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Result List 1 Doc Links for CA BUS & PROF § 1647

Full Screen List  
Locate in Result  
Find citation:  Go  
Graphical Statutes

Full-Text Document  
• [Table of Contents](#)  
• [Versions](#)  
[Reg & Leg Center](#)

West's Ann.Cal.Bus. & Prof.Code § 1647  
§ 1647. Legislative findings and declarations  
Effective: [See Text Amendments] to December 31, 2005 Prior

West's Ann.Cal.Bus. & Prof.Code § 1647  
West's Annotated California Codes  
Business and Professions Code  
Division 2. Healing Arts  
Chapter 4. Dentistry  
Article 2.8. Use of Conscious Sedation  
• § 1647. Legislative findings and declarations

(a) The Legislature finds and declares that a commendable patient safety record has been maintained in the past by dentists and those other qualified providers of anesthesia services who, pursuant to a dentist's authorization, administer patient sedation, and that the increasing number of pharmaceuticals and techniques used to administer them for patient sedation require additional regulation to maintain patient safety in the future.

(b) The Legislature further finds and declares all of the following:

(1) That previous laws enacted in 1980 contained separate and distinct definitions for general anesthesia and the state of consciousness.

(2) That in dental practice, there is a continuum of sedation used which cannot be adequately defined in terms of consciousness and general anesthesia.

(3) That the administration of sedation through this continuum results in different states of consciousness that may or may not be predictable in every instance.

(4) That in most instances, the level of sedation will result in a predictable level of consciousness during the entire time of sedation.

(c) The Legislature further finds and declares that the educational standards presently required for general anesthesia should be required when the degree of sedation in the continuum of sedation is such that there is a reasonable possibility that loss of consciousness may result, even if unintended. These degrees of sedation have been referred to as "deep conscious sedation" and "light general anesthesia" in dental literature. However, achieving the degree of sedation commonly referred to as "light conscious sedation," where a margin of safety exists wide enough to render unintended loss of consciousness unlikely, requires educational standards appropriate to the administration of the resulting predictable level of consciousness.

CREDIT(S)  
(Added by Stats.1986, c. 1382, § 3.)

West's Ann. Cal. Bus. & Prof. Code § 1647, CA BUS & PROF § 1647

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Result List

1 Doc

Links for

CA CIV PRO § 618

Full Screen List  
Locate in Result

Find citation:  Go

Graphical Statutes

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann.Cal.C.C.P. § 618

§ 618. Verdict: polling jury

Effective: [See Text Amendments] to December 31, 2007 Prior



West's Ann.Cal.C.C.P. § 618

West's Annotated California Codes  
 Code of Civil Procedure  
 Part 2. Of Civil Actions  
 Title 8. Of the Trial and Judgment in Civil Actions  
 Chapter 4. Trial by Jury  
 Article 2. Conduct of the Trial  
 •§ 618. Verdict; polling jury

No blue underlined text

When the jury, or three-fourths of them, have agreed upon a verdict, they must be conducted into court and the verdict rendered by their foreman. The verdict must be in writing, signed by the foreman, and must be read to the jury by the clerk, or by the court, if there be no clerk, and the inquiry made whether it is their verdict. Either party may require the jury to be polled, which is done by the court or clerk, asking each juror if it is his verdict. If upon such inquiry or polling, more than one-fourth of the jurors disagree thereto, the jury must be sent out again, but if no such disagreement be expressed, the verdict is complete and the jury discharged from the case.

CREDIT(S)

(Enacted 1872. Amended by Code Am.1880, c. 21, p. 10, § 3; Stats.1933, c. 744, p. 1875, § 102; Stats.1935, c. 722, p. 1956, § 9; Stats.1978, c. 258, p. 542, § 1.)

West's Ann. Cal. C.C.P. § 618, CA CIV PRO § 618

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Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)



**West's Ann.Cal.C.C.P. § 703.610**  
 § 703.610. Disposition of property pending final determination and appeal  
**Effective: [See Text Amendments] to December 31, 2002 Prior**

West's Ann.Cal.C.C.P. § 703.610

West's Annotated California Codes  
 Code of Civil Procedure  
 Part 2. Of Civil Actions  
 Title 9. Enforcement of Judgments  
 Division 2. Enforcement of Money Judgments  
 Chapter 4. Exemptions  
 Article 2. Procedure for Claiming Exemptions After Levy  
 • **§ 703.610. Disposition of property pending final determination and appeal**

No blue underlined text

(a) Except as otherwise provided by statute, the levying officer shall not release, sell, or otherwise dispose of the property for which an exemption is claimed until the final determination of the exemption.

(b) At any time while the exemption proceedings are pending, upon motion of the judgment creditor or a claimant, or upon its own motion, the court may make such orders for disposition of the property as may be proper under the circumstances of the case. Such an order may be modified or vacated by the court at any time during the pendency of the exemption proceedings upon such terms as are just.

(c) If an appeal of the determination of a claim of exemption is taken, notice of the appeal shall be given to the levying officer and the levying officer shall hold, release, or dispose of the property in accordance with the provisions governing enforcement and stay of enforcement of money judgments pending appeal.

CREDIT(S)

(Added by Stats.1982, c. 1364, p. 5153, § 2, operative July 1, 1983.)

West's Ann. Cal. C.C.P. § 703.610, CA CIV PRO § 703.610

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Result List  
1 Doc

Links for  
CA CIV PRO § 708.320

[Full Screen List](#)  
[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)



**West's Ann. Cal. C.C.P. § 708.320**  
 § 708.320, Lien on partnership interest: lien continued or extinguished  
**Effective: [See Text Amendments] to December 31, 2002 Prior**

West's Ann. Cal. C.C.P. § 708.320

West's Annotated California Codes  
 Code of Civil Procedure  
 Part 2. Of Civil Actions  
 Title 9. Enforcement of Judgments  
 Division 2. Enforcement of Money Judgments  
 Chapter 6. Miscellaneous Creditors' Remedies  
 Article 4. Charging Orders

■ **§ 708.320. Lien on partnership interest; lien continued or extinguished**

No blue underlined text

(a) Service of a notice of motion for a charging order on the judgment debtor and on the other partners or the partnership creates a lien on the judgment debtor's interest in the partnership.

(b) If a charging order is issued, the lien created pursuant to subdivision (a) continues under the terms of the order. If issuance of the charging order is denied, the lien is extinguished.

CREDIT(S)

(Added by Stats.1982, c. 1364, p. 5197, § 2, operative July 1, 1983.)

West's Ann. Cal. C.C.P. § 708.320, CA CIV PRO § 708.320

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Full-Text Document

- [Table of Contents](#)
- [Versions](#)

**West's Ann.Cal.C.C.P. § 724.060**  
 § 724.060. Form and contents of acknowledgment of satisfaction  
**Effective: [See Text Amendments] to December 31, 2004 Prior**

West's Ann.Cal.C.C.P. § 724.060

West's Annotated California Codes  
 Code of Civil Procedure  
 Part 2. Of Civil Actions  
 Title 9. Enforcement of Judgments  
 Division 5. Satisfaction of Judgment  
 Chapter 1. Satisfaction of Judgment

•§ 724.060. Form and contents of acknowledgment of satisfaction

No blue underlined text

(3) An acknowledgment of satisfaction of judgment shall contain the following information:

(1) The title of the court.

(2) The cause and number of the action.

(3) The names and addresses of the judgment creditor, the judgment debtor, and the assignee of record if any. If an abstract of the judgment has been recorded in any county, the judgment debtor's name shall appear on the acknowledgment of satisfaction of judgment as it appears on the abstract of judgment.

(4) The date of entry of judgment and of any renewals of the judgment and where entered in the records of the court.

(5) A statement either that the judgment is satisfied in full or that the judgment creditor has accepted payment or performance other than that specified in the judgment in full satisfaction of the judgment.

(6) A statement whether an abstract of the judgment has been recorded in any county and, if so, a statement of each county where the abstract has been recorded and the book and page of the county records where the abstract has been recorded, and a notice that the acknowledgment of satisfaction of judgment (or a court clerk's certificate of satisfaction of judgment) will have to be recorded with the county recorder of each county where the abstract of judgment has been recorded in order to release the judgment lien on real property in that county.

(7) A statement whether a notice of judgment lien has been filed in the office of the Secretary of State and, if such a notice has been filed, a statement of the file number of such notice, and a notice that the acknowledgment of satisfaction of judgment (or a court clerk's certificate of satisfaction of judgment) will have to be filed in that office in order to terminate the judgment lien on personal property.

(b) The acknowledgment of satisfaction of judgment shall be made in the manner of an acknowledgment of a conveyance of real property.

(c) The acknowledgment of satisfaction of judgment shall be executed and acknowledged by one of the following:

(1) The judgment creditor.

(2) The assignee of record.

(3) The attorney for the judgment creditor or assignee of record unless a revocation of the attorney's authority is filed.

CREDIT(S)

(Added by Stats.1982, c. 1364, p. 5228, § 2, operative July 1, 1983. Amended by Stats.1983, c. 155, § 21, eff. June 30, 1983, operative July 1, 1983.)

West's Ann. Cal. C.C.P. § 724.060, CA CIV PRO § 724.060

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[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)



**West's Ann.Cal.C.C.P. § 995.650**  
 § 995.650. Objection to sufficiency; certificate; affidavit  
**Effective: [See Text Amendments] to December 31, 2008 Prior**

West's Ann.Cal.C.C.P. § 995.650

West's Annotated California Codes  
 Code of Civil Procedure  
 Part 2. Of Civil Actions  
 Title 14. Miscellaneous Provisions  
 Chapter 2. Bonds and Undertakings  
 Article 6. Admitted Surety Insurers  
 • **§ 995.650. Objection to sufficiency; certificate; affidavit**

No blue underlined text

If an objection is made to the sufficiency of an admitted surety insurer, the person making the objection shall attach to and incorporate in the objection one or both of the following:

(a) The certificate of the county clerk of the county in which the court is located stating that the insurer has not been certified to the county clerk by the Insurance Commissioner as an admitted surety insurer or that the certificate of authority of the insurer has been surrendered, revoked, canceled, annulled, or suspended and has not been renewed.

(b) An affidavit stating facts that establish the insufficiency of the insurer.

CREDIT(S)

(Added by Stats.1982, c. 998, p. 3666, § 1.)

