

S. 5293

A. 7409

2013-2014 Regular Sessions

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

May 15, 2013

IN SENATE -- Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

IN ASSEMBLY -- Introduced by M. of A. KELLNER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend chapter 899 of the laws of 1984, relating to the creation of a public benefit corporation to plan, develop, operate, maintain and manage Roosevelt Island, in relation to the management of such corporation

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

1 Section 1. Chapter 899 of the laws of 1984, relating to the creation
2 of a public benefit corporation to plan, develop, operate, maintain and
3 manage Roosevelt Island, subdivision 2 of section 3 as amended by chap-
4 ter 766 of the laws of 2005, subdivision 5 of section 3 as amended by
5 chapter 55 of the laws of 1992, section 8 as amended by chapter 770 of
6 the laws of 1988, paragraph 2 of subdivision a of section 8 as amended
7 by chapter 804 of the laws of 1990 and section 10-a as added by chapter
8 493 of the laws of 2002, is amended to read as follows:
9 Section 1. LEGISLATIVE DECLARATION. The legislature hereby finds,
10 determines and declares that: (a) the city of New York and the New York
11 state urban development corporation have entered into a lease [and
12 related agreements] providing for the urban development corporation to
13 use its statutory powers to create on Roosevelt Island a new community
14 which would retain and heighten the benefits of urban living while
15 preserving a sense of scale and open space for Roosevelt Island resi-
16 dents and New York city as a whole; (b) the urban development corpo-
17 ration has AND ITS SUCCESSORS HAVE constructed the first [phase] PHASES
18 of the island's development, including public facilities, pursuant to a
19 general development plan for Roosevelt Island, which plan is being
20 updated and WHICH PLAN contemplates significant future development [on

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

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1 the island], including the provision of additional housing, commercial,
2 civic, recreational and other facilities; (c) it is in the public inter-
3 est for the urban development corporation to transfer all of its rights
4 and obligations with respect to the development, operation and super-
5 vision of both such existing and such proposed development to a public
6 benefit corporation which shall be under the supervision of the commis-
7 sioner of [housing] HOMES and community renewal; and (d) it is in the
8 public interest that [such a] THE public benefit corporation plan,
9 design, develop, operate, maintain and manage Roosevelt Island[, that
10 such corporation] AND have vested in it such powers as are necessary or
11 convenient to effectuate those functions and that the division of hous-
12 ing and community renewal be authorized to assist such corporation in
13 the performance of its duties with respect to Roosevelt Island.

14 S 2. DEFINITIONS. As used in this act, the following terms shall have
15 the following meanings:

16 1. "City" shall mean the city of New York.

17 2. "Commissioner" shall mean the commissioner of [housing] HOMES and
18 community renewal.

19 3. "Corporation" shall mean the Roosevelt Island operating corporation
20 created by section three of this act.

21 4. "Development subleases" shall mean (a) the sublease dated August
22 [first, nineteen hundred eighty] 1, 1980 between the urban development
23 corporation and the city, (b) the ground lease, dated October [thirti-
24 eth, nineteen hundred seventy-two] 30, 1972, between the urban develop-
25 ment corporation and North Town Phase II Houses, Inc., (c) the ground
26 lease, dated April [twenty-fifth, nineteen hundred seventy-three] 25,
27 1973, between the urban development corporation and North Town Phase III
28 Houses, Inc., [and] (d) the restated ground lease, dated November [thir-
29 tieth, nineteen hundred seventy-seven] 30, 1977, between the urban
30 development corporation and Rivercross Tenants' Corporation, (E) THE
31 GROUND LEASE BETWEEN THE CORPORATION AND MANHATTAN PARK DATED AUGUST 4,
32 1986, (F) THE GROUND LEASE BETWEEN THE CORPORATION AND RELATED AND
33 HUDSON COMPANIES DATED DECEMBER 21, 2001, (G) THE SUBLEASE BETWEEN THE
34 CORPORATION AND MEPT OCTAGON, LLC DATED NOVEMBER 3, 2004, AND (H) ALL
35 OTHER RELATED LEASES.

36 5. "Division" shall mean the New York state division of housing and
37 community renewal.

38 6. "Lease" shall mean the lease, dated December [twenty-third, nine-
39 teen hundred sixty-nine] 23, 1969, as heretofore or hereafter amended,
40 among the city of New York, the New York state urban development corpo-
41 ration and the Roosevelt Island development corporation, pursuant to
42 which the city leased substantially all of Roosevelt Island to the New
43 York state urban development corporation for development substantially
44 in accordance with the development plan referred to therein.

