

S. 6405--C

A. 9005--C

S E N A T E - A S S E M B L Y

January 14, 2016

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IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); to amend Part H of chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part B); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part C); intentionally omitted (Part D); to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, in relation to the effectiveness of such chapter (Part E); to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes, and revenues, in relation to extending the expiration date of certain provisions thereof; to amend chapter 1 of the laws of 2005 amending the state finance law relating to restricting contacts in the procurement process and the recording of contacts relating thereto, in relation to extending the expiration date of certain provisions thereof; and to amend the state finance law, in relation to allowing the state comptroller to excuse non-ma-

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

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terial deviations in a procurement, authorizing the commissioner of the office of general services and state agencies to provide unsuccessful offerors a reasonable opportunity for debriefing, increase the threshold for the state comptroller's approval of certain contracts and clarify the valuation of non-cash contracts by the state comptroller, and the commencement of the restricted period during the procurement process (Part F); to amend the workers' compensation law, in relation to authorizations of assessments for annual expenses, and payment of claims of affected World Trade Center volunteers (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the civil service law, in relation to the expiration of public arbitration panels (Part L); to amend the state finance law, in relation to the dedicated infrastructure investment fund (Part M); intentionally omitted (Part N); to amend the public lands law, in relation to state aid on certain state leased or state owned land (Part O); to amend the real property tax law, in relation to property tax benefits for anaerobic digestion of agricultural waste (Part P); to amend the executive law, in relation to a mid-year report regarding the contracts awarded to service-disabled veteran-owned businesses; and providing for the repeal of such provisions upon expiration thereof (Part Q); to amend chapter 747 of the laws of 2006, amending the state finance law relating to the tribal-state compact revenue account, in relation to the effectiveness thereof; to amend part W of chapter 60 of the laws of 2011, amending the state finance law relating to disbursements from the tribal-state compact revenue account to certain municipalities, in relation to the effectiveness thereof; and to amend the state finance law, in relation to the Niagara Falls underground railroad interpretive center (Part R); and to amend the legislative law, in relation to extending the expiration of payments to members of the assembly serving in a special capacity; and to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part S)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act enacts into law major components of legislation  
2 which are necessary to implement the state fiscal plan for the 2016-2017  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through S. The effective date for each particular  
5 provision contained within such Part is set forth in the last section of  
6 such Part. Any provision in any section contained within a Part, includ-  
7 ing the effective date of the Part, which makes a reference to a section  
8 "of this act", when used in connection with that particular component,  
9 shall be deemed to mean and refer to the corresponding section of the  
10 Part in which it is found. Section three of this act sets forth the  
11 general effective date of this act.

12 PART A

13 Intentionally Omitted

14 PART B

1 Section 1. Section 2 of part H of chapter 503 of the laws of 2009,  
2 relating to the disposition of monies recovered by county district  
3 attorneys before the filing of an accusatory instrument, as amended by  
4 section 25 of part B of chapter 55 of the laws of 2015, is amended to  
5 read as follows:

6 S 2. This act shall take effect immediately and shall remain in full  
7 force and effect until March 31, [2016] 2017, when it shall expire and  
8 be deemed repealed.

9 S 2. This act shall take effect immediately and shall be deemed to  
10 have been in full force and effect on and after March 31, 2016.

11 PART C

12 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax  
13 law, as amended by section 1 of part D of chapter 55 of the laws of  
14 2014, is amended to read as follows:

15 (b) The sum of one million five hundred thousand dollars must be  
16 deposited into the New York state emergency services revolving loan fund  
17 annually; provided, however, that such sums shall not be deposited for  
18 state fiscal years two thousand eleven--two thousand twelve, two thou-  
19 sand twelve--two thousand thirteen, two thousand fourteen--two thousand  
20 fifteen [and], two thousand fifteen--two thousand sixteen, TWO THOUSAND  
21 SIXTEEN--TWO THOUSAND SEVENTEEN AND TWO THOUSAND SEVENTEEN--TWO THOUSAND  
22 EIGHTEEN;

23 S 2. This act shall take effect immediately.

24 PART D

25 Intentionally Omitted

26 PART E

27 Section 1. Section 5 of chapter 268 of the laws of 1996, amending the  
28 education law and the state finance law relating to providing a recruit-  
29 ment incentive and retention program for certain active members of the  
30 New York army national guard, New York air national guard, and New York  
31 naval militia, as amended by section 24 of part A of chapter 57 of the  
32 laws of 2011, is amended to read as follows:

33 S 5. This act shall take effect January 1, 1997 and shall expire and  
34 be deemed repealed September 1, [2016] 2021; provided that any person  
35 who has begun to receive the benefits of this act prior to its expira-  
36 tion and repeal shall be entitled to continue to receive the benefits of  
37 this act after its expiration and repeal until completion of a baccalau-  
38 reate degree or cessation of status as an active member, whichever  
39 occurs first.

40 S 2. This act shall take effect immediately.

41 PART F

42 Section 1. Subdivision 5 of section 362 of the chapter 83 of the laws  
43 of 1995 amending the state finance law and other laws relating to bonds,  
44 notes and revenues, as amended by section 37 of part L of chapter 55 of  
45 the laws of 2012, is amended to read as follows:

46 5. Sections thirty-one through forty-two of this act shall take effect  
47 on the thirtieth day after it shall have become a law and shall be  
48 deemed to have been in full force and effect on and after April 1, 1995;

provided that section 163 of the state finance law, as added by section thirty-three of this act shall remain in full force and effect until June 30, [2016] 2021 at which time it shall expire and be deemed repealed. Contracts executed prior to the expiration of such section 163 shall remain in full force and effect until the expiration of any such contract notwithstanding the expiration of certain provisions of this act.

