

9008--B

I N A S S E M B L Y

January 14, 2016

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

AN ACT to amend the public authorities law, in relation to committing the state of New York and the city of New York to partially fund part of the costs of the Metropolitan Transportation Authority's capital program (Part A); to amend the public authorities law, in relation to procurements by the New York City transit authority and the metropolitan transportation authority; and to amend the insurance law, in relation to extending owner controlled insurance programs in certain instances (Part B); intentionally omitted (Part C); to amend the vehicle and traffic law and the state finance law, in relation to the dedication of revenues and the costs of the department of motor vehicles; to amend chapter 751 of the laws of 2005 amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof; to repeal subdivision 2 of section 89-g of the state finance law relating to funds to be placed into the accident prevention course internet, and other technology pilot program fund; and to repeal certain provisions of the state finance law relating to the motorcycle safety fund (Part D); intentionally omitted (Part E); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part F); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part G); to establish the Transformational Economic Development Infrastructure and Revitalization Projects act; and providing for the repeal of such provisions upon expiration thereof (Part H); to authorize and direct the New York state energy research and development authority to make a payment to the general fund of up to \$913,000 (Part I); to authorize the New York state energy research and development authority to finance a portion of its research, devel-

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

LBD12673-03-6

opment and demonstration, policy and planning, and Fuel NY programs, and to finance the department of environmental conservation's climate change program, from an assessment on gas and electric corporations (Part J); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part K); to amend the public service law, in relation to authorizing the department of public service to increase program efficiencies (Part L); to amend chapter 21 of the laws of 2003, amending the executive law, relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part M); intentionally omitted (Part N); intentionally omitted (Part O); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes in relation to the effectiveness thereof (Part P); to amend the public authorities law, in relation to eliminating the canal corporation; and to repeal certain provisions of such law relating thereto (Part Q); in relation to redistributing 2014 bond volume allocations made pursuant to section 146 of the federal tax reform act of 1986, in relation to allocation of the unified state bond volume ceiling, and in relation to enacting the private activity bond allocation act of 2016; and providing for the repeal of certain provisions upon expiration thereof (Part R); intentionally omitted (Part S); to amend the environmental conservation law, in relation to waste tire management (Part T); to amend the state finance law, in relation to creating a new climate change account in the environmental protection fund; to amend the environmental conservation law, in relation to local waterfront revitalization programs; and to amend the executive law, in relation to payments for local waterfront revitalization programs (Part U); intentionally omitted (Part V); to amend chapter 77 of the laws of 2010 amending the environmental conservation law and the public health law relating to an environmental facility and cancer incidence map, in relation to making such provisions permanent (Part W); relating to establishing a zero emissions vehicle and clean burning fuel vehicle rebate program (Part X); to direct the metropolitan transportation authority to conduct a comprehensive feasibility study of reactivating the Long Island Rail Road Rockaway Beach rail line and produce an environmental impact statement for the construction of a light rail system along the west shore of Staten Island and prohibits the use of state funds to study the construction of a tunnel from Long Island to connect to any location in Bronx county, Westchester county, or the state of Connecticut (Part Y); and to amend chapter 20 of the laws of 2015 appropriating money for certain municipal corporations and school districts, in relation to increasing the amount of monies appropriated therefor to local government entities (Part Z)

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

identified as Parts A through Z. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. This act shall be known as the "Metropolitan Transportation Authority (MTA) Capital Financing Act of 2016". This act commits the state of New York (state) and the city of New York (city) to fund, over a multi-year period, \$10,828,000,000 in capital costs related to projects contained in the MTA's 2015-2019 capital program (capital program). The state share of \$8,336,000,000 shall consist of \$1,000,000,000 in appropriations first enacted in the 2015-2016 state budget and additional funds sufficient for MTA to pay \$7,336,000,000 of capital costs as provided herein. The city share of \$2,492,000,000 shall consist of \$657,000,000 to be provided by the city from 2015 through 2019, and additional funds sufficient for MTA to pay \$1,835,000,000 of capital costs for the capital program. The \$7,336,000,000 of additional funds to be provided by the state may be used by the MTA to pay direct capital costs and/or the state may fund such \$7,336,000,000 of capital costs through financing mechanisms undertaken by the MTA.

S 2. (a) The additional funds provided by the state pursuant to section one of this act shall be scheduled and made available to pay for the costs of the capital program. State funds shall be required by, and provided to, the MTA in an amount to support \$7,336,000,000 of capital costs.

(b) Such funds may be provided to the MTA through direct payments from the state and/or financing mechanisms undertaken by the MTA utilizing aid paid by the state on a schedule sufficient to support the capital costs outlined in this act. The director of the budget (director) shall annually determine the level of funding required to meet the state's commitment and recommend such amounts for inclusion in the executive budget. In making such determination, the director shall consider the availability of MTA capital resources planned for the capital program, the current progress and timing of the MTA capital program, the financing mechanisms employed by the MTA, if any, and any other pertinent factors.

(c) State funding amounts, whether direct or in support of a financing mechanism undertaken by the MTA, shall be subject to appropriation within applicable annual state budgets; provided, however, that in the event the state does not appropriate the full amount of the funding required pursuant to this act in any year, such action shall not reduce the commitment of the state to fund the full state share specified in section one of this act. No funds deposited in the metropolitan transportation authority financial assistance fund pursuant to the provisions of section 92-ff of the state finance law, the dedicated mass transportation trust fund pursuant to section 89-c of the state finance law, and the mass transportation operating assistance fund pursuant to section 88-a of the state finance law shall be used to reduce or supplant the commitment of the state to provide \$7,336,000,000 under section one of this act. The state shall fulfill its aggregate commitment in this act

no later than state fiscal year 2025-2026 or by the completion of the capital program. In the event that the MTA has exhausted all currently available sources of funding, the MTA may, with the approval of the director, issue anticipation notes or other obligations secured solely by the additional funds specified in subdivision (a) of this section and shall provide for capitalized interest thereon.

S 3. In order to annually determine the adequacy and pace of the level of state funding in support of the MTA's capital program, and to gauge the availability of MTA capital resources planned for the capital program, the director may request, and the MTA shall provide, periodic reports on the MTA's capital programs and financial activities in a form and on a schedule prescribed by the director.

S 4. Subdivision 12 of section 1269 of the public authorities law, as amended by section 1 of part E of chapter 58 of the laws of 2012, is amended to read as follows:

12. The aggregate principal amount of bonds, notes or other obligations issued after the first day of January, nineteen hundred ninety-three by the authority, the Triborough bridge and tunnel authority and the New York city transit authority to fund projects contained in capital program plans approved pursuant to section twelve hundred sixty-nine-b of this title for the period nineteen hundred ninety-two through two thousand [fourteen] NINETEEN shall not exceed [thirty-seven] FIFTY-FIVE billion [two hundred eleven] FOUR HUNDRED NINETY-SEVEN million dollars [prior to January one, two thousand thirteen; shall not exceed thirty-nine billion five hundred forty-four million prior to January one, two thousand fourteen; and shall not exceed forty-one billion eight hundred seventy-seven million dollars thereafter]. Such aggregate principal amount of bonds, notes or other obligations or the expenditure thereof shall not be subject to any limitation contained in any other provision of law on the principal amount of bonds, notes or other obligations or the expenditure thereof applicable to the authority, the Triborough bridge and tunnel authority or the New York city transit authority. The aggregate limitation established by this subdivision shall not include (i) obligations issued to refund, redeem or otherwise repay, including by purchase or tender, obligations theretofore issued either by the issuer of such refunding obligations or by the authority, the New York city transit authority or the Triborough bridge and tunnel authority, (ii) obligations issued to fund any debt service or other reserve funds for such obligations, (iii) obligations issued or incurred to fund the costs of issuance, the payment of amounts required under bond and note facilities, federal or other governmental loans, security or credit arrangements or other agreements related thereto and the payment of other financing, ORIGINAL ISSUE PREMIUMS and related costs associated with such obligations, (iv) an amount equal to any original issue discount from the principal amount of such obligations or to fund capitalized interest, (v) obligations incurred pursuant to section twelve hundred seven-m of this article, (vi) obligations incurred to fund the acquisition of certain buses for the New York city transit authority as identified in a capital program plan approved pursuant to chapter fifty-three of the laws of nineteen hundred ninety-two, (vii) obligations incurred in connection with the leasing, selling or transferring of equipment, and (viii) bond anticipation notes or other obligations payable solely from the proceeds of other bonds, notes or other obligations which would be included in the aggregate principal amount specified in the first sentence of this subdivision, whether or not additionally secured by revenues of the authority, or any of its subsid-

1 iary corporations, New York city transit authority, or any of its
2 subsidiary corporations, or Triborough bridge and tunnel authority.
3 S 5. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2016.

PART B

6 Section 1. Subdivision 7 of section 1209 of the public authorities
7 law, as amended by chapter 334 of the laws of 2001, is amended to read
8 as follows:

9 7. (a) Except as otherwise provided in this section, all purchase
10 contracts for supplies, materials or equipment involving an estimated
11 expenditure in excess of [fifteen] ONE HUNDRED thousand dollars and all
12 contracts for public work involving an estimated expenditure in excess
13 of [twenty-five] ONE HUNDRED thousand dollars shall be awarded by the
14 authority to the lowest responsible bidder after obtaining sealed bids
15 in the manner hereinafter set forth. The aforesaid shall not apply to
16 contracts for personal, architectural, engineering or other professional
17 services. The authority may reject all bids and obtain new bids in the
18 manner provided by this section when it is deemed in the public interest
19 to do so or, in cases where two or more responsible bidders submit iden-
20 tical bids which are the lowest bids, award the contract to any of such
21 bidders or obtain new bids from such bidders. Nothing herein shall obli-
22 gate the authority to seek new bids after the rejection of bids or after
23 cancellation of an invitation to bid. Nothing in this section shall
24 prohibit the evaluation of bids on the basis of costs or savings includ-
25 ing life cycle costs of the item to be purchased, discounts, and
26 inspection services so long as the invitation to bid reasonably sets
27 forth the criteria to be used in evaluating such costs or savings. Life
28 cycle costs may include but shall not be limited to costs or savings
29 associated with installation, energy use, maintenance, operation and
30 salvage or disposal.

31 (b) Section twenty-eight hundred seventy-nine of this chapter shall
32 apply to the authority's acquisition of goods or services of any kind,
33 in the actual or estimated amount of fifteen thousand dollars or more,
34 provided that (I) a contract for [personal] services in the actual or
35 estimated amount of less than [twenty] ONE HUNDRED thousand dollars
36 shall not require approval by the board of the authority regardless of
37 the length of the period over which the services are rendered, and
38 provided further that a contract for [personal] services in the actual
39 or estimated amount of [twenty] ONE HUNDRED thousand dollars or more
40 shall require approval by the board of the authority regardless of the
41 length of the period over which the services are rendered UNLESS SUCH A
42 CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE BIDDER AFTER OBTAINING
43 SEALED BIDS AND (II) THE BOARD OF THE AUTHORITY MAY BY RESOLUTION ADOPT
44 GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS TO SMALL BUSINESS
45 CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES CERTIFIED PURSU-
46 ANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR MINORITY OR
47 WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTICLE FIFTEEN-A
48 OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY THAT ARE RECY-
49 CLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND
50 DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITHOUT FURTHER BOARD
51 APPROVAL. THE BOARD OF THE AUTHORITY SHALL ADOPT GUIDELINES WHICH SHALL
52 BE MADE PUBLICLY AVAILABLE FOR THE AWARDING OF ANY CONTRACT WITHOUT A
53 FORMAL COMPETITIVE PROCESS.

54 S 2. Intentionally omitted.

1 S 3. Subparagraph (i) of paragraph f and subparagraph (i) of paragraph
2 g of subdivision 9 of section 1209 of the public authorities law,
3 subparagraph (i) of paragraph f as added by chapter 929 of the laws of
4 1986, and subparagraph (i) of paragraph g as amended by chapter 725 of
5 the laws of 1993, are amended to read as follows:

6 (i) [The] EXCEPT FOR A CONTRACT WITH A VALUE OF ONE MILLION DOLLARS OR
7 LESS THAT IS AWARDED PURSUANT TO THIS PARAGRAPH TO THE PROPOSER WHOSE
8 PROPOSAL IS THE LOWEST COST, THE authority may award a contract pursuant
9 to this paragraph only after a resolution approved by a two-thirds vote
10 of its members then in office at a public meeting of the authority with
11 such resolution (A) disclosing the other proposers and the substance of
12 their proposals, (B) summarizing the negotiation process including the
13 opportunities, if any, available to proposers to present and modify
14 their proposals, and (C) setting forth the criteria upon which the
15 selection was made.

