

Amend Senate S1509, Assembly A2009, A BUDGET BILL, AN ACT to amend part U of the laws of 2011, amending the real property tax law...

Page	Line	Amendment
Page 4,	Unnumbered line 41 (AN ACT CLAUSE)	After "(Part VV);" strike out "and"
Page 4,	Unnumbered line 43 (AN ACT CLAUSE)	After "(Part WW)" insert "; and to amend the tax law in relation to imposing a tax on Opioids (Part XX)"
Page 4,	Line 4,	After "through" strike out "WW" and insert "XX"
Page 12,	Line 51,	After "after" strike out "September" and insert "June"
Page 22,	Line 1,	After " <u>discretion.</u> " insert " <u>When providing notice of a tentative determination by causing it to be posted on the department's website, the commissioner also shall e-mail the parties required by law to receive such notice, to inform them that the notice of tentative determination has been posted on the website. Such notice of tentative determination shall not be deemed complete unless such emails have been sent.</u> "
Page 22,	Line 4,	After " <u>e-mail</u> " insert " <u>or posting</u> "
Page 22,	Line 13,	After " <u>website posting,</u> " insert " <u>or both</u> "
Page 22,	Line 15,	After " <u>subdivision</u> " insert " <u>When providing notice of a final determination by website posting, the commissioner also shall e-mail the parties required by law to receive such notice, to inform them that the notice of final determination has been posted on the website. Such notice of final determination shall not be deemed complete unless such emails have been sent.</u> "
Page 30,	Line 30,	Before "\$2,155,350" strike out "Over"
Page 36,	Between lines 25 and 26,	After "described in" strike out " <u>subdivision</u> " and insert " <u>subdivisions</u> "
Page 36,	Line 26,	After " <u>one</u> " insert " <u>or two</u> "
Page 36 ,	Line 27,	After " <u>such</u> " strike out " <u>subdivision.</u> " and insert " <u>subdivisions or, in the case of cooperative corporations described in subdivision two of this section, the tax imposed under section one hundred eighty-six-a of the tax law.</u> "
Page 49,	Line 48,	After " <u>equipment system,</u> " strike out " <u>or</u> "
Page 49,	Line 49,	After " <u>storage system</u> " insert " <u>, or fuel-flexible linear generator</u> "
Page 49,	Line 50,	After "(1)" strike out " <u>and</u> " and insert " <u>,</u> " and After "(n)" insert " <u>, and (o)</u> "

Page	Line	Amendment
Page 50,	Line 17,	<p>After "§ 2." insert "Section 490 of the real property tax law, as amended by chapter 87 of the laws of 2001, is amended to read as follows:</p> <p>§ 490. Exemption from special ad valorem levies and special assessments. Real property exempt from taxation pursuant to subdivision two of section four hundred, subdivision one of section four hundred four, subdivision one of section four hundred six, sections four hundred eight, four hundred ten, four hundred ten-a, four hundred ten-b, four hundred eighteen, four hundred twenty-a, four hundred twenty-b, four hundred twenty-two, four hundred twenty-six, four hundred twenty-seven, four hundred twenty-eight, four hundred thirty, four hundred thirty-two, four hundred thirty-four, four hundred thirty-six, four hundred thirty-eight, four hundred fifty, four hundred fifty-two, four hundred fifty-four, four hundred fifty-six, four hundred sixty-four, four hundred seventy-two, four hundred seventy-four, and four hundred eighty-five and subdivision ten of section four hundred eighty-seven of this chapter shall also be exempt from special ad valorem levies and special assessments against real property located outside cities and villages for a special improvement or service or a special district improvement or service and special ad valorem levies and special assessments imposed by a county improvement district or district corporation except (1) those levied to pay for the costs, including interest and incidental and preliminary costs, of the acquisition, installation, construction, reconstruction and enlargement of or additions to the following improvements, including original equipment, furnishings, machinery or apparatus, and the replacements thereof: water supply and distribution systems; sewer systems (either sanitary or surface drainage or both, including purification, treatment or disposal plants or buildings); waterways and drainage improvements; street, highway, road and parkway improvements (including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the right of way) and (2) special assessments payable in installments on an indebtedness including interest contracted prior to July first, nineteen hundred fifty-three, pursuant to section two hundred forty-two of the town law or pursuant to any other comparable provision of law.</p> <p>§ 3."</p>
Page 96,	Line 22,	After " <u>The tax</u> " insert " <u>is</u> "