S 2. Section 16 of chapter 1 of the laws of 2005, amending the state finance law relating to restricting contacts in the procurement process and the recording of contacts relating thereto, as amended by chapter 62 of the laws of 2014, is amended to read as follows:

S 16. This act shall take effect immediately; provided, however, that sections one, six, eight, nine, ten, eleven and fifteen of this act shall take effect January 1, 2006; and provided, however, the amendments to paragraph f of subdivision 9 of section 163 of the state finance law made by section fifteen of this act shall not affect the repeal of such section and shall be deemed repealed therewith; provided, further, that the amendments to article 1-A of the legislative law, made by this act, shall not affect the repeal of such article pursuant to chapter 2 of the laws of 1999, as amended, and shall be deemed repealed therewith; provided, further, that sections thirteen and fourteen of this act shall take effect January 1, 2006 and shall be deemed repealed July 31, [2016] 2021; provided, further, that effective immediately, the advisory council on procurement lobbying created pursuant to section twelve of this act shall be constituted no later than sixty days following the effective date of this act, provided that effective sixty days following the effective date of this act, the advisory council on procurement lobbying shall be authorized to establish model guidelines and to add, amend and/or repeal any rules or regulations necessary for the implementation of its duties under sections twelve and thirteen of this act, and the advisory council authorized to make and complete such model guidelines on or before the effective date of section thirteen of this act; provided, further, that procurement contracts for which bid solicitations have been issued prior to the effective date of this act shall be awarded pursuant to the provisions of law in effect at the time of issuance.

S 2-a. Subdivision 12 of section 163 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

12. Review by the office of the state comptroller. Review by the office of the state comptroller shall be in accordance with section one hundred twelve of this chapter. IF THE CONTRACTING AGENCY HAS NOT COMPLIED WITH ONE OR MORE PROVISIONS OF THIS ARTICLE, THE STATE COMPTROLLER MAY APPROVE THE AWARDED CONTRACT IF:

A. THE CONTRACTING AGENCY DETERMINES THAT THE NONCOMPLIANCE WAS A NON-MATERIAL DEVIATION FROM ONE OR MORE PROVISIONS OF THIS ARTICLE. FOR THE PURPOSES OF THIS SUBDIVISION "NON-MATERIAL DEVIATION" SHALL MEAN THAT SUCH NONCOMPLIANCE DID NOT PREJUDICE OR FAVOR ANY VENDOR OR POTENTIAL VENDOR, SUCH NONCOMPLIANCE DID NOT SUBSTANTIALLY AFFECT THE FAIRNESS OF THE COMPETITIVE PROCESS, AND THAT A NEW PROCUREMENT WOULD NOT BE IN THE BEST INTEREST OF THE STATE. SUCH DETERMINATION BY THE CONTRACTING AGENCY AND THE STATE COMPTROLLER SHALL BE DOCUMENTED IN THE PROCUREMENT RECORD; AND

B. THE STATE COMPTROLLER CONCURS IN SUCH DETERMINATION.

S 2-b. Paragraph c of subdivision 9 of section 163 of the state finance law, as amended by chapter 137 of the laws of 2008, is amended to read as follows:

1 c. Where provided in the solicitation, state agencies may require  
2 clarification from offerers for purposes of assuring a full understand-  
3 ing of responsiveness to the solicitation requirements. Where provided  
4 for in the solicitation, revisions may be permitted from all offerers  
5 determined to be susceptible of being selected for contract award, prior  
6 to award. Offerers shall be accorded fair and equal treatment with  
7 respect to their opportunity for discussion and revision of offers. A  
8 state agency shall, upon request, provide a debriefing to any unsucces-  
9 sful offerer that responded to a request for proposal or an invitation  
10 for bids, regarding the reasons that the proposal or bid submitted by  
11 the unsuccessful offerer was not selected for an award. The opportunity  
12 for an unsuccessful offerer to seek a debriefing shall be stated in the  
13 solicitation[, which shall provide a reasonable time for requesting a  
14 debriefing].

15 (I) A DEBRIEFING SHALL BE REQUESTED BY THE UNSUCCESSFUL OFFERER WITHIN  
16 FIFTEEN CALENDAR DAYS OF RELEASE BY THE STATE AGENCY OF A NOTICE IN  
17 WRITING OR ELECTRONICALLY THAT THE OFFERER'S OFFER IS UNSUCCESSFUL.

18 (II) SUCH NOTICE SHALL BE PROVIDED TO ALL UNSUCCESSFUL OFFERERS BY THE  
19 STATE AGENCY FOR THE SPECIFIC PROCUREMENT.