16 (i) [The] EXCEPT FOR A CONTRACT WITH A VALUE OF ONE MILLION DOLLARS OR
17 LESS THAT IS AWARDED PURSUANT TO THIS PARAGRAPH TO THE PROPOSER WHOSE
18 PROPOSAL IS THE LOWEST COST, THE authority may award a contract pursuant
19 to this paragraph only after a resolution approved by a vote of not less
20 than two-thirds of its members then in office at a public meeting of the
21 authority with such resolution (A) disclosing the other proposers and
22 the substance of their proposals, (B) summarizing the negotiation proc-
23 ess including the opportunities, if any, available to proposers to pres-
24 ent and modify their proposals, and (C) setting forth the criteria upon
25 which the selection was made.

26 S 4. Subdivision 13 of section 1209 of the public authorities law is
27 renumbered subdivision 14 and a new subdivision 13 is added to read as
28 follows:

29 13. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, THE AUTHORI-
30 TY SHALL BE ALLOWED TO USE AN ELECTRONIC BIDDING SYSTEM THAT MAY INFORM
31 BIDDERS WHETHER THEIR BID IS THE CURRENT LOW BID, AND ALLOW BIDDERS TO
32 SUBMIT NEW BIDS BEFORE THE DATE AND TIME ASSIGNED FOR THE OPENING OF
33 BIDS. SUCH PROCEDURE SHALL NOT CONSTITUTE DISCLOSURE OF BIDS IN
34 VIOLATION OF SECTION TWENTY-EIGHT HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

35 S 5. Subdivision 7 of section 1265 of the public authorities law, as
36 added by chapter 324 of the laws of 1965, is amended to read as follows:

37 7. To acquire, hold and dispose of real or personal property in the
38 exercise of its powers[;], INCLUDING, THE POWER TO DISPOSE OF PERSONAL
39 PROPERTY WITH A VALUE OF TWO HUNDRED THOUSAND DOLLARS OR LESS BY PUBLIC
40 AUCTION IN ACCORDANCE WITH GUIDELINES ADOPTED BY THE AUTHORITY PURSUANT
41 TO TITLE FIVE-A OF ARTICLE NINE OF THIS CHAPTER. THE BOARD SHALL ADOPT
42 GUIDELINES THAT SHALL PROVIDE FOR ADVERTISING AND SUCH OTHER SAFEGUARDS
43 AS THE AUTHORITY MAY DEEM APPROPRIATE IN THE PUBLIC INTEREST.

44 S 6. Subdivision 3 of section 1204 of the public authorities law, as
45 amended by chapter 980 of the laws of 1958, is amended to read as
46 follows:

47 3. To acquire, hold, use and dispose of equipment, devices and
48 appurtenances, and other property for its corporate purposes, INCLUDING,
49 THE POWER TO DISPOSE OF PERSONAL PROPERTY WITH A VALUE OF TWO HUNDRED
50 THOUSAND DOLLARS OR LESS BY PUBLIC AUCTION IN ACCORDANCE WITH GUIDELINES
51 ADOPTED BY THE METROPOLITAN TRANSPORTATION AUTHORITY PURSUANT TO SECTION
52 TWELVE HUNDRED SIXTY-FIVE OF THIS ARTICLE AND TITLE FIVE-A OF ARTICLE
53 NINE OF THIS CHAPTER.

54 S 7. Subdivision 3 of section 553 of the public authorities law is
55 amended to read as follows:

1 3. To acquire, hold and dispose of personal property for its corporate
2 purposes[;], INCLUDING, THE POWER TO DISPOSE OF PERSONAL PROPERTY WITH A
3 VALUE OF TWO HUNDRED THOUSAND DOLLARS OR LESS BY PUBLIC AUCTION IN
4 ACCORDANCE WITH GUIDELINES ADOPTED BY THE AUTHORITY PURSUANT TO TITLE
5 FIVE-A OF ARTICLE NINE OF THIS CHAPTER. THE BOARD SHALL ADOPT GUIDE-
6 LINES THAT SHALL PROVIDE FOR ADVERTISING AND SUCH OTHER SAFEGUARDS AS
7 THE AUTHORITY MAY DEEM APPROPRIATE IN THE PUBLIC INTEREST.

8 S 8. Paragraphs (a) and (b) of subdivision 2 of section 1265-a of the
9 public authorities law, as amended by chapter 334 of the laws of 2001,
10 are amended to read as follows:

11 (a) Except as otherwise provided in this section, all purchase
12 contracts for supplies, materials or equipment involving an estimated
13 expenditure in excess of [fifteen] ONE HUNDRED thousand dollars and all
14 contracts for public work involving an estimated expenditure in excess
15 of [twenty-five] ONE HUNDRED thousand dollars shall be awarded by the
16 authority to the lowest responsible bidder after obtaining sealed bids
17 in the manner hereinafter set forth. For purposes hereof, contracts for
18 public work shall exclude contracts for personal, engineering and archi-
19 tectural, or professional services. The authority may reject all bids
20 and obtain new bids in the manner provided by this section when it is
21 deemed in the public interest to do so or, in cases where two or more
22 responsible bidders submit identical bids which are the lowest bids,
23 award the contract to any of such bidders or obtain new bids from such
24 bidders. Nothing herein shall obligate the authority to seek new bids
25 after the rejection of bids or after cancellation of an invitation to
26 bid. Nothing in this section shall prohibit the evaluation of bids on
27 the basis of costs or savings including life cycle costs of the item to
28 be purchased, discounts, and inspection services so long as the invita-
29 tion to bid reasonably sets forth the criteria to be used in evaluating
30 such costs or savings. Life cycle costs may include but shall not be
31 limited to costs or savings associated with installation, energy use,
32 maintenance, operation and salvage or disposal.

33 (b) Section twenty-eight hundred seventy-nine of this chapter shall
34 apply to the authority's acquisition of goods or services of any kind,
35 in the actual or estimated amount of fifteen thousand dollars or more,
36 provided (I) that a contract for [personal] services in the actual or
37 estimated amount of less than [twenty] ONE HUNDRED thousand dollars
38 shall not require approval by the board of the authority regardless of
39 the length of the period over which the services are rendered, and
40 provided further that a contract for [personal] services in the actual
41 or estimated amount of [twenty] ONE HUNDRED thousand dollars or more
42 shall require approval by the board of the authority regardless of the
43 length of the period over which the services are rendered UNLESS SUCH A
44 CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE BIDDER AFTER OBTAINING
45 SEALED BIDS, AND (II) THE BOARD OF THE AUTHORITY MAY BY RESOLUTION ADOPT
46 GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS TO SMALL BUSINESS
47 CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES CERTIFIED PURSU-
48 ANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR MINORITY OR
49 WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTICLE FIFTEEN-A
50 OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY THAT ARE RECY-
51 CLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND
52 DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITHOUT FURTHER BOARD
53 APPROVAL. THE BOARD OF THE AUTHORITY SHALL ADOPT GUIDELINES WHICH SHALL
54 BE MADE PUBLICLY AVAILABLE FOR THE AWARDED OF ANY CONTRACT WITHOUT A
55 FORMAL COMPETITIVE PROCESS.

1 S 9. Subparagraph (i) of paragraph f and subparagraph (i) of paragraph
2 g of subdivision 4 of section 1265-a of the public authorities law,
3 subparagraph (i) of paragraph f as added by chapter 929 of the laws of
4 1986, and subparagraph (i) of paragraph g as amended by chapter 256 of
5 the laws of 1998, are amended to read as follows:

6 (i) [The] EXCEPT FOR A CONTRACT WITH A VALUE OF ONE MILLION DOLLARS OR
7 LESS THAT IS AWARDED PURSUANT TO THIS PARAGRAPH TO THE PROPOSER WHOSE
8 PROPOSAL IS THE LOWEST COST, THE authority may award a contract pursuant
9 to this paragraph only after a resolution approved by a two-thirds vote
10 of its members then in office at a public meeting of the authority with
11 such resolution (A) disclosing the other proposers and the substance of
12 their proposals, (B) summarizing the negotiation process including the
13 opportunities, if any, available to proposers to present and modify
14 their proposals, and (C) setting forth the criteria upon which the
15 selection was made.

16 (i) [The] EXCEPT FOR A CONTRACT WITH A VALUE OF ONE MILLION DOLLARS OR
17 LESS THAT IS AWARDED PURSUANT TO THIS PARAGRAPH TO THE PROPOSER WHOSE
18 PROPOSAL IS THE LOWEST COST, THE authority may award a contract pursuant
19 to this paragraph only after a resolution approved by a vote of not less
20 than a two-thirds vote of its members then in office at a public meeting
21 of the authority with such resolution (A) disclosing the other proposers
22 and the substance of their proposals, (B) summarizing the negotiation
23 process including the opportunities, if any, available to proposers to
24 present and modify their proposals, and (C) setting forth the criteria
25 upon which the selection was made.

26 S 10. Intentionally omitted.

27 S 11. Subdivision 8 of section 1265-a of the public authorities law is
28 renumbered subdivision 9 and a new subdivision 8 is added to read as
29 follows:

30 8. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, THE AUTHORITY
31 SHALL BE ALLOWED TO USE AN ELECTRONIC BIDDING SYSTEM THAT MAY INFORM
32 BIDDERS WHETHER THEIR BID IS THE CURRENT LOW BID, AND ALLOW BIDDERS TO
33 SUBMIT NEW BIDS BEFORE THE DATE AND TIME ASSIGNED FOR THE OPENING OF
34 BIDS. SUCH PROCEDURE SHALL NOT CONSTITUTE DISCLOSURE OF BIDS IN
35 VIOLATION OF SECTION TWENTY-EIGHT HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

36 S 12. Section 553 of the public authorities law is amended by adding a
37 new subdivision 22 to read as follows:

38 22. SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE OF THIS CHAPTER SHALL
39 APPLY TO THE AUTHORITY'S ACQUISITION OF GOODS OR SERVICES OF ANY KIND,
40 IN THE ACTUAL OR ESTIMATED AMOUNT OF FIFTEEN THOUSAND DOLLARS OR MORE,
41 PROVIDED THAT (I) A CONTRACT FOR SERVICES IN THE ACTUAL OR ESTIMATED
42 AMOUNT OF LESS THAN ONE HUNDRED THOUSAND DOLLARS SHALL NOT REQUIRE
43 APPROVAL BY THE BOARD OF THE AUTHORITY REGARDLESS OF THE LENGTH OF THE
44 PERIOD OVER WHICH THE SERVICES ARE RENDERED, AND PROVIDED FURTHER THAT A
45 CONTRACT FOR SERVICES IN THE ACTUAL OR ESTIMATED AMOUNT OF ONE HUNDRED
46 THOUSAND DOLLARS OR MORE SHALL REQUIRE APPROVAL BY THE BOARD OF THE
47 AUTHORITY REGARDLESS OF THE LENGTH OF THE PERIOD OVER WHICH THE SERVICES
48 ARE RENDERED UNLESS SUCH A CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE
49 BIDDER AFTER OBTAINING SEALED BIDS AND (II) THE BOARD OF THE AUTHORITY
50 MAY BY RESOLUTION ADOPT GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS
51 TO SMALL BUSINESS CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES
52 CERTIFIED PURSUANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR
53 MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTI-
54 CLE FIFTEEN-A OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY
55 THAT ARE RECYCLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR
56 HUNDRED THOUSAND DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITH-

OUT FURTHER BOARD APPROVAL. THE BOARD OF THE AUTHORITY SHALL ADOPT GUIDELINES WHICH SHALL BE MADE PUBLICLY AVAILABLE FOR THE AWARDING OF ANY CONTRACT WITHOUT A FORMAL COMPETITIVE PROCESS.

S 13. Intentionally omitted.

S 14. Intentionally omitted.

S 15. This act shall take effect immediately.

PART C

Intentionally Omitted

PART D

Section 1. Section 399-1 of the vehicle and traffic law, as added by chapter 751 of the laws of 2005, is amended to read as follows:

S 399-1. Application. Applicants for participation in the pilot program established pursuant to this article shall be among those accident prevention course sponsoring agencies that have a course approved by the commissioner pursuant to article twelve-B of this title prior to the effective date of this article and which deliver such course to the public. Provided, however, the commissioner may, in his or her discretion, approve applications after such date. In order to be approved for participation in such pilot program, the course must comply with the provisions of law, rules and regulations applicable thereto. The commissioner may, in his or her discretion, impose a fee for the submission of each application to participate in the pilot program established pursuant to this article. Such fee shall not exceed seven thousand five hundred dollars. The proceeds from such fee shall be deposited [in the accident prevention course internet technology pilot program fund as established by section eighty-nine-g of the state finance law] BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION.

