S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N A S S E M B L Y

February 24, 2011

Introduced by M. of A. SWEENEY, TITONE, WEISENBERG, JAFFEE, THIELE, CAHILL, JACOBS, ENGLEBRIGHT, P. RIVERA, PAULIN, LAVINE, MAISEL, SCHROEDER, REILLY -- Multi-Sponsored by -- M. of A. ABINANTI, BOYLAND, GABRYSZAK, GOTTFRIED, McENENY, PHEFFER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the powers and duties of commissioner of environmental conservation or secretary of state

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

Section 1. Section 54-0103 of the environmental conservation law, as added by chapter 610 of the laws of 1993, the section heading as amended by chapter 309 of the laws of 1996, is amended to read as follows:

S 54-0103. Powers and duties of the commissioner or secretary.

In administering the provisions of this article the respective commissioner or the secretary:

1. shall make an itemized estimate of funds or appropriations requested annually for inclusion in the executive budget;

2. may, in the name of the state, as further provided within this article, contract to make, within the limitations of appropriations available therefor, state assistance payments to a municipality toward the cost of a project approved and to be undertaken pursuant to this article, or to a not-for-profit corporation toward the costs of a project approved and to be undertaken pursuant to titles three and nine of this article. SUCH CONTRACTS SHALL INCLUDE PROVISIONS TO MAXIMIZE AWARENESS FOR THE PUBLIC THAT A SOURCE OF FUNDING FOR SUCH PROJECT IS THE NEW YORK STATE ENVIRONMENTAL PROTECTION FUND. SUCH PROVISIONS SHALL NOT REQUIRE ANY EXPENDITURE OF FUNDS BEYOND THAT WHICH THE MUNICIPALITY MAY DECIDE IF IT COMMUNICATES TO THE PUBLIC REGARDING THE PROJECT. Such contracts shall be subject to approval by the state comptroller and, as to form, by the attorney general;

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

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3. may, in the name of the state, enter into contracts, within the limitations of appropriations available therefor, with not-for-profit corporations, public benefit corporations, and private contractors for services contemplated by this article to be funded hereunder. SUCH CONTRACTS SHALL INCLUDE PROVISIONS TO MAXIMIZE AWARENESS FOR THE PUBLIC THAT A SOURCE OF FUNDING FOR SUCH SERVICES IS THE NEW YORK STATE ENVIRONMENTAL PROTECTION FUND. SUCH PROVISIONS SHALL NOT REQUIRE ANY EXPENDITURE OF FUNDS BEYOND THAT WHICH THE NOT-FOR-PROFIT CORPORATIONS, PUBLIC BENEFIT CORPORATIONS, AND PRIVATE CONTRACTORS MAY DECIDE IF IT COMMUNICATES TO THE PUBLIC REGARDING THE PROJECT. Such contracts shall be subject to approval by the state comptroller and, as to form, by the attorney general;

4. shall approve vouchers for the payments pursuant to an approved contract. All such payments shall be paid on the audit and warrant of the state comptroller; and

5. may perform such other and further acts as may be necessary, proper or desirable to carry out the provisions of this article.

S 2. This act shall take effect April 1, 2012.