45 7. "Roosevelt Island" shall mean the island located in the East River,
46 city and county of New York, extending from approximately fiftieth
47 street to eighty-sixth street in Manhattan.

48 8. "Safe affordable housing for everyone, inc." shall mean the New
49 York corporation organized under article [six-A] 6-A of the private
50 housing finance law and under the supervision and control of the commis-
51 sioner.

52 9. "Tramway franchise" shall mean the franchise for the Roosevelt
53 Island tramway granted by the city to the urban development corporation
54 on February [nineteenth, nineteen hundred seventy-four] 19, 1974.

55 10. "Urban development corporation" shall mean the New York state
56 urban development corporation AND ANY SUCCESSOR AGENCY.

1 S 3. ESTABLISHMENT OF THE CORPORATION; ORGANIZATION OF THE BOARD. 1.
2 To effectuate the purposes and provisions of this act, there is hereby
3 created the "Roosevelt Island operating corporation", which shall be a
4 body corporate and politic constituting a public benefit corporation and
5 a political subdivision of the state of New York.

6 2. The board of directors of the corporation shall be composed of nine
7 members. One member shall be the commissioner, who shall serve as the
8 chair; one member shall be the director of the budget; and seven public
9 members shall be appointed by the governor with the advice and consent
10 of the senate. Of the seven public members, two members, one of whom
11 shall be a resident of Roosevelt Island, shall be appointed upon the
12 recommendation of the mayor of the city; and four additional members
13 shall be residents of Roosevelt Island. Each member shall serve for a
14 term of four years and until his or her successor shall have been
15 appointed and shall have qualified, except that [(a) two of the initial
16 public members appointed by the governor, one of whom is a resident of
17 Roosevelt Island, and the Roosevelt Island resident member appointed
18 upon the recommendation of the mayor of the city shall serve for terms
19 of two years each, and (b)] the commissioner and the director of the
20 budget shall serve so long as they continue to hold their respective
21 offices. Any action taken by the directors of the corporation shall be
22 taken by majority vote of the directors then in office. The elected
23 public officials who represent Roosevelt Island shall be representatives
24 to the board of directors of the corporation entitled to receive notice
25 of and attend all meetings of such board AND BE PROVIDED WITH ALL INFOR-
26 MATION RECEIVED BY THE MEMBERS FOR ALL AGENDA ITEMS but shall not be
27 entitled to vote. Failure to give such notice shall not [effect] AFFECT
28 the validity of any action taken at a meeting of such board. ALL MEET-
29 INGS OF THE BOARD OF DIRECTORS OR ANY COMMITTEE OF THE BOARD SHALL BE
30 SUBJECT TO THE OPEN MEETINGS LAW.

31 3. The governor may fill any vacancy which occurs on the board of
32 directors of the corporation in a manner consistent with the original
33 appointment. Any member of the corporation may be removed by the gover-
34 nor for cause, but not without an opportunity to be heard, in person or
35 by counsel, in his OR HER defense, upon not less than ten days' written
36 notice.

37 4. The commissioner and the director of the budget may each designate
38 an officer or employee of his OR HER respective division to represent
39 such member at meetings of the corporation. Such designation shall be by
40 written notice filed with the [chairman] CHAIR or the secretary of the
41 corporation by the member making the designation, and may be revoked at
42 any time by similar notice. Any representative so designated shall have
43 the power to attend and to vote at any meeting of the corporation from
44 which the member making the designation is absent with the same force
45 and effect as if the member making the designation were present and
46 voting. No such designation shall limit the right of the member making
47 the designation to attend and vote in person at any meeting of the
48 corporation.

49 5. A member of the corporation who is not an officer or employee of
50 the state or the city shall not receive a salary or other compensation,
51 but shall be entitled to reimbursement for actual and necessary expenses
52 incurred in the performance of official duties as a member. A member of
53 the corporation who is not an officer or employee of the state or the
54 city may engage in private employment, or in a profession or business,
55 unless otherwise prohibited by law from doing so. Notwithstanding any
56 other provision of law, general, special, or local, no officer or

1 employee of the state or any civil division thereof shall be deemed to
2 have forfeited, or shall forfeit such office of employment because of
3 acceptance of membership in the corporation, or by virtue of being an
4 officer, employee or agent thereof.