S 2. Subdivision 2 of section 89-g of the state finance law is REPEALED and subdivisions 3 and 4 are renumbered subdivisions 2 and 3.

S 3. Section 5 of chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, as amended by section 1 of part E of chapter 57 of the laws of 2014, is amended to read as follows:

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed [May 31, 2019] APRIL 1, 2020; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.

S 4. Paragraph a of subdivision 5 of section 410 of the vehicle and traffic law, as amended by section 16 of part G of chapter 59 of the laws of 2009, is amended to read as follows:

a. The annual fee for registration or reregistration of a motorcycle shall be eleven dollars and fifty cents. Beginning April first, nineteen hundred ninety-eight the annual fee for registration or reregistration of a motorcycle shall be seventeen dollars and fifty cents, of which two dollars and fifty cents shall be deposited BY THE COMPTROLLER into the [motorcycle safety fund established pursuant to section ninety-two-g of the state finance law] SPECIAL OBLIGATION RESERVE AND

PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION.

S 5. Paragraph (c-1) of subdivision 2 of section 503 of the vehicle and traffic law, as added by chapter 435 of the laws of 1997, is amended to read as follows:

(c-1) In addition to the fees established in paragraphs (b) and (c) of this subdivision, a fee of fifty cents for each six months or portion thereof of the period of validity shall be paid upon the issuance of any permit, license or renewal of a license which is valid for the operation of a motorcycle, except a limited use motorcycle. Fees collected pursuant to this paragraph shall be deposited BY THE COMPTROLLER into the [motorcycle safety fund established pursuant to section ninety-two-g of the state finance law] SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION.

S 6. Subdivision 2 of section 92-g of the state finance law is REPEALED and subdivisions 3 and 4 are renumbered subdivisions 2 and 3.

S 7. Section 92-g of the state finance law is REPEALED.

S 8. Section 317 of the vehicle and traffic law is amended by adding a new subdivision 5 to read as follows:

5. ALL ASSESSMENTS CHARGED AND COLLECTED BY THE COMMISSIONER PURSUANT TO THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

S 9. Paragraph (b) of subdivision 1-a of section 318 of the vehicle and traffic law, as amended by section 1-b of part A of chapter 63 of the laws of 2005, is amended to read as follows:

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, an order of suspension issued pursuant to paragraph (a) or (e) of this subdivision may be terminated if the registrant pays to the commissioner a civil penalty in the amount of eight dollars for each day up to thirty days for which financial security was not in effect, plus ten dollars for each day from the thirty-first to the sixtieth day for which financial security was not in effect, plus twelve dollars for each day from the sixty-first to the ninetieth day for which financial security was not in effect. Of each eight dollar penalty, six dollars will be deposited in the general fund and two dollars in the [miscellaneous special revenue fund - compulsory insurance account] SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION. Of each ten dollar penalty collected, six dollars will be deposited in the general fund, two dollars will be deposited in the [miscellaneous special revenue fund - compulsory insurance account] SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW FOR THE PURPOSES ESTABLISHED IN THIS SECTION, and two dollars shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law and the dedicated mass transportation fund established pursuant to section eighty-nine-c of the state finance law and distributed according to the provisions of subdivision (d) of section three hundred one-j of the tax law. Of each twelve dollar penalty collected, six dollars will be deposited into the general

1 fund, two dollars will be deposited into the [miscellaneous special
2 revenue fund - compulsory insurance account] SPECIAL OBLIGATION RESERVE
3 AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND
4 ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW
5 FOR THE PURPOSES ESTABLISHED IN THIS SECTION, and four dollars shall be
6 deposited in the dedicated highway and bridge trust fund established
7 pursuant to section eighty-nine-b of the state finance law and the dedi-
8 cated mass transportation fund established pursuant to section eighty-
9 nine-c of the state finance law and distributed according to the
10 provisions of subdivision (d) of section three hundred one-j of the tax
11 law. The foregoing provision shall apply only once during any thirty-six
12 month period and only if the registrant surrendered the certificate of
13 registration and number plates to the commissioner not more than ninety
14 days from the date of termination of financial security or submits to
15 the commissioner new proof of financial security which took effect not
16 more than ninety days from the termination of financial security.

17 S 10. Section 423-a of the vehicle and traffic law is amended by
18 adding a new subdivision 6 to read as follows:

19 6. ALL FUNDS COLLECTED FROM THE DEPARTMENT'S SHARE OF THE SALE OF
20 ASSETS PURSUANT TO THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER
21 INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED
22 HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION
23 EIGHTY-NINE-B OF THE STATE FINANCE LAW.

24 S 11. Paragraph (a) of subdivision 3 of section 89-b of the state
25 finance law, as amended by section 8 of part C of chapter 57 of the laws
26 of 2014, is amended to read as follows:

27 (a) The special obligation reserve and payment account shall consist
28 (i) of all moneys required to be deposited in the dedicated highway and
29 bridge trust fund pursuant to the provisions of sections two hundred
30 five, two hundred eighty-nine-e, three hundred one-j, five hundred
31 fifteen and eleven hundred sixty-seven of the tax law, section four
32 hundred one of the vehicle and traffic law, and section thirty-one of
33 chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all
34 fees, fines or penalties collected by the commissioner of transportation
35 AND THE COMMISSIONER OF MOTOR VEHICLES pursuant to section fifty-two,
36 section three hundred twenty-six, section eighty-eight of the highway
37 law, subdivision fifteen of section three hundred eighty-five, SECTION
38 FOUR HUNDRED TWENTY-THREE-A, SECTION FOUR HUNDRED TEN, SECTION THREE
39 HUNDRED SEVENTEEN, SECTION THREE HUNDRED EIGHTEEN, ARTICLE TWELVE-C, AND
40 PARAGRAPH (C-1) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED THREE of the
41 vehicle and traffic law, section two of the chapter of the laws of two
42 thousand three that amended this paragraph, subdivision (d) of section
43 three hundred four-a, paragraph one of subdivision (a) and subdivision
44 (d) of section three hundred five, subdivision six-a of section four
45 hundred fifteen and subdivision (g) of section twenty-one hundred twen-
46 ty-five of the vehicle and traffic law, section fifteen of this chapter,
47 excepting moneys deposited with the state on account of betterments
48 performed pursuant to subdivision twenty-seven or subdivision thirty-
49 five of section ten of the highway law, and sections ninety-four, one
50 hundred thirty-five, [one hundred forty-four] and one hundred forty-five
51 of the transportation law, (iii) any moneys collected by the department
52 of transportation for services provided pursuant to agreements entered
53 into in accordance with section ninety-nine-r of the general municipal
54 law, and (iv) any other moneys collected therefor or credited or trans-
55 ferred thereto from any other fund, account or source.

1 S 12. Paragraph (a) of subdivision 3 of section 89-b of the state
2 finance law, as amended by section 9 of part C of chapter 57 of the laws
3 of 2014, is amended to read as follows:

4 (a) The special obligation reserve and payment account shall consist
5 (i) of all moneys required to be deposited in the dedicated highway and
6 bridge trust fund pursuant to the provisions of sections two hundred
7 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven
8 hundred sixty-seven of the tax law, section four hundred one of the
9 vehicle and traffic law, and section thirty-one of chapter fifty-six of
10 the laws of nineteen hundred ninety-three, (ii) all fees, fines or
11 penalties collected by the commissioner of transportation AND THE
12 COMMISSIONER OF MOTOR VEHICLES pursuant to section fifty-two, section
13 three hundred twenty-six, section eighty-eight of the highway law,
14 subdivision fifteen of section three hundred eighty-five, SECTION FOUR
15 HUNDRED TWENTY-THREE-A, SECTION FOUR HUNDRED TEN, SECTION THREE HUNDRED
16 SEVENTEEN, SECTION THREE HUNDRED EIGHTEEN, ARTICLE TWELVE-C, AND PARA-
17 GRAPH (C-1) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED THREE of the
18 vehicle and traffic law, section fifteen of this chapter, excepting
19 moneys deposited with the state on account of betterments performed
20 pursuant to subdivision twenty-seven or subdivision thirty-five of
21 section ten of the highway law, and sections ninety-four, one hundred
22 thirty-five, [one hundred forty-four] and one hundred forty-five of the
23 transportation law, (iii) any moneys collected by the department of
24 transportation for services provided pursuant to agreements entered into
25 in accordance with section ninety-nine-r of the general municipal law,
26 and (iv) any other moneys collected therefor or credited or transferred
27 thereto from any other fund, account or source.

28 S 13. This act shall take effect immediately; provided, however, that
29 section seven of this act shall take effect April 1, 2020; provided
30 further, however, that the amendments to section 399-1 of the vehicle
31 and traffic law made by section one of this act shall not affect the
32 repeal of such section and shall be deemed repealed therewith; and
33 provided further, however, that the amendments to paragraph (a) of
34 subdivision 3 of section 89-b of the state finance law made by section
35 eleven of this act shall be subject to the expiration and reversion of
36 such paragraph pursuant to section 13 of part U1 of chapter 62 of the
37 laws of 2003, as amended, when upon such date the provisions of section
38 twelve of this act shall take effect.

39 PART E

40 Intentionally Omitted

41 PART F

42 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
43 of the laws of 1968 constituting the New York state urban development
44 corporation act, as amended by section 1 of part M of chapter 58 of the
45 laws of 2015, is amended to read as follows:

46 3. The provisions of this section shall expire, notwithstanding any
47 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
48 the laws of 1996 or of any other law, on July 1, [2016] 2017.

49 S 2. This act shall take effect immediately and shall be deemed to
50 have been in full force and effect on and after July 1, 2016.

51 PART G

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of New York state urban development corporation to make loans, as amended by section 1 of part N of chapter 58 of the laws of 2015, is amended to read as follows:

S 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, [2016] 2017, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

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

PART H

Section 1. This act shall be known and may be cited as the "Transformational Economic Development Infrastructure and Revitalization Projects act".

S 2. Definitions. For the purposes of this act, the following terms shall have the following meanings:

1. "Transformational Economic Development Infrastructure and Revitalization Projects act" or "projects" shall mean construction projects in the county of New York related to the redevelopment of the Jacob V. Javits Convention Center, the Empire State Station Complex, the James A. Farley Building, and Pennsylvania Station. The term "project" shall refer to any of these construction projects.

2. "Authorized entity" shall mean the New York State Urban Development Corporation, the New York Convention Center Development Corporation, and their subsidiaries.

3. "Best value" shall mean the basis for awarding contracts for services to the bidder that optimize quality, cost and efficiency, price and performance criteria, which may include, but is not limited to:

(a) The quality of the contractor's performance on previous projects;
(b) The timeliness of the contractor's performance on previous projects;

(c) The level of customer satisfaction with the contractor's performance on previous projects;

(d) The contractor's record of performing previous projects on budget and ability to minimize cost overruns;

(e) The contractor's ability to limit change orders;

(f) The contractor's ability to prepare appropriate project plans;

(g) The contractor's technical capacities;

(h) The individual qualifications of the contractor's key personnel;

(i) The contractor's ability to assess and manage risk and minimize risk impact; and

(j) The contractor's past record of encouraging women and minority-owned business enterprise participation and compliance with article 15-A of the executive law.

Such basis shall reflect, wherever possible, objective and quantifiable analysis.

4. "Design-build contract" shall mean, in conformity with the requirements of this act, a contract for the design and construction of the

1 projects with a single entity, which may be a team comprised of separate
2 entities.

3 5. "Procurement record" shall mean documentation of the decisions made
4 and the approach taken in the procurement process.

5 6. "Project labor agreement" shall mean a pre-hire collective bargain-
6 ing agreement between a contractor and a bona fide building and
7 construction trade labor organization establishing the labor organiza-
8 tion as the collective bargaining representative for all persons who
9 will perform work on the project, and which provides that only contrac-
10 tors and subcontractors who sign a pre-negotiated agreement with the
11 labor organization can perform project work.

12 S 3. Notwithstanding the provisions of any law to the contrary, in
13 conformity with the requirements of this act, and only when a project
14 labor agreement is performed, the authorized entity may utilize the
15 alternative delivery method referred to as a design-build contract for
16 the project. The authorized entity shall ensure that its procurement
17 record reflects the design-build contract process authorized by this
18 act.