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Page 96,	Lines 25 through 34,	<p>Strike out "<u>§ 1182. Imposition of compensating use tax. (a) Except to the extent that vapor products have already been or will be subject to the tax imposed by section eleven hundred eighty-one of this article, or are otherwise exempt under this article, there is hereby imposed a use tax on every use of vapor products by resident of this state.</u></p> <p><u>(b) The tax imposed by this section shall be at the rate of twenty percent of (1) the consideration given or contracted to be given for such vapor product purchased at retail; (2) the price at which items of the same kind of vapor products are sold by a manufacturer of such vapor products in the regular course of his or her business."</u> and insert "<u>§ 1182. Imposition of compensating use tax. (a) Except to the extent that vapor products have already been or will be subject to the tax imposed by section eleven hundred eighty-one of this article, or are otherwise exempt under this article, there is hereby imposed a use tax on every use within the state of vapor products: (1) purchased at retail; and (2) manufactured or processed by the user if items of the same kind are sold by him or her in the regular course of his or her business.</u></p> <p><u>(b) For purposes of paragraph one of subdivision (a) of this section, the tax shall be at the rate of twenty percent of the consideration given or contracted to be given for such vapor product purchased at retail. For purposes of paragraph two of subdivision (a) of this section, the tax shall be at the rate of twenty percent of the price at which such items of the same kind of vapor product are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of such vapor product by the person that manufactured or processed such vapor product shall not be deemed a taxable use by him or her."</u></p>
Page 97,	Line 21,	After " <u>vapor</u> " strike out " <u>produces</u> " and insert " <u>products</u> "
Page 98,	Line 4,	After " <u>of</u> " strike out " <u>authority</u> " and insert " <u>registration</u> "
Page 100,	Line 32,	After " <u>cannabis</u> " strike out " <u>related</u> "
Page 101,	Line 54,	After " <u>include,</u> " strike out " <u>but not limited to,</u> "
Page 101,	Line 56,	After " <u>cannabis</u> " insert " <u>, or such other cultivation related processes as determined by the executive director in regulation</u> "
Page 103,	Line 41,	After " <u>includes,</u> " strike out " <u>but is not limited to,</u> "

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Page 103,	Line 43,	After "products" insert ", or such other related processes as determined by the executive director in regulation"
Page 106,	Line 55,	After "products," strike out "and"
Page 106,	Line 55,	After "cannabis" insert ", and hemp cannabis"
Page 107,	Line 4,	After "products," strike out "including"
Page 107,	Line 4,	After "cannabis," insert "and hemp cannabis,"
Page 111,	Line 36,	After "use." strike out "1."
Page 112,	Lines 9 through 15,	Strike out "2. Notwithstanding subdivision one of this section: (a) possession of medical cannabis shall not be lawful under this article if it is smoked or grown in a public place, regardless of the form of medical cannabis stated in the patient's certification. (b) a person possessing medical cannabis under this chapter shall possess his or her registry identification card at all times when in immediate possession of medical cannabis."
Page 118,	Line 20,	After "employees" insert "; and the maintenance of such a labor peace agreement shall be an ongoing material condition of registration"
Page 124,	Line 50,	After "85." strike out "Collective bargaining." and insert "Regulations."
Page 124,	Line 51,	Strike out "86. Regulations."
Page 127,	Line 17,	After "employees" insert ", and the maintenance of such a labor peace agreement shall be an ongoing material condition of licensure"
Page 127,	Line 21,	After "state," strike out "or" and insert "and"
Page 127,	Line 23,	After "communities" insert ", the workforce"
Page 128,	Line 16,	After "revoked." insert "5. Each applicant must maintain a labor peace agreement with a bona-fide labor organization that is actively engaged in representing or attempting to represent the applicant's employees and the maintenance of such a labor peace agreement shall be an ongoing material condition of licensure."
Page 139,	Between lines 4 and 5,	After "shall" strike out "have a duty to"
Page 139,	Line 21,	After "cannabis" strike out "related"
Page 141,	Line 34 through 41,	Strike out "§ 85. Collective bargaining. 1. The executive director shall require all licensees under this article with more than twenty-five employees, including registered organizations"