West's Ann. Cal. C.C.P. § 995.650, CA CIV PRO § 995.650

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Result List  
1 Doc

Links for  
CA CIV PRO § 1141.10

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[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)



**West's Ann.Cal.C.C.P. § 1141.10**  
 § 1141.10. Legislative findings and declarations and intent  
**Effective: [See Text Amendments] to December 31, 2003 Prior**

West's Ann.Cal.C.C.P. § 1141.10

West's Annotated California Codes  
 Code of Civil Procedure  
 Part 3. Of Special Proceedings of a Civil Nature  
 Title 3. Of Summary Proceedings  
 Chapter 2.5. Judicial Arbitration  
 •§ 1141.10. Legislative findings and declarations and intent

No blue underlined text

(a) The legislature finds and declares that litigation involving small civil claims has become so costly and complex as to make more difficult the efficient resolution of such civil claims that courts are unable to efficiently resolve the increased number of cases filed each year, and that the resulting delays and expenses deny parties their right to a timely resolution of minor civil disputes. The Legislature further finds and declares that arbitration has proven to be an efficient and equitable method for resolving small claims, and that courts should encourage or require the use of arbitration for such actions whenever possible.

(b) It is the intent of the Legislature that:

- (1) Arbitration hearings held pursuant to this chapter shall provide parties with a simplified and economical procedure for obtaining prompt and equitable resolution of their disputes.
- (2) Arbitration hearings shall be as informal and private as possible and shall provide the parties themselves maximum opportunity to participate directly in the resolution of their disputes, and shall be held during nonjudicial hours whenever possible.
- (3) Members of the State Bar selected to serve as arbitrators should have experience with cases of the type under dispute and are urged to volunteer their services without compensation whenever possible.

CREDIT(S)

(Added by Stats.1978, c. 743, p. 2303, § 2, operative July 1, 1979.)

West's Ann. Cal. C.C.P. § 1141.10, CA CIV PRO § 1141.10

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END OF DOCUMENT

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

**West's Ann. Cal. C.C.P. § 1268.350**  
 § 1268.350. Rate of interest as apportionment rate; definitions  
**Effective: [See Text Amendments] to December 31, 2006 Prior**

West's Ann. Cal. C.C.P. § 1268.350

West's Annotated California Codes  
 Code of Civil Procedure  
 Part 3. Of Special Proceedings of a Civil Nature  
 Title 7. Eminent Domain Law  
 Chapter 11. Postjudgment Procedure  
 Article 4. Interest

• § 1268.350. Rate of interest as apportionment rate; definitions

No blue underlined text

(a) As used in this section:

(1) "Apportionment rate" means the apportionment rate calculated by the Controller as the rate of earnings by the Surplus Money Investment Fund for each six-month period.

(2) "Six-month period" means the period from January 1 to June 30 and the period from July 1 to December 31.

(b) The rate of interest payable under this article for each six-month period, or fraction thereof, for which interest is due, shall be the apportionment rate for the immediately preceding six-month period.

(c) Each district office of the Department of Transportation shall quote the apportionment rate to any person upon request.

CREDIT(S)

(Added by Stats.1986, c. 1372, § 4.)

West's Ann. Cal. C.C.P. § 1268.350, CA CIV PRO § 1268.350

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Result List  
1 Doc

Links for  
CA CIV PRO § 1346

[Full Screen List](#)  
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[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)



West's Ann.Cal.C.C.P. § 1346

§ 1346, General fund; transfer to unclaimed property fund; adjustment of records: ...  
Effective: [See Text Amendments] to December 31, 2006 Prior

West's Ann.Cal.C.C.P. § 1346

West's Annotated California Codes  
Code of Civil Procedure  
Part 3. Of Special Proceedings of a Civil Nature  
Title 10. Unclaimed Property  
Chapter 3. Payment of Claims  
Article 2. Refund of Erroneous Receipts

•§ 1346. General fund; transfer to unclaimed property fund; adjustment of records; refund

Whenever any person has erroneously delivered any unclaimed money or other unclaimed property to the state or any officer or employee thereof, and such money or other property is deposited in, or transferred to, the General Fund, or is held by the Controller or Treasurer in the name of such fund, pursuant to the provisions of this title, such money or other property delivered in error, if cash, shall on order of the Controller, be transferred from the General Fund to the Unclaimed Property Fund, and, if other than cash, the records of the Controller and Treasurer shall be adjusted to show that it is held in the name of the proper account in the Unclaimed Property Fund; and any such money or other property may be refunded or returned to such person on order of the Controller, with the approval of the State Board of Control.

CREDIT(S)

(Added by Stats.1951, c. 1708, p. 3939, § 5. Amended by Stats.1978, c. 1183, p. 3825, § 9.)

West's Ann. Cal. C.C.P. § 1346, CA CIV PRO § 1346

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Full-Text Document

- [Table of Contents](#)
- [Versions](#)

**West's Ann.Cal.Bus. & Prof. Code § 1647.1**  
 § 1647.1. Definition; margin of safety; very young or handicapped individual  
**Effective: [See Text Amendments] to December 31, 2005 Prior**

West's Ann.Cal.Bus. & Prof.Code § 1647.1

West's Annotated California Codes  
 Business and Professions Code  
 Division 2. Healing Arts  
 Chapter 4. Dentistry  
 Article 2.8. Use of Conscious Sedation  
 •§ 1647.1. Definition; margin of safety; very young or handicapped individual

No blue underlined text

(a) As used in this article, "conscious sedation" means a minimally depressed level of consciousness produced by a pharmacologic or nonpharmacologic method, or a combination thereof, that retains the patient's ability to maintain independently and continuously an airway, and respond appropriately to physical stimulation and verbal command.

"Conscious sedation" does not include conditions resulting from the administration of oral medications or the administration of a mixture of nitrous oxide and oxygen, whether administered alone or in combination with each other.

(b) The drugs and techniques used in conscious sedation shall have a margin of safety wide enough to render unintended loss of consciousness unlikely.

(c) For the very young or handicapped individual, incapable of the usually expected verbal response, a minimally depressed level of consciousness for that individual should be maintained.

CREDIT(S)

(Added by Stats.1986, c. 1382, § 3.)

West's Ann. Cal. Bus. & Prof. Code § 1647.1, CA BUS & PROF § 1647.1

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END OF DOCUMENT

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Result List

1 Doc

Links for

CA CIV PRO § 1986

[Full Screen List](#)

[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

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West's Ann. Cal. C.C.P. § 1986

§ 1986: Subpoena; obtainable

Effective: [See Text Amendments] to December 31, 2007 Prior

West's Ann. Cal. C.C.P. § 1986

West's Annotated California Codes

Code of Civil Procedure

Part 4. Miscellaneous Provisions

Title 3. Of the Production of Evidence

Chapter 2. Means of Production

• **§ 1986. Subpoena; obtainable**

No blue underlined text

A subpoena is obtainable as follows:

- (a) To require attendance before a court, or at the trial of an issue therein, or upon the taking of a deposition in an action or proceeding pending therein, it is obtainable from the clerk of the court in which the action or proceeding is pending, or if there is no clerk then from a judge or justice of such court.
- (b) To require attendance before a commissioner appointed to take testimony by a court of a foreign country, or of the United States, or of any other state in the United States, or before any officer or officers empowered by the laws of the United States to take testimony, it may be obtained from the clerk of the superior court of the county in which the witness is to be examined.
- (c) To require attendance out of court, in cases not provided for in subdivision (a), before a judge, justice, or other officer authorized to administer oaths or take testimony in any matter under the laws of this state, it is obtainable from the judge, justice, or other officer before whom the attendance is required.

If the subpoena is to require attendance before a court, or at the trial of an issue therein, it is obtainable from the clerk, as of course, upon the application of the party desiring it. If it is obtained to require attendance before a commissioner or other officer upon the taking of a deposition, it must be obtained, as of course, from the clerk of the superior court of the county wherein the attendance is required upon the application of the party requiring it.

CREDIT(S)

(Enacted 1872. Amended by Stats.1907, c. 391, p. 730, § 1; Stats.1929, c. 110, p. 197, § 1; Stats.1957, c. 1904, p. 3321, § 2, operative Jan. 1, 1958; Stats.1979, c. 458, p. 1607, § 2.)

West's Ann. Cal. C.C.P. § 1986, CA CIV PRO § 1986

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END OF DOCUMENT

Result List  
1 Doc

Links for  
CA BUS & PROF § 1695.6

[Full Screen List](#)

[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann.Cal.Bus. & Prof.Code § 1695.6

§ 1695.6. Duties and responsibilities of committees

Effective: [See Text Amendments] to December 31, 2008 [Prior](#)

West's Ann.Cal.Bus. & Prof.Code § 1695.6

West's Annotated California Codes  
 Business and Professions Code  
 Division 2. Healing Arts  
 Chapter 4. Dentistry  
 Article 4.7. Diversion Program  
 ➔ **§ 1695.6. Duties and responsibilities of committees**

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Each committee shall have the following duties and responsibilities:

- (a) To evaluate those licentiates who request to participate in the diversion program according to the guidelines prescribed by the board and to consider the recommendations of any licentiates designated by the board to serve as consultants on the admission of the licentiate to the diversion program.
- (b) To review and designate those treatment facilities to which licentiates in a diversion program may be referred.
- (c) To receive and review information concerning a licentiate participating in the program.
- (d) To consider in the case of each licentiate participating in a program whether he or she may with safety continue or resume the practice of dentistry.
- (e) To perform such other related duties as the board may by regulation require.

CREDIT(S)

(Added by Stats.1982, c. 1261, p. 4630, § 1.)

West's Ann. Cal. Bus. & Prof. Code § 1695.6, CA BUS & PROF § 1695.6

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Result List  
1 Doc

Links for  
CA CORP § 114

[Full Screen List](#)  
[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

**West's Ann.Cal.Corp.Code § 114**  
 § 114. Financial statements and accounting items  
**Effective: [See Text Amendments] to December 31, 2006 Prior**

West's Ann.Cal.Corp.Code § 114

West's Annotated California Codes  
 Corporations Code  
 Title 1. Corporations  
 Division 1. General Corporation Law  
 Chapter 1. General Provisions and Definitions  
 • **§ 114. Financial statements and accounting items**

No blue underlined text

All references in this division to financial statements, balance sheets, income statements and statements of changes in financial position of a corporation and all references to assets, liabilities, earnings, retained earnings and similar accounting items of a corporation mean such financial statements or such items prepared or determined in conformity with generally accepted accounting principles then applicable, fairly presenting in conformity with generally accepted accounting principles the matters which they purport to present, subject to any specific accounting treatment required by a particular section of this division. Unless otherwise expressly stated, all references in this division to such financial statements mean, in the case of a corporation which has subsidiaries, consolidated statements of the corporation and such of its subsidiaries as are required to be included in such consolidated statements under generally accepted accounting principles then applicable and all references to such accounting items mean such items determined on a consolidated basis in accordance with such consolidated financial statements. Financial statements other than annual statements may be condensed or otherwise presented as permitted by authoritative accounting pronouncements.

CREDIT(S)

(Added by Stats.1975, c. 682, § 7, eff. Jan. 1, 1977. Amended by Stats.1977, c. 235, p. 1042, § 1.2.)