19 S 4. An entity selected by the authorized entity to enter into a
20 design-build contract for the project shall be selected through a two-
21 step method, as follows:

22 1. Step one. Generation of a list of entities that have demonstrated
23 the general capability to perform a design-build contract for the
24 project. Such list shall consist of a specified number of entities, as
25 determined by the authorized entity, and shall be generated based upon
26 the authorized entity's review of responses to a publicly advertised
27 request for qualifications for the project. The authorized entity's
28 request for qualifications for the project shall include a general
29 description of the project, the maximum number of entities to be
30 included on the list, and the selection criteria to be used in generat-
31 ing the list. Such selection criteria shall include the qualifications
32 and experience of the design and construction team, organization, demon-
33 strated responsibility, ability of the team or of a member or members of
34 the team to comply with applicable requirements, including the
35 provisions of articles 145, 147 and 148 of the education law, past
36 record of compliance with the labor law including prevailing wage
37 requirements under state and federal law; the past record of compliance
38 with existing labor standards and maintaining harmonious labor
39 relations; the record of protecting the health and safety of workers on
40 public works projects and job sites as demonstrated by the experience
41 modification rate for each of the last three years; the prospective
42 bidder's ability to undertake the particular type and complexity of
43 work; the financial capability, responsibility and reliability of the
44 prospective bidder for such type and complexity of work; the prospective
45 bidder's compliance with equal employment opportunity requirements and
46 anti-discrimination laws, and demonstrated commitment to working with
47 minority and women-owned business enterprises through joint ventures or
48 subcontractor relationships; whether or not the prospective bidder or a
49 person or entity with an interest of at least ten per centum in the
50 prospective bidder, is debarred for having disregarded obligations to
51 employees under the Davis-Bacon Act pursuant to 40 U.S.C. 3144 and 29
52 C.F.R. 5.12 and such other qualifications the authorized entity deems
53 appropriate which may include but are not limited to project understand-
54 ing, financial capability and record of past performance. The authorized
55 entity shall evaluate and rate all entities responding to the request
56 for qualifications. Based upon such ratings, the authorized entity shall

1 list the entities that shall receive a request for proposals in accord-
2 ance with subdivision two of this section. To the extent consistent with
3 applicable federal law, the authorized entity shall consider, when
4 awarding any contract pursuant to this act, the participation of: (a)
5 firms certified pursuant to article 15-A of the executive law as minori-
6 ty or women-owned business enterprises and the ability of other busi-
7 nesses under consideration to work with minority and women-owned busi-
8 ness enterprises so as to promote and assist participation by such
9 businesses; and (b) small business concerns identified pursuant to
10 subdivision (b) of section 139-g of the state finance law.

11 2. Step two. Selection of the proposal which is the best value to the
12 authorized entity. The authorized entity shall issue a request for
13 proposals for the project to the entities listed pursuant to subdivision
14 one of this section. If such an entity consists of a team of separate
15 entities, the entities that comprise such a team must remain unchanged
16 from the entity as listed pursuant to subdivision one of this section
17 unless otherwise approved by the authorized entity. The request for
18 proposals for the project shall set forth the project's scope of work,
19 and other requirements, as determined by the authorized entity. The
20 request for proposals shall specify the criteria to be used to evaluate
21 the responses and the relative weight of each such criteria. Such crite-
22 ria shall include the proposal's cost, the quality of the proposal's
23 solution, the qualifications and experience of the design-build entity,
24 and other factors deemed pertinent by the authorized entity, which may
25 include, but shall not be limited to, the proposal's project implementa-
26 tion, ability to complete the work in a timely and satisfactory manner,
27 maintenance costs of the completed project, maintenance of traffic
28 approach, and community impact. Any contract awarded pursuant to this
29 act shall be awarded to a responsive and responsible entity that submits
30 the proposal, which, in consideration of these and other specified
31 criteria deemed pertinent to the project, offers the best value to the
32 authorized entity, as determined by the authorized entity. Nothing in
33 this act shall be construed to prohibit the authorized entity from nego-
34 tiating final contract terms and conditions including cost.

35 3. Notwithstanding the foregoing provisions of this section, when any
36 person or entity is debarred for having disregarded obligations to
37 employees under the Davis-Bacon Act pursuant to 40 U.S.C. 3144 and 29
38 C.F.R. 5.12, such person or entity, and any firm, corporation, partner-
39 ship or association in which the person or entity owns or controls at
40 least ten per centum, shall be ineligible to submit a bid on or be
41 awarded any contract authorized by this act while the name of the person
42 or entity is published in the list of debarred contractors pursuant to
43 40 U.S.C. 3144. The department of labor will notify the person or entity
44 immediately of such ineligibility and such person or entity must be
45 afforded the opportunity to appeal to the department of labor.

46 S 5. Any contract entered into pursuant to this act shall include a
47 clause requiring that any professional services regulated by articles
48 145, 147 and 148 of the education law shall be performed and stamped and
49 sealed, where appropriate, by a professional licensed in accordance with
50 such articles.

51 S 6. The construction, demolition, reconstruction, excavation, reha-
52 bilitation, repair, renovation of the project undertaken by the author-
53 ized entity pursuant to this act shall be deemed a "public work" to be
54 performed in accordance with the provisions of article 8 of the labor
55 law, as well as subject to sections 200, 240, 241 and 242 of the labor

1 law and enforcement of prevailing wage requirements by the New York
2 state department of labor.

3 S 7. A project labor agreement shall be included in the request for
4 proposals for the project, provided that, based upon a study done by or
5 for the authorized entity, the authorized entity determines that its
6 interests are best met by requiring a project labor agreement. The
7 authorized entity shall conduct such a study and the project labor
8 agreement shall be performed consistent with the provisions of section
9 222 of the labor law. If a project labor agreement is not performed on
10 the project: (1) the authorized entity shall not utilize a design-build
11 contract for the project; and (2) section 135 of the state finance law
12 shall apply to the project.

13 S 8. Each contract entered into by the authorized entity pursuant to
14 this act shall comply, whenever practical, with the objectives and goals
15 of the minority and women-owned business enterprise program pursuant to
16 article 15-A of the executive law or, if the project receives federal
17 aid, shall comply with applicable federal requirements for disadvantaged
18 business enterprises.

19 S 9. The project undertaken by the authorized entity pursuant to this
20 act shall be subject to the requirements of article 8 of the environ-
21 mental conservation law, and, where applicable, the requirements of the
22 national environmental policy act.

23 S 9-a. If otherwise applicable, the project undertaken by the author-
24 ized entity pursuant to this act shall be governed by sections 139-d,
25 139-j, 139-k, and paragraph f of subdivision 1 and paragraph g of subdi-
26 vision 9 of section 163 of the state finance law.

27 S 9-b. (a) A report shall be submitted by January 1, 2017, to the
28 governor, the temporary president of the senate and the speaker of the
29 assembly by each authorized entity that has entered into a design-build
30 contract pursuant to this act. Such report shall contain the following
31 information: a detailed description of and progress report for each
32 project authorized under this act; information regarding the basis for
33 determining the list of entities required to be named pursuant to subdi-
34 vision one of section four of this act; information regarding the basis
35 for determining the proposal which is the best value to the authorized
36 entity as required by subdivision two of section four of this act; the
37 total cost of each project authorized under this act; the estimated cost
38 and time savings of each project and an explanation of how such savings
39 were determined.

40 (b) A report shall be submitted by January 1, 2018, notwithstanding
41 the expiration and repeal of this act annually thereafter, by each
42 authorized entity that is a party to a design-build contract entered
43 into pursuant to this act, to the governor, the temporary president of
44 the senate and the speaker of the assembly. Such report shall provide a
45 detailed description of the progress of each project undertaken, includ-
46 ing, but not limited to, whether such projects are on schedule and with-
47 in budget, any changes to the total cost of each project, and any chang-
48 es to the cost and time savings anticipated as reported pursuant to
49 subdivision (a) of this section.

50 S 10. The submission of a proposal or responses or the execution of a
51 design-build contract pursuant to this act shall not be construed to be
52 a violation of section 6512 of the education law.

53 S 11. Nothing contained in this act shall limit the right or obli-
54 gation of the authorized entity to comply with the provisions of any
55 existing contract, including any existing contract with or for the bene-

fit of the holders of the obligations of the authorized entity, or to award contracts as otherwise provided by law.

S 12. This act shall take effect immediately, and shall expire and be deemed repealed three years after such date, provided that if the authorized entity has issued requests for qualifications for the project prior to such repeal, such project shall be permitted to continue under this act notwithstanding such repeal; provided that the New York State urban development corporation and the New York convention center development corporation shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART I

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

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

PART J

Section 1. Expenditures of moneys by the New York state energy research and development authority for services and expenses of the energy research, development and demonstration program, including grants, the energy policy and planning program, and the Fuel NY program shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended in an amount not to exceed \$19,700,000 shall be reimbursed by assessment against gas corporations, as defined in subdivision 11 of section 2 of the public service law and electric corporations as defined in subdivision 13 of section 2 of the public service law, where such gas corporations and electric corporations have gross revenues from intrastate utility operations in excess of \$500,000 in the preceding calendar year, and the total amount which may be charged to any gas corporation and any electric corporation shall not exceed one cent per one thousand cubic feet of gas sold and .010 cent per kilowatt-hour of electricity sold by such corporations in their intrastate utility operations in calendar year 2014. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law. The chair of the public service commission shall bill such gas and/or electric corporations for such amounts on or before August 10, 2016 and such amounts shall be paid to the New York state energy research and development authority on or before September 10, 2016. Upon receipt, the New York state energy research and development authority shall deposit such funds in the energy research and development operating fund established pursuant to section 1859 of the public authorities law. The New York state energy research and development authority is authorized and directed to: (1) transfer \$1 million to the state general fund for services and expenses of the department of environmental conservation and to transfer \$750,000 to the University of Rochester laboratory for laser energetics from the

1 funds received; and (2) commencing in 2016, provide to the chair of the
2 public service commission and the director of the budget and the chairs
3 and secretaries of the legislative fiscal committees, on or before
4 August first of each year, an itemized record, certified by the presi-
5 dent and chief executive officer of the authority, or his or her desig-
6 nee, detailing any and all expenditures and commitments ascribable to
7 moneys received as a result of this assessment by the chair of the
8 department of public service pursuant to section 18-a of the public
9 service law. This itemized record shall include an itemized breakdown
10 of the programs being funded by this section and the amount committed to
11 each program. The authority shall not commit for any expenditure, any
12 moneys derived from the assessment provided for in this section, until
13 the chair of such authority shall have submitted, and the director of
14 the budget shall have approved, a comprehensive financial plan encom-
15 passing all moneys available to and all anticipated commitments and
16 expenditures by such authority from any source for the operations of
17 such authority. Copies of the approved comprehensive financial plan
18 shall be immediately submitted by the chair to the chairs and secre-
19 taries of the legislative fiscal committees. Any such amount not
20 committed by such authority to contracts or contracts to be awarded or
21 otherwise expended by the authority during the fiscal year shall be
22 refunded by such authority on a pro-rata basis to such gas and/or elec-
23 tric corporations, in a manner to be determined by the department of
24 public service.

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

27 PART K

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

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

35 PART L

36 Section 1. Paragraph (c) of subdivision 12 of section 66 of the public
37 service law, as amended by chapter 162 of the laws of 1998, is amended
38 to read as follows:

39 (c) For the purpose of this subdivision, "major changes" shall mean an
40 increase in the rates and charges which would increase the aggregate
41 revenues of the applicant more than the greater of three hundred thou-
42 sand dollars or two and one-half percent, but shall not include changes
43 in rates, charges or rentals (I) allowed to go into effect by the
44 commission or made by the utility pursuant to an order of the commission
45 after hearings held upon notice to the public, OR (II) PROPOSED BY A
46 MUNICIPALITY.

47 S 2. Paragraph (f) of subdivision 12 of section 66 of the public
48 service law, as amended by chapter 154 of the laws of 1989, is amended
49 to read as follows:

50 (f) Whenever there shall be filed with the commission by any utility
51 any schedule stating a new rate or charge, or any change in any form of
52 contract or agreement or any rule or regulation relating to any rate,

1 charge or service, or in any general privilege or facility, the commis-
2 sion may, at any time within sixty days from the date when such schedule
3 would or has become effective, either upon complaint or upon its own
4 initiative, and, if it so orders, without answer or other formal plead-
5 ing by the utility, but upon reasonable notice, hold a hearing concern-
6 ing the propriety of a change proposed by the filing. If such change is
7 a major change, the commission shall hold such a hearing. Pending such
8 hearing and decision thereon, the commission, upon filing with such
9 schedule and delivering to the utility, a statement in writing of its
10 reasons therefor, may suspend the operation of such schedule, but not
11 for a longer period than [one hundred and twenty days] FOUR MONTHS
12 beyond the time when it would otherwise go into effect. After full hear-
13 ing, whether completed before or after the schedule goes into effect,
14 the commission may make such order in reference thereto as would be
15 proper in a proceeding begun after the rate, charge, form of contract or
16 agreement, rule, regulation, service, general privilege or facility had
17 become effective. If any such hearing cannot be concluded within the
18 period of suspension as above stated, the commission may extend the
19 suspension for a further period, not exceeding [six] TEN months. IF AT
20 THE END OF SUCH PERIOD, THE FILED PETITION HAS NOT BEEN ACTED UPON BY
21 THE COMMISSION, THE COMMISSION SHALL UTILIZE THE PROPOSAL FILED BY THE
22 STAFF OF THE DEPARTMENT TO ESTABLISH TEMPORARY RATES FOR THE PETITIONER,
23 SUBJECT TO REFUND OR REPARATION AS PROVIDED IN SECTION ONE HUNDRED THIR-
24 TEEN OF THIS CHAPTER.