20 (III) THE STATE AGENCY, UPON A REQUEST MADE WITHIN FIFTEEN DAYS OF  
21 RELEASE OF THE WRITTEN OR ELECTRONIC NOTICE FROM THE UNSUCCESSFUL OFFER-  
22 ER FOR A DEBRIEFING, SHALL SCHEDULE THE DEBRIEFING TO OCCUR WITHIN A  
23 REASONABLE TIME OF SUCH REQUEST. DEBRIEFINGS SHALL BE CONDUCTED BY THE  
24 STATE AGENCY WITH THE UNSUCCESSFUL OFFERER IN-PERSON, PROVIDED, HOWEVER,  
25 THE PARTIES MAY MUTUALLY AGREE TO UTILIZE OTHER MEANS SUCH AS, BUT NOT  
26 LIMITED TO, BY TELEPHONE, VIDEO-CONFERENCING OR OTHER TYPES OF ELECTRON-  
27 IC COMMUNICATIONS. STATE AGENCY PERSONNEL PARTICIPATING IN THE DEBRIEF-  
28 ING DISCUSSION SHALL HAVE BEEN INVOLVED WITH AND KNOWLEDGEABLE ABOUT THE  
29 PROCUREMENT AND THE EVALUATION AND SELECTION OF THE SUCCESSFUL OFFERER  
30 OR OFFERERS.

31 (IV) SUCH DEBRIEFING SHALL INCLUDE, BUT NEED NOT BE LIMITED TO: (A)  
32 THE REASONS THAT THE PROPOSAL, BID OR OFFER SUBMITTED BY THE UNSUCCESS-  
33 FUL OFFERER WAS NOT SELECTED FOR AWARD; (B) THE QUALITATIVE AND QUANTI-  
34 TATIVE ANALYSIS EMPLOYED BY THE AGENCY IN ASSESSING THE RELATIVE MERITS  
35 OF THE PROPOSALS, BIDS OR OFFERS; (C) THE APPLICATION OF THE SELECTION  
36 CRITERIA TO THE UNSUCCESSFUL OFFERER'S PROPOSAL; AND (D) WHEN THE  
37 DEBRIEFING IS HELD AFTER THE FINAL AWARD, THE REASONS FOR THE SELECTION  
38 OF THE WINNING PROPOSAL, BID OR OFFER. THE DEBRIEFING SHALL ALSO  
39 PROVIDE, TO THE EXTENT PRACTICABLE, GENERAL ADVICE AND GUIDANCE TO THE  
40 UNSUCCESSFUL OFFERER CONCERNING POTENTIAL WAYS THAT THEIR FUTURE  
41 PROPOSALS, BIDS OR OFFERS COULD BE MORE RESPONSIVE.

42 S 2-c. Subdivision 3 of section 112 of the state finance law, as  
43 amended by chapter 319 of the laws of 1992, is amended to read as  
44 follows:

45 3. A contract or other instrument wherein the state or any of its  
46 officers, agencies, boards or commissions agrees to give a consideration  
47 other than the payment of money, when the value or reasonably estimated  
48 value of such consideration exceeds [ten] TWENTY-FIVE thousand dollars,  
49 shall not become a valid enforceable contract unless such contract or  
50 other instrument shall first be approved by the comptroller and filed in  
51 his office.

52 S 2-d. Paragraph f of subdivision 1 of section 139-j of the state  
53 finance law, as amended by chapter 4 of the laws of 2010, is amended to  
54 read as follows:

55 f. "Restricted period" shall mean the period of time commencing with  
56 the earliest POSTING, ON A GOVERNMENTAL ENTITY'S WEBSITE, IN A NEWSPAPER

OF GENERAL CIRCULATION, OR IN THE PROCUREMENT OPPORTUNITIES NEWSLETTER IN ACCORDANCE WITH ARTICLE FOUR-C OF THE ECONOMIC DEVELOPMENT LAW OF written notice, advertisement or solicitation of a request for proposal, invitation for bids, or solicitation of proposals, or any other method PROVIDED FOR BY LAW OR REGULATION for soliciting a response from offerers intending to result in a procurement contract with a governmental entity and ending with the final contract award and approval by the governmental entity and, where applicable, the state comptroller.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016; provided, however, that the provisions of sections two-a, two-b, two-c and two-d of this act shall apply to any procurement initiated on or after such date; provided, further however, that the amendments to section 163 of the state finance law made by sections two-a and two-b of this act shall not affect the repeal of such section as provided in subdivision 5 of section 362 of chapter 83 of the laws of 1995, as amended, and shall be deemed repealed therewith; provided, further, however, that the amendments to section 139-j of the state finance law made by section two-d of this act shall not affect the repeal of such section as provided in section 16 of chapter 1 of the laws of 2005, as amended, and shall be deemed repealed therewith.

## PART G

Section 1. Subdivision 6 of section 151 of the workers' compensation law is amended by adding a new paragraph (c) to read as follows:

(C) EFFECTIVE IMMEDIATELY, NOTWITHSTANDING ANY LAW TO THE CONTRARY, PURSUANT TO THE PROVISIONS OF THIS CHAPTER, THE ASSESSMENT RESERVES REMITTED TO THE CHAIR PURSUANT TO THIS PARAGRAPH SHALL, AT THE REQUEST OF THE DIRECTOR OF THE BUDGET, BE DISTRIBUTED AS FOLLOWS:

(I) AS SOON AS PRACTICABLE ON OR AFTER APRIL FIRST, TWO THOUSAND SIXTEEN, THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL TRANSFER ONE HUNDRED FORTY MILLION DOLLARS TO THE STATE INSURANCE FUND, FOR PARTIAL PAYMENT AND PARTIAL SATISFACTION OF THE STATE'S OBLIGATIONS TO THE STATE INSURANCE FUND UNDER WORKERS' COMPENSATION LAW SECTION EIGHTY-EIGHT-C FOR TWO THOUSAND SIXTEEN.

