the university.

19 2. Notwithstanding any other provision of law to the contrary, state  
20 agencies may enter into memoranda of understanding with said university  
21 as the land grant university of New York under the act of congress of  
22 July second, eighteen hundred sixty-two, for the purposes of procuring  
23 services or technical assistance from said university or providing funds  
24 to said university, related to said university's land grant mission.

25 § 2. This act shall take effect immediately and shall be deemed to  
26 have been in full force and effect on and after April 1, 2010.

27

## PART V

28 Section 1. Notwithstanding any other law, rule or regulation to the  
29 contrary, expenses of the department of health public service education  
30 program incurred pursuant to appropriations from the cable television  
31 account of the state miscellaneous special revenue funds shall be deemed  
32 expenses of the department of public service.

33 § 2. This act shall take effect immediately and shall be deemed to  
34 have been in full force and effect on and after April 1, 2010.

35

## PART W

36 Section 1. Subdivisions 2, 3, 4, 5 and 6 of section 4 of chapter 912  
37 of the laws of 1920 relating to the regulation of boxing, sparring and  
38 wrestling, subdivisions 2 and 6 as amended by chapter 437 of the laws of  
39 2002 and subdivisions 3, 4 and 5 as added by chapter 603 of the laws of  
40 1981, are amended to read as follows:

41 2. The advisory board shall have power and it shall be the duty of the  
42 board to prepare and submit to the commission for approval regulations  
43 and standards for the physical examination of professional boxers and  
44 professional mixed martial arts participants including, without limita-  
45 tion, pre-fight and/or post-fight examinations and periodic comprehen-  
46 sive examinations. The board shall continue to serve in an advisory  
47 capacity to the commission and from time to time prepare and submit to  
48 the commission for approval, such additional regulations and standards  
49 of examination as in their judgment will safeguard the physical welfare  
50 of professional boxers licensed by the commission. The advisory board

1 shall recommend to the commission from time to time such qualified  
2 physicians, for the purpose of conducting physical examinations of  
3 professional boxers and professional mixed martial arts participants and  
4 other services as the rules of the commission shall provide; and shall  
5 recommend to the commission a schedule of fees to be paid to physicians  
6 for such examinations and other services as required by this act.

7 3. The advisory board shall develop appropriate medical education  
8 programs for all commission personnel involved in the conduct of boxing  
9 and sparring matches or exhibitions or professional mixed martial arts  
10 matches or exhibitions so that such personnel can recognize and act upon  
11 evidence of potential or actual adverse medical indications in a partic-  
12 ipant prior to or during the course of a match or exhibition.

13 4. The advisory board shall review the credentials and performance of  
14 each commission physician on an annual basis as a condition of reap-  
15 pointment of each such physician, including each such physician's  
16 comprehension of the medical literature on boxing or professional mixed  
17 martial arts referred to in subdivision five of this section.

18 5. The advisory board shall recommend to the commission a compilation  
19 of medical publications on the medical aspects of boxing or professional  
20 mixed martial arts which shall be maintained by the commission and be  
21 made available for review to all commission personnel involved in the  
22 conduct of any boxing or sparring match or exhibition or professional  
23 mixed martial arts match or exhibition.

24 6. The advisory board shall also advise the commission on any study of  
25 equipment, procedures or personnel which will, in their opinion, promote  
26 the safety of boxing participants and professional mixed martial arts  
27 participants.

28 § 2. Section 5-a of chapter 912 of the laws of 1920 relating to the  
29 regulation of boxing, sparring and wrestling, as added by chapter 14 of  
30 the laws of 1997, is amended to read as follows:

31 § 5-a. Combative sports. 1. A "combative sport" shall mean any  
32 professional match or exhibition other than boxing, sparring, wrestling  
33 or martial arts wherein the contestants deliver, or are not forbidden by  
34 the applicable rules thereof from delivering kicks, punches or blows of  
35 any kind to the body of an opponent or opponents. For the purposes of  
36 this section, the term "martial arts" shall include any professional  
37 match or exhibition of (i) mixed martial arts, as defined in section 5-b  
38 of this chapter or (ii) a single martial arts discipline sanctioned by  
39 any of the following organizations: U.S. Judo Association, U.S. Judo,  
40 Inc., U.S. Judo Federation, U.S. Tae Kwon Do Union, North American Sport  
41 Karate Association, U.S.A. Karate Foundation, U.S. Karate, Inc., World  
42 Karate Association, Professional Karate Association, Karate Interna-  
43 tional, International Kenpo Association, or World Wide Kenpo Associ-  
44 ation. The commission [is authorized to] shall promulgate regulations  
45 which would establish a process to allow for the inclusion or removal of  
46 martial arts organizations from the above list. Such process shall  
47 include but not be limited to consideration of the following factors:  
48 (a) is the organization's primary purpose to provide instruction in self  
49 defense techniques; (b) does the organization require the use of hand,  
50 feet and groin protection during any competition or bout; and (c) does  
51 the organization have an established set of rules that require the imme-  
52 diate termination of any competition or bout when any participant has  
53 received severe punishment or is in danger of suffering serious physical  
54 injury.



1 2. No combative sport shall be conducted, held or given within the  
2 state of New York, and no licenses may be approved by the commission for  
3 such matches or exhibitions.

4 3. (a) A person who knowingly advances or profits from a combative  
5 sport activity shall be guilty of a class A misdemeanor, and shall be  
6 guilty of a class E felony if he or she has been convicted in the previ-  
7 ous five years of violating this subdivision.

8 (b) A person advances a combative sport activity when, acting other  
9 than as a spectator, he or she engages in conduct which materially aids  
10 any combative sport. Such conduct includes but is not limited to conduct  
11 directed toward the creation, establishment or performance of a comba-  
12 tive sport, toward the acquisition or maintenance of premises, parapher-  
13 nalia, equipment or apparatus therefor, toward the solicitation or  
14 inducement of persons to attend or participate therein, toward the actu-  
15 al conduct of the performance thereof, toward the arrangement of any of  
16 its financial or promotional phases, or toward any other phase of a  
17 combative sport. One advances a combative sport activity when, having  
18 substantial proprietary or other authoritative control over premises  
19 being used with his or her knowledge for purposes of a combative sport  
20 activity, he or she permits such to occur or continue or makes no effort  
21 to prevent its occurrence or continuation.

22 (c) A person profits from a combative sport activity when he or she  
23 accepts or receives money or other property with intent to participate  
24 in the proceeds of a combative sport activity, or pursuant to an agree-  
25 ment or understanding with any person whereby he or she participates or  
26 is to participate in the proceeds of a combative sport activity.

27 (d) Any person who knowingly advances or profits from a combative  
28 sport activity shall also be subject to a civil penalty not to exceed  
29 for the first violation ten thousand dollars or twice the amount of gain  
30 derived therefrom whichever is greater, or for a subsequent violation  
31 twenty thousand dollars or twice the amount of gain derived therefrom  
32 whichever is greater. The attorney general is hereby empowered to  
33 commence judicial proceedings to recover such penalties and to obtain  
34 injunctive relief to enforce the provisions of this section.

35 § 2-a. Chapter 912 of the laws of 1920 relating to the regulation of  
36 boxing, sparring and wrestling is amended by adding a new section 5-b to  
37 read as follows:

38 § 5-b. Mixed martial arts. 1. Definitions. As used in this section:

39 (a) "Board" means medical advisory board as established in section 4  
40 of this chapter.

41 (b) "Commission" means the state athletic commission as provided for  
42 in section 1 of this chapter or an agent of the commission acting on its  
43 behalf.

44 (c) "Mixed martial arts" means unarmed combat involving the use,  
45 subject to any applicable limitations set forth in this chapter or set  
46 forth by the commission pursuant to this chapter, of a combination of  
47 techniques from different disciplines of the martial arts, including,  
48 without limitation, grappling, kicking, and striking.

49 (d) "Professional mixed martial arts" shall mean any mixed martial  
50 arts competition, match, or exhibition, involving a professional mixed  
51 martial arts participant subject to regulation by the commission pursu-  
52 ant to this chapter.

53 (e) "Professional mixed martial arts participant" or "participant"  
54 shall mean any individual who participates for a money prize or other  
55 consideration in any professional mixed martial arts match or exhibition  
56 subject to the rules, regulations and requirements of the commission and



1 this chapter, or who teaches or pursues or assists in the practice of  
2 mixed martial arts as a means of obtaining a livelihood or pecuniary  
3 gain.

4 2. Professional mixed martial arts matches and exhibitions author-  
5 ized. No professional mixed martial arts match or exhibition shall be  
6 conducted, held or given within the state except in accordance with the  
7 provisions of this section and the rules and regulations promulgated by  
8 the commission pursuant thereto. The commission shall direct a represen-  
9 tative to be present at each match or exhibition held pursuant to the  
10 provisions of this section. Such representative shall ascertain the  
11 exact conditions surrounding such match or exhibition and make a written  
12 report of the same in the manner and form prescribed by the commission.  
13 Such mixed martial arts matches or exhibitions may be held in any build-  
14 ing for which the commission in its discretion may issue a license.  
15 Where such match or exhibition is authorized to be held in a state or  
16 city owned armory, the provision of the military law in respect thereto  
17 must be complied with, but no such match or exhibition shall be held in  
18 a building wholly used for religious services.

19 3. Jurisdiction of commission. (a) The commission shall have and here-  
20 by is vested with the sole direction, management, control and jurisdic-  
21 tion over all professional mixed martial arts matches or exhibitions to  
22 be conducted, held or given within the state of New York and over all  
23 licenses to any and all persons who participate in such mixed martial  
24 arts matches or exhibitions and over any and all gyms, clubs, training  
25 camps and other organizations that maintain training facilities provid-  
26 ing contact sparring for persons who prepare for participation in such  
27 professional mixed martial arts matches or exhibitions, except as other-  
28 wise provided in this section.

29 (b) The commission shall promulgate rules and regulations to allow for  
30 mixed martial arts competitions to be conducted, held, or given within  
31 the state of New York and shall allow for licenses to be approved by the  
32 commission for such matches or exhibitions. The commission is authorized  
33 to promulgate rules and regulations to carry out the provisions of this  
34 subdivision. Such rules and regulations shall include, but not be limit-  
35 ed to, the adoption of unified rules of mixed martial arts, a licensing  
36 process for matches and exhibitions, a fee schedule for such licenses,  
37 procedures to allow for the participation, promotion, and advancement of  
38 such events, the health and safety of participants, and the best inter-  
39 ests of mixed martial arts and the adoption of rules and regulations for  
40 licensing and regulation of any and all gyms, clubs, training camps and  
41 other organizations that maintain training facilities providing contact  
42 sparring for persons who prepare for participation in mixed martial arts  
43 or exhibitions, except as otherwise provided in this section.

44 (c) The commission is authorized and directed to require that all  
45 sites wherein professional mixed martial arts matches or exhibitions are  
46 conducted shall comply with state and applicable local sanitary codes  
47 appropriate to school athletic facilities.

48 4. Persons and entities required to procure licenses. Except as other-  
49 wise provided in subdivision six of this section, all corporations,  
50 persons, limited liability companies, referees, judges, corporation  
51 treasurers, professional mixed martial arts participants, their manag-  
52 ers, promoters, trainers and chief seconds shall be licensed by the  
53 commission, and no such person or entity shall be permitted to partic-  
54 ipate, either directly or indirectly, in any professional mixed martial  
55 arts match or exhibition, or the holding thereof, unless such person or  
56 entity shall have first procured a license from the commission. The

1 commission shall establish by rule and regulation licensing standards  
2 for referees, judges, managers, promoters, trainers and chief seconds.

3 5. Licenses to persons or entities. (a) The commission may, in its  
4 discretion, issue a license to conduct or hold professional mixed  
5 martial arts matches or exhibitions, subject to the provisions of this  
6 section, to any person, corporation or limited liability company duly  
7 incorporated or formed, hereinafter referred to as "entity".

8 (b) A prospective licensee must submit to the commission proof that it  
9 can furnish suitable premises in which such match or exhibition is to be  
10 held.

11 (c) Upon written application and the payment of a fee of five hundred  
12 dollars which must accompany the application, the commission may grant  
13 to any entity holding a license issued hereunder, the privilege of hold-  
14 ing such a match or exhibition on a specified date in other premises, or  
15 in another location, than the premises or location previously approved  
16 by the commission, subject however to approval of the commission and the  
17 rules and regulations of the commission.

18 (d) All fines and penalties imposed and collected by the commission  
19 from any entity licensed under the provisions of this section, which  
20 fines and penalties are imposed and collected under the authority hereby  
21 vested shall within thirty days after the receipt thereof by the commis-  
22 sion be paid by them into the state treasury. This paragraph shall not  
23 apply to any moneys collected by the commission or by its employees or  
24 officers acting as agents of the commissioner of taxation and finance  
25 under article 19 of the tax law.

26 6. Temporary working permits for professional mixed martial arts  
27 participants, managers, trainers, chief seconds and assistant seconds.  
28 The commission may issue temporary working permits to professional mixed  
29 martial arts participants, their managers, trainers, chief seconds and  
30 assistant seconds. A temporary working permit shall authorize the  
31 employment of the holder of such permit to engage in a single match or  
32 exhibition at a specified time and place. A temporary working permit may  
33 be issued if in the judgment of the commission the participation of the  
34 holder thereof in a professional mixed martial arts match or exhibition  
35 will be consistent with the purposes and provisions of this section, the  
36 best interests of the sport generally, and the public interest, conven-  
37 ience or necessity. The commission may require that professional mixed  
38 martial arts participants applying for temporary working permits undergo  
39 a physical examination, neurological or neuropsychological test or  
40 procedure, including computed tomography or medically equivalent proce-  
41 dure. The fee for such temporary working permit shall be twenty dollars.