West's Ann. Cal. Corp. Code § 114, CA CORP § 114

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END OF DOCUMENT

Result List  
1 Doc

Links for  
CA CORP § 314

[Full Screen List](#)  
[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann.Cal.Corp.Code § 314

§ 314. Bylaws, minutes of meetings or resolutions: certified copies as prima facie evidence  
Effective: [See Text Amendments] to December 31, 2004 Prior

No blue underlined text

West's Ann.Cal.Corp.Code § 314

West's Annotated California Codes  
 Corporations Code  
 Title 1. Corporations  
 Division 1. General Corporation Law  
 Chapter 3. Directors and Management

§ 314. Bylaws, minutes of meetings or resolutions; certified copies as prima facie evidence

The original or a copy of the bylaws or of the minutes of any incorporators', shareholders', directors', committee or other meeting or of any resolution adopted by the board or a committee thereof, or shareholders, certified to be a true copy by a person purporting to be the secretary or an assistant secretary of the corporation, is prima facie evidence of the adoption of such bylaws or resolution or of the due holding of such meeting and of the matters stated therein.

CREDIT(S)

(Added by Stats.1975, c. 682, § 7, eff. Jan. 1, 1977.)

West's Ann. Cal. Corp. Code § 314, CA CORP § 314

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END OF DOCUMENT

Result List  
1 Doc

Links for  
CA CORP § 407

[Full Screen List](#)  
[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann.Cal.Corp.Code § 407

§ 407. Fractional shares

Effective: [See Text Amendments] to December 31, 2002 Prior

West's Ann.Cal.Corp.Code § 407

West's Annotated California Codes  
 Corporations Code  
 Title 1. Corporations  
 Division 1. General Corporation Law  
 Chapter 4. Shares and Share Certificates  
 • § 407. Fractional shares

No blue underlined text

A corporation may, but is not required to, issue fractions of a share originally or upon transfer. If it does not issue fractions of a share, it shall in connection with any original issuance of shares (a) arrange for the disposition of fractional interests by those entitled thereto, (b) pay in cash the fair value of fractions of a share as of the time when those entitled to receive such fractions are determined or (c) issue scrip or warrants in registered form, as certificated securities or uncertificated securities, or bearer form as certificated securities, which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip or warrants aggregating a full share; provided, however, that, if the fraction of a share which any person would otherwise be entitled to receive in a merger or reorganization is less than one-half of 1 percent of the total shares such person is entitled to receive, a merger or reorganization agreement may provide that fractions of a share will be disregarded or that shares issuable in the merger will be rounded off to the nearest whole share; and provided, further, that a corporation may not pay cash for fractional shares if such action would result in the cancellation of more than 10 percent of the outstanding shares of any class. A determination by the board of the fair value of fractions of a share shall be conclusive in the absence of fraud. A certificate for a fractional share shall, but scrip or warrants shall not unless otherwise provided therein, entitle the holder to exercise voting rights, to receive dividends thereon and to participate in any of the assets of the corporation in the event of liquidation. The board may cause scrip or warrants to be issued subject to the condition that they shall become void if not exchanged for full shares before a specified date or that the shares for which scrip or warrants are exchangeable may be sold by the corporation and the proceeds thereof distributed to the holder of the scrip or warrants or any other condition which the board may impose.

CREDIT(S)

(Added by Stats.1975, c. 682, § 7, eff. Jan. 1, 1977. Amended by Stats.1976, c. 641, § 12, eff. Jan. 1, 1977; Stats.1986, c. 766, § 12.)

West's Ann. Cal. Corp. Code § 407, CA CORP § 407

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Result List

1 Doc

Links for

CA BUS & PROF § 1706

Full Screen List

Locate in Result

Find citation:

Go

Graphical Statutes

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

**West's Ann.Cal.Bus. & Prof.Code § 1706**  
 § 1706. Marking of name or social security number on dentures  
**Effective: [See Text Amendments] to December 31, 2005 Prior**

West's Ann.Cal.Bus. & Prof.Code § 1706

West's Annotated California Codes  
 Business and Professions Code  
 Division 2. Healing Arts  
 Chapter 4. Dentistry  
 Article 5. Offenses Against This Chapter  
 • **§ 1706. Marking of name or social security number on dentures**

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underlined text

Every complete upper or lower denture fabricated by a licensed dentist, or fabricated pursuant to the dentist's work order, shall be marked with the patient's name or social security number, unless the patient objects. The initials of the patient may be shown alone, if use of the name of the patient is not practical. The markings shall be done during fabrication and shall be permanent, legible, and cosmetically acceptable. The exact location of the markings and the methods used to implant or apply them shall be determined by the dentist or dental laboratory fabricating the denture. The dentist shall inform the patient that the markings are to be used for identification only and the patient shall have the choice of which marking is to appear on the dentures.

The dentist shall retain the records of those marked dentures and shall not release the records to any person except by enforcement officers, in the event of an emergency requiring personal identification by means of dental records, or to anyone authorized by the patient.

CREDIT(S)

(Added by Stats.1983, c. 110, § 1.)

West's Ann. Cal. Bus. & Prof. Code § 1706, CA BUS & PROF § 1706

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Result List  
1 Doc

Links for  
CA CORP § 1400

[Full Screen List](#)  
[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann.Cal.Corp.Code § 1400

§ 1400. Authorization to effect and carry out; powers and authority of corporation  
Effective: [See Text Amendments] to December 31, 2009 Prior



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West's Ann.Cal.Corp.Code § 1400

West's Annotated California Codes

Corporations Code

Title 1. Corporations

Division 1. General Corporation Law

Chapter 14. Bankruptcy Reorganizations and Arrangements

§ 1400. Authorization to effect and carry out; powers and authority of corporation

(a) Any domestic corporation with respect to which a proceeding has been initiated under any applicable statute of the United States, as now existing or hereafter enacted, relating to reorganizations or arrangements of corporations, has full power and authority to put into effect and carry out any plan of reorganization or arrangement and the orders of the court or judge entered in such proceeding and may take any proceeding and do any act provided in the plan or directed by such orders, without further action by its board or shareholders. Such power and authority may be exercised and such proceedings and acts may be taken, as may be directed by such orders, by the trustee or trustees of such corporation appointed in the reorganization or arrangement proceeding (or a majority thereof), or if none is appointed and acting, by officers of the corporation designated or a master or other representative appointed by the court or judge, with like effect as if exercised and taken by unanimous action of the board and shareholders of the corporation.

(b) Such corporation may, in the manner provided in subdivision (a), but without limiting the generality or effect of subdivision (a), alter, amend or repeal its bylaws; constitute or reconstitute its board and name, constitute or appoint directors and officers in place of or in addition to all or some of the directors or officers then in office; amend its articles; make any change in its capital stock; make any other amendment, change, alteration or provision authorized by this division; be dissolved, transfer all or part of its assets or merge as permitted by this division, in which case, however, no shareholder shall have any statutory dissenter's rights; change the location of its principal executive office or remove or appoint an agent to receive service of process; authorize and fix the terms, manner and conditions of the issuance of bonds, debentures or other obligations, whether or not convertible into shares of any class or bearing warrants or rights to purchase or subscribe to shares of any class; or lease its property and franchises to any corporation, if permitted by law.

CREDIT(S)

(Added by Stats.1975, c. 682, § 7, eff. Jan. 1, 1977.)

West's Ann. Cal. Corp. Code § 1400, CA CORP § 1400

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Result List  
1 Doc

Links for  
CA CORP § 1403

[Full Screen List](#)

[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann. Cal. Corp. Code § 1403

§ 1403. Filing fees

Effective: [See Text Amendments] to December 31, 2009 [Prior](#)

West's Ann. Cal. Corp. Code § 1403

West's Annotated California Codes

Corporations Code

Title 1. Corporations

Division 1. General Corporation Law

Chapter 14. Bankruptcy Reorganizations and Arrangements

• § 1403. Filing fees

No blue underlined text

For filing any certificate, agreement or other paper pursuant to this chapter there shall be paid to the Secretary of State the same fees as are payable by corporations not in reorganization or arrangement proceedings upon the filing of like certificates, agreements or other papers.

CREDIT(S)

(Added by Stats.1975, c. 682, § 7, eff. Jan. 1, 1977.)

West's Ann. Cal. Corp. Code § 1403, CA CORP § 1403

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Result List 1 Doc Links for CA CORP § 1500

Full Screen List Locate in Result Find citation: Go Graphical Statutes

Full-Text Document Table of Contents Versions

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West's Ann.Cal.Corp.Code § 1500 § 1500. Books and records of account; minutes of meetings; share register; form Effective: [See Text Amendments] to December 31, 2004 Prior

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West's Ann.Cal.Corp.Code § 1500

West's Annotated California Codes Corporations Code Title 1. Corporations Division 1. General Corporation Law Chapter 15. Records and Reports

§ 1500. Books and records of account; minutes of meetings; share register; form

Each corporation shall keep adequate and correct books and records of account and shall keep minutes of the proceedings of its shareholders, board and committees of the board and shall keep at its principal executive office, or at the office of its transfer agent or registrar, a record of its shareholders, giving the names and addresses of all shareholders and the number and class of shares held by each. Such minutes shall be kept in written form. Such other books and records shall be kept either in written form or in any other form capable of being converted into written form.

CREDIT(S)

(Added by Stats.1975, c. 682, § 7, eff. Jan. 1, 1977.)

West's Ann. Cal. Corp. Code § 1500, CA CORP § 1500

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1 Doc

Links for  
CA EDUC § 8702

Full Screen List  
Locate in Result

Find citation:  Go

Graphical Statutes

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann.Cal.Educ.Code § 8702

§ 8702. Educational programs

Effective: [See Text Amendments] to December 31, 2003 Prior

West's Ann.Cal.Educ.Code § 8702

West's Annotated California Codes

Education Code

Title 1. General Education Code Provisions

Division 1. General Education Code Provisions

Part 6. Education Programs--State Master Plans

Chapter 4. Environmental Education

Article 1. Policy

• **§ 8702. Educational programs**

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text

The Legislature further finds and declares that an educational program is needed which is designed to build necessary attitudes of stewardship toward the maintenance of the quality of our common environment and to enable all citizens to use wisely, and not destructively, the resources at their disposal.

CREDIT(S)

(Stats.1976, c. 1010, § 2, operative April 30, 1977.)

West's Ann. Cal. Educ. Code § 8702, CA EDUC § 8702

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Result List  
1 Doc

Links for  
CA EDUC § 8951

[Full Screen List](#)

[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann.Cal.Educ.Code § 8951

§ 8951. Arts defined

Effective: [\[See Text Amendments\]](#) to October 10, 2001 [Prior](#)

West's Ann.Cal.Educ.Code § 8951

West's Annotated California Codes  
Education Code

- Title 1. General Education Code Provisions
- Division 1. General Education Code Provisions
- Part 6. Education Programs--State Master Plans
- Chapter 7. California State Summer School for the Arts
- **§ 8951. Arts defined**

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As used in this chapter, "arts" includes, but is not limited to, all of the following: dance; drama; music; folk art; creative writing; visual arts, including painting, sculpture, photography, and craft arts; design, including graphic arts, computer graphics, and costume design; film; and video.