(II) EFFECTIVE IMMEDIATELY, THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL AUTHORIZE THE BOARD TO EXPEND UP TO SIXTY MILLION DOLLARS TO IMPLEMENT INFRASTRUCTURE AND SYSTEM UPGRADES CONSISTENT WITH RECOMMENDATIONS OF THE WORKERS' COMPENSATION BOARD REDESIGN AND REENGINEERING PROJECT.

(III) EFFECTIVE IMMEDIATELY, THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL AUTHORIZE THE BOARD TO EXPEND UP TO FORTY MILLION DOLLARS FOR: (A) TRANSFER INTO THE TRAINING AND EDUCATIONAL PROGRAM ON OCCUPATIONAL SAFETY AND HEALTH FUND CREATED PURSUANT TO CHAPTER EIGHT HUNDRED EIGHTY-SIX OF THE LAWS OF NINETEEN HUNDRED EIGHTY-FIVE AND SECTION NINE-TY-SEVEN-C OF THE STATE FINANCE LAW; (B) THE DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH PROGRAM; (C) TRANSFER INTO THE UNINSURED EMPLOYERS' FUND PURSUANT TO SUBDIVISION TWO OF SECTION TWENTY-SIX-A OF THIS CHAPTER IN CONNECTION WITH PAYMENT OF CLAIMS MADE PURSUANT TO ARTICLE EIGHT-A OF THIS CHAPTER; (D) A REDUCTION IN LIABILITIES OF THE SPECIAL DISABILITY FUND PURSUANT TO SUBDIVISION EIGHT OF SECTION FIFTEEN OF THIS CHAPTER AND/OR THE FUND FOR REOPENED CASES PURSUANT TO SECTION TWENTY-FIVE-A OF THIS CHAPTER; AND/OR (E) TRANSFER TO OR PAYMENT OF UP TO TEN MILLION DOLLARS OF SUCH AMOUNT ON BEHALF OF THE SUPERINTENDENT OF

1 FINANCIAL SERVICES FOR COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE  
2 PAID FAMILY LEAVE ACT OF ARTICLE NINE OF THIS CHAPTER.

3 ANY AND ALL FUNDS REMAINING AFTER ACCOUNTING FOR THE TRANSFERS AND  
4 EXPENDITURES SET FORTH ABOVE MAY, AT THE DISCRETION OF THE DIRECTOR OF  
5 THE BUDGET, EITHER REMAIN WITH THE WORKERS' COMPENSATION BOARD OR BE  
6 TRANSFERRED TO THE GENERAL FUND FOR THE PURPOSE OF REDUCING BUDGET GAPS.

7 ANNUALLY, THE WORKERS' COMPENSATION BOARD WILL PROVIDE TO THE DIRECTOR  
8 OF THE BUDGET, THE CHAIR OF THE SENATE FINANCE COMMITTEE, AND THE CHAIR  
9 OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, AN ACCOUNTING OF SUCH FUNDS  
10 AND ALL ASSOCIATED INCOME RECEIVED. SUCH ACCOUNTING WILL CONTINUE UNTIL  
11 MARCH THIRTY-FIRST, TWO THOUSAND TWENTY.

12 S 2. Section 167 of the workers' compensation law, as added by chapter  
13 446 of the laws of 2006, is amended to read as follows:

14 S 167. Claims of volunteers. For persons who participated in World  
15 Trade Center rescue, recovery and clean-up operations as volunteers, the  
16 uninsured employers' fund shall be deemed to be the employer [only] for  
17 the purposes of administering and paying claims pursuant to this arti-  
18 cle. Benefits under this chapter shall be payable to such volunteers  
19 [only] IN THE FIRST INSTANCE AND to the extent that funds are available  
20 out of funds appropriated to the United States Department of Labor under  
21 Public Law 109-148 to reimburse the uninsured employer's fund for the  
22 payment of such benefits AND THEREAFTER FROM THE UNINSURED EMPLOYERS'  
23 FUND. THE UNINSURED EMPLOYERS' FUND MAY PAY FOR VOLUNTEERS' MEDICAL  
24 TREATMENT NOTWITHSTANDING SUCH MEDICAL EXPENSES HAVING BEEN DENIED BY  
25 THE WORLD TRADE CENTER HEALTH ORGANIZATION.

26 S 3. This act shall take effect immediately.

27 PART H

28 Intentionally Omitted

29 PART I

30 Intentionally Omitted

31 PART J

32 Intentionally Omitted

33 PART K

34 Intentionally Omitted

35 PART L

36 Section 1. Paragraph (d) of subdivision 4 of section 209 of the civil  
37 service law, as amended by chapter 67 of the laws of 2013, is amended to  
38 read as follows:

39 (d) The provisions of this subdivision shall expire [thirty-nine years  
40 from July first, nineteen hundred seventy-seven, and hereafter may be  
41 renewed every four years] JULY FIRST, TWO THOUSAND NINETEEN.

42 S 2. Paragraph (f) of subdivision 6 of section 209 of the civil  
43 service law, as added by chapter 67 of the laws of 2013, is amended to  
44 read as follows:

45 (f) The provisions of this subdivision shall expire [three years from]  
46 July first, two thousand [thirteen] NINETEEN.