42 7. License fees; term of licenses; renewals. Each applicant for a  
43 license shall, before a license is issued by the commission, pay to the  
44 commission, an annual license fee as follows: (a) For promoters: where  
45 the seating capacity is not more than two thousand five hundred, five  
46 hundred dollars; where the seating capacity is more than two thousand  
47 five hundred but not more than five thousand, one thousand dollars;  
48 where the seating capacity is more than five thousand but not more than  
49 fifteen thousand, one thousand five hundred dollars; where the seating  
50 capacity is more than fifteen thousand but not more than twenty-five  
51 thousand, two thousand five hundred dollars; where the seating capacity  
52 is more than twenty-five thousand, three thousand five hundred dollars;  
53 (b) For all other licenses: referee, one hundred dollars; judges, one  
54 hundred dollars; professional mixed martial arts participants, fifty  
55 dollars; managers, fifty dollars; trainers, fifty dollars; and chief  
56 seconds, forty dollars. Each license or renewal thereof issued pursuant



1 to this subdivision on or after October first shall be effective for a  
2 license year expiring on the thirtieth day of September following the  
3 date of its issuance. The annual license fee prescribed by this subdivi-  
4 sion shall be the license fee due and payable therefor and shall be paid  
5 in advance at the time application is made therefor, and each such  
6 license may be renewed for periods of one year upon the payment of the  
7 annual license fee prescribed by this subdivision. Within three years  
8 from the date of payment and upon the audit of the comptroller, the  
9 commission may refund any fee, or unforfeited posted guarantee paid  
10 pursuant to this section, for which no license is issued or no service  
11 rendered or refund that portion of the payment that is in excess of the  
12 amount prescribed by statute.

13 8. Application for license; fingerprints. (a) Every application for a  
14 license shall be in writing, shall be addressed to the commission, shall  
15 be subscribed by the applicant, and affirmed by him as true under the  
16 penalties of perjury, and shall set forth such facts as the provisions  
17 hereof and the rules and regulations of the commission may require.

18 (b) When an application is made for a license under this section, the  
19 commission shall cause the fingerprints of such applicant, or if such  
20 applicant be a corporation, of the officers of such corporation, or if  
21 such applicant be a limited liability company, the managers of such  
22 limited liability company to be taken by electronic means. The applicant  
23 shall be responsible for the cost of having his or her fingerprints  
24 taken. Such fingerprints shall be transmitted to the division of crimi-  
25 nal justice services in accordance with the rules and regulations of the  
26 division of criminal justice services and may be submitted to the feder-  
27 al bureau of investigation for a national criminal history record check.  
28 No such fingerprint may be inspected by any person, other than a peace  
29 officer, except on order of a judge or justice of a court of record.  
30 The division is hereby authorized to transmit criminal history informa-  
31 tion to the commission for the purposes of this paragraph. The informa-  
32 tion obtained by any such fingerprint examination shall be for the guid-  
33 ance of the commission in the exercise of its discretion in granting or  
34 withholding the license. The commission shall provide such applicant  
35 with a copy of his or her criminal history record, if any, together with  
36 a copy of article 23-A of the correction law, and inform such applicant  
37 of his or her right to seek correction of any incorrect information  
38 contained in such record pursuant to regulations and procedures estab-  
39 lished by the division of criminal justice services. All determinations  
40 to issue, renew, suspend or revoke a license shall be made in accordance  
41 with subdivision 16 of section 296 of the executive law and article 23-A  
42 of the correction law.

43 9. Standards for the issuance of licenses. (a) If in the judgment of  
44 the commission the financial responsibility, experience, character and  
45 general fitness of an applicant, including in the case of corporations  
46 its officers and stockholders, are such that the participation of such  
47 applicant will be consistent with the best interests of professional  
48 mixed martial arts, the purposes of this section including the safety of  
49 professional mixed martial arts participants, and in the public inter-  
50 est, convenience or necessity, the commission shall grant a license in  
51 accordance with the provisions contained in this subdivision.

52 (b) Any professional mixed martial arts participant applying for a  
53 license or renewal of a license under this subdivision shall undergo a  
54 comprehensive physical examination including clinical neurological and  
55 neuropsychological examinations by a physician approved by the commis-  
56 sion. If, at the time of such examination, there is any indication of



1 brain injury, or for any other reason the physician deems it appropri-  
2 ate, the professional mixed martial arts participant shall be required  
3 to undergo further neurological and neuropsychological examinations by a  
4 neurologist including, but not limited to, a computed tomography or  
5 medically equivalent procedure. The commission shall not issue a license  
6 to a professional mixed martial arts participant until such examinations  
7 are completed and reviewed by the commission. The results of all such  
8 examinations herein required shall become a part of the professional  
9 mixed martial arts participant's permanent medical record as maintained  
10 by the commission. The cost of all such examinations called for in this  
11 subdivision shall be paid by the applicant and such examinations shall  
12 be performed by a physician or neurologist approved by the commission,  
13 unless otherwise authorized by the commission.

14 (c) Any professional mixed martial arts participant licensed under  
15 this chapter shall, as a condition of licensure, waive right of confi-  
16 dentiality of medical records relating to the diagnosis or treatment of  
17 any physical condition which relates to his or her ability to fight. All  
18 medical reports submitted to, and all medical records of the medical  
19 advisory board or the commission relative to the physical examination or  
20 condition of professional mixed martial arts participants shall be  
21 considered confidential, and shall be open to examination only to the  
22 commission or its authorized representative, to the licensed partic-  
23 ipant, manager or chief second upon written application to examine said  
24 records, or upon the order of a court of competent jurisdiction in an  
25 appropriate case.

26 10. Financial interest in professional mixed martial arts participants  
27 prohibited. No person or entity shall have, either directly or indirect-  
28 ly, any financial interest in a professional mixed martial arts partic-  
29 ipant competing on premises owned or leased by the person or entity, or  
30 in which such person or entity is otherwise interested except pursuant  
31 to the specific written authorization of the commission.

32 11. Payments not to be made before contests. No professional mixed  
33 martial arts participant shall be paid for services before the contest,  
34 and should it be determined by the commission that such participant did  
35 not give an honest exhibition of his skill, such service shall not be  
36 paid for.

37 12. Sham or collusive events. (a) Any person, including any corpo-  
38 ration and the officers thereof, any physician, limited liability compa-  
39 ny, referee, judge, professional mixed martial arts participant, manag-  
40 er, trainer or chief second, who shall promote, conduct, give or  
41 participate in any sham or collusive professional mixed martial arts  
42 match or exhibition, shall be deprived of his, her, or its license by  
43 the commission.

44 (b) No licensed entity shall knowingly engage in a course of conduct  
45 in which professional mixed martial arts matches or exhibitions are  
46 arranged where one professional mixed martial arts participant has  
47 skills or experience significantly in excess of his or her opponent so  
48 that a mismatch results with the potential of physical harm to either  
49 participant. If such action occurs, the commission may intervene and  
50 prohibit such match or exhibition and may exercise its powers to disci-  
51 pline under subdivisions 13 and 14 of this section, provided that noth-  
52 ing in this subdivision shall authorize the commission to intervene or  
53 prohibit a professional mixed martial arts match or exhibition solely on  
54 the basis of the difference between respective participant's martial  
55 arts disciplines.

1 13. Imposition of penalties for violations. Any entity, licensed under  
2 the provisions of this section, that shall knowingly violate any rule,  
3 regulation, or order of the commission or any provision of this section,  
4 in addition to any other penalty by law prescribed, shall be liable for  
5 a civil penalty not exceeding ten thousand dollars for the first offense  
6 and not exceeding twenty-five thousand dollars for the second and each  
7 subsequent offense, to be imposed by the commission, to be sued for by  
8 the attorney general in the name of the people of the state of New York  
9 if directed by the commission. The amount of the penalty collected by  
10 the commission or recovered in any such action, or paid to the commis-  
11 sion upon a compromise as hereinafter provided, shall be transmitted by  
12 the department of state into the state treasury and credited to the  
13 general fund. The commission, for cause shown, may extend the time for  
14 the payment of such penalty and, by compromise, may accept less than the  
15 amount of such penalty as imposed in settlement thereof.

16 14. Revocation or suspension of licenses. (a) Any license issued under  
17 the provisions of this section may be revoked or suspended by the  
18 commission for the reason therein stated, that the licensee has, in the  
19 judgment of the commission, been guilty of an act detrimental to the  
20 interests of professional mixed martial arts generally or to the public  
21 interest, convenience or necessity.

22 (b) Without otherwise limiting the discretion of the commission as  
23 provided in this section, the commission may suspend or revoke a license  
24 or refuse to renew or issue a license, if it shall find that the appli-  
25 cant or licensee: (1) has been convicted of a crime in any jurisdiction;  
26 (2) is associating or consorting with any person who has or persons who  
27 have been convicted of a crime or crimes in any jurisdiction or juris-  
28 dictions; (3) has been guilty of or attempted any fraud or misrepresen-  
29 tation in connection with combative sports; (4) has violated or  
30 attempted to violate any law with respect to professional mixed martial  
31 arts in any jurisdiction or any rule, regulation or order of the commis-  
32 sion, or shall have violated any rule of professional mixed martial arts  
33 which shall have been approved or adopted by the commission, or has been  
34 guilty of or engaged in similar, related or like practices; or (5) has  
35 not acted in the best interest of mixed martial arts. All determi-  
36 nations to issue, renew, suspend or revoke a license shall be made in  
37 accordance with subdivision 16 of section 296 of the executive law and  
38 article 23-A of the correction law as applicable.

39 (c) No participant may, under any circumstances, compete or appear in  
40 a professional mixed martial arts match or exhibition within ninety days  
41 of having suffered a knockout or technical knockout in any such match or  
42 exhibition without clearance by the commission, or within ninety days of  
43 being rendered unconscious in any such match or exhibition where there  
44 is evidence of head trauma as determined by the attending commission  
45 physician and shall undergo such examinations as required under para-  
46 graph (b) of subdivision 20 of this section. The professional mixed  
47 martial arts participant shall be considered suspended from professional  
48 mixed martial arts matches or exhibitions by the commission and shall  
49 forfeit his license to the commission during such period and such  
50 license shall not be returned to the participant until the participant  
51 has met all requirements, medical and otherwise, for reinstatement of  
52 such license. All such suspensions shall be recorded in the partic-  
53 ipant's license by a commission official.

54 (d) The commission may at any time suspend, revoke or deny a partic-  
55 ipant's license or temporary working permit for medical reasons.

1 (e) Notwithstanding any other provision of law, if any other state  
2 shall revoke a licensee's license to compete or appear in a professional  
3 mixed martial arts match or exhibition in that state based on a knowing  
4 and intentional engagement in any prohibited practices of such state,  
5 the commission may act to revoke any license to compete or appear in a  
6 professional mixed martial arts match or exhibition issued to such  
7 licensee pursuant to the provisions of this section.

8 (f) The commission may suspend any license it has issued by a dated  
9 notice to that effect to the suspended licensee, mailed or delivered to  
10 the licensee, and specifying the effective date and term of the suspen-  
11 sion, provided however that the commission representative in charge of a  
12 contest or exhibition may then and there temporarily suspend any license  
13 issued by the commission without such notice. In the event of a tempo-  
14 rary suspension, the commission shall mail or deliver the notice to the  
15 suspended licensee within three business days after the temporary  
16 suspension. In either case such suspension may be without any advance  
17 hearing. Upon the receipt of such notice of suspension, the suspended  
18 licensee may apply to the commission for a hearing on the matter to  
19 determine whether such suspension should be rescinded. Such application  
20 for a hearing must be in writing and must be received by the commission  
21 within thirty days after the date of notice of suspension. The commis-  
22 sion shall have the authority to revoke any license issued by it. Before  
23 any license is so revoked, the licensee will be offered the opportunity  
24 at a hearing held by or on behalf of the commission to show cause why  
25 the license should not be revoked. The commission shall offer the oppor-  
26 tunity for a hearing to an affected person before taking any final  
27 action negatively affecting such person's individual privileges or prop-  
28 erty granted by a license duly issued by the commission or a contract  
29 approved by and filed with the commission. In all such hearings, licen-  
30 sees and other witnesses shall testify under oath or affirmation, which  
31 may be administered by any commissioner or authorized representative of  
32 the commission actually present. The commission shall be the sole judge  
33 of the relevancy and competency of testimony and other evidence, the  
34 credibility of witnesses, and the sufficiency of evidence. Hearings may  
35 be conducted by representatives of the commission in the discretion of  
36 the commission. In such cases, the commission representatives conducting  
37 the hearing shall submit findings of fact and recommendations to the  
38 commission, which shall not be binding on the commission.

39 15. Advertising matter to state admission price. It shall be the duty  
40 of every entity promoting or conducting a professional mixed martial  
41 arts match or exhibition subject to the provisions of this section to  
42 cause to be inserted in each show card, bill, poster, newspaper adver-  
43 tisement of any professional mixed martial arts match or exhibition  
44 given by it, the price of admission thereto. Violation of the provisions  
45 of this subdivision shall subject the entity to a fine of one hundred  
46 dollars.

47 16. Tickets to indicate purchase price. All tickets of admission to  
48 any professional mixed martial arts match or exhibition shall be  
49 controlled by the provisions of article 25 of the arts and cultural  
50 affairs law. It shall be unlawful for any entity to admit to such match  
51 or exhibition a number of people greater than the seating capacity of  
52 the place where such match or exhibition is held. Violation of this  
53 subdivision shall be a misdemeanor and shall be punishable as such and  
54 in addition shall incur forfeiture of license.