25 S 3. Paragraph (f) of subdivision 10 of section 80 of the public
26 service law, as amended by chapter 154 of the laws of 1989, is amended
27 to read as follows:

28 (f) Whenever there shall be filed with the commission by any utility
29 any schedule stating a new rate or charge, or any change in any form of
30 contract or agreement or any rule or regulation relating to any rate,
31 charge or service, or in any general privilege or facility, the commis-
32 sion may, at any time within sixty days from the date when such schedule
33 would or has become effective, either upon complaint or upon its own
34 initiative, and, if it so orders, without answer or other formal plead-
35 ing by the utility, but upon reasonable notice, hold a hearing concern-
36 ing the propriety of a change proposed by the filing. If such change is
37 a major change, the commission shall hold such a hearing. Pending such
38 hearing and decision thereon the commission, upon filing with such sche-
39 dule and delivering to the utility, a statement in writing of its
40 reasons therefor, may suspend the operation of such schedule, but not
41 for a longer period than [one hundred and twenty days] FOUR MONTHS
42 beyond the time when it would otherwise go into effect. After full hear-
43 ing, whether completed before or after the schedule goes into effect,
44 the commission may make such order in reference thereto as would be
45 proper in a proceeding begun after the rate, charge, form of contract or
46 agreement, rule, regulation, service, general privilege or facility had
47 become effective. If such hearing cannot be concluded within the period
48 of suspension as above stated, the commission may extend the suspension
49 for a further period not exceeding [six] TEN months. IF AT THE END OF
50 SUCH PERIOD, THE FILED PETITION HAS NOT BEEN ACTED UPON BY THE COMMIS-
51 SION, THE COMMISSION SHALL UTILIZE THE PROPOSAL FILED BY THE STAFF OF
52 THE DEPARTMENT TO ESTABLISH TEMPORARY RATES FOR THE PETITIONER, SUBJECT
53 TO REFUND OR REPARATION AS PROVIDED IN SECTION ONE HUNDRED THIRTEEN OF
54 THIS CHAPTER.

1 S 4. Paragraph (f) of subdivision 10 of section 89-c of the public
2 service law, as amended by chapter 154 of the laws of 1989, is amended
3 to read as follows:

4 (f) Whenever there shall be filed with the commission by any water-
5 works corporation any schedule stating a new rate or charge, or any
6 change in any form of contract or agreement or any rule or regulation
7 relating to any rate, charge or service, or in any general privilege or
8 facility, the commission may, at any time within sixty days from the
9 date when such schedule would or has become effective, either upon
10 complaint or upon its own initiative, and, if it so orders, without
11 answer or other formal pleading by the interested corporation, but upon
12 reasonable notice, hold a hearing concerning the propriety of a change
13 proposed by the filing. If such change is a major change, the commission
14 shall hold such a hearing. Pending such hearing and decision thereon,
15 the commission, upon filing with such schedule and delivering to the
16 corporation affected thereby a statement in writing of its reasons
17 therefor, may suspend the operation of such schedule, but not for a
18 longer period than [one hundred and twenty days] FOUR MONTHS beyond the
19 time when it would otherwise go into effect. After a full hearing,
20 whether completed before or after the schedule goes into effect, the
21 commission may make such order in reference thereto as would be proper
22 in a proceeding begun after the rate, charge, form of contract or agree-
23 ment, rule, regulation, service, general privilege or facility had
24 become effective. If any such hearing cannot be concluded within the
25 period of suspension as above stated, the commission may extend the
26 suspension for a further period not exceeding [six] TEN months. IF AT
27 THE END OF SUCH PERIOD, THE FILED PETITION HAS NOT BEEN ACTED UPON BY
28 THE COMMISSION, THE COMMISSION SHALL UTILIZE THE PROPOSAL FILED BY THE
29 STAFF OF THE DEPARTMENT TO ESTABLISH TEMPORARY RATES FOR THE PETITIONER,
30 SUBJECT TO REFUND OR REPARATION AS PROVIDED IN SECTION ONE HUNDRED THIR-
31 TEEN OF THIS CHAPTER.

32 S 5. This act shall take effect immediately.

33 PART M

34 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
35 executive law relating to permitting the secretary of state to provide
36 special handling for all documents filed or issued by the division of
37 corporations and to permit additional levels of such expedited service,
38 as amended by section 1 of part T of chapter 58 of the laws of 2015, is
39 amended to read as follows:

40 S 2. This act shall take effect immediately, provided however, that
41 section one of this act shall be deemed to have been in full force and
42 effect on and after April 1, 2003 and shall expire March 31, [2016]
43 2017.

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

46 PART N

47 Intentionally Omitted

48 PART O

49 Intentionally Omitted

1

PART P

2 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the
3 public authorities law relating to the powers and duties of the dormito-
4 ry authority of the state of New York relative to the establishment of
5 subsidiaries for certain purposes, as amended by section 1 of part X of
6 chapter 57 of the laws of 2014, is amended to read as follows:

7 S 2. This act shall take effect immediately and shall expire and be
8 deemed repealed on July 1, [2016] 2018; provided however, that the expi-
9 ration of this act shall not impair or otherwise affect any of the
10 powers, duties, responsibilities, functions, rights or liabilities of
11 any subsidiary duly created pursuant to subdivision twenty-five of
12 section 1678 of the public authorities law prior to such expiration.

13 S 2. This act shall take effect immediately.

14

PART Q

15 Sections 1-4 Intentionally omitted.

16 S 5. Subdivisions 2 and 3 of section 357-a of the public authorities
17 law are REPEALED and subdivision 1, as added by section 1 of part E of
18 chapter 58 of the laws of 2013, is amended to read as follows:

19 1. Enforcement assistance [shall be] provided by the division of state
20 police at [a level consistent with historical precedents, as a matter of
21 state interest, on all sections of the thruway. The authority shall
22 provide goods and services to the division of state police in connection
23 with its enforcement activity on the thruway. The division of state
24 police and the authority shall enter into an agreement identifying those
25 goods and services that the authority will provide to the division of
26 state police and determine reporting and other requirements related
27 thereto. Any costs borne by the state police outside of such agreement
28 shall not be reimbursed by the authority nor shall they be deemed costs
29 of the authority] THE REQUEST OF THE AUTHORITY SHALL BE REIMBURSED BY
30 THE AUTHORITY TO THE DIVISION OF STATE POLICE FROM THE GENERAL RESERVE
31 FUND ESTABLISHED BY THE AUTHORITY UNDER ITS AGREEMENT WITH BONDHOLDERS,
32 AFTER PAYMENT OF ANY AMOUNTS DUE ON ANY BONDS OR NOTES OF THE AUTHORITY.
33 THE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO DEPOSIT TO THE
34 POLICING NYS THRUWAY ACCOUNT, REVENUES RECEIVED FROM THE AUTHORITY AS
35 REIMBURSEMENT FOR PERSONAL SERVICE EXPENSES INCLUDING GENERAL STATE
36 CHARGES. IN ADDITION, THE AUTHORITY SHALL REIMBURSE THE DIVISION OF
37 STATE POLICE FOR NON-PERSONAL SERVICE EXPENSES CONNECTED WITH SUCH
38 ASSISTANCE. SUCH REIMBURSEMENT SHALL BE MADE FROM SUCH GENERAL RESERVE
39 FUND. THE AUTHORITY SHALL DEPOSIT SAID REIMBURSEMENT FUNDS FOR NON-PER-
40 SONAL SERVICE EXPENSES TO THE CREDIT OF THE DIVISION OF STATE POLICE. NO
41 PAYMENTS MADE BY THE AUTHORITY UNDER THIS SUBSECTION SHALL BE DEEMED
42 OPERATING EXPENSES OF THE AUTHORITY.

43 SS 6-29 Intentionally omitted.

44 S 30. This act shall take effect immediately.

45

PART R

46 Section 1. Short title. This act shall be known and may be cited as
47 the "private activity bond allocation act of 2016".

48 S 2. Legislative findings and declaration. The legislature hereby
49 finds and declares that the federal tax reform act of 1986 established a
50 statewide bond volume ceiling on the issuance of certain tax exempt
51 private activity bonds and notes and, under certain circumstances,

1 governmental use bonds and notes issued by the state and its public
2 authorities, local governments, agencies which issue on behalf of local
3 governments, and certain other issuers. The federal tax reform act
4 establishes a formula for the allocation of the bond volume ceiling
5 which was subject to temporary modification by gubernatorial executive
6 order until December 31, 1987. That act also permits state legislatures
7 to establish, by statute, an alternative formula for allocating the
8 volume ceiling. Bonds and notes subject to the volume ceiling require
9 an allocation from the state's annual volume ceiling in order to qualify
10 for federal tax exemption.

11 It is hereby declared to be the policy of the state to maximize the
12 public benefit through the issuance of private activity bonds for the
13 purposes of, amount other things, allocating a fair share of the bond
14 volume ceiling upon initial allocation and from a bond reserve to local
15 agencies and for needs identified by local governments; providing hous-
16 ing and promoting economic development; job creation; an economical
17 energy supply; and resource recovery and to provide for an orderly and
18 efficient volume ceiling allocation process for state and local agencies
19 by establishing an alternative formula for making such allocations.

20 S 3. Definitions. As used in this act, unless the context requires
21 otherwise:

22 1. "Bonds" means bonds, notes or other obligations.

23 2. "Carryforward" means an amount of unused private activity bond
24 ceiling available to an issuer pursuant to an election filed with the
25 internal revenue service pursuant to section 146(f) of the code.

26 3. "Code" means the internal revenue code of 1986, as amended.

27 4. "Commissioner" means the commissioner of the New York state depart-
28 ment of economic development.

29 5. "Covered bonds" means those tax exempt private activity bonds and
30 that portion of the non-qualified amount of an issue of governmental use
31 bonds for which an allocation of the statewide ceiling is required for
32 the interest earned by holders of such bonds to be excluded from the
33 gross income of such holders for federal income tax purposes under the
34 code.

35 6. "Director" means the director of the New York state division of the
36 budget.

37 7. "Issuer" means a local agency, state agency or other issuer.

38 8. "Local agency" means an industrial development agency established
39 or operating pursuant to article 18-A of the general municipal law, the
40 Troy industrial development authority and the Auburn industrial develop-
41 ment authority.

42 9. "Other issuer" means any agency, political subdivision or other
43 entity, other than a local agency or state agency, that is authorized to
44 issue covered bonds.

45 10. "Qualified small issue bonds" means qualified small issue bonds,
46 as defined in section 144(a) of the code.

47 11. "State agency" means the state of New York, the New York state
48 energy research and development authority, the New York job development
49 authority, the New York state environmental facilities corporation, the
50 New York state urban development corporation and its subsidiaries, the
51 Battery Park city authority, the port authority of New York and New
52 Jersey, the power authority of the state of New York, the dormitory
53 authority of the state of New York, the New York state housing finance
54 agency, the state of New York mortgage agency, and any other public
55 benefit corporation or public authority designated by the governor for
56 the purposes of this act.

12. "Statewide ceiling" means for any calendar year the highest state ceiling (as such term is used in section 146 of the code) applicable to New York state.

13. "Future allocations" means allocations of statewide ceiling for up to two future years.

14. "Multi-year housing development project" means a project (a) which qualifies for covered bonds;

(b) which is to be constructed over two or more years; and

(c) in which at least twenty percent of the dwelling units will be occupied by persons and families of low income.

S 4. Local agency set-aside. A set-aside of statewide ceiling for local agencies for any calendar year shall be an amount which bears the same ratio to one-third of the statewide ceiling as the population of the jurisdiction of such local agency bears to the population of the entire state. The commissioner shall administer allocations of such set-aside to local agencies.

S 5. State agency set-aside. A set-aside of statewide ceiling for all state agencies for any calendar year shall be one-third of the statewide ceiling. The director shall administer allocations of such set-aside to state agencies and may grant an allocation to any state agency upon receipt of an application in such form as the director shall require.

S 6. Statewide bond reserve. One-third of the statewide ceiling is hereby set aside as a statewide bond reserve to be administered by the director. 1. Allocation of the statewide bond reserve among state agencies, local agencies and other issuers. The director shall transfer a portion of the statewide bond reserve to the commissioner for allocation to and use by local agencies and other issuers in accordance with the terms of this section. The remainder of the statewide bond reserve may be allocated by the director to state agencies in accordance with the terms of this section.