CREDIT(S)

(Added by Stats.1982, c. 898, p. 3325, § 1. Amended by Stats.1985, c. 1131, § 2.)

West's Ann. Cal. Educ. Code § 8951, CA EDUC § 8951

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Result List  
1 Doc

Links for  
CA EDUC § 12117

[Full Screen List](#)  
[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann.Cal.Educ.Code § 12117

§ 12117. Departmental revolving fund

Effective: [See Text Amendments] to December 31, 2006 Prior

West's Ann.Cal.Educ.Code § 12117

West's Annotated California Codes  
Education Code

- Title 1. General Education Code Provisions
  - Division 1. General Education Code Provisions
    - Part 8. Participation in Federal Programs and Interstate Agreements
      - Chapter 1. Administration of Federal Programs--State Board of Education
        - Article 7. Surplus Federal Property
          - **§ 12117. Departmental revolving fund**

No blue underlined text

The State Agency for Donated Food Distribution may, without at the time furnishing vouchers or itemized statements, draw from the Donated Food Revolving Fund for use as a departmental revolving fund:

- (a) A sum of not to exceed thirty thousand dollars (\$30,000), or
- (b) With the approval of the Department of Finance a sum in excess of thirty thousand dollars (\$30,000).

Any moneys so withdrawn may only be used, in accordance with law and the Board of Control rules, for payment of compensation earned, traveling expense, traveling expense advances or where immediate payment is otherwise necessary. All disbursements from the revolving fund must be substantiated by vouchers filed with and audited by the Controller. From time to time, disbursements, supported by vouchers, may be reported to the Controller in connection with claims for reimbursement of the departmental revolving fund. At any time upon the demand of the Department of Finance or the Controller, such revolving fund must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

CREDIT(S)

(Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1978, c. 574, p. 1950, § 7, eff. Aug. 31, 1978; Stats.1984, c. 196, § 7, eff. June 13, 1984, operative July 1, 1984.)

West's Ann. Cal. Educ. Code § 12117, CA EDUC § 12117

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Result List

1 Doc

Links for

CA EDUC § 37702

Full Screen List

Locate in Result

Find citation:

Go

Graphical Statutes

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann.Cal.Educ.Code § 37702

§ 37702. Approval

Effective: [See Text Amendments] to December 31, 2004 Prior

West's Ann.Cal.Educ.Code § 37702

West's Annotated California Codes  
 Education Code  
 Title 2. Elementary and Secondary Education  
 Division 3. Local Administration  
 Part 22. School Operations  
 Chapter 6. Four-Day School Week  
 • § 37702. Approval

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Prior to conducting the experimental program, the district shall secure the approval of the governing board of the district and of any collective bargaining agents representing employees of the district.

CREDIT(S)

(Added by Stats.1982, c. 986, p. 3574, § 1.)

West's Ann. Cal. Educ. Code § 37702, CA EDUC § 37702

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Result List  
1 Doc

Links for  
CA EDUC § 37704

[Full Screen List](#)  
[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann.Cal.Educ.Code § 37704

§ 37704. Consideration of impact

Effective: [See Text Amendments] to December 31, 2004 Prior

West's Ann.Cal.Educ.Code § 37704

West's Annotated California Codes  
 Education Code  
 Title 2. Elementary and Secondary Education  
 Division 3. Local Administration  
 Part 22. School Operations  
 Chapter 6. Four-Day School Week  
 • § 37704. Consideration of impact

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The district shall consider the impact of the longer schoolday on primary grade pupils, and the impact of the four-day school week on working parents who may be required to find child care services for their school age children due to the shortened school week.

CREDIT(S)

(Added by Stats.1982, c. 986, p. 3574, § 1.)

West's Ann. Cal. Educ. Code § 37704, CA EDUC § 37704

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Result List  
1 Doc

Links for  
CA EDUC § 37706

Full Screen List

Locate in Result

Find citation:  Go

Graphical Statutes

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

[Reg & Leg Center](#)

West's Ann. Cal. Educ. Code § 37706

§ 37706. Support from state school fund

Effective: [See Text Amendments] to December 31, 2004 Prior

West's Ann. Cal. Educ. Code § 37706

West's Annotated California Codes  
 Education Code  
 Title 2. Elementary and Secondary Education  
 Division 3. Local Administration  
 Part 22. School Operations  
 Chapter 6. Four-Day School Week  
 • § 37706. Support from state school fund

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underlined text

If the district elects to conduct an experimental program as authorized by this chapter, the district shall be entitled to receive the same support, but not more support, from the State School Fund due to the average daily attendance at the schools within the district that it would have received if the district had been operating under the provisions of law relating to the 175-day school year.

CREDIT(S)

(Added by Stats.1982, c. 986, p. 3575, § 1.)

West's Ann. Cal. Educ. Code § 37706, CA EDUC § 37706

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Result List Links for  
1 Doc NY ABAND PROP § 1309

Full Screen List  
Locate in Result

Find citation:  Go

Graphical Statutes

Full-Text Document

- [Table of Contents](#)
- [Versions](#)

Reg & Leg Center

**McKinney's Abandoned Property Law § 1309**  
 § 1309. Uncashed travelers checks and money orders  
**Effective: [See Text Amendments] to August 10, 2010 Prior | Proposed**

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McKinney's Abandoned Property Law § 1309

McKinney's Consolidated Laws of New York Annotated  
 Abandoned Property Law  
 Chapter 1. Of the Consolidated Laws  
 Article XIII. Miscellaneous Unclaimed Property

•§ 1309. Uncashed travelers checks and money orders

1. Any amount held or owing by any organization other than a banking organization for the payment of a travelers check on which such organization is directly liable, sold by such organization on or after January first, nineteen hundred thirty, shall be deemed abandoned property if such amount is held or owing for payment of a travelers check which shall have been outstanding for more than fifteen years from the date of its sale and

- (a) the last known address of the person entitled to such amount as shown on the books and records of such organization is located within this state, or
- (b) such organization is incorporated in this state and such last known address is not shown on the books and records of such organization and the books and records of such organization do not disclose the place of sale of the travelers check, or
- (c) such organization is incorporated in this state and such last known address or place of sale is located in a state the laws of which do not provide for the escheat or custodial taking of such amount, or
- (d) such organization is incorporated in this state or in another state or foreign country and such last known address is not shown on the books and records of such organization and such books and records disclose that the place of sale of the travelers check was in this state.

Payment to the state comptroller pursuant to paragraph (b) of this subdivision shall be subject to the right of any other state, the laws of which provide for escheat or custodial taking of such amount, to recover such amount upon proof that the last known address of the person entitled thereto or place of sale of the travelers check was within that other state's borders.

Payment to the state comptroller pursuant to paragraph (c) of this subdivision shall be subject to the right of the state of last known address to recover such amount if and when the law of the state of such last known address makes provision for escheat or custodial taking of such amount.

2. Any amount held or owing by any such organization for the payment of a money order, or for the payment of any instrument drawn or issued to effect the payment therefor, sold by such organization on or after January first, nineteen hundred thirty shall be deemed abandoned property when such amount has remained unpaid to the person entitled thereto for seven years and

- (a) the last known address of such entitled person, according to the records of such organization is located within this state, or
- (b) such organization is incorporated in this state and such last known address cannot be obtained from the records of such organization and the records of such organization do not disclose the place of sale of the money order or instrument, or
- (c) such organization is incorporated in this state and such last known address is located in a state not having in effect a statute under which such amount is payable to such state as unclaimed, abandoned or escheated property, or
- (d) such organization is incorporated in this state or another state or foreign country and such last known address is not shown on the records of such organization and such records disclosed that the place of sale of the money order or instrument was in this state.

Payment to the state comptroller pursuant to paragraph (b) of this subdivision shall be subject to the right of any other state, the laws of which provide for escheat or custodial taking of such amount, to recover such amount upon proof that the last known address of the person entitled thereto or place of sale of the money order or instrument was within that other state's borders.

Payment to the state comptroller pursuant to paragraph (c) of this subdivision shall be subject to the right of the state of last known address to recover such amount if and when the law of the state of such last known address makes provision for escheat or custodial taking of such amount.

3. On or before the first day of June in each year commencing with the year nineteen hundred forty-nine every such organization shall pay to the state comptroller all property deemed abandoned pursuant to this section. Such payment shall be accompanied by a statement setting forth such information as the state comptroller may require.

4. Notwithstanding any other provision of law, the rights of a holder of a travelers check or money order to payment from any such organization shall be in no wise affected, impaired or enlarged by reason of the provisions of this section or by reason of the payment to the state comptroller of abandoned property hereunder, and any such organization which has paid to the state comptroller abandoned property held or owing for the payment of a travelers check or money order shall, upon making payment to the person appearing to its satisfaction to be entitled thereto and upon submitting to the state comptroller proof of such payment and the identifying number of the travelers check or money order so paid, be entitled to claim reimbursement from the state comptroller of the amounts so paid, and after audit the state comptroller shall pay the same.

CREDIT(S)

(Added L.1949, c. 824. Amended L.1956, c. 228; L.1960, c. 307; L.1964, c. 43, § 1; L.1968, c. 663, § 4; L.1969, c. 1114, §§ 1 to 5; L.1970, c. 706; L.1973, c. 881, §§ 1 to 4; L.1979, c. 591, § 1.)

McKinney's Abandoned Property Law § 1309, NY ABAND PROP § 1309

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Result List 1 Doc  
Full Screen List  
Locate in Result  
Find citation:  Go  
Graphical Statutes

Links for NY AGRI & MKTS § 11

Full-Text Document  
• Table of Contents  
• Versions

Reg & Leg Center

**McKinney's Agriculture and Markets Law § 11**  
§ 11. Other officers and employees  
Effective: [See Text Amendments] to July 21, 2003 Prior

McKinney's Agriculture and Markets Law § 11

McKinney's Consolidated Laws of New York Annotated  
Agriculture and Markets Law  
Chapter 69. Of the Consolidated Laws  
Article 2. Department of Agriculture and Markets; Jurisdiction; General Powers and Duties  
• § 11. Other officers and employees

There shall be such agents, inspectors, chemists, experts, statisticians, accountants and other assistants and employees, as the commissioner shall deem necessary for the exercise of the powers and the performance of the duties of the department under this chapter.

Such officers and employees shall be appointed by the commissioner and hold office during the pleasure of the commissioner. The officers and employees of the department who are in office when this chapter takes effect shall continue in office during the pleasure of the commissioner.

The commissioner may transfer officers or employees from their positions to other positions in the department, or abolish or consolidate such positions.

Prior to the appointment of inspectors and investigators by the department, applicants for such positions shall be fingerprinted as a condition of employment.

CREDIT(S)

(Formerly § 17, L.1922, c. 48; amended L.1927, c. 207, § 10; renumbered L.1935, c. 16, § 7; amended L.1973, c. 79, § 1.)