55 17. Equipment of buildings for matches or exhibitions. All buildings  
56 or structures used or intended to be used for holding or giving such

1 professional mixed martial arts matches or exhibitions shall be properly  
2 ventilated and provided with fire exits and fire escapes, and in all  
3 manner conform to the laws, ordinances and regulations pertaining to  
4 buildings in the county, city, town or village where situated.

5 18. Age of participants and spectators. No person under the age of  
6 eighteen years shall participate in any professional mixed martial arts  
7 match or exhibition, and no person under sixteen years of age shall be  
8 permitted to attend as a spectator; provided, however, that a person  
9 under the age of sixteen shall be permitted to attend as a spectator if  
10 accompanied by a parent or guardian.

11 19. Regulation of conduct of matches or exhibitions. (a) Except for  
12 championship matches, which shall not be more than five rounds, no  
13 professional mixed martial arts match or exhibition shall be more than  
14 three rounds in length. No participant shall be allowed to participate  
15 in more than three matches or exhibitions or compete for more than sixty  
16 minutes within seventy-two consecutive hours. No participant shall be  
17 allowed to compete in any such match or exhibition without wearing a  
18 mouthguard and a protective groin cup. At each professional mixed  
19 martial arts match or exhibition, there shall be in attendance a duly  
20 licensed referee who shall direct and control the same. Before starting  
21 such contest the referee shall ascertain from each participant the name  
22 of his or her manager or chief second, and shall hold such manager or  
23 chief second responsible for the conduct of his or her assistant seconds  
24 during the progress of the match or exhibition. The commission shall  
25 have the power in its discretion to declare forfeited any prize, remun-  
26 eration or purse, or any part thereof, belonging to the participants or  
27 one of them, or the share thereof of any manager or chief second if in  
28 its judgment, such participant or participants are not honestly compet-  
29 ing or the participant or manager or chief second of a participant, as  
30 the case may be, has committed an act in the premises in violation of  
31 any rule, regulation, or order of the commission or provision of this  
32 section. The amount so forfeited shall be paid within forty-eight hours  
33 to the commission. There shall also be in attendance, three duly  
34 licensed judges who shall at the termination of each such professional  
35 mixed martial arts match or exhibition render their decision. The  
36 winner of such match or exhibition shall be determined in accordance  
37 with a scoring system prescribed by the commission. Provided, however,  
38 that a participant may terminate the contest by signalling to the refer-  
39 ee that such participant submits to the opponent.

40 (b) The commission may by rule, regulation or order, require the pres-  
41 ence of any medical equipment and personnel at each professional mixed  
42 martial arts match or exhibition as is necessary or beneficial for the  
43 safety and protection of the participants; and may also require the  
44 presence of an ambulance or other apparatus at the site of any such  
45 match or exhibition or the promulgation of an emergency medical plan in  
46 lieu thereof.

47 (c) The commission shall prescribe by rule or regulation the responsi-  
48 bilities of managers, trainers and chief seconds prior to, during and  
49 after a professional mixed martial arts match or exhibition in order to  
50 promote the safety of the participants at all times.

51 (d) The commission shall require by rule or regulation that any  
52 professional mixed martial arts participant licensed under this section  
53 present to a designated commission official, before each match or exhi-  
54 bition in which he or she fights in this state, a license which shall  
55 include but not be limited to the following information: (1) the partic-  
56 ipant's name, photograph, social security number, date of birth, and

1 other identifying information; (2) the participant's prior match or  
2 exhibition history including the dates, location, and decision of such  
3 matches or exhibitions; and (3) the participant's medical history,  
4 relating to any physical condition, medical test or procedure which  
5 relates to his or her ability to fight, and a record of all medical  
6 suspensions.

7 20. Examination by physician; cost. (a) All participants must be exam-  
8 ined by a physician designated by the commission before entering the  
9 ring and each such physician shall immediately file with the commission  
10 a written report of such examination. The cost of any such examination,  
11 as prescribed by a schedule of fees established by the commission, shall  
12 be paid by the person or entity conducting the match or exhibition to  
13 the commission, which shall then pay the fee covering such cost to the  
14 examining physician, in accordance with the rules of the commission.

15 (b) Any professional mixed martial arts participant licensed or  
16 permitted under this section rendered unconscious or suffering head  
17 trauma as determined by the attending physician shall be immediately  
18 examined by the attending commission physician and shall be required to  
19 undergo neurological and neuropsychological examinations by a neurolo-  
20 gist including but not limited to a computed tomography or medically  
21 equivalent procedure. Any participant so injured shall not appear in any  
22 match or exhibition until results of such examinations are reviewed by  
23 the commission. The results of all such examinations herein required  
24 shall become a part of the participant's permanent medical records as  
25 maintained by the commission and shall be used by the commission to  
26 determine whether a participant shall be permitted to appear in any  
27 future professional mixed martial arts match or exhibition. The costs  
28 of all such examinations called for in this paragraph shall be assumed  
29 by the person or entity or promoter if such examinations are performed  
30 by a physician approved by the commission.

31 (c) In addition to any other examination provided for in this section,  
32 the commission may at any time require a licensed or permitted partic-  
33 ipant to undergo a physical examination, including any neurological or  
34 neuropsychological test or procedure. The cost of an exam pursuant to  
35 this paragraph shall be assumed by the state.

36 21. Physician to be in attendance; powers of such physician. (a) It  
37 shall be the duty of every entity licensed to conduct a professional  
38 mixed martial arts match or exhibition, to have in attendance at such  
39 match or exhibition at least one physician designated by the commission  
40 as the rules shall provide. The commission may establish a schedule of  
41 fees to be paid by the licensee to cover the cost of such attendance.  
42 Such fees shall be paid to the commission, which shall then pay such  
43 fees to the physicians entitled thereto, in accordance with the rules of  
44 the commission.

45 (b) The physician shall terminate any professional mixed martial arts  
46 match or exhibition if in the opinion of such physician any participant  
47 has received severe punishment or is in danger of serious physical inju-  
48 ry. In the event of any serious physical injury, such physician shall  
49 immediately render any emergency treatment necessary, recommend further  
50 treatment or hospitalization if required, and fully report the entire  
51 matter to the commission within twenty-four hours and if necessary,  
52 subsequently thereafter. Such physician may also require that the  
53 injured participant and his or her manager or chief second remain in the  
54 ring or on the premises or report to a hospital after the contest for  
55 such period of time as such physician deems advisable.

1 (c) Such physician may enter the ring at any time during a profes-  
2 sional mixed martial arts match or exhibition and may terminate the  
3 match or exhibition if in his or her opinion the same is necessary to  
4 prevent severe punishment or serious physical injury to a participant.

5 22. Bond. Before a license shall be granted to a person or entity to  
6 conduct a professional mixed martial arts match or exhibition, the  
7 applicant shall execute and file with the state comptroller a bond in an  
8 amount to be determined by the commission, to be approved as to form and  
9 sufficiency of sureties thereon by the comptroller, conditioned for the  
10 faithful performance by such entity of the provisions of this section  
11 and the rules and regulations of the commission, and upon the filing and  
12 approval of such bond the state comptroller shall issue to such appli-  
13 cant a certificate of such filing and approval, which shall be by such  
14 applicant filed in the office of the commission with its application for  
15 license, and no such license shall be issued until such certificate  
16 shall be filed. In case of default in such performance, the commission  
17 may impose upon the delinquent a penalty in the sum of not more than one  
18 thousand dollars for each offense, which may be recovered by the attor-  
19 ney general in the name of the people of the state of New York in the  
20 same manner as other penalties are recovered by law; any amount so  
21 recovered shall be paid into the general fund of the state.

22 23. Bond for purses, salaries and other expenses. In addition to the  
23 bond required by subdivision 22 of this section, each applicant for a  
24 license to conduct professional mixed martial arts matches or exhibi-  
25 tions shall execute and file with the state comptroller a bond in an  
26 amount to be determined by the commission to be approved as to form and  
27 sufficiency of sureties thereon by the comptroller, conditioned for and  
28 guaranteeing the payment of professional mixed martial arts partic-  
29 ipants' purses, salaries of club employees licensed by the commission,  
30 and the legitimate expenses of printing tickets and all advertising  
31 material as well as tax liability under article 19 of the tax law.

32 24. Duty to provide insurance for licensed professional mixed martial  
33 arts participants. (a) All entities having licenses as promoters shall  
34 continuously provide insurance for the protection of licensed profes-  
35 sional mixed martial arts participants, appearing in professional mixed  
36 martial arts matches or exhibitions. Such insurance coverage shall  
37 provide for reimbursement to the licensed athlete for medical, surgical  
38 and hospital care, with a minimum limit of fifty thousand dollars for  
39 injuries sustained while participating in any program operated under the  
40 control of such licensed promoter and for a payment of one hundred thou-  
41 sand dollars to the estate of any deceased athlete where such death is  
42 occasioned by injuries received during the course of a match or exhibi-  
43 tion in which such licensed athlete participated under the promotion or  
44 control of any licensed promoter. The commission may from time to time,  
45 in its discretion, increase the amount of such minimum limits.

46 (b) The failure to pay premiums on such insurance as is required by  
47 paragraph (a) of this subdivision shall be cause for the suspension or  
48 the revocation of the license of such defaulting promoter.

49 25. Notice of contest; collection of tax. (a) Every person or entity  
50 holding any professional mixed martial arts match or exhibition for  
51 which an admission fee is charged or received or which is to be broad-  
52 cast or for which a participant receives consideration of any kind,  
53 shall notify the athletic commission ten days in advance of the holding  
54 of such contest. All tickets of admission to any such match or exhibi-  
55 tion shall be procured from a printer duly authorized by the state  
56 athletic commission to print such tickets and shall bear clearly upon

1 the face thereof the purchase price and location of same. An entity  
2 failing to fully comply with this section shall be subject to a penalty  
3 of five hundred dollars to be collected by and paid to the department of  
4 state, as well as any penalty imposed by the tax law. A person or entity  
5 is prohibited from operating any matches or exhibitions until all penal-  
6 ties due pursuant to this subdivision and all taxes, interest and penal-  
7 ties due pursuant to articles 19, 28 and 29 of the tax law have been  
8 paid.

9 (b) The athletic commission shall provide the commissioner of taxation  
10 and finance with such information and technical assistance as may be  
11 necessary for the proper administration of any tax administered by such  
12 commissioner.

13 26. Regulation of judges. (a) Judges for any professional mixed  
14 martial arts match or exhibition under the jurisdiction of the commis-  
15 sion shall be selected by the commission from a list of qualified  
16 licensed judges maintained by the commission.

17 (b) Any professional mixed martial arts participant, manager or chief  
18 second may protest the assignment of a judge to a professional mixed  
19 martial arts match or exhibition and the protesting professional mixed  
20 martial arts participant, manager or chief second may be heard by the  
21 commission or its designee if such protest is timely. If the protest is  
22 untimely it shall be summarily rejected.

23 (c) Each person seeking to be licensed as a judge by the commission  
24 shall be required to submit to or provide proof of an eye examination  
25 and annually thereafter on the anniversary of the issuance of the  
26 license. Each person seeking to be a professional mixed martial arts  
27 judge in the state shall be certified as having completed a training  
28 program as approved by the commission and shall have passed a written  
29 examination approved by the commission covering aspects of professional  
30 mixed martial arts including, but not limited to, the rules of the  
31 sport, the law of the state relating to the commission, and basic first  
32 aid. The commission shall establish continuing education programs to  
33 keep licensees current on areas of required knowledge.

34 (d) Each person seeking a license to be a professional mixed martial  
35 arts judge in this state shall be required to fill out a financial ques-  
36 tionnaire certifying under penalty of perjury full disclosure of the  
37 judge's financial situation on a questionnaire to be promulgated by the  
38 commission. Such questionnaire shall be in a form and manner approved by  
39 the commission and shall provide information as to areas of actual or  
40 potential conflicts of interest as well as appearances of such  
41 conflicts, including financial responsibility. Within forty-eight hours  
42 of any professional mixed martial arts match or exhibition, each mixed  
43 martial arts judge shall file with the commission a financial disclosure  
44 statement in such form and manner as shall be acceptable to the commis-  
45 sion.

46 (e) Only a person licensed by the commission may judge a professional  
47 mixed martial arts match or exhibition.

48 27. Training facilities. (a) The commission may, in its discretion and  
49 in accordance with regulations adopted by the commission to protect the  
50 health and safety of professional mixed martial arts participants in  
51 training, issue a license to operate a training facility providing  
52 contact sparring maintained either exclusively or in part for the use of  
53 professional mixed martial arts participants. The regulations of the  
54 commission shall include, but not be limited to, the following subjects  
55 to protect the health and safety of professional mixed martial arts  
56 participants:



1 (1) requirements for first aid materials to be stored in an accessible  
2 location on the premises and for the presence on the premises of a  
3 person trained and certified in the use of such materials and procedures  
4 for cardio-pulmonary resuscitation at all times during which the facili-  
5 ty is open for training purposes;

6 (2) prominent posting adjacent to an accessible telephone of the tele-  
7 phone number for emergency medical services at the nearest hospital;

8 (3) clean and sanitary bathrooms, shower rooms, locker rooms and food  
9 serving and storage areas;

10 (4) adequate ventilation and lighting of accessible areas of the  
11 training facility;

12 (5) establishment of a policy concerning the restriction of smoking in  
13 training areas, including provisions for its enforcement by the facility  
14 operator, such policy to be in conformance with other state laws and  
15 regulations;

16 (6) compliance with state and local fire ordinances;

17 (7) inspection and approval of rings as required by subdivision 30 of  
18 this section; and

19 (8) establishment of a policy for posting all commission license  
20 suspensions and license revocations received from the commission includ-  
21 ing provisions for enforcement of such suspensions and revocations by  
22 the facility operator.

23 (b) A prospective licensee shall submit to the commission proof that  
24 it can furnish suitable facilities in which the training is to be  
25 conducted, including the making of such training facilities available  
26 for inspection by the commission at any time during which training is in  
27 progress.