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		authorized pursuant to section forty of this chapter to cultivate, process, distribute and sell adult-use cannabis products, to enter into a bona-fide collective bargaining agreement with a bona-fide labor organization. 2. The maintenance of such a collective bargaining agreement shall be an ongoing material condition of the entity's license."
Page 141,	Line 42,	After "\$" strike out "86." and insert "85."
Page 141,	Line 46,	After "hemp" insert "cannabis"
Page 142,	Line 13,	After "hemp" insert "cannabis"
Page 142,	Line 41,	After "as" strike out "a" and insert "an industrial"
Page 142,	Line 43,	After "of" insert "industrial"
Page 142,	Line 43,	After "hemp" insert "cannabis"
Page 142,	Line 48,	After "hemp" insert "cannabis"
Page 142,	Line 48,	After "hemp" insert "cannabis"
Page 153,	Between lines 18 and 19,	After "regulations," strike out "in consultation with the commissioner of the department of health,"
Page 154,	Line 45,	After "However," insert "counties and,"
Page 167,	Lines 34 through 35,	After " <u>thereof;</u> " strike out " <u>the resin extracted from any part of the plant;</u> "
Page 167,	Line 36,	After " <u>plant,</u> " insert " <u>or</u> "
Page 167,	Line 36,	After " <u>seeds</u> " strike out " <u>or resin</u> "
Page 167,	Line 40,	Before " <u>, fiber</u> " strike out " <u>(except the resin extracted therefrom)</u> "
Pages 167 through 168,	Lines 55 through 6,	After "law," strike out "as amended by chapter 537 of the laws of 1998, is amended to read as follows: 4. one or more preparations, compounds, mixtures, or substances containing concentrated cannabis as defined in [paragraph (a) of subdivision four of section thirty-three hundred two of the public health law] <u>subdivision twenty-one of section 220.00 of this article</u> and said preparations, compounds, mixtures or substances are of an aggregate weight of one-fourth ounce or more; or" and insert "is REPEALED."
Page 168,	Lines 7 through 14,	After "law," strikeout "as amended by chapter 537 of the laws of 1998, is amended to read as follows:

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		10. one or more preparations, compounds, mixtures or substances containing concentrated cannabis as defined in [paragraph (a) of subdivision four of section thirty-three hundred two of the public health law] <u>subdivision twenty-one of section 220.00 of this article</u> and said preparations, compounds, mixtures or substances are of an aggregate weight of one ounce or more; or" and insert "is REPEALED."
Page 168,	Lines 15 through 19,	After "law," strikeout "as amended by chapter 537 of the laws of 1998, is amended to read as follows: 3. concentrated cannabis as defined in [paragraph (a) of subdivision four of section thirty-three hundred two of the public health law] <u>subdivision twenty-one of section 220.00 of this article; or</u> " and insert "is REPEALED."
Page 169,	Line 16,	Before "one" insert "[" and after "hundred" insert "]"
Page 170,	Line 6,	After " <u>ten</u> " strike out " <u>ounces</u> " and insert " <u>grams</u> "
Page 172,	Line 31,	After "law" insert " <u>and the sole controlled substance involved is cannabis</u> "
Page 172,	Line 31,	After "of" strike out "article two hundred twenty-one" and insert "[article two hundred twenty-one] <u>section 221.05, 221.10, or 221.35</u> "
Page 172,	Lines 31 through 34,	After "law;" strike out "(ii) the sole controlled substance involved is [marijuana] <u>cannabis; and (iii)the conviction was only for a violation or violations[; and (iv) at least three years have passed since the offense occurred]."</u> Insert "[<u>(ii) the sole controlled substance involved is marijuana; (iii)the conviction was only for a violation or violations; and (iv) at least three years have passed since the offense occurred.] No defendant shall be required or permitted to waive eligibility for sealing pursuant to this paragraph as part of a plea of guilty, sentence or any agreement.</u> "
Page 172,	Between lines 34 and 35,	Insert "§ 27-a. Paragraph (h) and subparagraph (ii) of paragraph (i) of subdivision 1 of section 440.10 of the criminal procedure law, paragraph (h) as amended by chapter 332 of the laws of 2010 and subparagraph (ii) of paragraph (i) as amended by chapter 368 of the laws of 2015, are amended and a new paragraph (j) is added to read as follows: (h) The judgment was obtained in violation of a right of the defendant under the constitution of this state or of the United States; [or]"