McKinney's Agriculture and Markets Law § 11, NY AGRI & MKTS § 11

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Result List 1 Doc  
 Links for NY AGRI & MKTS § 96-z-3  
[Full Screen List](#)  
[Locate in Result](#)  
 Find citation:    
[Graphical Statutes](#)  
 Full-Text Document  
 • [Table of Contents](#)  
 • [Versions](#)  
[Reg & Leg Center](#)

**McKinney's Agriculture and Markets Law § 96-z-3**  
 § 96-z-3. Granting, suspending or revoking licenses  
**Effective: [See Text Amendments] to June 21, 2010** [Prior](#) | [Proposed](#)

McKinney's Agriculture and Markets Law § 96-z-3

McKinney's Consolidated Laws of New York Annotated  
 Agriculture and Markets Law  
 Chapter 69. Of the Consolidated Laws  
 Article 5-C. Licensing of Rendering Plants  
 • **§ 96-z-3. Granting, suspending or revoking licenses**

No blue underlined text

The commissioner may decline to grant a license or may suspend or revoke a license already granted, after written notice to the applicant or licensee and an opportunity to be heard, when (1) any statement in the application or upon which it was issued is or was false or misleading, (2) the applicant or licensee does not have adequate physical facilities for the operation of a disposal plant or transportation service, (3) facilities are not maintained in a manner and as required by rules and regulations duly promulgated by the commissioner, (4) applicant, an officer, director, partner, or holder of ten per centum or more of the voting stock of an applicant has been convicted of a felony by a court of the United States or any state or territory thereof, without subsequent pardon by the governor or other appropriate authority of the state or jurisdiction in which such conviction occurred, or the receipt of either a certificate of good conduct from the board of parole pursuant to the executive law, (5) when applicant or licensee is a partnership or corporation, any partner, officer, director, holder or owner of ten percent or more of the stock, has previously been responsible, in whole or in part, for any act on account of which a license may be denied, suspended or revoked pursuant to the provisions of this article, or (6) the applicant or licensee has failed to comply with any of the provisions of this chapter or rules or regulations promulgated pursuant thereto.

CREDIT(S)  
 (Added L.1968, c. 391, § 1.)  
 McKinney's Agriculture and Markets Law § 96-z-3, NY AGRI & MKTS § 96-z-3  
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Result List 1 Doc Links for NY AGRI & MKTS § 129

Full Screen List Locate in Result Find citation: Go Graphical Statutes

Full-Text Document Table of Contents Versions Reg & Leg Center

McKinney's Agriculture and Markets Law § 129 § 129. Registration Effective: [See Text Amendments] to March 31, 2002 Prior | Proposed

McKinney's Agriculture and Markets Law § 129

McKinney's Consolidated Laws of New York Annotated Agriculture and Markets Law Chapter 69. Of the Consolidated Laws Article 8. Manufacture and Distribution of Commercial Feed § 129. Registration



- 1. No person shall manufacture any commercial feed in this state unless the facility where such feed is manufactured has been registered pursuant to the provisions of this section. Such registration once approved shall be permanent unless revoked pursuant to the provisions of this section.
2. No person shall distribute in this state any pet food or specialty pet food unless the brand thereof has been registered pursuant to the provisions of this section. An application for such registration of a pet food or specialty pet food shall be accompanied by a registration fee of twenty-five dollars for each brand to be distributed, said fee to be paid annually thereafter. If any brand of a pet food or specialty pet food changes in any way after such brand has been registered, a new application therefor shall be made pursuant to the provisions of this section.
3. Application for registration as set forth in subdivisions one and two of this section shall be made to the commissioner on forms prescribed by the commissioner. The applicant shall satisfy the commissioner of his character and responsibility and shall set forth such information as the commissioner shall require. Upon approval by the commissioner the registration shall be issued to the applicant.
4. The commissioner may deny any application for registration as set forth in subdivisions one and two of this section or revoke any registration already granted, after written notice to the applicant or registrant and an opportunity to be heard, when:
(a) Any statement in the application or upon which it was issued is or was false or misleading;
(b) If facilities of the applicant or registrant are not maintained in a manner as required by rules and regulations duly promulgated by the commissioner;
(c) The applicant or registrant, or an officer, director, partner or holder of ten per centum or more of the voting stock of the applicant or registrant, has failed to comply with any of the provisions of this chapter or rules and regulations promulgated pursuant thereto;
(d) The applicant or registrant, or an officer, director, partner or holder of ten per centum or more of the voting stock of the applicant or registrant, has been convicted of a felony by a court of the United States or any state or territory thereof, without subsequent pardon by the governor or other appropriate authority of the state or jurisdiction in which such conviction occurred, or receipt of a certificate of good conduct from the board of parole pursuant to the correction law;
(e) The applicant or registrant is a partnership or corporation and any individual holding any position or interest or power of control therein has previously been responsible in whole or in part for any act on account of which an application for registration may be denied or a registration cancelled pursuant to the provisions of this article; or
(f) The maintenance and operation of the establishment of the applicant or registrant is such that the commercial feed produced therein is or may be adulterated.

CREDIT(S)

(Added L.1974, c. 816, § 2.)

McKinney's Agriculture and Markets Law § 129, NY AGRI & MKTS § 129

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Result List 1 Doc Links for NY AGRI & MKTS § 129-a

Full Screen List  
Locate in Result  
Find citation:  Go

Graphical Statutes

- Full-Text Document
  - Table of Contents
  - Versions

Reg & Leg Center

**McKinney's Agriculture and Markets Law § 129-a**  
 § 129-a. Review  
 Effective: [See Text Amendments] to August 15, 2006 Prior

McKinney's Agriculture and Markets Law § 129-a

McKinney's Consolidated Laws of New York Annotated  
 Agriculture and Markets Law  
 Chapter 69. Of the Consolidated Laws  
 Article 8. Manufacture and Distribution of Commercial Feed  
 • § 129-a. Review

No blue underlined text

The action of the commissioner in denying an application for registration, or in revoking a registration already granted, shall be subject to review in the manner provided by article seventy-eight of the civil practice law and rules. The decision of the commissioner shall be final unless within thirty days from the date of service thereof on the applicant or registrant, a proceeding is instituted to review such action.

CREDIT(S)  
 (Added L.1974, c. 816, § 2.)

McKinney's Agriculture and Markets Law § 129-a, NY AGRI & MKTS § 129-a

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Result List 1 Doc Links for NY AGRI & MKTS § 135  
Full Screen List  
Locate in Result  
Find citation:  Go  
Graphical Statutes

- Full-Text Document
  - Table of Contents
  - Versions
- Reg & Leg Center

McKinney's Agriculture and Markets Law § 135  
§ 135. Rules and regulations  
Effective: [See Text Amendments] to May 14, 2003 Prior

McKinney's Agriculture and Markets Law § 135

McKinney's Consolidated Laws of New York Annotated  
Agriculture and Markets Law  
Chapter 69. Of the Consolidated Laws  
Article 8. Manufacture and Distribution of Commercial Feed  
• § 135. Rules and regulations

The commissioner is hereby authorized, after public hearing, to adopt and promulgate such rules and regulations to supplement and give full effect to the provisions of this article as he may deem necessary, provided, that the commissioner may adopt and promulgate, insofar as appropriate, without public hearing, any rules and regulations promulgated under any federal act or acts or change or amend the regulations promulgated hereunder so as to conform, insofar as appropriate, to those promulgated under such federal act or acts.

CREDIT(S)  
(Added L.1974, c. 816, § 2.)

McKinney's Agriculture and Markets Law § 135, NY AGRI & MKTS § 135

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Result List 1 Doc Links for NY AGRI & MKTS § 173

Full Screen List Locate in Result Find citation: Go Graphical Statutes

Full-Text Document Table of Contents Versions Req & Leg Center

McKinney's Agriculture and Markets Law § 173 § 173. Eradication of bee diseases and certain insects affecting bees Effective: [See Text Amendments] to July 17, 2007 Prior | Proposed

McKinney's Agriculture and Markets Law § 173 McKinney's Consolidated Laws of New York Annotated Agriculture and Markets Law Chapter 69. Of the Consolidated Laws Article 15. Bee Diseases § 173. Eradication of bee diseases and certain insects affecting bees

No blue underlined text

The commissioner may cause inspections to be made of apiaries in the state for the discovery of infectious, contagious or communicable diseases and for the discovery of insects and parasitic organisms adversely affecting bees, and for the discovery of species or subspecies of bees which have been determined by him to cause injury, directly or indirectly, to this state's useful bee population, crops, or other plants. He may also cause investigations to be made as to the best method for the eradication of diseases of bees, insects or parasitic organisms adversely affecting bees, or for the eradication of species or subspecies of bees which have been determined by him to cause injury, directly or indirectly, to this state's useful bee population, crops, or other plants and he may plan and execute appropriate methods for such eradication.

The commissioner shall have access to all apiaries, structures, appliances or premises where bees or honey or comb used in apiaries may be. He may open any hive, colony, package or receptacle of any kind containing or which he has reason to believe contains any bees, comb, bee products, used beekeeping appliances, or anything else which is capable of transmitting contagious or infectious diseases of bees or which is capable of harboring insects or parasitic organisms adversely affecting bees, or species or subspecies of bees which have been determined by him to cause injury, directly or indirectly, to this state's useful bee population, crops, or other plants.

CREDIT(S) (Added L.1925, c. 166; amended L.1985, c. 430, § 1.)

McKinney's Agriculture and Markets Law § 173, NY AGRI & MKTS § 173

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Result List 1 Doc NY AGRI & MKTS § 180

Full Screen List

Locate in Result

Find citation:  Go

Graphical Statutes

Full-Text Document

- Table of Contents
- Versions

Reg & Leg Center

**McKinney's Agriculture and Markets Law § 180**  
 § 180. Municipal directors of weights and measures  
 Effective: [See Text Amendments] to June 21, 2010 [Prior](#) | [Proposed](#)

McKinney's Agriculture and Markets Law § 180

McKinney's Consolidated Laws of New York Annotated  
Agriculture and Markets Law  
Chapter 69. Of the Consolidated Laws  
Article 16. Weights and Measures

■ § 180. Municipal directors of weights and measures

No blue underlined text

1. There shall be a county director of weights and measures in each county, except where a county is wholly embraced within a city there shall be a city director of weights and measures. Any county or city having a population of one million or more may elect to designate its commissioner of consumer affairs as its director of weights and measures. Subdivision four of this section shall not apply to a commissioner of consumer affairs so designated.
2. No city may institute a weights and measures program. Provided, that any city which maintained a weights and measures program on January first, nineteen hundred seventy-six may continue such program under a city director of weights and measures.
  - a. Any such city may contract with the legislature of the county in which it is located for the county director of weights and measures to perform the duties of and have the same powers within such city as the city director. Such contract shall fix the amount to be paid annually by the city to the county for such services. During the period such contract is in force and effect, the office of city director of weights and measures shall be abolished.
  - b. The county director shall not have jurisdiction in any city which has a city director of weights and measures, except in the county of Westchester the county director shall have concurrent jurisdiction with city directors of weights and measures in such county.
3. Nothing contained herein shall prohibit the governing body of any county or city from assigning to its municipal director powers and duties in addition to the powers and duties prescribed by this article provided such additional powers and duties deal primarily with services designed to aid and protect the consumer and are not inconsistent with the provisions of this article.
4. The municipal director shall be appointed by the appropriate authority of the municipality in which he resides having the general power of appointment of officers and employees. He shall be paid a salary determined by the appropriate authority and shall be provided by such authority with the working standards of weights, measures and other equipment as required by rules and regulations promulgated in accordance with this article. The position of municipal director shall be in the competitive class of the civil service with respect to all persons appointed on or after the effective date of this act.