S 3. This act shall take effect immediately.

PART M

Section 1. The opening paragraph of subdivision 3 of section 93-b of the state finance law, as added by section 1 of part H of chapter 60 of the laws of 2015, is amended to read as follows:

Notwithstanding any other provisions of law to the contrary, [for the state fiscal year] commencing on April first, two thousand fifteen, AND CONTINUING THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY-ONE, the comptroller is hereby authorized to transfer monies from the dedicated infrastructure investment fund to the general fund, and from the general fund to the dedicated infrastructure investment fund, in an amount determined by the director of the budget to the extent moneys are available in the fund; provided, however, that the comptroller is only authorized to transfer monies from the dedicated infrastructure investment fund to the general fund in the event of an economic downturn as described in paragraph (a) of this subdivision; and/or to fulfill disallowances and/or settlements related to over-payments of federal medicare and medicaid revenues in excess of one hundred million dollars from anticipated levels, as determined by the director of the budget and described in paragraph (b) of this subdivision.

S 2. This act shall take effect immediately.

PART N

Intentionally Omitted

PART O

Section 1. Paragraph 1 of subdivision 2-a of section 19-a of the public lands law, as amended by section 1 of part T of chapter 55 of the laws of 2013, is amended to read as follows:

(1) Notwithstanding any provision of this section to the contrary, in addition to state aid otherwise payable pursuant to this section, there shall be payable to any city located in a county in which there has been constructed a state office building project in accordance with the provisions of chapter one hundred fifty-two of the laws of nineteen hundred sixty-four, as amended, and pursuant to an agreement entitled the "South Mall contract" dated May eleventh, nineteen hundred sixty-five, state aid in accordance with the following schedule:

State Fiscal Year

Amount

2000-2001	\$4,500,000
2001-2002	\$4,500,000
2002-2003	\$4,500,000
2003-2004	\$9,850,000
2004-2005	\$16,850,000
2005-2006	\$22,850,000
2006-2007	\$22,850,000
2007-2008	\$22,850,000
2008-2009	\$22,850,000
2009-2010	\$22,850,000
2010-2011	\$22,850,000
2011-2012	\$15,000,000



1	2012-2013	\$22,850,000
2	2013-2014	\$22,850,000
3	2014-2015	\$15,000,000
4	2015-2016	\$15,000,000
5	2016-2017	[\$15,000,000] \$27,500,000
6	2017-2018	\$15,000,000
7	2018-2019	\$15,000,000
8	2019-2020	\$15,000,000
9	2020-2021	\$15,000,000
10	2021-2022	\$15,000,000
11	2022-2023	\$15,000,000
12	2023-2024	\$15,000,000
13	2024-2025	\$15,000,000
14	2025-2026	\$15,000,000
15	2026-2027	\$15,000,000
16	2027-2028	\$15,000,000
17	2028-2029	\$15,000,000
18	2029-2030	\$15,000,000
19	2030-2031	\$15,000,000
20	2031-2032	[\$7,150,000] \$1,800,000
21	[2032-2033	\$7,150,000]

22 S 2. This act shall take effect immediately and shall be deemed to  
 23 have been in full force and effect on and after April 1, 2016.

24

## PART P

25 Section 1. Subdivision 1 of section 483-a of the real property tax  
 26 law, as amended by chapter 272 of the laws of 2013, is amended to read  
 27 as follows:

28 1. [Structures] THE FOLLOWING STRUCTURES permanently affixed to agri-  
 29 cultural land SHALL BE EXEMPT FROM TAXATION, SPECIAL AD VALOREM LEVIES  
 30 AND SPECIAL ASSESSMENTS: (A) STRUCTURES for the purpose of preserving  
 31 and storing forage in edible condition; (B) farm feed grain storage  
 32 bins; (C) commodity sheds; (D) BULK MILK TANKS AND COOLERS USED TO HOLD  
 33 MILK AWAITING SHIPMENT TO MARKET; AND (E) manure storage, handling and  
 34 treatment facilities, including composting [or anaerobic digestion] of  
 35 agricultural materials, such as livestock manure and farming wastes,  
 36 food residuals or other organic wastes associated with food production  
 37 or consumption with at least fifty percent by weight of its feedstock on  
 38 an annual basis being livestock manure, farming wastes and crops grown  
 39 specifically for use as [anaerobic digestion or] composting feedstock  
 40 [and including any equipment necessary to the process of producing,  
 41 collecting, storing, cleaning and converting biogas into forms of energy  
 42 and transporting biogas or energy on-site; and bulk milk tanks and cool-  
 43 ers used to hold milk awaiting shipment to market shall be exempt from  
 44 taxation, special ad valorem levies and special assessments]. "Food  
 45 residuals" means organic material, including, but not limited to, food  
 46 scraps, food processing residue, and related soiled or unrecyclable  
 47 paper used in food packaging, preparation or cleanup.