5 S 4. POWERS OF THE CORPORATION. The corporation's powers shall be
6 limited to carrying out the development, management and operation of
7 Roosevelt Island. In carrying out such development, management and oper-
8 ation, the corporation shall have the power to:

9 1. Sue and be sued;

10 2. Have a seal and alter the same at pleasure;

11 3. Make and alter by-laws for its organization and internal management
12 and make rules and regulations governing the use of its property and
13 facilities;

14 4. Make and execute contracts and all other instruments necessary or
15 convenient for the exercise of its powers and functions under this act;
16 PROVIDED, HOWEVER, THAT THE CORPORATION SHALL BE CONSIDERED A CORPO-
17 RATION AS THAT TERM IS USED IN SECTION 2879 OF THE PUBLIC AUTHORITIES
18 LAW;

19 5. Acquire in the name of the corporation by purchase, grant or gift,
20 or by the exercise of the power of eminent domain pursuant to the
21 eminent domain procedure law, or otherwise, real or personal property,
22 or any interest therein deemed necessary or desirable for the develop-
23 ment, management or operation of Roosevelt Island, including, without
24 limitation, leasehold interest, air and subsurface rights, easements and
25 lands under water at the site of Roosevelt Island or in the general
26 vicinity thereof, and to subject such property or interest therein to a
27 purchase money or other lien or security interest in connection with the
28 acquisition and development thereof, provided that the corporation shall
29 have no authority or power to issue any notes, bonds or other debt obli-
30 gations, whether for the purpose of financing the development of Roose-
31 velt Island or otherwise;

32 6. Hold and dispose of real or personal property for its corporate
33 purposes;

34 7. Appoint officers, agents and employees, prescribe their duties and
35 fix their compensation in accordance with a staffing and compensation
36 plan submitted to and approved by the director of the budget;

37 8. Engage the services of private consultants on a contract basis for
38 rendering professional and technical assistance advice;

39 9. Procure insurance against any loss in connection with its activ-
40 ities, properties and other assets, in such amount and from such insur-
41 ers as it deems desirable;

42 10. Charge and collect fees, rents and other charges for the occupancy
43 or other use of real or personal property or facilities owned, operated,
44 managed or regulated by the corporation;

45 11. Accept any gifts or grants of money or property, or financial or
46 other aid in any form, from the federal government, the state, or the
47 city (or any instrumentality of any such government) or from any other
48 source and, subject to the provisions of this act and other applicable
49 law, to comply with any conditions of such assistance and execute any
50 contracts or other instruments in connection therewith;

51 12. Invest any funds of the corporation, or any other monies under its
52 custody and control not required for immediate use or disbursement, at
53 the discretion of the corporation, in obligations of the state or the
54 United States government or obligations the principal and interest of
55 which are guaranteed by the state or the United States government, or in
56 any other obligations in which the comptroller of the state is author-

1 ized to invest pursuant to section [ninety-eight] 98 of the state
2 finance law;

3 13. Enter into such agreements with the state, the urban development
4 corporation and the city as the parties thereto deem appropriate to
5 effectuate the provisions of this act;

6 14. Assume and perform the obligations and responsibilities of the
7 urban development corporation under the lease, the tramway franchise,
8 and all other contracts, leases, and agreements heretofore entered into
9 by the urban development corporation relating to the development,
10 management and operation of Roosevelt Island (except that the corpo-
11 ration shall not assume any of the rights, duties and responsibilities
12 of the urban development corporation in relation to any bonds or notes
13 issued, or mortgages or security agreements held, by the urban develop-
14 ment corporation or any of its subsidiaries) and exercise all of the
15 rights of the urban development corporation with respect thereto; [and]

16 15. SUPPLEMENT ANY OF THE SERVICES PROVIDED BY OTHER GOVERNMENTAL
17 AGENCIES IN SUCH A WAY THAT WILL MAKE THE SERVICES TO RESIDENTS OF
18 ROOSEVELT ISLAND BETTER AND MORE COMPLETE THAN OTHERWISE POSSIBLE; AND

19 16. Do and perform all other acts necessary or convenient to carry out
20 the foregoing in connection with the development, management or opera-
21 tion of Roosevelt Island.