28 28. Temporary training facilities. Any training facility providing  
29 contact sparring established and maintained on a temporary basis for the  
30 purpose of preparing a professional mixed martial arts participant for a  
31 specific professional mixed martial arts match or exhibition to be  
32 conducted, held or given within the state of New York shall be exempt  
33 from this act insofar as it concerns the licensing of such facilities  
34 if, in the judgment of the commission, establishment and maintenance of  
35 such facility will be consistent with the purposes and provisions of  
36 this chapter, the best interests of professional mixed martial arts  
37 generally, and the public interest, convenience or necessity.

38 29. Weights; classes and rules. The weights and classes of profes-  
39 sional mixed martial arts participants and the rules and regulations of  
40 professional mixed martial arts shall be prescribed by the commission.

41 30. Rings or fighting areas. No professional mixed martial arts match  
42 or exhibition or training activity shall be permitted in any ring or  
43 fighting area unless such ring or fighting area has been inspected and  
44 approved by the commission. The commission shall prescribe standard  
45 acceptable size and quality requirements for rings or fighting areas and  
46 appurtenances thereto.

47 31. Misdemeanor. Any person or entity who intentionally, directly or  
48 indirectly conducts, holds or gives a professional mixed martial arts  
49 match or exhibition or participates either directly or indirectly in any  
50 such match or exhibition as a referee, judge, corporation treasurer,  
51 professional mixed martial arts participant, manager, promoter, trainer  
52 or chief second, without first having procured an appropriate license or  
53 permit as prescribed in this section shall be guilty of a misdemeanor.

54 § 3. Subdivision 1 of section 451 of the tax law, as amended by  
55 section 1 of part F of chapter 407 of the laws of 1999, is amended to  
56 read as follows:



1 1. "Gross receipts from ticket sales" shall mean the total gross  
2 receipts of every person from the sale of tickets to any professional or  
3 amateur boxing, sparring or wrestling match or exhibition or any profes-  
4 sional mixed martial arts match or exhibition held in this state, and  
5 without any deduction whatsoever for commissions, brokerage, distrib-  
6 ution fees, advertising or any other expenses, charges and recoupments  
7 in respect thereto.

8 § 4. Section 452 of the tax law, as amended by section 2 of part F of  
9 chapter 407 of the laws of 1999, is amended to read as follows:

10 § 452. Imposition of tax. 1. On and after October first, nineteen  
11 hundred ninety-nine, a tax is hereby imposed and shall be paid upon the  
12 gross receipts of every person holding any professional or amateur  
13 boxing, sparring or wrestling match or exhibition in this state. Such  
14 tax shall be imposed on such gross receipts, exclusive of any federal  
15 taxes, as follows:

16 (a) three percent of gross receipts from ticket sales, except that in  
17 no event shall the tax imposed by this [subdivision] paragraph exceed  
18 fifty thousand dollars for any match or exhibition;

19 (b) three percent of gross receipts from broadcasting rights, except  
20 that in no event shall the tax imposed by this [subdivision] paragraph  
21 exceed fifty thousand dollars for any match or exhibition.

22 2. On and after the effective date of this subdivision, a tax is here-  
23 by imposed and shall be paid upon the gross receipts of every person  
24 holding any professional mixed martial arts match or exhibition in this  
25 state. Such tax shall be imposed on such gross receipts, exclusive of  
26 any federal taxes, as follows:

27 (a) eight and one-half percent of gross receipts from ticket sales;  
28 and

29 (b) three percent of gross receipts from broadcasting rights, except  
30 that in no event shall the tax imposed by this paragraph exceed fifty  
31 thousand dollars for any match or exhibition.

32 § 5. The article heading of article 19 of the tax law, as added by  
33 chapter 833 of the laws of 1987, is amended to read as follows:

34 BOXING [AND], WRESTLING AND PROFESSIONAL  
35 MIXED MARTIAL ARTS EXHIBITIONS TAX

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

39 (1) Any admission charge where such admission charge is in excess of  
40 ten cents to or for the use of any place of amusement in the state,  
41 except charges for admission to race tracks, boxing, sparring or wrestl-  
42 ing matches or exhibitions, or professional mixed martial arts matches  
43 or exhibitions which charges are taxed under any other law of this  
44 state, or dramatic or musical arts performances, or live circus perform-  
45 ances, or motion picture theaters, and except charges to a patron for  
46 admission to, or use of, facilities for sporting activities in which  
47 such patron is to be a participant, such as bowling alleys and swimming  
48 pools. For any person having the permanent use or possession of a box or  
49 seat or a lease or a license, other than a season ticket, for the use of  
50 a box or seat at a place of amusement, the tax shall be upon the amount  
51 for which a similar box or seat is sold for each performance or exhibi-  
52 tion at which the box or seat is used or reserved by the holder, licen-  
53 see or lessee, and shall be paid by the holder, licensee or lessee.

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

1 Boxing [and], wrestling and professional mixed martial arts exhibi-  
2 tions tax.

3 § 8. This act shall take effect on the first day of the first month  
4 next succeeding the one hundred twentieth day after it shall have become  
5 a law and shall apply to gross receipts from professional mixed martial  
6 arts matches or exhibitions held on or after that date, and shall expire  
7 and be deemed repealed on the last day of the month commencing 3 years  
8 after such effective date; provided, however, that effective immediate-  
9 ly, the addition, amendment and/or repeal of any rule or regulation of  
10 the state athletic commission necessary for the implementation of this  
11 act on its effective date is authorized and directed to be made and  
12 completed on or before such effective date.

13

## PART X

14 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the  
15 executive law relating to permitting the secretary of state to provide  
16 special handling for all documents filed or issued by the division of  
17 corporations and to permit additional levels of such expedited service,  
18 as amended by section 1 of part RR of chapter 59 of the laws of 2009, is  
19 amended to read as follows:

20 § 2. This act shall take effect immediately, provided however, that  
21 section one of this act shall be deemed to have been in full force and  
22 effect on and after April 1, 2003 and shall expire March 31, [2010]  
23 2011.

24 § 2. This act shall take effect immediately and shall be deemed to  
25 have been in full force and effect on and after March 31, 2010.

26

## PART Y

27 Section 1. Section 159-i of the executive law, as amended by section 4  
28 of part R of chapter 59 of the laws of 2009, is amended to read as  
29 follows:

30 § 159-i. Distribution of funds. For federal fiscal year two thousand  
31 [ten] eleven at least ninety percent of the community services block  
32 grant funds received by the state shall be distributed pursuant to a  
33 contract by the secretary to eligible entities as defined in subdivision  
34 one of section one hundred fifty-nine-e of this article. Each such  
35 eligible entity shall receive the same proportion of community services  
36 block grant funds as was the proportion of funds received in the imme-  
37 diately preceding federal fiscal year under the federal community  
38 services block grant program as compared to the total amount received by  
39 all eligible entities in the state, under the federal community services  
40 block grant program.

41 For federal fiscal year two thousand [ten] eleven the secretary shall,  
42 pursuant to section one hundred fifty-nine-h of this article, retain not  
43 more than five percent of the community services block grant funds for  
44 administration at the state level.

45 For federal fiscal year two thousand [ten] eleven the remainder of the  
46 community services block grant funds received by the state shall be  
47 distributed pursuant to a contract by the secretary in the following  
48 order of preference: a sum of up to one-half of one percent of the  
49 community services block grant funds received by the state to Indian  
50 tribes and tribal organizations as defined in this article, on the basis  
51 of need; and to community based organizations. Such remainder funds  
52 received by eligible entities will not be included in determining the

1 proportion of funds received by any such entity in the immediately  
2 preceding federal fiscal year under the federal community services block  
3 grant program.

4 § 2. Section 5 of chapter 728 of the laws of 1982, amending the execu-  
5 tive law relating to community services block grant programs, as amended  
6 by section 6 of part R of chapter 59 of the laws of 2009, is amended to  
7 read as follows:

8 § 5. This act shall take effect immediately provided, however, that  
9 section four hereof shall take effect October 1, 1982 and provided  
10 further, however, that the provisions of sections two, three and four of  
11 this act shall be in full force and effect only until September 30, 1983  
12 and section one of this act shall be in full force and effect until  
13 September 30, [2010] 2011, provided, however, that the distribution of  
14 funds pursuant to section 159-i of the executive law shall be limited to  
15 the federal fiscal year expressly set forth in such section.

16 § 3. Section 7 of chapter 710 of the laws of 1983, amending the execu-  
17 tive law relating to community services block grant programs, as amended  
18 by section 7 of part R of chapter 59 of the laws of 2009, is amended to  
19 read as follows:

20 § 7. This act shall take effect September 30, 1983 and shall be in  
21 full force and effect only until September 30, [2010] 2011 at which time  
22 the amendments and additions made pursuant to the provisions of this act  
23 shall be deemed to be repealed, provided, however, that the distribution  
24 of funds pursuant to section 159-i of the executive law shall be limited  
25 to the federal fiscal year expressly set forth in such section.

26 § 4. This act shall take effect immediately; provided, however, that  
27 the amendments to section 159-i of the executive law made by section one  
28 of this act shall not affect the expiration of such section as provided  
29 in section 5 of chapter 728 of the laws of 1982, as amended, and section  
30 7 of chapter 710 of the laws of 1983, as amended, and shall be deemed to  
31 expire therewith.

32

## PART Z

33 Section 1. Subparagraphs 7, 8 and 9 of paragraph (a) of section 112 of  
34 the not-for-profit corporation law, subparagraphs 7 and 9 as amended by  
35 chapter 1058 of the laws of 1971, are amended to read as follows:

36 (7) To enforce any right given under this chapter to members, a  
37 director or an officer of a Type B [or Type C] corporation. The attor-  
38 ney-general shall have the same status as such members, director or  
39 officer.

40 (8) [To compel the directors and officers, or any of them, of a Type  
41 B or Type C corporation which has been dissolved under section 1011  
42 (Dissolution for failure to file certificate of type of Not-for-Profit  
43 Corporation Law under section 113) to account for the assets of the  
44 dissolved corporation.

45 (9)] Upon application, ex parte, for an order to the supreme court at  
46 a special term held within the judicial district where the office of the  
47 corporation is located, and if the court so orders, to enforce any right  
48 given under this chapter to members, a director or an officer of a Type  
49 A corporation. For such purpose, the attorney-general shall have the  
50 same status as such members, director or officer.

51 § 2. Subparagraph 4 of paragraph (a) of section 113 of the not-for-  
52 profit corporation law, as amended by chapter 415 of the laws of 1974,  
53 is amended to read as follows:

1 (4) That under section 201 (Purposes) it is a Type ..... (insert A,  
2 B[, C] or D) not-for-profit corporation as defined in this chapter.

3 § 3. Section 114 of the not-for-profit corporation law, as added by  
4 chapter 847 of the laws of 1970, is amended to read as follows:

5 § 114. Visitation of supreme court.

6 Type B [and Type C] corporations, whether formed under general or  
7 special laws, with their books and vouchers, shall be subject to the  
8 visitation and inspection of a justice of the supreme court, or of any  
9 person appointed by the court for that purpose. If it appears by the  
10 verified petition of a member or creditor of any such corporation, that  
11 it, or its directors, officers or agents, have misappropriated any of  
12 the funds or property of the corporation, or diverted them from the  
13 purpose of its incorporation, or that the corporation has acquired prop-  
14 erty in excess of the amount which it is authorized by law to hold, or  
15 has engaged in any business other than that stated in its certificate of  
16 incorporation, the court may order that notice of at least eight days,  
17 with a copy of the petition, be served on the corporation and the  
18 persons charged with misconduct, requiring them to show cause at a time  
19 and place specified, why they should not be required to make and file an  
20 inventory and account of the property, effects and liabilities of such  
21 corporation with a detailed statement of its transactions during the  
22 twelve months next preceding the granting of such order. On the hearing  
23 of such application, the court may make an order requiring such invento-  
24 ry, account and statement to be filed, and proceed to take and state an  
25 account of the property and liabilities of the corporation, or may  
26 appoint a referee for that purpose. When such account is taken and  
27 stated, after hearing all the parties to the application, the court may  
28 enter a final order determining the amount of property so held by the  
29 corporation, its annual income, whether any of the property or funds of  
30 the corporation have been misappropriated or diverted to any other  
31 purpose than that for which such corporation was incorporated, and  
32 whether such corporation has been engaged in any activity not covered by  
33 its certificate of incorporation. An appeal may be taken from the order  
34 by any party aggrieved to the appellate division of the supreme court,  
35 and to the court of appeals, as in a civil action. No corporation shall  
36 be required to make and file more than one inventory and account in any  
37 one year, nor to make a second account and inventory, while proceedings  
38 are pending for the statement of an account under this section.

39 § 4. Paragraphs (b) and (c) of section 201 of the not-for-profit  
40 corporation law, paragraph (b) as amended by chapter 847 of the laws of  
41 1970 and paragraph (c) as amended by chapter 1058 of the laws of 1971,  
42 are amended and a new paragraph (d) is added to read as follows:

43 (b) A corporation, of a type and for a purpose or purposes as follows,  
44 may be formed under this chapter, provided consents required under any  
45 other statute of this state have been obtained:

46 Type A - A not-for-profit corporation of this type may be formed for  
47 any lawful non-business purpose or purposes including, but not limited  
48 to, any one or more of the following non-pecuniary purposes: civic,  
49 patriotic, political, social, fraternal, athletic, agricultural, horti-  
50 cultural, animal husbandry, and for a professional, commercial, indus-  
51 trial, trade or service association.