CREDIT(S)

(Added L.1977, c. 874, § 2.)

McKinney's Agriculture and Markets Law § 180, NY AGRI & MKTS § 180

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Result List 1 Doc Links for NY AGRI & MKTS § 195

Full Screen List Locate in Result Find citation: Go Graphical Statutes

Full-Text Document
 

- Table of Contents
- Versions

 Req & Leg Center

McKinney's Agriculture and Markets Law § 195  
 § 195. Licensing of weighmasters; duties  
 Effective: [See Text Amendments] to March 31, 2002 Prior

McKinney's Agriculture and Markets Law § 195

McKinney's Consolidated Laws of New York Annotated  
 Agriculture and Markets Law  
 Chapter 69. Of the Consolidated Laws  
 Article 16. Weights and Measures  
 § 195. Licensing of weighmasters; duties

No blue underlined text

1. No person shall act as a weighmaster, issue or sign any weight tickets, or carry out any functions of a weighmaster unless licensed pursuant to this section.
2. Upon application, a weighmaster's license may be issued by the commissioner to an employee of a person, firm, partnership or corporation whose business requires, by contract or otherwise, that materials or commodities manufactured, produced, distributed, sold or handled by such person, firm, partnership or corporation be weighed by a licensed weighmaster; or such license may be issued to an individual engaged in the weighing of materials or commodities. The applicant shall furnish satisfactory evidence of good character and of ability to weigh accurately and to make correct weight tickets. He shall also furnish evidence that he owns, leases or has access to a stationary scale within the state suitable for weighing the materials or commodities to be weighed by him or that he is regularly employed by a person, firm, partnership or corporation who owns, leases or has access to such a scale which has been tested and sealed by the weights and measures official charged with such duty. The applicant shall pay a fee of ten dollars. A license shall be for a period not exceeding three years and may be renewed in the discretion of the commissioner upon payment of the fee aforesaid. Such license shall be kept at the place where the weighmaster is engaged in weighing and shall be open to inspection. An application may be denied or a license may be revoked by the commissioner, after a hearing upon due notice to the applicant or licensee, for dishonesty, incompetency, inaccuracy or a violation of the provisions of this article or the rules and regulations adopted pursuant thereto.
3. Each weight ticket issued by a weighmaster shall contain the date, full signature and license number of the weighmaster.
4. Each weighmaster shall retain for a period of one year a copy of every weight ticket he has issued.
5. No weighmaster shall make or issue a false or incorrect weight ticket, nor shall any person solicit him to do so. No person shall knowingly use a false or incorrect weight ticket. No weighmaster shall permit any weight ticket to be issued or used which purports to bear his signature and was not in fact signed by him, or which expresses a weight not ascertained by him.

CREDIT(S)

(Added L.1977, c. 874, § 2.)

McKinney's Agriculture and Markets Law § 195, NY AGRI & MKTS § 195

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Tools Go

Result List  
1 Doc  
Links for  
NY AGRI & MKTS § 251-z-9

Full Screen List  
Locate in Result  
Find citation:  Go  
Graphical Statutes

Full-Text Document  
• Table of Contents  
• Versions  
Reg & Leg Center

**McKinney's Agriculture and Markets Law § 251-z-9**  
§ 251-z-9. Rules and regulations  
Effective: [See Text Amendments] to September 15, 2006 Prior

McKinney's Agriculture and Markets Law § 251-z-9

McKinney's Consolidated Laws of New York Annotated  
Agriculture and Markets Law  
Chapter 69. Of the Consolidated Laws  
Article 20-C. Licensing of Food Processing Establishments  
• § 251-z-9. Rules and regulations

<[Eff. until Sept. 16, 2006. See, also, Agriculture and Markets Law § 251-z-9, post.]>

The commissioner is hereby authorized, after public hearing, to adopt, amend, promulgate and issue rules and regulations, including, but not limited to regulations prescribing good manufacturing practices and requiring records relating to processing data and food distribution patterns, and such other regulations as he may deem necessary to supplement and give full force and effect to the provisions of this article. A proposal to adopt applicable federal regulations pursuant to the federal food, drug and cosmetic act, relating to commercially processed foods for human consumption may be adopted without public hearing.

CREDIT(S)  
(Added L.1972, c. 863, § 1.)  
McKinney's Agriculture and Markets Law § 251-z-9, NY AGRI & MKTS § 251-z-9

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Result List 1 Doc Links for NY AGRI & MKTS § 258-f

Full Screen List Locate in Result Find citation: Go Graphical Statutes

Full-Text Document
 

- Table of Contents
- Versions

 Reg & Leg Center

**McKinney's Agriculture and Markets Law § 258-f**  
 § 258-f, Records  
 Effective: [See Text Amendments] to September 8, 2003 Prior

McKinney's Agriculture and Markets Law § 258-f

McKinney's Consolidated Laws of New York Annotated  
 Agriculture and Markets Law  
 Chapter 69. Of the Consolidated Laws  
 Article 21. Milk Control  
 • § 258-f. Records

The commissioner may require milk dealers to keep the following records:

(a) A record of all milk received, detailed as to location, and as to names and addresses of suppliers, with butter fat test, prices paid, deductions or charges made.

(b) A record of all milk sold classified as to grade, location and market outlet and size and style of container, with prices and amounts received therefor.

(c) A record of quantities and prices of milk sold.

(d) A record of the quantity of each milk product manufactured and quantity of milk and/or cream used in the manufacture of each product. Also the quantity and value of milk products sold.

(e) A record of wastage or loss of milk or butter fat.

(f) A record of the items of the spread or handling expense and profit or loss, represented by the difference between the price paid and the price received for all milk.

(g) A record of all other transactions affecting the assets, liabilities, or net worth of the licensee.

(h) Such other records, and information as the commissioner may deem necessary for the proper enforcement of this article.

CREDIT(S)

(Added L.1934, c. 126, § 1; amended L.1937, c. 409, § 7.)

McKinney's Agriculture and Markets Law § 258-f, NY AGRI & MKTS § 258-f

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Result List 1 Doc Links for NY AGRI & MKTS § 359

Full Screen List Locate in Result Find citation: Go Graphical Statutes

McKinney's Agriculture and Markets Law § 359  
 § 359. Carrying animal in a cruel manner  
 Effective: [See Text Amendments] to June 30, 2001 Prior | Proposed

Full-Text Document  
 • Table of Contents  
 • Versions  
 Req & Leg Center

McKinney's Agriculture and Markets Law § 359

McKinney's Consolidated Laws of New York Annotated  
 Agriculture and Markets Law  
 Chapter 69. Of the Consolidated Laws  
 Article 26. Animals  
 • § 359. Carrying animal in a cruel manner

No blue underlined text

1. A person who carries or causes to be carried in or upon any vessel or vehicle or otherwise, any animal in a cruel or inhuman manner, or so as to produce torture, is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both.

2. A railway corporation, or an owner, agent, consignee, or person in charge of any horses, sheep, cattle, or swine, in the course of, or for transportation, who confines, or causes or suffers the same to be confined, in cars for a longer period than twenty-eight consecutive hours, or thirty-six consecutive hours where consent is given in the manner hereinafter provided, without unloading for rest, water and feeding, during five consecutive hours, unless prevented by storm or inevitable accident, is guilty of a misdemeanor. The consent which will extend the period from twenty-eight to thirty-six hours shall be given by the owner, or by person in custody of a particular shipment, by a writing separate and apart from any printed bill of lading or other railroad form. In estimating such confinement, the time during which the animals have been confined without rest, on connecting roads from which they are received, must be computed. If the owner, agent, consignee or other person in charge of any such animals refuses or neglects upon demand to pay for the care or feed of the animals while so unloaded or rested, the railway company, or other carriers thereof, may charge the expense thereof to the owner or consignee and shall have a lien thereon for such expense.

CREDIT(S)  
 (Added L.1965, c. 1047, § 3; amended L.1985, c. 458, § 2.)  
 McKinney's Agriculture and Markets Law § 359, NY AGRI & MKTS § 359

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Result List 1 Doc Links for NY AL BEV CON § 91

Full Screen List Locate in Result Find citation: Go Graphical Statutes

Full-Text Document
 

- Table of Contents
- Versions

 Reg & Leg Center

**McKinney's Alcoholic Beverage Control Law § 91**  
 § 91. Industrial alcohol permit  
 Effective: [See Text Amendments] to July 31, 2002 Prior

McKinney's Alcoholic Beverage Control Law § 91

McKinney's Consolidated Laws of New York Annotated  
 Alcoholic Beverage Control Law  
 Chapter 3-B. Of the Consolidated Laws  
 Article 7. Special Permits  
 • § 91. Industrial alcohol permit

No blue underlined text

1. An industrial alcohol permit may be issued by the liquor authority entitling the applicant to purchase alcohol intended for use in the manufacture and sale of any of the following, when they are unfit for beverage purposes, namely:

(a) Denatured alcohol purchased and used pursuant to acts of Congress and regulations promulgated thereunder.

(b) Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations.

(c) Flavoring extracts, syrups and food products.

(d) Scientific, chemical, mechanical and industrial products.

2. Such permit shall be in such form as prescribed by the rules of the liquor authority and shall permit the purchaser to use said alcohol for the purpose named in such permit and in accordance with the terms and conditions of such permit and the rules of the liquor authority.

3. Such permit shall be issued for a calendar year, and the fee therefor shall be fifty dollars per year, or for any part thereof.

4. Any person who shall knowingly sell any of the products enumerated in this section for beverage purposes, or who shall sell any of the same under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purposes, shall be subject to the penalties provided for in this chapter.

CREDIT(S)  
 (L.1934, c. 478; amended L.1963, c. 204, § 18.)