22 S 5. RULES AND REGULATIONS; APPROVAL OF DEVELOPMENT PLAN AMENDMENTS;
23 APPLICABILITY OF LOCAL LAWS. 1. The corporation shall promulgate such
24 rules and regulations as it shall deem appropriate to provide an oppor-
25 tunity for residents of Roosevelt Island to comment upon any major
26 amendment of the development plan for Roosevelt Island referred to in
27 the lease at a public hearing held prior to its adoption by the corpo-
28 ration.

29 2. Any amendment of the development plan for Roosevelt Island referred
30 to in the lease shall be subject to the review and approval of the
31 director of the budget, and the corporation shall not enter into any
32 agreement for the design or construction of any improvement provided for
33 in any such amendment prior to such approval.

34 3. The requirements of all local laws, ordinances, codes, charters or
35 regulations shall be applicable to the construction, alteration or
36 improvement of any building or structure on Roosevelt Island, provided
37 that the corporation may, in lieu of such compliance, determine that the
38 requirements of the New York state uniform fire prevention and building
39 code, formulated by the state fire prevention and building code council
40 pursuant to article eighteen of the executive law, shall be applicable
41 to such work. In the event of such compliance with the New York state
42 uniform fire prevention and building code, the city shall have no power
43 to modify any drawings, plans or specifications for such work or for the
44 plumbing, heating, lighting or other mechanical branches thereof, or to
45 require that any person, firm or corporation employed on any such work
46 perform the same except as provided by such plans and specifications or
47 obtain any additional authority, approval, permit or certificate from
48 the city in connection therewith.

49 S 6. POWERS AND DUTIES OF URBAN DEVELOPMENT CORPORATION; LEASE AND
50 TRAMWAY FRANCHISE. 1. The corporation shall perform all obligations of
51 the urban development corporation or any of its subsidiaries with
52 respect to the development, management and operation of Roosevelt
53 Island, including, without limitation, all such obligations arising
54 under the lease and the tramway franchise.

55 2. The urban development corporation, the division and the corporation
56 shall each use their best efforts to obtain any required consents to the

1 assignment of the lease and the tramway franchise from the urban devel-
2 opment corporation to the corporation and to any other assumption by the
3 corporation of the obligations of the urban development corporation or
4 any of its subsidiaries under any other contracts, leases, agreements or
5 instruments entered into by the urban development corporation, or any
6 such subsidiary, relating to the development, management or operation of
7 Roosevelt Island (other than any bonds or notes issued, or mortgages or
8 security agreements held, by the urban development corporation or any of
9 its subsidiaries) and, upon obtaining such consents, the corporation and
10 the urban development corporation shall enter into such agreements and
11 take such actions as shall be necessary to effectuate such assignments
12 and assumptions, provided that in order to permit the urban development
13 corporation to recover the investment which it has heretofore made in
14 the development of Roosevelt Island, such agreements shall provide
15 appropriate assurances satisfactory to the urban development corporation
16 (a) for the prompt payment directly to the urban development corporation
17 of (i) all sums from time to time due from lessees under the development
18 subleases and (ii) all sums received by the corporation from the city in
19 connection with the termination of the lease, and (b) for the amending
20 or supplementing of the development subleases to the extent, if any,
21 necessary to protect the rights of the holders of any mortgages on the
22 leasehold interests created thereunder. Nothing in this act shall (a)
23 constitute or authorize an assignment by the urban development corpo-
24 ration (or any subsidiary thereof) of any mortgage or security interest
25 held by the urban development corporation (or any such subsidiary) on
26 any real or personal property or interest therein on Roosevelt Island or
27 any rights or obligations of the urban development corporation (or any
28 such subsidiary) arising under any such mortgage or security agreement,
29 (b) relieve the urban development corporation of any of its obligations
30 under any bonds heretofore issued by the urban development corporation,
31 or (c) otherwise affect the interests of the holders of any such bonds.

32 3. All revenues (other than state appropriations) derived from the
33 contracts, leases, agreements or instruments assigned to or assumed by
34 the corporation pursuant to subdivision two of this section shall be
35 applied first to the payment of those obligations assigned to or assumed
36 by the corporation.

37 4. The urban development corporation and the corporation are hereby
38 authorized to enter into such agreements with the city as the corpo-
39 ration shall determine to be appropriate to amend, reform or supplement
40 the lease (including the development plan referred to therein) and the
41 tramway franchise in order to carry out the purposes of this act. The
42 provisions of any general, special or local law notwithstanding, the
43 city is hereby authorized[, upon the approval of the board of estimate
44 of the city,] to enter into any such agreements with the corporation and
45 the urban development corporation.