52 Type B - A not-for-profit corporation of this type may be formed for  
53 any one or more of the following non-business purposes: charitable,  
54 educational, religious, scientific, literary, cultural or for the  
55 prevention of cruelty to children or animals. Additionally, a [Type C -

1 A] not-for-profit corporation of this type may be formed for any lawful  
2 business purpose to achieve a lawful public or quasi-public objective.

3 Type D - A not-for-profit corporation of this type may be formed under  
4 this chapter when such formation is authorized by any other corporate  
5 law of this state for any business or non-business, or pecuniary or  
6 non-pecuniary, purpose or purposes specified by such other law, whether  
7 such purpose or purposes are also within types A[, ] or B[, C] above or  
8 otherwise.

9 (c) If a corporation is formed for purposes which are within both type  
10 A and type B above, it is a type B corporation. [If a corporation has  
11 among its purposes any purpose which is within type C, such corporation  
12 is a type C corporation.] A type D corporation is subject to all  
13 provisions of this chapter which are applicable to a type B corporation  
14 under this chapter unless provided to the contrary in, and subject to  
15 the contrary provisions of, the other corporate law authorizing forma-  
16 tion under this chapter of the type D corporation.

17 (d) Notwithstanding the provisions of any law to the contrary or any  
18 corporation's current designation as a type C corporation, any such  
19 corporation designated as type C shall be a type B corporation subject  
20 to all provisions of this chapter which are applicable to a type B  
21 corporation under this chapter.

22 § 5. Subparagraphs 2 and 4 of paragraph (a) of section 402 of the  
23 not-for-profit corporation law, subparagraph 2 as amended by chapter 847  
24 of the laws of 1970 and subparagraph 4 as amended by chapter 679 of the  
25 laws of 1985, are amended to read as follows:

26 (2) That the corporation is a corporation as defined in subparagraph  
27 (a) (5) of section 102 (Definitions); the purpose or purposes for which  
28 it is formed and the type of corporation it shall be under section 201  
29 (Purposes); and in the case of a Type [C] B corporation formed for any  
30 lawful business purpose or purposes, the lawful public or quasi-public  
31 objective which each business purpose will achieve.

32 (4) In the case of a Type A[, ] or Type B[, ] or Type C] corporation, the  
33 names and addresses of the initial directors. In the case of a Type D  
34 corporation, the names and addresses of the initial directors, if any,  
35 may but need not be set forth.

36 § 6. Subparagraph 3 of paragraph (a) of section 510 of the not-for-  
37 profit corporation law, as amended by chapter 847 of the laws of 1970,  
38 is amended to read as follows:

39 (3) If the corporation is, or would be if formed under this chapter,  
40 classified as a Type B [or Type C] corporation under section 201,  
41 (Purposes) such sale, lease, exchange or other disposition shall in  
42 addition require leave of the supreme court in the judicial district or  
43 of the county court of the county in which the corporation has its  
44 office or principal place of carrying out the [purposes] purposes for  
45 which it was formed.

46 § 7. Subparagraph (ii) of paragraph (a) of section 804 of the not-for-  
47 profit corporation law, as amended by chapter 139 of the laws of 1993,  
48 is amended to read as follows:

49 (ii) Every certificate of amendment of a corporation classified as  
50 type B [or type C] under section 201 (Purposes) which seeks to change or  
51 eliminate a purpose or power enumerated in the corporation's certificate  
52 of incorporation, or to add a power or purpose not enumerated therein,  
53 shall have endorsed thereon or annexed thereto the approval of a justice  
54 of the supreme court of the judicial district in which the office of the  
55 corporation is located. Ten days' written notice of the application for  
56 such approval shall be given to the attorney-general.

1 § 8. Paragraph (a) of section 907 of the not-for-profit corporation  
2 law is amended to read as follows:

3 (a) Where any constituent corporation or the consolidated corporation  
4 is, or would be if formed under this chapter, a Type B [or a Type C]  
5 corporation under section 201 (Purposes) of this chapter, no certificate  
6 shall be filed pursuant to section 904 (Certificate of merger or consol-  
7 idation; contents) or section 906 (Merger or consolidation of domestic  
8 and foreign corporations) until an order approving the plan of merger or  
9 consolidation and authorizing the filing of the certificate has been  
10 made by the supreme court, as provided in this section. A certified copy  
11 of such order shall be annexed to the certificate of merger or consol-  
12 idation. Application for the order may be made in the judicial district  
13 in which the principal office of the surviving or consolidated corpo-  
14 ration is to be located, or in which the office of one of the domestic  
15 constituent corporations is located. The application shall be made by  
16 all the constituent corporations jointly and shall set forth by affida-  
17 vit (1) the plan of merger or consolidation, (2) the approval required  
18 by section 903 (Approval of plan) or paragraph (b) of section 906 (Merg-  
19 er or consolidation of domestic and foreign corporations) for each  
20 constituent corporation, (3) the objects and purposes of each such  
21 corporation to be promoted by the consolidation, (4) a statement of all  
22 property, and the manner in which it is held, and of all liabilities and  
23 of the amount and sources of the annual income of each such corporation,  
24 (5) whether any votes against adoption of the resolution approving the  
25 plan of merger or consolidation were cast at the meeting at which the  
26 resolution as adopted by each constituent corporation, and (6) facts  
27 showing that the consolidation is authorized by the laws of the juris-  
28 dictions under which each of the constituent corporations is incorpo-  
29 rated.

30 § 9. Paragraphs (a) and (f) of section 908 of the not-for-profit  
31 corporation law are amended to read as follows:

32 (a) One or more domestic or foreign corporations which is, or would be  
33 if formed under this chapter, a type A or type [C] B corporation under  
34 section 201 (Purposes) may be merged or consolidated into a domestic or  
35 foreign corporation which is, or would be if formed under the laws of  
36 this state, a corporation formed under the business corporation law of  
37 this state if such merger or consolidation is not contrary to the law of  
38 the state of incorporation of any constituent corporation. With respect  
39 to such merger or consolidation, any reference in paragraph (b) of  
40 section 901 of this article or paragraph (b) of section 901 of the busi-  
41 ness corporation law to a corporation shall, unless the context other-  
42 wise requires, include both domestic and foreign corporations.

43 (f) Where any constituent corporation is, or would be if formed under  
44 this chapter, a Type [C] B corporation under section 201 (Purposes), no  
45 certificate shall be filed pursuant to this section until an order  
46 approving the plan of merger or consolidation and authorizing the filing  
47 of the certificate has been made by the supreme court, as provided in  
48 section 907 (Approval by the supreme court).

49 § 10. Paragraphs (b) and (c) of section 1001 of the not-for-profit  
50 corporation law, as amended by chapter 434 of the laws of 2006, are  
51 amended to read as follows:

52 (b) If the corporation is a Type B[, C] or D corporation and has no  
53 assets to distribute and no liabilities at the time of dissolution, the  
54 plan of dissolution shall include a statement to that effect.

55 (c) If the corporation is a Type B[, C] or D corporation and has no  
56 assets to distribute, other than a reserve not to exceed twenty-five

1 thousand dollars for the purpose of paying ordinary and necessary  
2 expenses of winding up its affairs including attorney and accountant  
3 fees, and liabilities not in excess of ten thousand dollars at the time  
4 of adoption of the plan of dissolution, the plan of dissolution shall  
5 include a statement to that effect.

6 § 11. Paragraphs (a) and (d) of section 1002 of the not-for-profit  
7 corporation law, as amended by chapter 434 of the laws of 2006, are  
8 amended to read as follows:

9 (a) Upon adopting a plan of dissolution and distribution of assets,  
10 the board shall submit it to a vote of the members, if any, and such  
11 plan shall be approved at a meeting of members by two-thirds vote as  
12 provided in paragraph (c) of section 613 (Vote of members); provided,  
13 however, that if the corporation is a Type B[, C] or D corporation,  
14 other than a corporation incorporated pursuant to article 15 (Public  
15 cemetery corporations), and has no assets to distribute, other than a  
16 reserve not to exceed twenty-five thousand dollars for the purpose of  
17 paying ordinary and necessary expenses of winding up its affairs includ-  
18 ing attorney and accountant fees, and liabilities not in excess of ten  
19 thousand dollars at the time of adoption of the plan of dissolution, the  
20 vote required by the corporation's board of directors for adoption of  
21 the plan of dissolution of such a corporation or by the corporation's  
22 members for the authorization thereof shall be:

23 (1) In the case of a vote by the board of directors: (i) the number of  
24 directors required under the certificate of incorporation, by-laws, this  
25 chapter and any other applicable law; or

26 (ii) if the number of directors actually holding office as such at the  
27 time of the vote to adopt the plan is less than the number required to  
28 constitute a quorum of directors under the certificate of incorporation,  
29 the by-laws, this chapter or any other applicable law, the remaining  
30 directors unanimously;

31 (2) In the case of a vote by the members, (i) the number of members  
32 required under the certificate of incorporation, by-laws, this chapter  
33 and any other applicable law; or (ii) by the vote of members authorized  
34 by an order of the supreme court pursuant to section 608 of this chapter  
35 permitting the corporation to dispense with the applicable quorum  
36 requirement.

37 Notice of a special or regular meeting of the board of directors or of  
38 the members entitled to vote on adoption and authorization or approval  
39 of the plan of dissolution shall be sent to all the directors and  
40 members of record entitled to vote. Unless otherwise directed by order  
41 of the supreme court pursuant to section 608 of this chapter, the notice  
42 shall be sent by certified mail, return receipt requested, to the last  
43 known address of record of each director and member not fewer than thir-  
44 ty, and not more than sixty days before the date of each meeting  
45 provided, however, that if the last known address of record of any  
46 director or member is not within the United States, the notice to such  
47 director shall be sent by any other reasonable means.

48 (d) The plan of dissolution and distribution of assets shall have  
49 annexed thereto the approval of a justice of the supreme court in the  
50 judicial district in which the office of the corporation is located in  
51 the case of a Type B[, C] or D corporation, and in the case of any other  
52 corporation which holds assets at the time of dissolution legally  
53 required to be used for a particular purpose, except that no such  
54 approval shall be required with respect to the plan of dissolution of a  
55 corporation, other than a corporation incorporated pursuant to article  
56 15 (Public cemetery corporations), which has no assets to distribute at

1 the time of dissolution, other than a reserve not to exceed twenty-five  
2 thousand dollars for the purpose of paying ordinary and necessary  
3 expenses of winding up its affairs including attorney and accountant  
4 fees, and liabilities not in excess of ten thousand dollars, and which  
5 has complied with the requirements of section 1001 (Plan of dissolution  
6 and distribution of assets) and this section applicable to such a corpo-  
7 ration. Application to the supreme court for an order for such approval  
8 shall be by verified petition, with the plan of dissolution and distrib-  
9 ution of assets and certified copies of the consents prescribed by this  
10 section annexed thereto, and upon ten days written notice to the attor-  
11 ney general accompanied by copies of such petition, plan and consents.  
12 In such case where approval of a justice of the supreme court is not  
13 required for a Type B[, C] or D corporation, a copy of such plan certi-  
14 fied under penalties of perjury shall be filed with the attorney general  
15 within ten days after its authorization.

16 § 12. Subparagraph 2 of paragraph (b) of section 1003 of the not-for-  
17 profit corporation law, as amended by chapter 434 of the laws of 2006,  
18 is amended to read as follows:

19 (2) By the attorney general in the case of a Type B[, C] or D corpo-  
20 ration, or any other corporation that holds assets at the time of  
21 dissolution legally required to be used for a particular purpose.

22 § 13. Subparagraph 6 of paragraph (a) of section 1012 of the not-for-  
23 profit corporation law, as amended by chapter 726 of the laws of 2005,  
24 is amended to read as follows:

25 (6) That, under section 201 (Purposes), it is a Type .....  
26 (Insert A, B[, C] or D) not-for-profit corporation.

27 § 14. Subparagraph 4 of paragraph (a) of section 1304 of the not-for-  
28 profit corporation law, as amended by chapter 847 of the laws of 1970  
29 and as renumbered by chapter 590 of the laws of 1982, is amended to read  
30 as follows:

31 (4) That the corporation is a foreign corporation as defined in  
32 subparagraph (a) (7) of section 102 (Definitions); the type of corpo-  
33 ration it shall be under section 201 (Purposes); a statement of its  
34 purposes to be pursued in this state and of the activities which it  
35 proposes to conduct in this state; a statement that it is authorized to  
36 conduct those activities in the jurisdiction of its incorporation; and  
37 in the case of a Type [C] B corporation that will pursue any lawful  
38 business purpose or purposes in this state, the lawful public or quasi-  
39 public objective which each business purpose will achieve.

40 § 15. Subparagraph 3 of paragraph (a) of section 1321 of the not-for-  
41 profit corporation law, as amended by chapter 847 of the laws of 1970,  
42 is amended to read as follows:

43 (3) [The] Notwithstanding the provisions of subparagraph (2) of para-  
44 graph (a) of this section, the corporation is a Type [C] B corporation  
45 under this chapter authorized to pursue any lawful business purpose or  
46 purposes in this state; its principal activities are conducted outside  
47 this state; the greater part of its property is located outside this  
48 state; and less than one half of its revenues for the preceding three  
49 fiscal years, or such portion thereof as the foreign corporation was in  
50 existence, was derived from sources within this state.

51 § 16. Paragraph (b) of section 1411 of the not-for-profit corporation  
52 law is amended to read as follows:

53 (b) Type of corporation. A local development corporation is a Type  
54 [C] B corporation under this chapter.

55 § 17. This act shall take effect immediately.