2. Allocation of statewide bond reserve to local agencies or other issuers. (a) Local agencies or other issuers may at any time apply to the commissioner for an allocation from the statewide bond reserve. Such application shall demonstrate:

(i) that the requested allocation is required under the code for the interest earned on the bonds to be excluded from the gross income of bondholders for federal income tax purposes;

(ii) that the local agency's remaining unused allocation provided pursuant to section four of this act, and other issuer's remaining unused allocation, or any available carryforward will be insufficient for the specific project or projects for which the reserve allocation is requested; and

(iii) that, except for those allocations made pursuant to section twelve of this act to enable carryforward elections, the requested allocation is reasonably expected to be used during the calendar year, and the requested future allocation is reasonably expected to be used in the calendar year to which the future allocation relates.

(b) In reviewing and approving or disapproving applications, the commissioner shall exercise discretion to ensure an equitable distribution of allocations from the statewide bond reserve to local agencies and other issuers. Prior to making a determination on such applications, the commissioner shall notify and seek the recommendation of the president and chief executive officer of the New York state housing finance agency in the case of an application related to the issuance of multi-family housing or mortgage revenue bonds, and in the case of other

1 requests, such state officers, departments, divisions and agencies as
2 the commissioner deems appropriate.

3 (c) Applications for allocations shall be made in such form and
4 contain such information and reports as the commissioner shall require.

5 3. Allocation of statewide bond reserve to state agencies. The direc-
6 tor may make an allocation from the statewide bond reserve to any state
7 agency. Before making any allocation of statewide bond reserve to state
8 agencies the director shall be satisfied: (a) that the allocation is
9 required under the code for the interest earned on the bonds to be
10 excluded from the gross income of bondholders for federal income tax
11 purposes;

12 (b) that the state agency's remaining unused allocation provided
13 pursuant to section five of this act or any available carryforward will
14 be insufficient to accommodate the specific bond issue or issues for
15 which the reserve allocation is requested; and

16 (c) that, except for those allocations made pursuant to section twelve
17 of this act to enable carryforward elections, the requested allocation
18 is reasonably expected to be used during the calendar year, and the
19 requested future allocation is reasonably expected to be used in the
20 calendar year to which the future allocation relates.

21 S 7. Access to employment opportunities. 1. All issuers shall require
22 that any new employment opportunities created in connection with the
23 industrial or manufacturing projects financed through the issuance of
24 qualified small issue bonds shall be listed with the New York state
25 department of labor and with the one-stop career center established
26 pursuant to the federal workforce investment act (Pub. L. No. 105-220)
27 serving the locality in which the employment opportunities are being
28 created. Such listing shall be in a manner and form prescribed by the
29 commissioner. All issuers shall further require that for any new employ-
30 ment opportunities created in connection with an industrial or manufac-
31 turing project financed through the issuance of qualified small issue
32 bonds by such issuer, industrial or manufacturing firms shall first
33 consider persons eligible to participate in workforce investment act
34 (Pub. L. No. 105-220) programs who shall be referred to the industrial
35 or manufacturing firm by one-stop centers in local workforce investment
36 areas or by the department of labor. Issuers of qualified small issue
37 bonds are required to monitor compliance with the provisions of this
38 section as prescribed by the commissioner.

39 2. Nothing in this section shall be construed to require users of
40 qualified small issue bonds to violate any existing collective bargain-
41 ing agreement with respect to the hiring of new employees. Failure on
42 the part of any user of qualified small issue bonds to comply with the
43 requirements of this section shall not affect the allocation of bonding
44 authority to the issuer of the bonds or the validity or tax exempt
45 status of such bonds.

46 S 8. Overlapping jurisdictions. In a geographic area represented by a
47 county local agency and one or more sub-county local agencies, the allo-
48 cation granted by section four of this act with respect to such area of
49 overlapping jurisdiction shall be apportioned one-half to the county
50 local agency and one-half to the sub-county local agency or agencies.
51 Where there is a local agency for the benefit of a village within the
52 geographic area of a town for the benefit of which there is a local
53 agency, the allocation of the village local agency shall be based on the
54 population of the geographic area of the village, and the allocation of
55 the town local agency shall be based upon the population of the
56 geographic area of the town outside of the village. Notwithstanding the

1 foregoing, a local agency may surrender all or part of its allocation
2 for such calendar year to another local agency with an overlapping
3 jurisdiction. Such surrender shall be made at such time and in such
4 manner as the commissioner shall prescribe.

5 S 9. Ineligible local agencies. To the extent that any allocation of
6 the local agency set-aside would be made by this act to a local agency
7 which is ineligible to receive such allocation under the code or under
8 regulations interpreting the state volume ceiling provisions of the
9 code, such allocation shall instead be made to the political subdivision
10 for whose benefit that local agency was created.

11 S 10. Municipal reallocation. The chief executive officer of any poli-
12 tical subdivision or, if such political subdivision has no chief execu-
13 tive officer, the governing board of the political subdivision for the
14 benefit of which a local agency has been established, may withdraw all
15 or any portion of the allocation granted by section four of this act to
16 such local agency. The political subdivision may then reallocate all or
17 any portion of such allocation, as well as all or any portion of the
18 allocation received pursuant to section nine of this act, to itself or
19 any other issuer established for the benefit of that political subdivi-
20 sion or may assign all or any portion of the allocation received pursu-
21 ant to section nine of this act to the local agency created for its
22 benefit. The chief executive officer or governing board of the political
23 subdivision, as the case may be, shall notify the commissioner of any
24 such reallocation.

25 S 11. Future allocations for multi-year housing development projects.
26 1. In addition to other powers granted under this act, the commissioner
27 is authorized to make the following future allocations of statewide
28 ceiling for any multi-year housing development project for which the
29 commissioner also makes an allocation of statewide ceiling for the
30 current year under this act or for which, in the event of expiration of
31 provisions of this act described in section eighteen of this act, an
32 allocation of volume cap for a calendar year subsequent to such expira-
33 tion shall have been made under section 146 of the code: (a) to local
34 agencies from the local agency set-aside (but only with the approval of
35 the chief executive officer of the political subdivision to which the
36 local agency set-aside relates or the governing body of a political
37 subdivision having no chief executive officer) and

38 (b) to other issuers from that portion, if any, of the statewide bond
39 reserve transferred to the commissioner by the director. Any future
40 allocation made by the commissioner shall constitute an allocation of
41 statewide ceiling for the future year specified by the commissioner and
42 shall be deemed to have been made on the first day of the future year so
43 specified.

44 2. In addition to other powers granted under this act, the director is
45 authorized to make future allocations of statewide ceiling from the
46 state agency set-aside or from the statewide bond reserve to state agen-
47 cies for any multi-year housing development project for which the direc-
48 tor also makes an allocation of statewide ceiling from the current year
49 under this act or for which, in the event of expiration of provisions of
50 this act described in section eighteen of this act, an allocation of
51 volume cap for a calendar year subsequent to such expiration shall have
52 been made under section 146 of the Code, and is authorized to make
53 transfers of the statewide bond reserve to the commissioner for future
54 allocations to other issuers for multi-year housing development projects
55 for which the commissioner has made an allocation of statewide ceiling
56 for the current year. Any such future allocation or transfer of the

1 statewide bond reserve for future allocation made by the director shall
2 constitute an allocation of statewide ceiling or transfer of the state-
3 wide bond reserve for the future years specified by the director and
4 shall be deemed to have been made on the first day of the future year so
5 specified.

6 3. (a) If an allocation made with respect to a multi-year housing
7 development project is not used by October fifteenth of the year to
8 which the allocation relates, the allocation with respect to the then
9 current year shall be subject to recapture in accordance with the
10 provisions of section twelve of this act, and in the event of such a
11 recapture, unless a carryforward election by another issuer shall have
12 been approved by the commissioner or a carryforward election by a state
13 agency shall have been approved by the director, all future allocations
14 made with respect to such project pursuant to subdivision one or two of
15 this section shall be canceled.

16 (b) The commissioner and the director shall have the authority to make
17 future allocations from recaptured current year allocations and canceled
18 future allocations to multi-year housing development projects in a
19 manner consistent with the provisions of this act. Any such future allo-
20 cation shall, unless a carryforward election by another issuer shall
21 have been approved by the commissioner or a carryforward election by a
22 state agency shall have been approved by the director, be canceled if
23 the current year allocation for the project is not used by December 31,
24 2017.

25 (c) The commissioner and the director shall establish procedures
26 consistent with the provisions of this act relating to carryforward of
27 future allocations.

28 4. The aggregate future allocations from either of the two succeeding
29 years shall not exceed six hundred fifty million dollars for each such
30 year.

31 S 12. Year end allocation recapture. On or before October first of
32 each year, each state agency shall report to the director and each local
33 agency and each other issuer shall report to the commissioner the amount
34 of bonds subject to allocation under this act that will be issued prior
35 to the end of the then current calendar year, and the amount of the
36 issuer's then total allocation that will remain unused. As of October
37 fifteenth of each year, the unused portion of each local agency's and
38 other issuer's then total allocation as reported and the unallocated
39 portion of the set-aside for state agencies shall be recaptured and
40 added to the statewide bond reserve and shall no longer be available to
41 covered bond issuers except as otherwise provided herein. From October
42 fifteenth through the end of the year, each local agency or other issuer
43 having an allocation shall immediately report to the commissioner and
44 each state agency having an allocation shall immediately report to the
45 director any changes to the status of its allocation or the status of
46 projects for which allocations have been made which should affect the
47 timing or likelihood of the issuance of covered bonds therefor. If the
48 commissioner determines that a local agency or other issuer has overes-
49 timated the amount of covered bonds subject to allocation that will be
50 issued prior to the end of the calendar year, the commissioner may
51 recapture the amount of the allocation to such local agency or other
52 issuer represented by such overestimation by notice to the local agency
53 or other issuer, and add such allocation to the statewide bond reserve.
54 The director may likewise make such determination and recapture with
55 respect to state agency allocations.

1 S 13. Allocation carryforward. 1. No local agency or other issuer
2 shall make a carryforward election utilizing any unused allocation
3 (pursuant to section 146(f) of the code) without the prior approval of
4 the commissioner. Likewise no state agency shall make or file such an
5 election, or elect to issue or carryforward mortgage credit certif-
6 icates, without the prior approval of the director.

7 2. On or before November fifteenth of each year, each state agency
8 seeking unused statewide ceiling for use in future years shall make a
9 request for an allocation for a carryforward to the director, whose
10 approval shall be required before a carryforward election is filed by or
11 on behalf of any state agency. A later request may also be considered by
12 the director, who may file a carryforward election for any state agency
13 with the consent of such agency.

14 3. On or before November fifteenth of each year, each local agency or
15 other issuer seeking unused statewide ceiling for use in future years
16 shall make a request for an allocation for a carryforward to the commis-
17 sioner, whose approval shall be required before a carryforward election
18 is filed by or on behalf of any local or other agency. A later request
19 may also be considered by the commissioner.

20 S 14. New York state bond allocation policy advisory panel. 1. There
21 is hereby created a policy advisory panel and process to provide policy
22 advice regarding the priorities for distribution of the statewide ceil-
23 ing.

24 2. The panel shall consist of five members, one designee being
25 appointed by each of the following: the governor, the temporary presi-
26 dent of the senate, the speaker of the assembly, the minority leader of
27 the senate and the minority leader of the assembly. The designee of the
28 governor shall chair the panel. The panel shall monitor the allocation
29 process through the year, and in that regard, the division of the budget
30 and the department of economic development shall assist and cooperate
31 with the panel as provided in this section. The advisory process shall
32 operate through the issuance of advisory opinions by members of the
33 panel as provided in subdivisions six and seven of this section. A meet-
34 ing may be held at the call of the chair with the unanimous consent of
35 the members.

36 3.(a) Upon receipt of a request for allocation or a request for
37 approval of a carryforward election from the statewide reserve from a
38 local agency or other issuer, the commissioner shall, within five work-
39 ing days, notify the panel of such request and provide the panel with
40 copies of all application materials submitted by the applicant.

41 (b) Upon receipt of a request for allocation or a request for approval
42 of carryforward election from the statewide reserve from a state agency,
43 the director shall, within five working days, notify the panel of such
44 request and provide the panel with copies of all application materials
45 submitted by the applicant.

46 4. (a) Following receipt of a request for allocation from a local
47 agency or other issuer, the commissioner shall notify the panel of a
48 decision to approve or exclude from further consideration such request,
49 and the commissioner shall state the reasons. Such notification shall be
50 made with or after the transmittal of the information specified in
51 subdivision three of this section and at least five working days before
52 formal notification is made to the applicant.