46 S 7. EQUAL EMPLOYMENT OPPORTUNITIES. 1. The corporation shall not
47 discriminate against employees or applicants for employment because of
48 race, creed, color, national origin, sex, SEXUAL ORIENTATION, age, disa-
49 bility or marital status, and will undertake or continue programs of
50 affirmative action to ensure that minority group persons and women are
51 afforded equal employment opportunity without discrimination. Such
52 action shall be taken with reference, but not be limited, to recruit-
53 ment, employment, job assignment, promotion, upgrading, demotion, trans-
54 fer, layoff, termination, rate of pay or other forms of compensation,
55 and selections for training or retraining, including apprenticeship and
56 on-the-job training.

1 2. The corporation shall request each employment agency, labor union,
2 or authorized representative of workers with which it has a collective
3 bargaining or other agreement or understanding, to furnish a written
4 statement that such employment agency, labor union or representative
5 shall not discriminate because of race, creed, color, national origin,
6 sex, SEXUAL ORIENTATION, age, disability or marital status and that such
7 union or representative will cooperate in the implementation of the
8 corporation's obligations hereunder.

9 3. The corporation shall state, in all solicitations or advertisements
10 for employees placed by or on behalf of the corporation, that all quali-
11 fied applicants will be afforded equal employment opportunity without
12 discrimination because of race, creed, color, national origin, sex,
13 SEXUAL ORIENTATION, age, disability or marital status.

14 4. The corporation shall seek meaningful participation by minority
15 business enterprises in the programs of the corporation and shall
16 actively and affirmatively promote and assist their participation in the
17 corporation's programs, so as to facilitate the award of a fair share of
18 contracts to such enterprises. For purposes hereof, "minority business
19 enterprise" shall mean any business enterprise which is at least
20 [fifty-one] 51 per centum owned by, or in the case of publicly owned
21 business, at least [fifty-one] 51 per centum of the stock of which is
22 owned by, citizens or permanent resident aliens who are Black, Hispanic,
23 Asian, American Indian or women, and such ownership interest is real,
24 substantial and continuing.

25 S 8. [a.] NOTICE OF CLAIMS. 1. The state shall indemnify and hold
26 harmless the corporation, urban development corporation and safe afford-
27 able housing for everyone, inc., and pursuant to section [seventeen] 17
28 of the public officers law, their respective officers, directors and
29 employees, from and against any and all liability, claim, loss, damage,
30 suit or judgment and any and all costs and expenses (including, but not
31 limited to, counsel fees and disbursements) that such corporations or
32 their officers, directors or employees may suffer or incur, whether
33 before or after the date hereof, as a result of either (a) the develop-
34 ment, management or operation of Roosevelt Island or (b) the performance
35 or non-performance by the division of any of its obligations or duties
36 with respect to Roosevelt Island. All of the provisions of section
37 [seventeen] 17 of the public officers law which are not inconsistent
38 with this section shall apply to the officers, directors, and employees
39 of such corporations, including the provisions relating to the defense
40 by the attorney general or private counsel of any civil action and the
41 payment of legal costs incurred in connection with the defense of any
42 such action. Any member, officer or employee of such corporations seek-
43 ing to be saved harmless or indemnified or to claim any other benefits
44 available pursuant to this section or section [seventeen] 17 of the
45 public officers law shall comply with the procedural requirements of
46 such section [seventeen] 17. As used in this section the terms "member",
47 "officer" and "employee" shall include a former member, officer or
48 employee, his estate or judicially appointed personal representative.

49 2. A notice of claim, served in accordance with the provisions of
50 section [fifty-e] 50-E of the general municipal law, shall be a condi-
51 tion precedent to the commencement of an action against the corporation,
52 its officers, directors and employees. No such action shall be commenced
53 more than one year after it has accrued, except that an action against
54 the corporation for wrongful death shall be commenced within the notice
55 of claim and time limitation provisions of title [eleven] 11 of article
56 [nine] 9 of the public authorities law.

1 [b. 1.] 3. Notwithstanding the provisions of section [one hundred
2 thirteen] 113 of the retirement and social security law and any other
3 general, special or local law, the Roosevelt Island operating corpo-
4 ration shall provide to persons employed by the Roosevelt Island operat-
5 ing corporation any retirement, disability, death or other benefits
6 provided or required pursuant to any agreement with a labor union of
7 which its employees are members, and the Roosevelt Island operating
8 corporation is hereby authorized to retroactively or in the future make
9 such contributions as may be necessary to provide such benefits.