1

## PART AA

2 Section 1. Subdivision 1 of section 2976 of the public authorities  
3 law, as amended by section 1 of part X of chapter 85 of the laws of  
4 2002, is amended to read as follows:

5 1. Notwithstanding any other law to the contrary, public benefit  
6 corporations (which for purposes of this section shall include indus-  
7 trial development agencies created pursuant to title one of article  
8 eighteen-A of the general municipal law or any other provision of law  
9 and the New York city housing development corporation created pursuant  
10 to article twelve of the private housing finance law) which issue bonds,  
11 notes or other obligations shall pay to the state a bond issuance charge  
12 upon the issuance of such bonds in an amount determined pursuant to  
13 subdivision two of this section. Such charge shall be paid to the state  
14 department of taxation and finance, upon forms prescribed therefor, no  
15 later than fifteen days from the end of the month within which such  
16 bonds are issued.

17 § 2. This act shall take effect immediately.

18

## PART BB

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

23 § 2. This act shall take effect immediately and shall be deemed to  
24 have been in full force and effect on and after April 1, 2010.

25

## PART CC

26 Section 1. Expenditures of moneys appropriated in a chapter of the  
27 laws of 2010 to the energy research and development authority, under the  
28 research, development and demonstration program, from the special reven-  
29 ue funds - other/state operations, miscellaneous special revenue  
30 fund-339, energy research and planning account, and special revenue  
31 funds - other/aid to localities, miscellaneous special revenue fund -  
32 339, energy research and planning account shall be subject to the  
33 provisions of this section. Notwithstanding the provisions of subdivi-  
34 sion 4-a of section 18-a of the public service law, all moneys committed  
35 or expended shall be reimbursed by assessment against gas corporations  
36 and electric corporations as defined in section 2 of the public service  
37 law, and the total amount which may be charged to any gas corporation  
38 and any electric corporation shall not exceed one cent per one thousand  
39 cubic feet of gas sold and .010 cent per kilowatt-hour of electricity  
40 sold by such corporations in their intrastate utility operations in  
41 calendar year 2008. Such amounts shall be excluded from the general  
42 assessment provisions of subdivision 2 of section 18-a of the public  
43 service law, but shall be billed and paid in the manner set forth in  
44 such subdivision and upon receipt shall be paid to the state comptroller  
45 for deposit in the state treasury for credit to the miscellaneous  
46 special revenue fund. The director of the budget shall not issue a  
47 certificate of approval with respect to the commitment and expenditure  
48 of moneys hereby appropriated until the chair of such authority shall  
49 have submitted, and the director of the budget shall have approved, a  
50 comprehensive financial plan encompassing all moneys available to and  
51 all anticipated commitments and expenditures by such authority from any

1 source for the operations of such authority. Copies of the approved  
2 comprehensive financial plan shall be immediately submitted by the  
3 director of the budget to the chairs and secretaries of the legislative  
4 fiscal committees.

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, 2010.

7

## PART DD

8 Section 1. Subdivisions 1 and 2 of section 27-1905 of the environ-  
9 mental conservation law, subdivision 1 as amended by section 1 of part  
10 E1 of chapter 63 of the laws of 2003 and subdivision 2 as amended by  
11 chapter 200 of the laws of 2008, are amended to read as follows:

12 1. [Until December thirty-first, two thousand ten, accept] Accept from  
13 a customer, waste tires of approximately the same size and in a quantity  
14 equal to the number of new tires purchased or installed by the customer;  
15 and

16 2. [Until December thirty-first, two thousand ten, post] Post written  
17 notice in a prominent location, which must be at least eight and one-  
18 half inches by fourteen inches in size and contain the following  
19 language:

20 "New York State law requires us to accept and manage waste tires from  
21 vehicles in exchange for an equal number of new tires that we sell or  
22 install. Tire retailers are required to charge a separate and distinct  
23 waste tire management and recycling fee of \$2.50 for each new tire sold.

24 The retailers in addition are authorized, at their sole discretion, to  
25 pass on waste tire management and recycling costs to tire purchasers.  
26 Such costs may be included as part of the advertised price of the new  
27 tire, or charged as a separate per-tire charge in an amount not to  
28 exceed \$2.50 on each new tire sold."

29 The written notice shall also contain one of the following statements  
30 at the end of the aforementioned language and as part of the notice,  
31 which shall accurately indicate the manner in which the tire service  
32 charges for waste tire management and recycling costs, and the amount of  
33 any charges that are separately invoiced for such costs:

34 "Our waste tire management and recycling costs are included in the  
35 advertised price of each new tire.", or

36 "We charge a separate per-tire charge of \$\_\_\_\_\_ on each new tire sold  
37 that will be listed on your invoice to cover our waste tire management  
38 and recycling costs."

39 § 2. Subdivisions 2, 3 and 5 of section 27-1907 of the environmental  
40 conservation law, as added by section 3 of part V1 of chapter 62 of the  
41 laws of 2003, are amended to read as follows:

42 2. The owner or operator of a noncompliant waste tire stockpile shall,  
43 at the department's request, submit to and/or cooperate with any and all  
44 remedial measures necessary for the abatement of noncompliant waste tire  
45 stockpiles with funds from the waste [tire] management and [recycling]  
46 cleanup fund pursuant to section ninety-two-bb of the state finance law.

47 3. No later than two years from the effective date of this title, the  
48 department shall publish requests for proposals to seek contractors to  
49 prepare whole and mechanically processed waste tires situated at noncom-  
50 pliant waste tire stockpiles for arrangement in accordance with fire  
51 safety requirements and for removal for appropriate processing, recycl-  
52 ing or beneficial use. Disposal will be considered only as a last  
53 option. The expenses of remedial and fire safety activities at a noncom-  
54 pliant waste tire stockpile shall be paid by the person or persons who

1 owned, operated or maintained the noncompliant waste tire stockpile, or  
2 from the waste [tire] management and [recycling] cleanup fund and shall  
3 be a debt recoverable by the state from all persons who owned, operated  
4 or maintained the noncompliant waste tire stockpile, and a lien and  
5 charge may be placed on the premises upon which the noncompliant waste  
6 tire stockpile is maintained and upon any real or personal property,  
7 equipment, vehicles, and inventory controlled by such person or persons.  
8 Moneys recovered shall be paid to the waste [tire] management and [recy-  
9 cling] cleanup fund established pursuant to section ninety-two-bb of the  
10 state finance law.

11 5. The department shall make all reasonable efforts to recover the  
12 full amount of any funds expended from the waste [tire] management and  
13 [recycling] cleanup fund for abatement or remediation through litigation  
14 or cooperative agreements. Any and all moneys recovered, repaid or reim-  
15 bursed pursuant to this section shall be deposited with the comptroller  
16 and credited to such fund.

17 § 3. Subdivision 2 of section 27-1911 of the environmental conserva-  
18 tion law, as added by section 3 of part V1 of chapter 62 of the laws of  
19 2003, is amended to read as follows:

20 2. No moneys from the waste [tire] management and [recycling] cleanup  
21 fund shall be used to dispose of waste tires in a landfill unless the  
22 department has determined that it is not feasible to convert the waste  
23 tires to a beneficial use. Department-approved beneficial uses of scrap-  
24 tire-derived material for leachate collection systems, or gas collection  
25 systems in the construction or operation of a landfill are not consid-  
26 ered disposal.

27 § 4. Subdivisions 1, 2 and 4, the opening paragraph of subdivision 3  
28 and paragraph (a) of subdivision 6 of section 27-1913 of the environ-  
29 mental conservation law, subdivisions 1, 2 and 4 as amended by section 2  
30 of part E1 of chapter 63 of the laws of 2003, the opening paragraph of  
31 subdivision 3 as amended by section 1 of part E of chapter 686 of the  
32 laws of 2003 and paragraph (a) of subdivision 6 as added by chapter 200  
33 of the laws of 2008, are amended to read as follows:

34 1. [Until December thirty-first, two thousand ten, a] A waste tire  
35 management and recycling fee of two dollars and fifty cents shall be  
36 charged on each new tire sold. The fee shall be paid by the purchaser to  
37 the tire service at the time the new tire or new motor vehicle is  
38 purchased.

39 The waste tire management and recycling fee does not apply to:

40 (a) recapped or resold tires;  
41 (b) mail-order sales; or  
42 (c) the sale of new motor vehicle tires to a person solely for the  
43 purpose of resale provided the subsequent retail sale in this state is  
44 subject to such fee.

45 2. [Until December thirty-first, two thousand ten, the] The tire  
46 service shall collect the waste tire management and recycling fee from  
47 the purchaser at the time of the sale and shall remit such fee to the  
48 department of taxation and finance with the quarterly report filed  
49 pursuant to subdivision three of this section.

50 (a) The fee imposed shall be stated as an invoice item separate and  
51 distinct from the selling price of the tire.

52 (b) The tire service shall be entitled to retain an allowance of twen-  
53 ty-five cents per tire from fees collected.

54 [Until March thirty-first, two thousand eleven, each] Each tire  
55 service maintaining a place of business in this state shall make a  
56 return to the department of taxation and finance on a quarterly basis,

1 with the return for December, January, and February being due on or  
2 before the immediately following March thirty-first; the return for  
3 March, April, and May being due on or before the immediately following  
4 June thirtieth; the return for June, July, and August being due on or  
5 before the immediately following September thirtieth; and the return for  
6 September, October, and November being due on or before the immediately  
7 following December thirty-first.

8 4. All waste tire management and recycling fees collected by the  
9 department of taxation and finance shall be transferred to the waste  
10 [tire] management and [recycling] cleanup fund pursuant to section nine-  
11 ty-two-bb of the state finance law.

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

26 § 5. The opening paragraph and subdivision 1 of section 27-1915 of the  
27 environmental conservation law, as added by section 3 of part V1 of  
28 chapter 62 of the laws of 2003, are amended to read as follows:

29 [Funds from the waste] Waste tire management and recycling fees shall  
30 be deposited in the waste management and cleanup fund established in  
31 section ninety-two-bb of the state finance law, and shall be made avail-  
32 able for the following purposes:

33 1. costs of the department for the following:

34 (a) first-year costs:

35 (i) enumeration and assessment of noncompliant waste tire stockpiles;  
36 and

37 (ii) aerial reconnaissance to locate, survey and characterize sites  
38 environmentally, for remote sensing, special analysis and scanning;

39 (b) abatement of noncompliant waste tire stockpiles; and

40 (c) administration and enforcement of the requirements of this  
41 [section] article, exclusive of titles thirteen and fourteen.

42 § 6. Section 92-bb of the state finance law, as added by section 4 of  
43 part V1 of chapter 62 of the laws of 2003, is amended to read as  
44 follows:

45 § 92-bb. Waste [tire] management and [recycling] cleanup fund. 1.  
46 There is hereby established in the joint custody of the state comp-  
47 troller and the commissioner of the department of taxation and finance a  
48 special fund to be known as the "waste [tire] management and [recycling]  
49 cleanup fund".

50 2. The waste [tire] management and [recycling] cleanup fund shall  
51 consist of all revenue collected from waste tire management and recycl-  
52 ing fees pursuant to section 27-1913 of the environmental conservation  
53 law and any cost recoveries or other revenues collected pursuant to  
54 title nineteen of article twenty-seven of the environmental conservation  
55 law, and any other monies deposited into the fund pursuant to law.



1 3. Moneys of the fund, following appropriation by the legislature,  
2 shall be used for execution of waste tire management and recycling  
3 pursuant to title nineteen of article twenty-seven of the environmental  
4 conservation law, and expended for the purposes as set forth in section  
5 27-1915 of the environmental conservation law.

6 § 7. This act shall take effect immediately and shall be deemed to  
7 have been in full force and effect on and after April 1, 2010.

8 PART EE

9 Section 1. Article 3 of the environmental conservation law is amended  
10 by adding a new title 5 to read as follows:

11 TITLE 5

12 UNIFORM REQUIREMENTS FOR PUBLIC NOTICES

13 Section 3-0501. Definition.

14 3-0503. Public notice requirements.

15 § 3-0501. Definition.

16 For purposes of this title "newspaper" shall have the same meaning as  
17 that term is defined in section sixty of the general construction law.

18 § 3-0503. Public notice requirements.

19 1. Notwithstanding any inconsistent provision of this chapter, when  
20 publication of a notice in a newspaper is required by any provision of  
21 this chapter, it shall be by publication not more than once in a newspa-  
22 per covering the area which will be affected by the action.

23 2. If a notice is required under any provision of this chapter to be  
24 published both in a newspaper and in the environmental notice bulletin,  
25 the state register, or the procurement opportunities newsletter  
26 published by the department of economic development pursuant to article  
27 four-C of the economic development law, an abbreviated notice may be  
28 published in the newspaper. The abbreviated notice shall include the  
29 internet address and date of publication of the environmental notice  
30 bulletin, state register or procurement opportunities newsletter in  
31 which the full notice appears and a summary description of the action  
32 subject to the notice. The summary description shall be reasonably  
33 calculated to provide the general public notice of the nature of the  
34 action under consideration.

35 § 2. Paragraph b of subdivision 4 of section 9-0505 of the environ-  
36 mental conservation law, as amended by chapter 322 of the laws of 1999,  
37 is amended and a new subdivision 5 is added to read as follows:

38 b. The public notice of the sale of such materials shall be a notice  
39 describing the materials and location thereof, the date when and place  
40 where bids will be opened and the address at which said forms and  
41 specific details of the sale may be obtained. Such notice shall be  
42 printed in the [Procurement Opportunity Newsletter] procurement opportu-  
43 nities newsletter, and in [such other newspapers as will be most likely  
44 to give adequate notice of the sale of such materials, for such time and  
45 in such manner as shall be determined by the commissioner] a newspaper  
46 in accordance with the requirements of title five of article three of  
47 this chapter.

48 5. Notwithstanding subdivision three of section one hundred twelve of  
49 the state finance law, if the value or estimated value of the trees,  
50 timber or other forest products does not exceed fifty thousand dollars,  
51 the contract may be executed by the department and shall be valid and  
52 enforceable without first being approved by the state comptroller and  
53 filed in his or her office.