48 S 2. The real property tax law is amended by adding a new section  
 49 483-e to read as follows:

50 S 483-E. ANAEROBIC DIGESTION FACILITIES. 1. STRUCTURES PERMANENTLY  
 51 AFFIXED TO LAND FOR THE PURPOSE OF ANAEROBIC DIGESTION OF AGRICULTURAL  
 52 MATERIALS, INCLUDING STRUCTURES NECESSARY FOR THE STORAGE AND HANDLING  
 53 OF THE AGRICULTURAL MATERIALS THAT ARE PART OF THE DIGESTION PROCESS,  
 54 TOGETHER WITH ANY EQUIPMENT NECESSARY FOR PRODUCING, COLLECTING, STOR-

1 ING, CLEANING AND CONVERTING BIOGAS INTO FORMS OF ENERGY AND GENERATION,  
2 TRANSMISSION, TRANSPORTING, USE OF AND/OR THE SALE OF BIOGAS OR ENERGY  
3 ON-SITE, OFF-SITE, AND/OR PURSUANT TO AN INTERCONNECTION AGREEMENT WITH  
4 A UTILITY; SHALL BE EXEMPT FROM TAXATION, SPECIAL AD VALOREM LEVIES AND  
5 SPECIAL ASSESSMENTS. "AGRICULTURAL MATERIALS" INCLUDES, BUT IS NOT  
6 LIMITED TO, LIVESTOCK MANURE, FARMING WASTES AND FOOD RESIDUALS AND  
7 OTHER ORGANIC WASTES ASSOCIATED WITH FOOD PRODUCTION OR CONSUMPTION WITH  
8 AT LEAST FIFTY PERCENT BY WEIGHT OF ITS FEEDSTOCK ON AN ANNUAL BASIS  
9 BEING LIVESTOCK MANURE, FARMING WASTES AND CROPS GROWN SPECIFICALLY FOR  
10 USE AS ANAEROBIC DIGESTION FEEDSTOCK. "FOOD RESIDUALS" MEANS ORGANIC  
11 MATERIAL, INCLUDING, BUT NOT LIMITED TO, FOOD SCRAPS, FOOD PROCESSING  
12 RESIDUE, AND RELATED SOILED OR UNRECYCLABLE PAPER USED IN FOOD PACKAG-  
13 ING, PREPARATION OR CLEANUP.

14 2. THE EXEMPTION PROVIDED BY SUBDIVISION ONE OF THIS SECTION SHALL  
15 ONLY BE GRANTED UPON THE APPLICATION OF THE OWNER OF THE PROPERTY UPON  
16 WHICH SUCH STRUCTURES ARE LOCATED, ON A FORM TO BE PRESCRIBED BY THE  
17 COMMISSIONER. SUCH APPLICATION SHALL BE FILED ON OR BEFORE THE APPROPRI-  
18 ATE TAXABLE STATUS DATE WITH THE ASSESSOR OF THE MUNICIPALITY HAVING THE  
19 POWER TO ASSESS REAL PROPERTY. ONCE AN EXEMPTION IS GRANTED, NO RENEWAL  
20 THEREOF SHALL BE NECESSARY.

21 S 3. Subdivision 2 of section 487 of the real property tax law, as  
22 amended by chapter 515 of the laws of 2002, is amended to read as  
23 follows:

24 2. Real property which includes a solar or wind energy system or farm  
25 waste energy system approved in accordance with the provisions of this  
26 section shall be exempt from taxation to the extent of any increase in  
27 the value thereof by reason of the inclusion of such solar or wind ener-  
28 gy system or farm waste energy system for a period of fifteen years.  
29 When a solar or wind energy system or components thereof or farm waste  
30 energy system also serve as part of the building structure, the increase  
31 in value which shall be exempt from taxation shall be equal to the  
32 assessed value attributable to such system or components multiplied by  
33 the ratio of the incremental cost of such system or components to the  
34 total cost of such system or components. THE EXEMPTION PROVIDED BY THIS  
35 SECTION IS INAPPLICABLE TO ANY STRUCTURE THAT SATISFIES THE REQUIREMENTS  
36 FOR EXEMPTION UNDER SECTION FOUR HUNDRED EIGHTY-THREE-E OF THIS TITLE.

37 S 4. This act shall take effect immediately and shall apply to assess-  
38 ment rolls based on taxable status dates occurring on and after March 1,  
39 2016; provided, that an application for the exemption on the 2016  
40 assessment roll shall be considered timely if filed on or before June 1,  
41 2016; and provided further, that in the event such application should be  
42 denied, administrative and judicial review shall be available in the  
43 same manner and to the same extent as if the application had been for an  
44 exemption on the 2017 assessment roll; provided, however, that the  
45 amendments made by section three of this act shall not apply to any  
46 exemption from taxation for a farm waste energy system that was granted  
47 pursuant to real property tax law section four hundred eighty-seven  
48 prior to such effective date.

49 PART Q

50 Section 1. Paragraph (f) of subdivision 4 of section 369-i of the  
51 executive law, as added by chapter 22 of the laws of 2014, is amended to  
52 read as follows:

53 (f) Submit a report by the thirty-first of December each year, with  
54 the first report due by the thirty-first of December in the calendar