53 (b) Following receipt of a request for allocation from a state agency,
54 the director shall notify the panel of a decision to approve or exclude
55 from further consideration such request, and shall state the reasons.
56 Such notification shall be made with or after the transmission of the

1 information specified in subdivision three of this section and at least
2 five working days before formal notification is made to the state agency.
3

4 5. The requirements of subdivisions three and four of this section
5 shall not apply to adjustments to allocations due to bond sizing changes.
6

7 6. In the event that any decision to approve or to exclude from
8 further consideration a request for allocation is made within ten working
9 days of the end of the calendar year and in the case of all requests
10 for consent to a carryforward election, the commissioner or director, as
11 is appropriate, shall provide the panel with the longest possible
12 advance notification of the action, consistent with the requirements of
13 the code, and shall, wherever possible, solicit the opinions of the
14 members of the panel before formally notifying any applicant of the
15 action. Such notification may be made by means of telephone communication
16 to the members or by written notice delivered to the Albany
17 office of the appointing authority of the respective members.

18 7. Upon notification by the director or the commissioner, any member
19 of the panel may, within five working days, notify the commissioner or
20 the director of any policy objection concerning the expected action. If
21 three or more members of the panel shall submit policy objections in
22 writing to the intended action, the commissioner or the director shall
23 respond in writing to the objection prior to taking the intended action
24 unless exigent circumstances make it necessary to respond after the
25 action has been taken.

26 8. On or before the first day of July, in any year, the director shall
27 report to the members of the New York state bond allocation policy advisory
28 panel on the actual utilization of volume cap for the issuance of
29 bonds during the prior calendar year and the amount of such cap allocated
30 for carryforwards for future bond issuance. The report shall
31 include, for each local agency or other issuer and each state agency the
32 initial allocation, the amount of bonds issued subject to the allocation,
33 the amount of the issuer's allocation that remained unused, the
34 allocation of the statewide bond reserve, carryforward allocations and
35 recapture of allocations. Further, the report shall include projections
36 regarding private activity bond issuance for state and local issuers for
37 the calendar year, as well as any recommendations for legislative
38 action.

39 S 15. Severability. If any clause, sentence, paragraph, section, or
40 part of this act shall be adjudged by any court of competent jurisdiction
41 to be invalid, such judgment shall not affect, impair, or invalidate the
42 remainder thereof, but shall be confined in its operation to the clause,
43 sentence, paragraph, section, or part thereof directly involved in the
44 controversy in which such judgment shall have been rendered.
45

46 S 16. Notwithstanding any provisions of this act to the contrary (1)
47 provided that a local agency or other issuer certifies to the commissioner
48 on or before October 1, 2016 that it has issued private activity bonds
49 described in this section and the amount thereof which used statewide
50 ceiling, a commitment or allocation of statewide ceiling to a local agency
51 or other issuer made to or so used by such local agency or other issuer
52 pursuant to the federal tax reform act of 1986 on or after January 1,
53 2016 and prior to the effective date of this act, in an amount which
54 exceeds the local agency set-aside established by section four of this
55 act, shall be first chargeable to the statewide bond reserve established
56 pursuant to section six of this act, and

(2) a commitment or allocation of statewide ceiling to a state agency made to or used by such agency pursuant to the internal revenue code, as amended, on or after January 1, 2016 and prior to the effective date of this act, shall be first chargeable to the state agency set-aside established pursuant to section five of this act, and, thereafter, to the statewide bond reserve established by section six of this act.

S 17. Nothing contained in this act shall be deemed to supersede, alter or impair any allocation used by or committed by the director or commissioner to a state or local agency or other issuer pursuant to the federal tax reform act of 1986 and prior to the effective date of this act.

S 18. This act shall take effect immediately; provided, however, that sections three through ten, twelve, thirteen and fourteen of this act shall expire July 1, 2018 when upon such date the provisions of such sections shall be deemed repealed; except that the provisions of subdivisions 2 and 3 of section thirteen of this act shall expire and be deemed repealed February 15, 2018.

PART S

Intentionally Omitted

PART T

Section 1. Subdivisions 1 and 2 of section 27-1905 of the environmental conservation law, as amended by section 1 of part G of chapter 58 of the laws of 2013, are amended to read as follows:

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

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

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

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

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

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

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

S 2. Subdivisions 1, 2 and 3 and paragraph (a) of subdivision 6 of section 27-1913 of the environmental conservation law, as amended by

1 section 2 of part G of chapter 58 of the laws of 2013, are amended to
2 read as follows:

3 1. Until December thirty-first, two thousand [sixteen] NINETEEN, a
4 waste tire management and recycling fee of two dollars and fifty cents
5 shall be charged on each new tire sold. The fee shall be paid by the
6 purchaser to the tire service at the time the new tire or new motor
7 vehicle is purchased.

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

9 (a) recapped or resold tires;

10 (b) mail-order sales; or

11 (c) the sale of new motor vehicle tires to a person solely for the
12 purpose of resale provided the subsequent retail sale in this state is
13 subject to such fee.

14 2. Until December thirty-first, two thousand [sixteen] NINETEEN, the
15 tire service shall collect the waste tire management and recycling fee
16 from the purchaser at the time of the sale and shall remit such fee to
17 the department of taxation and finance with the quarterly report filed
18 pursuant to subdivision three of this section.

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

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

23 3. Until March thirty-first, two thousand [seventeen] TWENTY, each
24 tire service maintaining a place of business in this state shall make a
25 return to the department of taxation and finance on a quarterly basis,
26 with the return for December, January, and February being due on or
27 before the immediately following March thirty-first; the return for
28 March, April, and May being due on or before the immediately following
29 June thirtieth; the return for June, July, and August being due on or
30 before the immediately following September thirtieth; and the return for
31 September, October, and November being due on or before the immediately
32 following December thirty-first.

33 (a) Each return shall include:

34 (i) the name of the tire service;

35 (ii) the address of the tire service's principal place of business and
36 the address of the principal place of business (if that is a different
37 address) from which the tire service engages in the business of making
38 retail sales of tires;

39 (iii) the name and signature of the person preparing the return;

40 (iv) the total number of new tires sold at retail for the preceding
41 quarter and the total number of new tires placed on motor vehicles prior
42 to original retail sale;

43 (v) the amount of waste tire management and recycling fees due; and

44 (vi) such other reasonable information as the department of taxation
45 and finance may require.

46 (b) Copies of each report shall be retained by the tire service for
47 three years.

48 If a tire service ceases business, it shall file a final return and
49 remit all fees due under this title with the department of taxation and
50 finance not more than one month after discontinuing that business.

51 (a) Until December thirty-first, two thousand [sixteen] NINETEEN, any
52 additional waste tire management and recycling costs of the tire service

53 in excess of the amount authorized to be retained pursuant to paragraph
54 (b) of subdivision two of this section may be included in the published
55 selling price of the new tire, or charged as a separate per-tire charge
56 on each new tire sold. When such costs are charged as a separate per-

1 tire charge: (i) such charge shall be stated as an invoice item separate
2 and distinct from the selling price of the tire; (ii) the invoice shall
3 state that the charge is imposed at the sole discretion of the tire
4 service; and (iii) the amount of such charge shall reflect the actual
5 cost to the tire service for the management and recycling of waste tires
6 accepted by the tire service pursuant to section 27-1905 of this title,
7 provided however, that in no event shall such charge exceed two dollars
8 and fifty cents on each new tire sold.

9 S 3. This act shall take effect immediately.

10 PART U

11 Section 1. Paragraph a of subdivision 2 of section 92-s of the state
12 finance law, as added by chapter 610 of the laws of 1993, is amended to
13 read as follows:

14 a. The comptroller shall establish the following separate and distinct
15 accounts within the environmental protection fund:

- 16 (i) solid waste account;
- 17 (ii) parks, recreation and historic preservation account;
- 18 (iii) open space account; [and]
- 19 (iv) CLIMATE CHANGE ACCOUNT; AND
- 20 (V) environmental protection transfer account.

21 S 2. Paragraphs (b) and (c) of subdivision 6 of section 92-s of the
22 state finance law, as amended by chapter 432 of the laws of 1997, are
23 amended to read as follows:

24 (b) Moneys from the solid waste account shall be available, pursuant
25 to appropriation and upon certificate of approval of availability by the
26 director of the budget, for any non-hazardous municipal landfill closure
27 project; municipal waste reduction or recycling project, as defined in
28 article fifty-four of the environmental conservation law; for the
29 purposes of section two hundred sixty-one and section two hundred
30 sixty-four of the economic development law; any project for the develop-
31 ment, updating or revision of local solid waste management plans pursu-
32 ant to sections 27-0107 and 27-0109 of the environmental conservation
33 law; ENVIRONMENTAL JUSTICE PROJECTS AND GRANTS and for the development
34 of the pesticide sales and use data base [in conjunction with Cornell
35 University] pursuant to title twelve of article thirty-three of the
36 environmental conservation law.

37 (c) Moneys from the parks, recreation and historic preservation
38 account shall be available, pursuant to appropriation, for any municipal
39 park project, historic preservation project, urban cultural park
40 project, waterfront revitalization program, coastal rehabilitation
41 project. PROVIDED, HOWEVER, THAT NO LESS THAN FIFTY PERCENT OF SUCH
42 MONEYS SHALL BE MADE AVAILABLE FOR PROJECTS WHICH ARE IN OR PRIMARILY
43 SERVE AREAS WHERE DEMOGRAPHIC AND OTHER RELEVANT DATA FOR SUCH AREAS
44 DEMONSTRATE THAT THE AREAS ARE DENSELY POPULATED AND HAVE SUSTAINED
45 PHYSICAL DETERIORATION, DECAY, NEGLECT OR WHERE A SUBSTANTIAL PROPORTION
46 OF THE RESIDENTIAL POPULATION IS OF LOW INCOME OR IS OTHERWISE DISADVAN-
47 TAGED AND IS UNDERSERVED WITH THE EXISTING RECREATIONAL OPPORTUNITY IN
48 THE AREA.

49 S 3. Subdivisions 1 and 2 of section 54-1101 of the environmental
50 conservation law, subdivision 1 as amended by chapter 355 of the laws of
51 2014 and subdivision 2 as amended by chapter 309 of the laws of 1996,
52 are amended to read as follows:

53 1. The secretary is authorized to provide on a competitive basis,
54 within amounts appropriated, state assistance payments AND/OR TECHNICAL

1 ASSISTANCE AS DEFINED IN SECTION NINE HUNDRED SEVENTEEN OF THE EXECUTIVE
2 LAW, to municipalities toward the [cost] DEVELOPMENT of any local water-
3 front revitalization program, PURSUANT TO ARTICLE FORTY-TWO OF THE EXEC-
4 UTIVE LAW including planning projects to mitigate future physical
5 climate risks AND UPDATES TO EXISTING LOCAL WATERFRONT REVITALIZATION
6 PROGRAM PLANS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS. Eligible costs
7 include planning, studies, preparation of local laws, and construction
8 projects.

9 2. State assistance payments AND/OR TECHNICAL ASSISTANCE, AS DEFINED
10 IN SECTION NINE HUNDRED SEVENTEEN OF THE EXECUTIVE LAW, shall not exceed
11 fifty percent of the cost of the program, EXCEPT FOR PROJECTS WHICH ARE
12 IN OR PRIMARILY SERVE AREAS WHERE DEMOGRAPHIC AND OTHER RELEVANT DATA
13 FOR SUCH AREAS DEMONSTRATE THAT THE AREAS ARE DENSELY POPULATED AND HAVE
14 SUSTAINED PHYSICAL DETERIORATION, DECAY, NEGLECT OR WHERE A SUBSTANTIAL
15 PROPORTION OF THE RESIDENTIAL POPULATION IS OF LOW INCOME OR IS OTHER-
16 WISE DISADVANTAGED, IN WHICH CASE STATE ASSISTANCE PAYMENTS AND/OR TECH-
17 NICAL ASSISTANCE SHALL NOT EXCEED NINETY PERCENT OF THE COST OF THE
18 PROGRAM. For the purpose of determining the amount of state assistance
19 payments, costs shall not be more than the amount set forth in the
20 application for state assistance payments approved by the secretary. The
21 state assistance payments shall be paid on audit and warrant of the
22 state comptroller on a certificate of availability of the director of
23 the budget.

24 S 4. Paragraph (a) of subdivision 1 of section 33-1201 of the environ-
25 mental conservation law, as added by chapter 279 of the laws of 1996, is
26 amended to read as follows:

27 a. The department shall develop a pesticide sales and use computer
28 data base [in conjunction with Cornell University]. The data base shall
29 be maintained at the department.