McKinney's Alcoholic Beverage Control Law § 91, NY AL BEV CON § 91

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Result List 1 Doc  
Links for NY AL BEV CON § 92

Full Screen List  
Locate in Result  
Find citation:  Go  
Graphical Statutes

- Full-Text Document
  - Table of Contents
  - Versions
- Reg & Leg Center

McKinney's Alcoholic Beverage Control Law § 92  
§ 92. Alcohol permit  
Effective: [See Text Amendments] to July 31, 2002 Prior

McKinney's Alcoholic Beverage Control Law § 92

McKinney's Consolidated Laws of New York Annotated  
Alcoholic Beverage Control Law  
Chapter 3-B. Of the Consolidated Laws  
Article 7. Special Permits  
• § 92. Alcohol permit

1. The liquor authority is hereby authorized to issue special permits for the purchase of alcohol to the superintendent, or duly authorized officer, of a hospital, museum, laboratory, art, charitable, educational, or similar public institution, or to a drug store, or licensed physician, dentist, veterinarian, optometrist and chiropodist, or to a manufacturing establishment using alcohol in its processes of manufacture.
2. Such permit shall be issued in such form as prescribed by the liquor authority and shall permit the purchase and use of such alcohol for the purpose named in such permit and in accordance with the terms and conditions thereof and the rules of the liquor authority.
3. Such permit shall be issued for a calendar year, and the fee therefor shall be five dollars per year or for any part thereof.
4. Any person who shall knowingly sell any alcohol for beverage purposes or who shall sell the same under circumstances from which he might reasonably deduce the intention of the purchaser to use it for such purposes, shall be subject to the penalties provided for in this chapter.

CREDIT(S)  
(L.1934, c. 478; amended L.1937, c. 506; L.1963, c. 204, § 20.)

McKinney's Alcoholic Beverage Control Law § 92, NY AL BEV CON § 92

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Result List  
1 Doc

Links for  
NY AL BEV CON § 94

[Full Screen List](#)  
[Locate in Result](#)

Find citation:

[Graphical Statutes](#)

- Full-Text Document
  - Table of Contents
  - Versions
- Reg & Leg Center

**McKinney's Alcoholic Beverage Control Law § 94**  
 § 94. Trucking permit  
 Effective: [See Text Amendments] to July 31, 2002 Prior

McKinney's Alcoholic Beverage Control Law § 94

McKinney's Consolidated Laws of New York Annotated  
 Alcoholic Beverage Control Law  
 Chapter 3-B. Of the Consolidated Laws  
 Article 7. Special Permits  
 • § 94. Trucking permit

No blue underlined text

1. No vehicle shall be used in this state for the trucking or transportation of any alcoholic beverage unless such vehicle shall be registered with the liquor authority by a permit issued by it and shall have affixed thereto a sign to be approved by the liquor authority, containing the registration number of such vehicle. In lieu of such sign a vehicle may have in its cab a photostatic copy of its current permit issued by the Authority. This provision shall not apply to vehicles owned or hired and operated by a licensee.
2. Such permit shall be issued for the calendar year, and may cover one or more trucks and in cities having a population of one million or less to duly licensed taxicabs used to deliver only wine or liquor sold at retail and the fee therefor shall be at the rate of forty dollars per truck or such duly licensed taxicab per year.
- 2-a. In lieu of such permits, the liquor authority may issue a fleet permit for an annual fee of five thousand dollars. Such fleet permit shall cover any and all vehicles owned or hired, and operated, by such permittee. In lieu of the sign required to be affixed to each vehicle pursuant to subdivision one of this section, the holder of a fleet permit may have in the cab of such vehicle a photostatic copy of its current fleet permit issued by the authority.
3. If such application is made after July first in any one year, the fee shall be one-half of the annual fee herein provided for.

CREDIT(S)

(L.1934, c. 478; amended L.1963, c. 204, § 24; L.1969, c. 453; L.1971, c. 781, § 3; L.1977, c. 607, § 1.)

McKinney's Alcoholic Beverage Control Law § 94, NY AL BEV CON § 94

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Result List 1 Doc NY AL BEV CON § 96-a

Full Screen List Locate in Result Find citation: Go Graphical Statutes

Full-Text Document
 

- Table of Contents
- Versions

 Req & Leg Center

McKinney's Alcoholic Beverage Control Law § 96-a  
 § 96-a. Bottling permit  
 Effective: [See Text Amendments] to July 31, 2002 Prior

McKinney's Alcoholic Beverage Control Law § 96-a

McKinney's Consolidated Laws of New York Annotated  
 Alcoholic Beverage Control Law  
 Chapter 3-B. Of the Consolidated Laws  
 Article 7. Special Permits  
 •§ 96-a. Bottling permit

No blue underlined text

- No liquor or wine may be bottled in this state except by the manufacturer thereof or as hereinafter provided.
- The liquor authority is hereby authorized to issue a bottling permit to a wholesale wine or liquor licensee to bottle, recask, filter or clarify wine or liquor, respectively, imported in bulk from a foreign country, on the premises of a United States customs bonded warehouse for which a warehouse permit has been issued under this chapter or in a foreign trade zone established pursuant to federal law. Such permit and the exercise of the privileges granted thereunder shall be subject to the laws of the United States and the rules of the federal agency having jurisdiction thereunder, and such other rules as the state liquor authority deems necessary.
- The liquor authority is hereby authorized to issue a bottling permit to a person to bottle, on the premises designated in the permit or in a United States customs bonded warehouse for which a warehouse permit has been issued under this chapter, liquor manufactured outside of the state of New York or wine produced in a foreign country and received in this state in bulk. Such bottling may be performed for or on behalf of wholesale liquor or wine licensees or for persons authorized to sell liquor or wine at wholesale pursuant to the laws and regulations of any other state, territorial possession of the United States or foreign country. Such permit shall also authorize the holder thereof to rebottle or recondition liquors and wines manufactured outside of the state of New York and received in this state, for or on behalf of wholesale liquor or wine licensees, or for persons authorized to sell liquor or wine at wholesale pursuant to the laws and regulations of any other state, territorial possession of the United States or foreign country. Such permit and the exercise of the privileges granted thereunder shall be subject to the laws of the United States and the rules of the federal agency having jurisdiction thereunder, and such other rules as the state liquor authority deems necessary.
- Such permit shall be issued in the form prescribed by the liquor authority and shall be issued for the calendar year and the fee for a permit issued under subdivision two hereof shall be at the rate of three hundred seventy-five dollars per annum, except that where the application shall be filed after July first in any year the fee shall be one hundred eighty-seven dollars and fifty cents for the remainder of such period. The fee for a permit under subdivision three hereof shall be at the rate of twelve hundred fifty dollars per annum, except that where the application shall be filed after July first in any year the fee shall be six hundred twenty-five dollars for the remainder of such period.

CREDIT(S)

(Added L.1940, c. 347, § 2; amended L.1946, c. 594, §§ 1, 2; L.1947, c. 616, § 2; L.1963, c. 204, § 27.)

McKinney's Alcoholic Beverage Control Law § 96-a, NY AL BEV CON § 96-a

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Result List 1 Doc Links for NY AL BEV CON § 147

Full Screen List Locate in Result Find citation: Go Graphical Statutes

Full-Text Document Table of Contents Versions Reg & Leg Center

McKinney's Alcoholic Beverage Control Law § 147 § 147. Effective duration of local option determination Effective: [See Text Amendments] to October 31, 2007 Prior | Proposed

McKinney's Alcoholic Beverage Control Law § 147

McKinney's Consolidated Laws of New York Annotated Alcoholic Beverage Control Law Chapter 3-B. Of the Consolidated Laws Article 9. Local Option

§ 147. Effective duration of local option determination

- 1. In any town or city in which a vote shall be taken on any one group of local option questions provided for in this article, no further vote shall be submitted upon the questions contained in such group before the third general election thereafter. 2. If at the time of any subsequent submission of such questions it shall be lawful to sell alcoholic beverages and a majority of the votes cast shall be in the negative on such questions, then all of the provisions of this article applicable thereto shall become effective.

CREDIT(S) (L.1934, c. 478.)

McKinney's Alcoholic Beverage Control Law § 147, NY AL BEV CON § 147

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Result List 1 Doc Links for NY ART & CULT AFF § 3.03

Full Screen List Locate in Result Find citation: Go Graphical Statutes

McKinney's Arts and Cultural Affairs Law § 3.03  
§ 3.03. Council on the arts  
Effective: [See Text Amendments] to July 6, 2008 Prior

Full-Text Document  
• Table of Contents  
• Versions  
Reg & Leg Center

McKinney's Arts and Cultural Affairs Law § 3.03  
McKinney's Consolidated Laws of New York Annotated  
Arts and Cultural Affairs Law  
Chapter 11-C. Of the Consolidated Laws  
Title B. Promotion of the Arts  
Article 3. Council on the Arts  
• § 3.03. Council on the arts

No blue underlined text

1. The council on the arts in the executive department is hereby continued. The twenty members shall be, broadly representative of all fields of the performing and fine arts, to be appointed by the governor, with the advice and consent of the senate, from among private citizens who are widely known for their professional competence and experience in connection with the performing and fine arts. In making such appointments, due consideration shall be given to the recommendations made by representative civic, educational and professional associations and groups, concerned with or engaged in the production or presentation of the performing and fine arts generally.

2. The term of office of each member of the council shall be five years. Vacancies in the council occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as original appointments. The governor shall designate a chairperson and a vice-chairperson from the members of the council, to serve as such at the pleasure of the governor. The chairperson shall be the chief executive officer of the council.

3. The chairperson shall receive compensation fixed by the governor and shall be reimbursed for all expenses actually and necessarily incurred by him in the performance of his duties hereunder, within the amount made available by appropriation therefor. The other members of the council shall receive no compensation for their services, but shall be reimbursed for all expenses actually and necessarily incurred by them in the performance of their duties hereunder within the amount made available by appropriation therefor.

4. The chairperson may appoint such officers, experts and other employees as he may deem necessary, prescribe their duties, fix their compensation and provide for reimbursement of their expenses within amounts available therefor by appropriation.

CREDIT(S)  
(L.1983, c. 876, § 1.)  
McKinney's Arts and Cultural Affairs Law § 3.03, NY ART & CULT AFF § 3.03

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Full Screen List  
Locate in Result  
Find citation:

Graphical Statutes

- Full-Text Document
  - Table of Contents
  - Versions

Reg & Leg Center

**McKinney's Arts and Cultural Affairs Law § 4.09**  
 § 4.09. Appointment of curator and other employees  
 Effective: [See Text Amendments] to April 22, 2008 Prior

McKinney's Arts and Cultural Affairs Law § 4.09

McKinney's Consolidated Laws of New York Annotated  
 Arts and Cultural Affairs Law  
 Chapter 11-C. Of the Consolidated Laws  
 Title B. Promotion of the Arts  
 Article 4. Empire State Plaza Art Commission  
 § 4.09. Appointment of curator and other employees

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- The chairman, with the concurrence of the commission and the commissioner of general services, shall appoint a curator who shall serve at the pleasure of the commission. The commission shall prescribe powers and duties of the curator and shall fix his compensation within the amounts appropriated therefor.
- The commission may appoint such other employees as it may require, prescribe their powers and duties and fix their compensation within the amounts appropriated therefor.