1 year next succeeding the calendar year in which this article shall have  
2 become a law, to the governor, the temporary president of the senate,  
3 and the speaker of the assembly. Such report shall include information  
4 including, but not limited to, the number of contracts entered into  
5 pursuant to this article, the average amount of such contracts, the  
6 number of service-disabled veteran-owned business enterprises certified,  
7 the number of applications for certification as a service-disabled  
8 veteran-owned business enterprise, the number of denials for such  
9 certification, the number of appeals of such denials, and the outcome of  
10 such appeals and the average time that is required for such certifi-  
11 cation to be completed. PROVIDED HOWEVER, IN ADDITION TO THE ANNUAL  
12 REPORT REQUIRED PURSUANT TO THIS PARAGRAPH, THE DIVISION SHALL ISSUE A  
13 SUPPLEMENTAL MID-YEAR REPORT FOR THE YEAR TWO THOUSAND SIXTEEN, NO LATER  
14 THAN JUNE THIRTIETH, TWO THOUSAND SIXTEEN. THE MID-YEAR REPORT SHALL  
15 IDENTIFY THE STEPS TAKEN BY THE DIVISION TO IMPROVE AGENCY PARTICIPATION  
16 RATES AND THE PERCENTAGE OF CONTRACTS AWARDED TO SERVICE-DISABLED VETER-  
17 AN-OWNED BUSINESSES BY EACH STATE AGENCY AND AUTHORITY SUBJECT TO THIS  
18 SECTION IN QUARTERS THREE AND FOUR OF FISCAL YEAR TWO THOUSAND FIFTEEN-  
19 -TWO THOUSAND SIXTEEN. PROVIDED FURTHER, THE DIVISION SHALL INCLUDE IN  
20 THE SUPPLEMENTAL MID-YEAR REPORT ANY RECOMMENDATIONS BY THE DIVISION FOR  
21 MODIFICATION OF REGULATIONS THAT HAVE BEEN PROMULGATED IN ACCORDANCE  
22 WITH THIS ARTICLE WHICH WOULD BETTER SERVE THE LEGISLATIVE INTENT.

23 S 2. This act shall take effect immediately; and shall expire and be  
24 deemed repealed December 31, 2016; provided that the amendments to  
25 section 369-i of the executive law, made by section one of this act,  
26 shall not affect the expiration of such article.

27

## PART R

28 Section 1. Section 2 of chapter 747 of the laws of 2006, amending the  
29 state finance law relating to the tribal-state compact revenue account,  
30 is amended to read as follows:

31 S 2. This act shall take effect immediately, and shall expire and be  
32 deemed repealed December 31, [2016] 2023.

33 S 2. Section 3 of part W of chapter 60 of the laws of 2011, amending  
34 the state finance law relating to disbursements from the tribal-state  
35 compact revenue account to certain municipalities, as amended by section  
36 22 of part HH of chapter 57 of the laws of 2013, is amended to read as  
37 follows:

38 S 3. This act shall take effect immediately; provided that[:

39 (a)] the amendments to subdivision 3 [of section 99-h of the state  
40 finance law made by section one of this act shall expire and be deemed  
41 repealed December 31, 2016; and

42 (b) the amendments to] AND paragraph (a) of subdivision 4 of section  
43 99-h of the state finance law made by [section] SECTIONS ONE AND two of  
44 this act shall not affect the expiration of such section and shall be  
45 deemed to expire therewith.

46 S 3. Paragraph (a) of subdivision 4 of section 99-h of the state  
47 finance law, as amended by section 2 of part W of chapter 60 of the laws  
48 of 2011, is amended to read as follows:

49 (a) Monies which are appropriated and received each year by the state  
50 as a portion of the negotiated percentage of the net drop from electron-  
51 ic gaming devices the state receives in relation to the operation of a  
52 gaming facility in the city of Niagara Falls, county of Niagara which  
53 subdivision three of this section requires to be a minimum of twenty-

1 five percent, shall be budgeted and disbursed by the city of Niagara  
2 Falls in the following manner:

3 (i) seventy-three and one-half percent of the total annual amount  
4 received shall be available for expenditure by the city of Niagara Falls  
5 for such public purposes as are determined, by the city, to be necessary  
6 and desirable to accommodate and enhance economic development, neighbor-  
7 hood revitalization, public health and safety, and infrastructure  
8 improvement in the city, shall be deposited into the tribal revenue  
9 account of the city and any and all interest and income derived from the  
10 deposit and investment of such monies shall be deposited into the gener-  
11 al operating fund of the city; provided however, that any amount allo-  
12 cated to the NOT-FOR-PROFIT ORGANIZATION KNOWN AS THE NIAGARA FALLS  
13 UNDERGROUND RAILROAD INTERPRETIVE CENTER CREATED TO CONTINUE THE Niagara  
14 Falls Underground Railroad Heritage [Commission] COMMISSION'S MISSION TO  
15 OPERATE AN UNDERGROUND RAILROAD MUSEUM, to the extent that its share  
16 pursuant to the formula established in clause five of subparagraph (ii)  
17 of this paragraph exceeds one percent, such amounts shall be distributed  
18 from the funds available to the city for its public purposes pursuant to  
19 this paragraph; and

20 (ii) the remaining twenty-six and one-half percent of the total annual  
21 amount received shall be allocated for the city of Niagara Falls to be  
22 available for expenditure in the following manner:

23 (1) within thirty-five days upon receipt of such funds by such city,  
24 five and one-half percent of the total annual amount received in each  
25 year, not to exceed seven hundred fifty thousand dollars annually, shall  
26 be transferred to Niagara Falls memorial medical center to be used for  
27 capital construction projects; and

28 (2) within thirty-five days upon receipt of such funds by such city,  
29 five and one-half percent of the total annual amount received in each  
30 year, not to exceed seven hundred fifty thousand dollars annually, shall  
31 be transferred to the Niagara Falls city school district for capital  
32 construction projects; and