30 S 5. Section 912 of the executive law is amended by adding a new
31 subdivision 17 to read as follows:

32 17. TO ENCOURAGE STATE AGENCIES AND LOCAL GOVERNMENTS TO CONSIDER
33 PHYSICAL CLIMATE RISKS IN PLANNING AND DEVELOPMENT EFFORTS.

34 S 6. Paragraphs a and b of subdivision 1 of section 918 of the execu-
35 tive law, as added by chapter 840 of the laws of 1981, are amended to
36 read as follows:

37 a. To any local governments, or to two or more local governments, for
38 projects approved by the secretary which lead to preparation of a water-
39 front revitalization program; provided, however, that such grants shall
40 not exceed fifty percent of the approved cost of such projects, EXCEPT
41 FOR PROJECTS WHICH ARE IN OR PRIMARILY SERVE AREAS WHERE DEMOGRAPHIC AND
42 OTHER RELEVANT DATA FOR SUCH AREAS DEMONSTRATE THAT THE AREAS ARE DENSE-
43 LY POPULATED AND HAVE SUSTAINED PHYSICAL DETERIORATION, DECAY, NEGLECT
44 OR WHERE A SUBSTANTIAL PROPORTION OF THE RESIDENTIAL POPULATION IS OF
45 LOW INCOME OR IS OTHERWISE DISADVANTAGED, IN WHICH CASE SUCH GRANTS
46 SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST OF SUCH PROJECTS;

47 b. To any local government or local government agency for research,
48 design, and other activities which serve to facilitate construction
49 projects provided for in an approved waterfront revitalization program;
50 provided, however, THAT SUCH PROJECTS SHALL TAKE INTO ACCOUNT THE FUTURE
51 PHYSICAL CLIMATE RISK DUE TO SEA LEVEL RISE, AND/OR STORM SURGES AND/OR
52 FLOODING, BASED ON AVAILABLE DATA PREDICTING THE LIKELIHOOD OF FUTURE
53 EXTREME WEATHER EVENTS INCLUDING HAZARD RISK ANALYSIS DATA IF APPLICABLE
54 AND PROVIDED, FURTHER, that such grants or payments shall not exceed ten
55 percent of the estimated cost of such construction project.

56 S 7. This act shall take effect immediately.

1 PART V

2 Intentionally Omitted

3 PART W

4 Section 1. Section 5 of chapter 77 of the laws of 2010 amending the
5 environmental conservation law and the public health law relating to an
6 environmental facility and cancer incidence map, is amended to read as
7 follows:

8 S 5. This act shall take effect immediately [and shall expire and be
9 deemed repealed March 31, 2016].

10 S 2. This act shall take effect immediately.

11 PART X

12 Section 1. Zero emissions vehicle and clean-burning fuel vehicle
13 rebate program. 1. Definitions. For purposes of this act, the following
14 terms shall have the following meanings:

15 a. "Authority" shall mean the New York state energy research and
16 development authority.

17 b. "Eligible infrastructure project" shall mean any facility (not
18 including a building and its structural components) that is used prima-
19 rily for the public charging and/or fueling of zero emissions vehicles
20 or vehicles utilizing clean-burning fuel that has received required
21 federal, state and local permits and authorizations.

22 c. "Eligible purchase" shall mean the purchase to own or lease for a
23 period of not less than thirty-six months of a zero emissions vehicle or
24 a vehicle utilizing clean-burning fuel placed into service on or after
25 the effective date of this act at a dealer located within New York.

26 d. "Zero emissions vehicle" shall mean a vehicle that produces zero
27 exhaust emissions of any criteria pollutant (or precursor pollutant) or
28 greenhouse gas under any possible operational mode or conditions.

29 e. "Clean-burning fuel" shall mean fuel at least eighty-five percent
30 of the volume of which consists of hydrogen.

31 2. No later than one year after the effective date of this act, the
32 authority shall develop a program to encourage the deployment of:

33 a. zero emissions vehicles and vehicles utilizing clean-burning fuel;
34 and

35 b. eligible infrastructure projects which support the deployment of
36 zero emission vehicles and vehicles utilizing clean-burning fuel.

37 3. The program created pursuant to this act shall offer incentives
38 until April 1, 2023 and shall include:

39 a. rebates for eligible purchases, provided that (i) an individual may
40 receive a maximum of one rebate per year and (ii) a rebate for an eligi-
41 ble purchase shall not exceed five thousand dollars; and

42 b. rebates for eligible infrastructure projects, provided that an
43 applicant for such eligible infrastructure project rebate may receive a
44 maximum rebate of two hundred fifty thousand dollars per facility.

45 4. Within one year of the effective date of this act, the authority
46 shall promulgate rules to implement and administer this act including
47 rules relating to the forms required to claim a rebate, the required
48 documentation for establishing eligibility for a rebate, procedures and
49 guidelines for claiming a rebate, and the collection of economic impact
50 data from applicants and any other requirements the authority deems
51 necessary.

1 The authority shall determine and publish on its website on an ongoing
2 basis the amount of available funding for rebates remaining in each
3 fiscal year.

4 5. No later than April 1, 2018 and annually thereafter, the authority
5 shall issue a report to the temporary president of the senate, the
6 speaker of the assembly, the chair of the senate committee on energy and
7 telecommunications and the chair of the assembly committee on energy
8 detailing the status of its program to encourage the deployment of zero
9 emissions vehicles and vehicles utilizing clean-burning fuel. Such
10 report shall include:

11 a. the amount of funding dedicated by the authority for the program in
12 the preceding year;

13 b. the amount of eligible purchases and eligible infrastructure
14 projects for which a rebate was awarded;

15 c. the amount and geographic distribution of rebates; and

16 d. any other information the authority deems necessary.

17 S 2. This act shall take effect immediately.

18 PART Y

19 Section 1. 1. Legislative findings and intent. The legislature hereby
20 finds and declares that the construction of new roadways often generates
21 additional motor vehicle traffic and fails to alleviate roadway
22 congestion. The legislature further finds and declares that the
23 construction of new mass transit routes and services reduces motor vehi-
24 cle traffic and alleviates roadway congestion.

25 2. The metropolitan transportation authority (MTA) shall conduct a
26 comprehensive feasibility study of the reactivation of the Long Island
27 Rail Road Rockaway Beach rail line. The MTA shall submit such study, no
28 later than March 1, 2017, to the governor, the temporary president of he
29 senate and the speaker of the assembly.

30 3. The MTA shall produce an environmental impact statement in accord-
31 ance with article 8 of the environmental conservation law for the
32 construction of a light rail system along the west shore of Staten
33 Island. The MTA shall submit such environmental impact statement, no
34 later than 30 days after its completion, to the governor, the temporary
35 president of the senate and the speaker of the assembly.

36 4. Notwithstanding any provision of any general, special or local law,
37 ordinance, order, rule, regulation or administrative code to the contra-
38 ry, no state funds shall be expended to study the construction of a
39 tunnel from Long Island to connect to any location in Bronx county,
40 Westchester county, or the state of Connecticut.

41 5. For purposes of this act, the term "metropolitan transportation
42 authority" or "MTA" shall mean the corporation created by section 1263
43 of the public authorities law.

44 S 2. This act shall take effect immediately.

45 PART Z

46 Section 1. Subpart H of part C of chapter 20 of the laws of 2015
47 appropriating money for certain municipal corporations and school
48 districts is amended to read as follows:

49 Section 1. LEGISLATIVE FINDINGS. A RESULT OF THE CLOSURE OF
50 COAL-FIRED ELECTRIC GENERATING POWER PLANTS IS THE SIGNIFICANT REDUCTION
51 IN THE TAX BASE OF HOST COMMUNITIES. IT IS THE DESIRE AND PURPOSE OF
52 THIS ACT TO MITIGATE THE IMPACT OF THE LOSS OF LOCAL TAX BASE. ACCORD-

INGLY, THE LEGISLATURE THEREBY RECOGNIZES THE NECESSITY OF ALLOCATING ADDITIONAL MONEYS UNDER THIS SUBPART, THE FOSSIL FUEL ELECTRIC GENERATION FACILITY CESSATION MITIGATION FUND, IN ORDER TO ASSIST AFFECTED COMMUNITIES.

S 2. Contingent upon available funding, and not to exceed [\$19,000,000] \$50,000,000, moneys from the urban development corporation shall be available for a [municipal corporation or school district] LOCAL GOVERNMENT ENTITY, WHICH FOR THE PURPOSES OF THIS SECTION SHALL MEAN A COUNTY, CITY, TOWN, VILLAGE, SCHOOL DISTRICT OR SPECIAL DISTRICT, [as determined by the urban development corporation,] where (i) a fossil fuel electric generating facility located within such [municipal corporation or school district] LOCAL GOVERNMENT ENTITY has [permanently] ceased operations, and (ii) the closing of such facility has caused a reduction in the REAL PROPERTY [tax collections and receipts from] TAXES OR payments in lieu of taxes [of at least 20%, or any judicial determination concerning a fossil fuel electric generating facility, has caused a reduction in the tax collections and receipts from payments in lieu of taxes of at least 20%; provided, however, that the urban development corporation shall not provide assistance to a municipal corporation or school district for more than five years, and shall not award in the first year more than eighty percent of the loss of revenues from property tax and payments in lieu of taxes due to the closure of such facility.] IMPOSED UPON SUCH FOSSIL FUEL ELECTRIC GENERATING FACILITY. SUCH MONEYS SHALL BE PAID ANNUALLY BY THE URBAN DEVELOPMENT CORPORATION TO SUCH LOCAL GOVERNMENT ENTITY WITHIN 30 DAYS OF A REDUCTION IN PROPERTY TAXES OR PAYMENTS IN LIEU OF TAXES IMPOSED UPON SUCH FACILITY AND ATTRIBUTABLE TO THE CESSATION OF OPERATIONS. FOR PURPOSES OF THIS SECTION, ANY LOCAL GOVERNMENT ENTITY SEEKING ASSISTANCE UNDER THE FOSSIL FUEL ELECTRIC GENERATION FACILITY CESSATION MITIGATION FUND MUST SUBMIT AN ATTESTATION TO THE PUBLIC SERVICE COMMISSION THAT A FACILITY IS NO LONGER PRODUCING ELECTRICITY AND IS NO LONGER PARTICIPATING IN MARKETS OPERATED BY THE BULK SYSTEM OPERATOR SERVING THE STATE OF NEW YORK (BSO). AFTER RECEIPT OF SUCH ATTESTATION, THE PUBLIC SERVICE COMMISSION SHALL CONFIRM SUCH INFORMATION WITH THE BSO. IN THE CASE THAT THE BSO CONFIRMS TO THE COMMISSION THAT THE FACILITY IS NO LONGER PRODUCING ELECTRICITY AND PARTICIPATING IN MARKETS OPERATED BY SUCH BSO, IT SHALL BE DEEMED THAT THE FOSSIL FUEL ELECTRIC GENERATING FACILITY LOCATED WITHIN THE LOCAL GOVERNMENT ENTITY HAS CEASED OPERATION. THE AMOUNT OF SUCH ANNUAL PAYMENT SHALL BE IN THE AMOUNT OF THE DIFFERENTIAL BETWEEN THE AVERAGE ANNUAL PROPERTY TAXES AND PAYMENTS IN LIEU OF TAXES IMPOSED UPON THE FACILITY, EXCLUSIVE OF INTEREST AND PENALTIES, OVER THE PRIOR TEN YEARS AND THE CURRENT PROPERTY TAXES AND PAYMENTS IN LIEU OF TAXES IMPOSED UPON THE FACILITY, EXCLUSIVE OF INTEREST AND PENALTIES. The total amount awarded from this program shall not exceed [\$19,000,000] \$50,000,000.

S [2] 3. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the New York state energy research and development authority is authorized and directed to [(i)] make a contribution to the Urban Development Corporation, or as otherwise directed in writing by the director of the budget, in an amount not to exceed [\$19,000,000] \$50,000,000 for the state fiscal year commencing April 1, 2016.

S [3] 4. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the power authority of the state of New York is authorized and directed to make a contribution to the state treasury to the credit of the general fund, or as otherwise

1 directed in writing by the director of the budget, in an amount of up to
2 \$6,000,000 for the state fiscal year commencing April 1, 2015. Such
3 contribution shall be in addition to other contributions otherwise
4 enacted in law.

5 S [4] 5. This act shall take effect immediately and shall expire and
6 be deemed repealed by July 1, 2025.

7 S 2. This act shall take effect immediately, provided that the amend-
8 ments to subpart H of part C of chapter 20 of the laws of 2015, made by
9 section one of this act, shall not affect the expiration and repeal of
10 such subpart, and shall expire and be deemed repealed therewith.

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

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