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		<p>(ii) official documentation of the defendant's status as a victim of trafficking, compelling prostitution or trafficking in persons at the time of the offense from a federal, state or local government agency shall create a presumption that the defendant's participation in the offense was a result of having been a victim of sex trafficking, compelling prostitution or trafficking in persons, but shall not be required for granting a motion under this paragraph[.]; <u>or</u> (j) <u>The judgment occurred prior to the effective date of this paragraph and is a conviction for:</u> (i) <u>an offense as defined by section 221.05 or 221.10 of the penal law as in effect prior to the effective date of this paragraph, provided that the accusatory instrument that underlies the judgment does not include an allegation that the defendant possessed more than twenty-five grams of cannabis."</u></p>
Page 172,	Between lines 47 and 48,	After "law" strike out "and cannabis and concentrated cannabis as defined in section 220.00 of the penal law." and insert " <u>and any substance or combination of substances that impair, to any extent, physical or mental abilities."</u>
Page 173,	Line 15,	After "33." strike out "the paragraph heading and subparagraph (i) of"
Page 173,	Line 17,	After "2013," strike out "are amended" and Insert "is amended by adding a new subparagraph (i-a)"
Page 173,	Lines 18 through 34,	Strike out "Felony offenses. (i) A person who operates a vehicle (A) in violation of <u>subdivision four-a of section eleven hundred ninety-two of this article or in violation of subdivision two, two-a, three, or four [or four-a] of section eleven hundred ninety-two of this article after having been convicted of a violation of subdivision two, two-a, three, four or four-a of such section or of vehicular assault in the second or first degree, as defined, respectively, in sections 120.03 and 120.04 and aggravated vehicular assault as defined in section 120.04-a of the penal law or of vehicular manslaughter in the second or first degree, as defined, respectively, in sections 125.12 and 125.13 and aggravated vehicular homicide as defined in section 125.14 of such law, within the preceding ten years, or (B) in violation of paragraph (b) of subdivision two-a of section eleven hundred ninety-two of this article shall be guilty of a class E felony, and shall be punished by a fine of not less than one</u>

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		<p>thousand dollars nor more than five thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment." and insert "<u>(i-a) A violation of subdivision four-a of section eleven hundred ninety-two of this article shall be a class E felony, and shall be punishable by a fine of not less than one thousand dollars nor more than five thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.</u>"</p>
Page 173,	Line 35,	<p>Insert "§33-a. Paragraph (b) of subdivision 1 of section 1194 of the vehicle and traffic law, as amended by chapter 406 of the laws of 1988, is amended to read as follows: (b) Every person operating a motor vehicle which has been involved in an accident or which is operated in violation of any of the provisions of this chapter shall, at the request of a police officer, submit to a breath <u>and/or saliva</u> test to be administered by the police officer. If such test <u>or tests</u> indicate[s] that such operator has <u>consumed alcohol or drug or drugs</u>, the police officer may request such operator to submit to a chemical test in the manner set forth in subdivision two of this section."</p>
Page 179,	Between lines 38 and 39,	<p>After "trim" strike out "cannabis pursuant to the cannabis law"</p>
Page 194,	Between lines 43 and 44,	<p>Insert "§ 63-b. The criminal procedure law is amended by adding a new section 440.46-a to read as follows: <u>§ 440.46-a motion for resentence; persons convicted of certain marihuana offenses.</u> <u>1. A person currently serving a sentence for a conviction, whether by trial or by open or negotiated plea, who would not have been guilty of an offense or who would have been guilty of a lesser offense on and after the effective date of this section had this section been in effect at the time of his or her conviction may petition for a recall or dismissal of sentence before the trial court that entered the judgment of conviction in his or her case to request resentencing or dismissal in accordance with article two hundred twenty-one of the penal law.</u> <u>2. Upon receiving a motion under subdivision one of this section the court shall presume the movant satisfies the criteria in subdivision one of this section unless the party opposing the motion proves by clear and convincing evidence that the movant does not satisfy the criteria.</u> <u>If the movant satisfies the criteria in subdivision one of this section, the court shall grant the motion to vacate the sentence or to resentence because it is legally invalid. In exercising its discretion, the court may consider, but shall not be limited to, the following: a) the movant's criminal conviction</u></p>