1 § 3. Paragraph b of subdivision 3 of section 15-0514 of the environ-  
2 mental conservation law, as amended by chapter 968 of the laws of 1984,  
3 is amended to read as follows:

4 b. Notice of each public hearing shall be by publication in a newspa-  
5 per most likely to give notice to the people residing within the primary  
6 water supply aquifer. Notice of [such] each hearing shall be printed [at  
7 least once in each of three successive weeks, but the] in accordance  
8 with the requirements of title five of article three of this chapter. A  
9 hearing shall not be conducted less than thirty days following the date  
10 of [first] publication of notice of [such] the hearing.

11 § 4. Subdivision 2 of section 15-0903 of the environmental conserva-  
12 tion law, as amended by chapter 381 of the laws of 1982, is amended to  
13 read as follows:

14 2. Whenever a public hearing is to be held pursuant to this article,  
15 the notice of [such] the hearing shall be published in [such newspaper  
16 or newspapers as the department shall deem appropriate, once in each  
17 week for not more than four weeks. At least one publication shall be in  
18 a newspaper of general circulation in the area affected.] accordance  
19 with the requirements of title five of article three of this chapter.  
20 Notice [thereof] of the public hearing shall specify the subject matter  
21 of the hearing and state that on [a] the date [therein named] and at the  
22 place and time specified in the notice, the department will [cause such]  
23 hold a hearing [to be held at such place and time as it may specify  
24 therein,] for the purpose of receiving evidence and arguments from all  
25 persons and public corporations that may be affected by the proposed  
26 permit or project and shall have filed timely notices of appearance.  
27 The public notice shall specify the last day, not more than ten days  
28 prior to the day specified for the public hearing, on which notices of  
29 appearance may be filed with the department. Notices of appearance in  
30 opposition to the permit or project shall recite in the notice the  
31 interest of the person or public corporation filing such notice, and the  
32 specific grounds of objection to the permit or project. In the event  
33 that no notice of appearance in opposition to the proposed permit or  
34 project is filed within the time specified, the department may dispense  
35 with the public hearing and shall proceed to consider and examine the  
36 application, petition, maps, plans, proofs, arguments and other matters  
37 submitted in support of the proposed permit or project; provided, howev-  
38 er, that nothing herein contained shall authorize the denial of an  
39 application unless and until the applicant or petitioner has been  
40 afforded an opportunity to present proof and argument in support of the  
41 application. [The notice of hearing shall also specify the subject  
42 matter of the hearing in such detail as the department shall deem neces-  
43 sary.]

44 § 5. Subdivision 2 of section 15-1935 of the environmental conserva-  
45 tion law is amended to read as follows:

46 2. Bids or proposals for any such contract work shall be called for by  
47 publishing a notice thereof [once a week for two successive weeks in a  
48 newspaper published in each county affected by the proposed works, which  
49 the department shall select, and in such other papers as the department  
50 shall direct. The advertisements shall be limited to a brief  
51 description of the work proposed to be let with an announcement stating  
52 where the maps, plans and specifications are on exhibition, of the terms  
53 and conditions under which bids will be received, the time and place  
54 when the same will be opened and such other matters as may be necessary  
55 to carry out the provisions of title 19 of this article] in the procure-

1 ment opportunities newsletter published pursuant to article four-C of  
2 the economic development law.

3 § 6. Subdivision 2 of section 15-2307 of the environmental conserva-  
4 tion law is amended to read as follows:

5 2. Bids or proposals for any such work shall be called for by publish-  
6 ing a notice thereof [once a week for two successive weeks in a newspa-  
7 per published in each county affected by the proposed works which the  
8 department shall select and in such other papers as the department shall  
9 direct. The advertisements shall be limited to a brief description of  
10 the work proposed to be let with an announcement stating where the maps,  
11 plans and specifications are on exhibition, of the terms and conditions  
12 under which bids will be received, the time and place when the same will  
13 be opened and such other matters as may be necessary to carry out the  
14 provisions of title 23 of this article] in the procurement opportunities  
15 newsletter published pursuant to article four-C of the economic develop-  
16 ment law. The department is authorized to furnish copies of such  
17 contract plans and specifications to prospective bidders at a price  
18 which it shall find to be reasonable and to pay the funds so received  
19 into the river improvement district fund. Every bid or proposal must be  
20 in writing and be accompanied by a money deposit in the form of a draft  
21 or certified check upon some national or state bank or trust company  
22 within the state in good credit and payable at sight to the department  
23 for five per cent of the total amount of the proposal. In case the  
24 proposer to whom such contract shall be awarded shall fail or refuse to  
25 enter into such contract within the time fixed by the department, such  
26 deposit shall be forfeited to the department and paid by it into the  
27 river improvement district fund; otherwise such deposits shall be  
28 returned. The proposals received pursuant to the advertisement shall be  
29 publicly opened and read at the time and place designated. The depart-  
30 ment may reject any and all bids and re-advertise and award the contract  
31 in the manner herein provided whenever in its judgment the interests of  
32 the district will be enhanced thereby.

33 § 7. Subdivision 4 of section 23-0305 of the environmental conserva-  
34 tion law is amended to read as follows:

35 4. Any notice required by this article shall be given by the depart-  
36 ment by any one or more of the following methods: (a) personal service,  
37 (b) publication in [one or more issues of] a newspaper [of general  
38 circulation in the county where the land affected or some part thereof  
39 is situated] in accordance with the requirements of title five of arti-  
40 cle three of this chapter, or (c) by registered or certified mail  
41 addressed, postage prepaid, to the last known mailing address of the  
42 person or persons affected. The date of service shall be the date on  
43 which service was made in the case of personal service, the date of  
44 first publication in the case of notice by publication, and the date of  
45 mailing in the case of notice by mail. The notice shall specify the  
46 style and number of the proceeding, the time and place of the hearing,  
47 and shall briefly state the purpose of the proceeding. Should the  
48 department elect to give notice by personal service, such service may be  
49 made by any officer authorized to serve process, or by any agent of the  
50 department in the same manner as is provided by law for the service of  
51 process in civil actions in the courts of the state.

52 § 8. Section 27-0307 of the environmental conservation law, as added  
53 by chapter 726 of the laws of 1990, is amended to read as follows:

54 § 27-0307. Waste transporter permit revocation notifications.

55 After the issuance of an order of suspension or revocation of the  
56 permit of a waste transporter, the department shall publish notice of

1 [such] the suspension or revocation in a newspaper [or newspapers having  
2 a general circulation in the area or areas served by the permittee] in  
3 accordance with the requirements of title five of article three of this  
4 chapter and in the environmental notice bulletin published by the  
5 department. [Such] The notice shall include a statement that the  
6 permittee is no longer licensed or permitted to handle such waste. The  
7 department shall publish [such] the notice [once each week for two  
8 consecutive weeks with the first publication to be completed] on or  
9 before the fifteenth day following [such] the revocation or suspension.

10 § 9. Subdivisions 2 and 4 of section 33-1105 of the environmental  
11 conservation law are amended to read as follows:

12 2. The order shall continue in effect from year to year unless modi-  
13 fied or rescinded by the commissioner. Not later than February [15]  
14 fifteenth of each year, the commissioner shall give notice of the order  
15 by [publication in a newspaper of general circulation in the area  
16 affected] posting it on the department's public website. The notice  
17 shall state the terms of the order in general language and that the  
18 order will continue in effect for the period of time specified in the  
19 order, unless a petition for modification or rescission of the order,  
20 signed by ten or more grape growers or fifty or more persons not grape  
21 growers in the affected area, is filed with the commissioner on or  
22 before March [1] first of such year.

23 4. All orders shall be effected upon posting the same [prominently in  
24 at least five of the most public places within the affected area. They  
25 shall also be published in a newspaper having general circulation in the  
26 areas affected but such publication shall not be a condition precedent  
27 to their effectiveness] on the department's public website. The orders  
28 shall be made available for public inspection in the regional office of  
29 the counties affected by the orders. A copy of an order shall be  
30 provided to an individual upon request to the department.

31 § 10. Paragraph h of subdivision 2 of section 3-0301 of the environ-  
32 mental conservation law, as amended by chapter 274 of the laws of 1975,  
33 is amended to read as follows:

34 h. Conduct investigations and hold hearings and compel the attendance  
35 of witnesses and the production of accounts, books, documents, and  
36 nondocumentary evidence by the issuance of a subpoena. In any hearing  
37 required by this chapter on any permit, certificate, license or other  
38 form of department approval issued in connection with any regulatory  
39 program administered by the department, other than an enforcement order,  
40 the department may require an applicant to publish a notice, rent a  
41 hearing room and prepare a transcript associated with the proceeding or  
42 pay the cost of such notice publication, room rental and transcript  
43 preparation. Prior to commencing a hearing, the department may require  
44 an applicant to post a bond or other suitable undertaking to assure  
45 payment of such costs.

46 § 11. Subdivision 3 of section 70-0119 of the environmental conserva-  
47 tion law, as added by chapter 723 of the laws of 1977, is amended to  
48 read as follows:

49 3. The department may require an applicant to [pay the cost of rent-  
50 ing] publish a notice, rent a hearing room and [of preparing] prepare a  
51 transcript, or pay the cost of such notice publication, room rental and  
52 transcript preparation, associated with a public hearing conducted  
53 pursuant to this article. Prior to commencing a public hearing pursuant  
54 to this article, the department may require an applicant to post a bond  
55 or other suitable undertaking to assure payment of such costs.



1 § 12. Paragraph k of subdivision 2 of section 3-0301 of the environ-  
2 mental conservation law is amended to read as follows:

3 k. Report from time to time to the Governor [and make an annual report  
4 to the Governor] and the Legislature as the commissioner deems  
5 advisable.

6 § 13. Section 19-0317 of the environmental conservation law is  
7 REPEALED.

8 § 14. Section 23-2311 of the environmental conservation law is  
9 REPEALED.

10 § 15. Subdivision 11 of section 27-0305 of the environmental conserva-  
11 tion law is REPEALED.

12 § 16. Subdivisions 5 and 6 of section 27-0715 of the environmental  
13 conservation law are REPEALED.

14 § 17. Section 27-0920 of the environmental conservation law is  
15 REPEALED.

16 § 18. Subdivision 2 of section 33-1201 of the environmental conserva-  
17 tion law, as added by chapter 279 of the laws of 1996, is amended to  
18 read as follows:

19 2. The commissioner shall prepare an annual [report summarizing]  
20 summary of pesticide sales, quantity of pesticides used, category of  
21 applicator and region of application. The commissioner shall not provide  
22 the name, address, or any other information which would otherwise iden-  
23 tify a commercial or private applicator, or any person who sells or  
24 offers for sale restricted use or general use pesticides to a private  
25 applicator, or any person who received the services of a commercial  
26 applicator. In accordance with article six of the public officers law,  
27 proprietary information contained within such record, including price  
28 charged per product, shall not be disclosed. The [report] annual summary  
29 shall be [submitted to the governor, the temporary president of the  
30 senate and the speaker of the assembly, and shall be made available to  
31 all interested parties. The first report shall be submitted on July  
32 first, nineteen hundred ninety-eight and] published annually on the  
33 department's public website on or before July first [annually thereaft-  
34 er].

35 § 19. Section 47-0117 of the environmental conservation law is  
36 REPEALED.

37 § 20. Section 49-0109 of the environmental conservation law is  
38 REPEALED.

39 § 21. Section 53-0105 of the environmental conservation law is  
40 REPEALED.

41 § 22. Subdivisions 4, 5 and 6 of section 24-0301 of the environmental  
42 conservation law, as amended by chapter 654 of the laws of 1977, is  
43 amended to read as follows:

44 4. Upon completion of the tentative freshwater wetlands map for a  
45 particular area, the commissioner or his designated hearing officer  
46 shall hold a public hearing in that area in order to afford an opportu-  
47 nity for any person to propose additions or deletions from such map. The  
48 commissioner shall give notice of such hearing to each owner of record  
49 as shown on the latest completed tax assessment rolls, of lands desig-  
50 nated as such wetlands as shown on said map and also to the chief admin-  
51 istrative officer and clerk of each local government within the bounda-  
52 ries of which any such wetland or a portion thereof is located and, in  
53 the case of a tentative freshwater wetlands map for any area within the  
54 Adirondack park, to the Adirondack park agency, [by certified mail] not  
55 less than thirty days prior to the date set for such hearing and shall  
56 assure that a copy of the relevant map is available for public

1 inspection at a convenient location [in such local government]. The  
2 commissioner shall also cause notice of such hearing to be published [at  
3 least once] in the environmental notice bulletin and posted on the  
4 department's website, not more than thirty days nor fewer than ten days  
5 before the date set for such hearing[, in at least two newspapers having  
6 general circulation in the area where such wetlands are located].

7 5. After considering the testimony given at such hearing and any other  
8 facts which may be deemed pertinent, after considering the rights of  
9 affected property owners and the ecological balance in accordance with  
10 the policy and purposes of this article, and, in the case of wetlands or  
11 portions thereof within the Adirondack park, after consulting with the  
12 Adirondack park agency, the commissioner shall promulgate by order the  
13 final freshwater wetlands map. Such order shall not be promulgated less  
14 than sixty days from the date of the hearing required by subdivision  
15 four [hereof] of this section. A copy of the order, together with a  
16 copy of such map or relevant portion thereof shall be filed in the  
17 department's regional office [of the clerk of each local government] in  
18 the region in which each such wetland or a portion thereof is located  
19 and posted on the department's website and, in the case of a map for any  
20 area within the Adirondack park, with the Adirondack park agency. At  
21 the request of a local government, the department shall send the map,  
22 either as physical copy of the final freshwater wetlands map, or, if the  
23 local government prefers and it is available, a digital file that  
24 represents it. The commissioner shall simultaneously give notice of  
25 [such] the order to each owner of lands, as shown on the latest  
26 completed tax assessment rolls, designated as such wetlands by mailing a  
27 copy of such order to such owner [by certified mail in any case where a  
28 notice by certified mail was not sent pursuant to subdivision four here-  
29 of, and in all other cases by first class mail]. The commissioner shall  
30 also give notice of such order at such time to the chief administrative  
31 officer of each local government within the boundaries of which any such  
32 wetland or a portion thereof is located. [At the time of filing with  
33 such clerk or clerks, the] The commissioner shall also cause a copy of  
34 such order to be published in [at least two newspapers having general  
35 circulation in the area where such wetlands are located] the environ-  
36 mental notice bulletin.