10 [2.] 4. For purposes of the retirement and social security law,
11 persons employed by the Roosevelt Island operating corporation and to
12 whom the Roosevelt Island operating corporation provides any retirement,
13 disability, death and other benefits required pursuant to any agreement
14 with a labor union of which its employees are members, shall be deemed
15 not to be employees of the Roosevelt Island operating corporation. Such
16 other persons who are employees of the Roosevelt Island operating corpo-
17 ration as of the effective date of this act shall be eligible to receive
18 credit under the retirement and social security law for previous service
19 with the entities (or where applicable, their subsidiaries) made subject
20 to section [seventeen] 17 of the public officers law by subdivision [a]
21 ONE of this section.

22 S 9. ANNUAL BUDGET AND REPORT. 1. On or before September [fifteenth,
23 nineteen hundred eighty-four] 15, 1984 and on each September fifteenth
24 thereafter, the [chairman] CHAIR of the corporation shall make and
25 deliver to the director of the budget for his OR HER review a proposed
26 budget for the operation of the corporation for the next fiscal year of
27 the state. The [chairman] CHAIR of the corporation shall also deliver a
28 copy of such budget to the [chairman] CHAIR of the senate finance
29 committee and the [chairman] CHAIR of the assembly ways and means
30 committee at the same time that the budget is delivered to the director
31 of the budget. The budget shall include the total amount needed for
32 corporate purposes, including the funds required by the corporation for
33 operation of Roosevelt Island facilities and improvements, the source of
34 all funds that the corporation expects to receive and such other infor-
35 mation as the director of the budget shall require. The governor shall
36 recommend in his OR HER annual budget such appropriations to the corpo-
37 ration for its operations as he OR SHE deems necessary.

38 2. The corporation shall submit to the director of the budget, [chair-
39 man] CHAIR of the senate finance committee and [chairman] THE CHAIR of
40 the assembly ways and means committee, within ninety days after the end
41 of its fiscal year, a complete and detailed report setting forth (a) its
42 operations and accomplishments, and (b) its receipts and expenditures
43 during such fiscal year in accordance with categories and classifica-
44 tions established by the corporation, with the approval of the director
45 of the budget, for its operating and capital outlay purposes.

46 S 10. FUTURE MANAGEMENT STUDY. The corporation shall [also] study the
47 future operation and management of Roosevelt Island. Such study shall be
48 completed by December [thirty-first, nineteen hundred eighty-five] 31,
49 1985.

50 S 10-a. Open space development prohibited. Notwithstanding any other
51 provision of this act, or any other law to the contrary, on or after the
52 effective date of this section, no further development or construction
53 for other than park purposes shall be permitted on any real property
54 which is identified as open space areas in the general development plan
55 as amended May 10, 1990, AND AS SUBSEQUENTLY AMENDED, and approved by
56 the board of estimate of the city of New York on August 17, 1990 and

1 referred to in the lease defined in subdivision six of section two of
2 this act, and on such real property shall remain open space areas for
3 the duration of the lease unless such development or construction
4 includes the reconstruction, restoration, rehabilitation or preservation
5 of the historic landmarks located in such open space areas and furthers
6 the use of the areas surrounding the historic landmarks as open space
7 areas. Open space areas, as used in this section shall INCLUDE, BUT NOT
8 be limited to Lighthouse [park] PARK, Octagon [park] PARK, CAPOBIANCO
9 FIELD AND NEIGHBORING PLAY AREAS, Blackwell [park] PARK, FIREFIGHTERS
10 FIELD, and South Point [park] PARK.

11 S 11. LIABILITY FOR COMMUNITY OBLIGATIONS; TAX EXEMPTION. 1. The obli-
12 gations of the corporation shall not be debts of the state, and the
13 state shall not be liable thereon, and such obligations shall not be
14 payable out of any funds other than those of the corporation.

15 2. It is hereby found, determined and declared that the creation of
16 the corporation and the carrying out of its purposes is in all respects
17 for the benefit of the people of the state and is a public purpose, and
18 that the corporation will be performing an essential governmental func-
19 tion in the exercise of the powers conferred upon it by this act. The
20 corporation and its operations, property and moneys shall be free and
21 exempt from taxation of every kind by the city and the state and any
22 subdivision thereof. Except as hereinabove provided and except as may
23 otherwise specifically be provided, nothing contained in this act shall
24 confer exemption from any tax, assessment or fee upon any person, firm,
25 corporation or other entity, or upon the obligations of any of them.