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		<p>history, including the type of crimes committed, the extent of injury to victims, the length of prior prison commitments, and the remoteness of the crimes. (b) the movant's disciplinary record and record of rehabilitation while incarcerated. 3. A person who is serving a sentence and resentenced pursuant to subdivision two of this section shall be given credit for any time already served and shall be subject to supervision for one year following completion of his or her time in custody or shall be subject to whatever supervision time he or she would have otherwise been subject to after release, whichever is shorter, unless the court, in its discretion, as part of its resentencing order, releases the person from supervision. Such person is subject to parole supervision under section 60.04 of the penal law or post-release supervision under section 70.45 of the penal law by the designated agency and the jurisdiction of the court in the county in which the offender is released or resides, or in which an alleged violation of supervision has occurred, for the purpose of hearing petitions to revoke supervision and impose a term of custody. 4. Under no circumstances may resentencing under this section result in the imposition of a term longer than the original sentence, or the reinstatement of charges dismissed pursuant to a negotiated plea agreement. 5. A person who has completed his or her sentence for a conviction under the former article two hundred twenty-one of the penal law, whether by trial or open or negotiated plea, who would not have been guilty of an offense or who would have been guilty of a lesser offense on and after the effective date of this section had this section been in effect at the time of his or her conviction, may file an application before the trial court that entered the judgment of conviction in his or her case to have the conviction, in accordance with article two hundred twenty-one of the penal law: (a) dismissed because the prior conviction is now legally invalid and sealed in accordance with section 160.50 of this chapter; (b) redesignated (or "reclassified") as a violation and sealed in accordance with section 160.50 of this chapter; or (c) redesignated (reclassified) as a misdemeanor. 6. The court shall presume the petitioner satisfies the criteria in subdivision five unless the party opposing the application proves by clear and convincing evidence that the petitioner does not satisfy the criteria in subdivision five. Once the applicant satisfies the criteria in subdivision five, the court shall redesignate (or "reclassify") the conviction as a misdemeanor, redesignate (reclassify) the conviction as a violation and seal the conviction, or dismiss and seal the conviction as legally invalid under this section</p>

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		<p><u>had this section been in effect at the time of his or her conviction.7. Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subdivision five of this section. 8. Any felony conviction that is vacated and resentenced under subdivision two or designated as a misdemeanor or violation under subdivision six of this section shall be considered a misdemeanor or violation for all purposes. Any misdemeanor conviction that is vacated and resentenced under subdivision two of this section or designated as a violation under subdivision six of this section shall be considered a violation for all purposes. 9. If the court that originally sentenced the movant is not available, the presiding judge shall designate another judge to rule on the petition or application. 10. Nothing in this section is intended to diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant. 11. Nothing in this and related sections is intended to diminish or abrogate the finality of judgements in any case not falling within the purview of this section. 12. The provisions of this section shall apply equally to juvenile delinquency adjudications and dispositions under section five hundred one-e of the executive law if the juvenile would not have been guilty of an offense or would have been guilty of a lesser offense under this section had this section been in effect at the time of his or her conviction. 13. The office of court administration shall promulgate and make available all necessary forms to enable the filing of the petitions and applications provided in this section no later than sixty days following the effective date of this section."</u></p>
Page 196,	Between Lines 45 and 45,	Insert New Part XX (LBD# 74056-02-9)
Page 196,	line 55,	After "through" strike out "WW" and insert "XX"