33 (3) within thirty-five days upon receipt of such funds by such city,  
34 seven percent in each year shall be transferred to the Niagara tourism  
35 and convention center corporation for marketing and tourism promotion in  
36 the county of Niagara including the city of Niagara Falls; and

37 (4) an amount equal to the lesser of one million dollars or seven  
38 percent of the total amount in each year shall be transferred to the  
39 city of Niagara Falls and held in an escrow account maintained by the  
40 city of Niagara Falls and, if additional funding has been secured by the  
41 Niagara frontier transportation authority to finance construction of a  
42 new terminal at Niagara Falls, such amount held in escrow shall be  
43 transferred to the Niagara frontier transportation authority for such  
44 purpose provided however that if such additional funding has not been  
45 secured or construction of a new terminal has not commenced within two  
46 years of the date which such monies were received by the city of Niagara  
47 Falls such amounts held in escrow by the city of Niagara Falls shall be  
48 distributed pursuant to subparagraph (iii) of this paragraph; and

49 (5) within thirty-five days upon receipt of such funds by such city,  
50 one percent or [three hundred fifty] TWO HUNDRED thousand dollars,  
51 whichever is greater, of the total annual amount received in each year  
52 shall be transferred to the NOT-FOR-PROFIT ORGANIZATION KNOWN AS THE  
53 NIAGARA FALLS UNDERGROUND RAILROAD INTERPRETIVE CENTER CREATED TO  
54 CONTINUE THE Niagara Falls Underground Railroad Heritage [Commission,  
55 established pursuant to article forty-three of the parks, recreation and  
56 historic preservation law] COMMISSION'S MISSION TO OPERATE AN UNDER-

GROUND RAILROAD MUSEUM, to be used for, but not limited to, development, capital improvements, acquisition of real property, and acquisition of personal property within the heritage area in the city of Niagara Falls as established pursuant to the commission; provided in the event the distribution available pursuant to this clause exceeds one percent, it shall be distributed from the moneys available pursuant to subparagraph (i) of this paragraph; and

(6) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY, FIFTY THOUSAND DOLLARS OF THE TOTAL ANNUAL AMOUNT RECEIVED IN EACH YEAR SHALL BE TRANSFERRED TO THE NIAGARA FALLS HOUSING AUTHORITY ESTABLISHED PURSUANT TO TITLE TWELVE OF ARTICLE THIRTEEN OF THE PUBLIC HOUSING LAW FOR UPGRADES TO THEIR FACILITIES; AND

(7) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY, FIFTY THOUSAND DOLLARS OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR SHALL BE TRANSFERRED TO THE WESTERN NEW YORK STATE FIRST RESPONSE AND PREPAREDNESS CENTER; AND

(8) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY, FIFTY THOUSAND DOLLARS OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR SHALL BE TRANSFERRED TO MOUNT SAINT MARY'S NEIGHBORHOOD HEALTH CENTER; AND

(iii) all other monies appropriated or received for distribution pursuant to this subdivision after the transfer of money pursuant to this subparagraph and subparagraphs (i) and (ii) of this paragraph in each year shall be allocated to the city of Niagara Falls for infrastructure and road improvement projects.

S 4. This act shall take effect immediately; provided, however, that the amendments to paragraph (a) of subdivision 4 of section 99-h of the state finance law made by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

## PART S

Section 1. The opening paragraph of subdivision 3 of section 5-a of the legislative law, as amended by section 1 of part K of chapter 55 of the laws of 2014, is amended to read as follows:

Any member of the assembly serving in a special capacity in a position set forth in the following schedule shall be paid the allowance set forth in such schedule only for the legislative term commencing January first, two thousand [fifteen] SEVENTEEN and terminating December thirty-first, two thousand [sixteen] EIGHTEEN:

S 2. Section 13 of chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, as amended by section 1 of part T of chapter 56 of the laws of 2015, is amended to read as follows:

S 13. This act shall take effect immediately and shall be deemed to have been in full force and effect as of April 1, 1994, provided that, the provisions of section 5-a of the legislative law as amended by sections two and two-a of this act shall take effect on January 1, 1995, and provided further that, the provisions of article 5-A of the legislative law as added by section eight of this act shall expire June 30, [2016] 2017 when upon such date the provisions of such article shall be deemed repealed; and provided further that section twelve of this act shall be deemed to have been in full force and effect on and after April 10, 1994.

S 3. This act shall take effect immediately, provided, however, if section two of this act shall take effect on or after June 30, 2016

1 section two of this act shall be deemed to have been in full force and  
2 effect on and after June 30, 2016.

3 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
4 sion, section or part of this act shall be adjudged by any court of  
5 competent jurisdiction to be invalid, such judgment shall not affect,  
6 impair, or invalidate the remainder thereof, but shall be confined in  
7 its operation to the clause, sentence, paragraph, subdivision, section  
8 or part thereof directly involved in the controversy in which such judg-  
9 ment shall have been rendered. It is hereby declared to be the intent of  
10 the legislature that this act would have been enacted even if such  
11 invalid provisions had not been included herein.

12 S 3. This act shall take effect immediately provided, however, that  
13 the applicable effective date of Parts A through S of this act shall be  
14 as specifically set forth in the last section of such Parts.