26 3. ANY EXPENDITURES OF THE CORPORATION SHALL BE IN ACCORDANCE WITH THE
27 ADOPTED BUDGET OR A MODIFICATION APPROVED BY THE BOARD OF DIRECTORS.
28 EXPENDITURES SHALL BE MADE BY CHECK, DRAFT OR OTHER ORDER FOR THE
29 PAYMENT OF MONEY, SIGNED AS PROVIDED BY THE BY-LAWS.

30 S 12. DIVISION OF HOUSING AND COMMUNITY RENEWAL; ASSISTANCE AND
31 SERVICES. The corporation may from time to time request the division to
32 perform such services and render such technical assistance to the corpo-
33 ration with respect to the development, management or operation of
34 Roosevelt Island as the corporation deems necessary or convenient and
35 may provide for the reimbursement to the division by the corporation of
36 the reasonable cost of such services. The division is hereby authorized
37 to perform such services and render such technical assistance as may be
38 agreed upon between the division and the corporation pursuant to this
39 section. In addition, the commissioner is hereby authorized to represent
40 the corporation in any negotiations with the city concerning amendments
41 or supplements to or reformations of the lease and tramway franchise as
42 contemplated by section six of this act.

43 S 13. OPERATION OF MOTOR VEHICLES. In addition to any other power
44 conferred upon it by this act, the corporation is hereby authorized to
45 prescribe rules and regulations governing the operation (including the
46 parking, standing or stopping) of vehicles on Roosevelt Island; provided
47 however, that such rules and regulations shall not UNREASONABLY restrict
48 access to any city facilities situated on Roosevelt Island nor unreason-
49 ably restrict parking by city of New York employees, their visitors and
50 invitees IN THE IMMEDIATE VICINITY OF SUCH CITY FACILITIES. The
51 violation of such rules or regulations shall be an offense punishable
52 upon a first conviction thereof by a fine of not more than [fifty] 50
53 dollars, upon a second within a period of eighteen months by a fine of
54 not more than [one hundred fifty] 100 dollars, and upon a third or
55 subsequent conviction thereof within a period of [eighteen] 18 months by
56 a fine of not more than [one hundred fifty] 150 dollars[, or by impri-

1 sonment for not more than thirty days, or by both such fine and such
2 imprisonment]. For purposes of enforcement and administration of such
3 rules and regulations, including but not limited to conferring jurisdic-
4 tion with respect thereto upon the applicable courts and administrative
5 tribunals, all provisions of law relating to, and rules or regulations
6 of, the New York city department of transportation not inconsistent with
7 this act shall be applicable.

8 S 14. SEPARABILITY OF PROVISIONS. If any section, clause or provision
9 of this act or the application thereof shall be adjudged invalid, such
10 judgment shall not affect or invalidate any other section, clause or
11 provision of this act.

12 S 15. TRANSFER OF FUNDS. 1. Notwithstanding the provisions of any
13 general or special law, the director of the budget is authorized to
14 transfer to the corporation from funds appropriated to the division for
15 the fiscal year beginning April [first, nineteen hundred eighty-four] 1,
16 1984, the amount he OR SHE determines necessary to carry out the
17 provisions of this act, including providing for Roosevelt Island oper-
18 ations, capital improvement program and any other appropriate management
19 expenses.

20 2. Notwithstanding the provisions of any general or special law, no
21 part of such appropriations shall be available for the purposes desig-
22 nated until a certificate of approval of availability shall have been
23 issued by the director of the budget and a copy of such certificate is
24 filed with the state comptroller, the [chairman] CHAIR of the senate
25 finance committee and the [chairman] CHAIR of the assembly ways and
26 means committee. Such certificate may be amended from time to time,
27 subject to the approval of the director of the budget, and a copy of
28 each such amendment shall be filed with the state comptroller, the
29 [chairman] CHAIR of the senate finance committee and the [chairman]
30 CHAIR of the assembly ways and means committee.

31 S 16. This act shall take effect [thirty days] ON THE THIRTIETH DAY
32 after it shall have become a law.

33 S 2. This act shall take effect immediately.