37 6. Except as provided in subdivision eight of this section, the  
38 commissioner shall supervise the maintenance of such boundary maps,  
39 which shall be available to the public for inspection and examination at  
40 the regional office of the department in which the wetlands are wholly  
41 or partly located and [in the office of the clerk of each county in  
42 which each such wetland or a portion thereof is located] on the depart-  
43 ment's website. The commissioner may readjust the map thereafter to  
44 clarify the boundaries of the wetlands, to correct any errors on the  
45 map, to effect any additions, deletions or technical changes on the map,  
46 and to reflect changes as have occurred as a result of the granting of  
47 permits pursuant to section 24-0703 of this article, or natural changes  
48 which may have occurred through erosion, accretion, or otherwise. Notice  
49 of such readjustment shall be given in the same manner as set forth in  
50 subdivision five of this section for the promulgation of final freshwa-  
51 ter wetlands maps.

52 § 23. Subdivisions 3, 4 and 5 of section 25-0201 of the environmental  
53 conservation law, subdivisions 3 and 4 as amended by chapter 598 of the  
54 laws of 1976, and subdivision 5 as added by chapter 790 of the laws of  
55 1973, are amended to read as follows:

1 3. Upon completion of a tentative tidal wetlands boundary map for a  
2 particular area, the commissioner or his designated hearing officer  
3 shall hold a public hearing in order to afford an opportunity for any  
4 person to propose additions or deletions from such map. The commissioner  
5 shall give notice of such hearing to each owner of record of all lands  
6 designated as such wetland as shown on such maps, and also to the chief  
7 administrative officer of each municipality within whose boundary any  
8 such wetland or portion thereof is located[, by certified mail, return  
9 receipt requested,] not less than thirty days prior to the date set for  
10 such hearing. The commissioner shall also cause notice of such hearing  
11 to be published [at least once] in the environmental notice bulletin and  
12 posted on the department's website, not more than thirty days nor fewer  
13 than ten days before the date set for such hearing[, in at least two  
14 newspapers having a general circulation in the area where such wetlands  
15 are located].

16 4. After considering the testimony given at such hearing and any other  
17 facts which may be deemed pertinent and after considering the rights of  
18 affected property owners and the policy and purposes of this act, the  
19 commissioner shall establish by order the final bounds of each such  
20 wetland. A copy of the order, together with a copy of the map depicting  
21 such final boundary lines, shall be filed in the department's regional  
22 office [of the clerk of the county] in the region in which each such  
23 wetland is located and posted on the department's website. At the  
24 request of a local government, the department shall send the map, either  
25 as physical copy of the final tidal wetlands map, or, if the local  
26 government prefers and it is available a digital file that represents  
27 it. The commissioner shall simultaneously give notice of [such] the  
28 order to each owner of all lands designated as such wetlands by mailing  
29 a copy of such order to such owner. The commissioner shall also simul-  
30 taneously give notice of such order [by certified mail] to the chief  
31 administrative officer of each municipality within whose boundary any  
32 such wetland or portion thereof is located. The commissioner shall also  
33 cause a copy of such order to be published in [at least two newspapers  
34 having a general circulation in the area where such wetlands are  
35 located] the environmental news bulletin.

36 5. Any person aggrieved by such order may seek judicial review pursu-  
37 ant to article seventy-eight of the civil practice law and rules in the  
38 supreme court for the county in which the tidal wetlands are located,  
39 within thirty days after the date of the filing of the order [with the  
40 clerk of the county in which such wetlands are located] in the depart-  
41 ment's regional office.

42 § 24. Subdivision 8 of section 27-0305 of the environmental conserva-  
43 tion law, as amended by chapter 739 of the laws of 1989, is amended to  
44 read as follows:

45 8. Such permit shall be renewed [annually] at least every five years.  
46 The fees for such permit or renewal shall be those established by [regu-  
47 lation promulgated pursuant to] title five of article [70] seventy-two  
48 of this chapter and shall be paid annually. A renewal may be denied by  
49 the department for failure of the applicant to properly report as  
50 provided in subdivision [7] seven of this section.

51 § 25. Subdivision 4 of section 72-0402 of the environmental conserva-  
52 tion law, as added by chapter 471 of the laws of 1985 and renumbered by  
53 chapter 62 of the laws of 1989, is amended to read as follows:

54 4. Bills issued for annual hazardous waste program fees shall be  
55 [estimated bills] based [either:

1 a. upon the actual activity of the preceding calendar year, as  
2 reported to the department, or as adjusted by the department to reflect  
3 non-recurring events or reporting errors, or

4 b. in those instances where actual activity cannot be determined or  
5 where the status of a person subject to the provisions of this title has  
6 changed since the issuance of the bill for the preceding year so that a  
7 different fee category is applicable, upon estimated activity for the  
8 current calendar year, as determined by the department] upon actual  
9 hazardous waste generated for the prior calendar year, as demonstrated  
10 to the department's satisfaction. During the first year of implementa-  
11 tion of this subdivision, bills will be based on the average quantity of  
12 hazardous waste generated for the previous three calendar years.

13 § 26. Subdivision 11 of section 9-1103 of the environmental conserva-  
14 tion law is REPEALED.

15 § 27. Subdivision 5 of section 9-1105 of the environmental conserva-  
16 tion law is REPEALED.

17 § 28. Section 9-1123 of the environmental conservation law is amended  
18 by adding a new article XV to read as follows:

19 ARTICLE XV

20 The provisions of Article IX of this compact which relate to mutual  
21 aid in combating, controlling or preventing forest fires shall be opera-  
22 tive as between any state party to this compact and any other state  
23 which is party to a regional forest fire protection compact in another  
24 region; provided that the legislature of such other state shall have  
25 given its consent to such mutual aid provisions of this compact.

26 § 29. This act shall take effect immediately.

27 PART FF

28 Section 1. Section 1421 of the tax law, as amended by section 1 of  
29 part T of chapter 59 of the laws of 2009, is amended to read as follows:

30 § 1421. Deposit and dispositions of revenues. From the taxes, interest  
31 and penalties attributable to the tax imposed pursuant to section four-  
32 teen hundred two of this article, the amount of [thirty-three and one-  
33 half million] one hundred ninety-nine million three hundred thousand  
34 dollars shall be deposited by the comptroller in the environmental  
35 protection fund established pursuant to section ninety-two-s of the  
36 state finance law for the fiscal year beginning April first, [nineteen  
37 hundred ninety-five] two thousand nine; the amount of [eighty-seven  
38 million dollars shall be deposited in such fund for the fiscal years  
39 beginning April first, nineteen hundred ninety-six and nineteen hundred  
40 ninety-seven; the amount of one hundred twelve million dollars shall be  
41 deposited in such fund for the fiscal years beginning April first, nine-  
42 teen hundred ninety-eight, nineteen hundred ninety-nine, two thousand,  
43 two thousand one, two thousand two, two thousand three, two thousand  
44 four and two thousand five; the amount of one hundred thirty-seven  
45 million dollars shall be deposited in such fund for the fiscal year  
46 beginning April first, two thousand six; the amount of two hundred  
47 twelve million dollars shall be deposited in such fund for the fiscal  
48 year beginning April first, two thousand seven; the amount of two  
49 hundred thirty-seven million dollars shall be deposited in such fund for  
50 the fiscal year beginning April first, two thousand eight; the amount of  
51 one hundred ninety-nine million three hundred thousand dollars shall be  
52 deposited in such fund for four fiscal years beginning April first, two  
53 thousand nine;] one hundred thirty-two million three hundred thousand  
54 dollars shall be deposited in such fund for the fiscal year beginning



1 April first, two thousand ten; and for each fiscal year thereafter[;  
2 provided however that at the direction of the director of the budget, an  
3 additional amount of up to twenty-five million dollars may be deposited  
4 in such fund for the fiscal year beginning April first, two thousand  
5 seven and ending March thirty-first, two thousand eight, for disposition  
6 as provided under such section]. On or before June twelfth, nineteen  
7 hundred ninety-five and on or before the twelfth day of each month ther-  
8 eafter (excepting the first and second months of each fiscal year), the  
9 comptroller shall deposit into such fund from the taxes, interest and  
10 penalties collected pursuant to such section fourteen hundred two of  
11 this article which have been deposited and remain to the comptroller's  
12 credit in the banks, banking houses or trust companies referred to in  
13 section one hundred seventy-one-a of this chapter at the close of busi-  
14 ness on the last day of the preceding month, an amount equal to one-  
15 tenth of the annual amount required to be deposited in such fund pursu-  
16 ant to this section for the fiscal year in which such deposit is  
17 required to be made. In the event such amount of taxes, interest and  
18 penalties so remaining to the comptroller's credit is less than the  
19 amount required to be deposited in such fund by the comptroller, an  
20 amount equal to the shortfall shall be deposited in such fund by the  
21 comptroller with subsequent deposits, as soon as the revenue is avail-  
22 able. Beginning April first, nineteen hundred ninety-seven, the comp-  
23 troller shall transfer monthly to the clean water/clean air fund estab-  
24 lished pursuant to section ninety-seven-bbb of the state finance law,  
25 all moneys remaining from such taxes, interest and penalties collected  
26 that are not required for deposit in the environmental protection fund.  
27 § 2. This act shall take effect immediately and shall be deemed to  
28 have been in full force and effect on and after April 1, 2010.

29

## PART GG

30 Section 1. Subdivision 3 of section 79-b of the navigation law, as  
31 separately amended by chapters 768 and 805 of the laws of 1992, is  
32 amended to read as follows:

33 3. The amount of state aid to be allocated to eligible governmental  
34 entities pursuant to this article shall be determined by the commission-  
35 er as hereinafter provided. [He] The commissioner shall determine the  
36 percentage proportion which the authorized expenditures of each individ-  
37 ual entity, not exceeding four hundred thousand dollars for each county  
38 including municipalities therein, shall bear to the total authorized  
39 expenditures of all entities. Such percentage proportion shall then be  
40 applied against an amount equal to [three-quarters] one-half of the  
41 total of the amount received by the state in each preceding program year  
42 in [fees] vessel registration fees as provided in section twenty-two  
43 hundred fifty-one of the vehicle and traffic law, less no more than  
44 thirty percent, subject to appropriation, which may be used by the  
45 commissioner and the commissioner of motor vehicles for administrative  
46 costs of the program, including training and equipment, and by the  
47 department of environmental conservation, the division of state police  
48 and other state agencies, subject to the approval of the commissioner,  
49 for the purposes of this article [for the registration of vessels], plus  
50 the entire amount received pursuant to subdivision nine of section  
51 forty-four of this chapter. The amount thus determined shall constitute  
52 the maximum amount of state aid to which each such entity shall be enti-  
53 tled; provided, however, that no entity shall receive state aid in an  
54 amount in excess of [seventy-five] fifty percent of its authorized



1 expenditures as approved by the commissioner for such program year. The  
2 commissioner shall certify to the comptroller the amount thus determined  
3 for each eligible local governmental entity as the amount of state aid  
4 to be apportioned to such eligible local governmental entity. The allo-  
5 cation of state aid to any county, town or village within the Lake  
6 George park shall not be reduced because of the allocation of state aid  
7 to the Lake George park commission. Of the remaining funds received by  
8 the state for the registration of vessels as provided in section twen-  
9 ty-two hundred fifty-one of the vehicle and traffic law, no less than  
10 six percent shall be made available to the commissioner for the expenses  
11 of the office in providing navigation law enforcement training and  
12 administering the provisions of this section.

13 § 2. This act shall take effect immediately and shall be deemed to  
14 have been in full force and effect on and after April 1, 2010.

15

## PART HH

16 Section 1. Subdivision 4 of section 27.17 of the parks, recreation and  
17 historic preservation law, as amended by chapter 88 of the laws of 1988,  
18 is amended to read as follows:

19 4. Not more than thirty percent of the snowmobile trail development  
20 and maintenance fund, as determined by the commissioner, shall be made  
21 available to the commissioner and the commissioner of environmental  
22 conservation for snowmobile trail development and maintenance and other  
23 recreational activities on state owned lands; provided, however, that  
24 any such maintenance and development on forest preserve lands shall be  
25 undertaken in accordance with the master plan for the management of  
26 state lands pursuant to section eight hundred sixteen of the executive  
27 law.

28 § 2. This act shall take effect immediately and shall be deemed to  
29 have been in full force and effect on and after April 1, 2010.

30 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
31 sion, section or part of this act shall be adjudged by any court of  
32 competent jurisdiction to be invalid, such judgment shall not affect,  
33 impair, or invalidate the remainder thereof, but shall be confined in  
34 its operation to the clause, sentence, paragraph, subdivision, section  
35 or part thereof directly involved in the controversy in which such judg-  
36 ment shall have been rendered. It is hereby declared to be the intent of  
37 the legislature that this act would have been enacted even if such  
38 invalid provisions had not been included herein.

39 § 3. This act shall take effect immediately provided, however, that  
40 the applicable effective date of Parts A through HH of this act shall be  
41 as specifically set forth in the last section of such Parts.