CREDIT(S)  
 (Added L.1983, c. 996, § 1.)

McKinney's Arts and Cultural Affairs Law § 4.09, NY ART & CULT AFF § 4.09

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 Links for NY ART & CULT AFF § 55.05  
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 Find citation:    
[Graphical Statutes](#)

- Full-Text Document
  - Table of Contents
  - Versions
- Reg & Leg Center

**McKinney's Arts and Cultural Affairs Law § 55.05**  
 § 55.05. Natural Heritage Trust  
 Effective: [See Text Amendments] to December 31, 2001 [Prior](#)

McKinney's Arts and Cultural Affairs Law § 55.05

McKinney's Consolidated Laws of New York Annotated  
 Arts and Cultural Affairs Law  
 Chapter 11-C. Of the Consolidated Laws  
 Title T. Natural Heritage Trust  
 Article 55. Natural Heritage Trust  
 ■ § 55.05. Natural Heritage Trust

The board known as the "Natural Heritage Trust" is hereby continued. Such a board shall be a body corporate and politic constituting a public benefit corporation and its existence shall commence upon the appointment of the members as herein provided. Such board shall consist of the chairperson of the state council of parks and outdoor recreation, the commissioner of environmental conservation, and the commissioner of parks, recreation and historic preservation. The powers of the board shall be vested in and exercised by the majority of the members thereof. The members of the board shall serve without compensation, but shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their official duties. At the first meeting of the board and the first meeting thereof in each fiscal year thereafter, the members of the board shall choose from their number, a chairperson and vice-chairperson.

The trust and its corporate existence shall continue until terminated by law, provided, however, that no such law shall take effect so long as the trust shall have bonds, notes and other obligations outstanding, unless adequate provision has been made for the payment thereof in the documents securing the same. Upon termination of the existence of the trust, all its rights and properties shall vest in the state.

CREDIT(S)  
 (L.1983, c. 876, § 1.)  
 McKinney's Arts and Cultural Affairs Law § 55.05, NY ART & CULT AFF § 55.05

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Full Screen List  
Locate in Result  
Find citation:  Go

Graphical Statutes

- Full-Text Document
  - Table of Contents
  - Versions

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**McKinney's Arts and Cultural Affairs Law § 59.09**  
§ 59.09, Admission fees  
Effective: [See Text Amendments] to July 13, 2009 [Prior](#) | [Proposed](#)

McKinney's Arts and Cultural Affairs Law § 59.09

McKinney's Consolidated Laws of New York Annotated  
Arts and Cultural Affairs Law  
Chapter 11-C. Of the Consolidated Laws  
Title V. American Museum of Natural History Planetarium Authority  
Article 59. American Museum of Natural History Planetarium Authority  
    **§ 59.09. Admission fees**

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In order that the educational influence of the planetarium shall reach as many persons as possible, the board shall not fix admission fees, at rates higher than are necessary to pay the cost of construction, operation, maintenance and repair of the planetarium and instruction in connection therewith, and to pay the principal of and interest on any bonds issued hereunder, and to meet the reserves and sinking funds provided for in any resolution authorizing such bonds. Classes from the public schools and colleges of the city of New York shall be admitted to the planetarium without charge at such times and upon such days of the week and under such reasonable rules and regulations as the board shall prescribe.

CREDIT(S)

(L.1983, c. 876, § 1.)

McKinney's Arts and Cultural Affairs Law § 59.09, NY ART & CULT AFF § 59.09

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Result List 1 Doc  
Links for NY BANK § 18

Full Screen List  
Locate in Result  
Find citation:  Go

Graphical Statutes

- Full-Text Document
  - Table of Contents
  - Versions

Reg & Leg Center

**McKinney's Banking Law § 18**  
 § 18. Fees for copies and certifications  
 Effective: [See Text Amendments] to May 10, 2006 Prior

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McKinney's Banking Law § 18

McKinney's Consolidated Laws of New York Annotated  
 Banking Law  
 Chapter 2. Of the Consolidated Laws  
 Articleii. Banking Department; Superintendent of Banks; Supervisory and Regulatory Powers  
 •§ 18. Fees for copies and certifications

For every copy of any paper filed in the department and for the certification thereof, except where such copy or certification is made for the benefit of a banking organization, licensed lender, licensed sales finance company, licensed cashier of checks, licensed insurance premium finance agency, licensed transmitter of money or foreign corporation licensed by the superintendent to do business in this state, the department may charge such amount as the superintendent shall, in his discretion, determine to be fair and reasonable.

CREDIT(S)

(L.1914, c. 369; amended L.1927, c. 178, § 3; L.1930, c. 678, § 5; L.1932, c. 399, § 2; L.1938, c. 684, § 15; L.1969, c. 449, § 1; L.1975, c. 571, § 2.)

McKinney's Banking Law § 18, NY BANK § 18

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Result List 1 Doc Links for NY BANK § 20

Full Screen List Locate in Result Find citation: Go

Graphical Statutes

Full-Text Document Table of Contents Versions

Reg & Leg Center

**McKinney's Banking Law § 20**  
§ 20. Assessments, penalties and forfeitures entitled to priority  
**Effective: [See Text Amendments] to August 19, 2004 Prior**

Print Email Other

McKinney's Banking Law § 20

McKinney's Consolidated Laws of New York Annotated  
Banking Law  
Chapter 2. Of the Consolidated Laws  
Articleii. Banking Department; Superintendent of Banks; Supervisory and Regulatory Powers  
•§ 20. Assessments, penalties and forfeitures entitled to priority

In case of the insolvency or voluntary or involuntary liquidation of any banking organization, licensed lender, licensed sales finance company, licensed cashier of checks, licensed insurance premium finance agency, licensed transmitter of money or foreign corporation, all unpaid charges lawfully assessed against it by the superintendent and all unpaid penalties and forfeitures incurred by it under any section of this chapter shall be entitled to priority of payment from its assets on an equality with any other priority given by this chapter.

CREDIT(S)

(Formerly § 32, L.1914, c. 369; amended L.1930, c. 678, § 7; L.1932, c. 399, § 2; renumbered § 20 and amended L.1938, c. 684, § 17; amended L.1975, c. 571, § 3.)

McKinney's Banking Law § 20, NY BANK § 20

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Result List 1 Doc Links for NY BANK § 21

Full Screen List Locate in Result Find citation: Go Graphical Statutes

Full-Text Document
 

- Table of Contents
- Versions

 Req & Leg Center

**McKinney's Banking Law § 21**  
 § 21. Collection of assessments, penalties and forfeitures; proceedings by attorney- ...  
**Effective: [See Text Amendments] to August 19, 2004 Prior**

McKinney's Banking Law § 21

McKinney's Consolidated Laws of New York Annotated  
 Banking Law  
 Chapter 2. Of the Consolidated Laws  
 Articleii. Banking Department; Superintendent of Banks; Supervisory and Regulatory Powers  
**§ 21. Collection of assessments, penalties and forfeitures; proceedings by attorney-general**

1. When the superintendent, pursuant to the powers conferred on him by this article, shall have duly levied any assessment and shall have given due notification of the amount thereof, the amount so assessed shall become a liability of, and shall be paid to the superintendent by the banking organization, licensed lender, licensed sales finance company, licensed cashier of checks, licensed insurance premium finance agency, licensed transmitter of money or foreign corporation upon which it was levied.

2. If any banking organization, licensed transmitter of money or foreign corporation shall not pay, after due notice, any such assessment or any penalty or forfeiture incurred under any section of this chapter, the superintendent may, in his discretion, apply in payment thereof, with interest at the legal rate, so much as may be necessary of the interest accruing on any stocks or bonds deposited with him by such banking organization, licensed transmitter of money or foreign corporation pursuant to any requirement of this chapter.

3. The superintendent may, in his discretion, report to the attorney-general any failure to make such payments or the failure of any officer, director, trustee, or employee of any such banking organization, licensed lender, licensed sales finance company, licensed cashier of checks, licensed insurance premium finance agency, licensed transmitter of money or foreign corporation, after due notice, to pay any penalty or forfeiture incurred by him under any provision of this chapter, or any violation by any corporation, unincorporated association, partnership or individual of any provision of this chapter. The attorney-general shall thereupon, in the name of the superintendent, or of the people of the state, institute such action or proceedings as the facts may warrant.

CREDIT(S)  
 (Formerly § 31, L.1914, c. 369; amended L.1930, c. 678, § 7; L.1932, c. 399, § 2; L.1937, c. 619, § 13; renumbered § 21 and amended L.1938, c. 684, § 18; amended L.1953, c. 573, § 1; L.1975, c. 571, § 4.)

McKinney's Banking Law § 21, NY BANK § 21

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Full Screen List Locate in Result Find citation: Go Graphical Statutes

- Full-Text Document
  - Table of Contents
  - Versions
- Reg & Leg Center

**McKinney's Banking Law § 26**  
 § 26. Licenses to foreign banking corporations; renewal  
**Effective: [See Text Amendments] to July 20, 2008 Prior | Proposed**

McKinney's Banking Law § 26

McKinney's Consolidated Laws of New York Annotated  
 Banking Law  
 Chapter 2. Of the Consolidated Laws  
 Articleii. Banking Department; Superintendent of Banks; Supervisory and Regulatory Powers  
 • § 26. Licenses to foreign banking corporations; renewal

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Upon receipt of an application in proper form of any foreign banking corporation for leave to do business in this state under the provisions of article five of this chapter, the superintendent, if he shall find after investigation and examination of what he deems to be the best sources of information at his command that the character, responsibility and general fitness of the person or persons named in such application are such as to command confidence and warrant belief that the business of such foreign banking corporation will be honestly and efficiently conducted in accordance with the intent and purpose of this chapter and that the public convenience and advantage will be promoted by granting such foreign banking corporation leave to do business in this state, shall submit such application to the banking board together with a summary of the results of his investigation. If three-fifths of the members of the board shall vote for approval of such application, the superintendent shall issue a license under his hand and the official seal of the department authorizing such applicant to carry on such business at the place designated in the license. Such license shall be executed in triplicate and the superintendent shall cause one copy to be transmitted to the applicant, another to be filed in the office of the department and the third to be filed in the office of the clerk of the county in which is located the place of business designated in such license. A license which is issued to such foreign banking corporation pursuant to this section shall remain in full force and effect until surrendered or revoked.

CREDIT(S)  
 (Formerly § 27, L.1914, c. 369; amended L.1927, c. 178, § 5; renumbered § 26 and amended L.1938, c. 684, § 23; amended L.1944, c. 52, § 3; L.1960, c. 553, § 5; L.1968, c. 120, § 1; L.1974, c. 768, § 1; L.1977, c. 512, § 2; L.1982, c. 499, § 1.)

McKinney's Banking Law § 26, NY BANK § 26

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