

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

7261--A

2015-2016 Regular Sessions

I N A S S E M B L Y

May 1, 2015

Introduced by M. of A. BRENNAN, GALEF, MAYER, BENEDETTO, TITONE, ENGLE-BRIGHT, JAFFEE, PEOPLES-STOKES, MOSLEY, PICHARDO, BUCHWALD, GOTTFRIED, SIMON, QUART, KAMINSKY, GUNTHER, ORTIZ, TITUS, CAHILL, KIM, ARROYO -- Multi-Sponsored by -- M. of A. ABBATE, CLARK, GLICK, MAGEE, MARKEY, ROBINSON, SKARTADOS, WEINSTEIN -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to Hurricane Sandy recovery funds oversight, and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The executive law is amended by adding a new article 49-C
2 to read as follows:

3 ARTICLE 49-C

4 HURRICANE SANDY RECOVERY FUNDS OVERSIGHT
5 SECTION 996. HURRICANE SANDY RECOVERY FUNDS OVERSIGHT.

6 S 996. HURRICANE SANDY RECOVERY FUNDS OVERSIGHT. 1. DEFINITIONS. FOR
7 THE PURPOSES OF THIS SECTION, THE TERM:

8 (A) "DIVISION" SHALL MEAN: THE NEW YORK STATE DIVISION OF BUDGET.

9 (B) "HURRICANE SANDY RECOVERY FUNDING" SHALL MEAN (1) FUNDS PROVIDED
10 PURSUANT TO FEDERAL LEGISLATION WHICH CONTAINS, BUT IS NOT LIMITED TO,
11 DISASTER ASSISTANCE FOR IMPACTS ASSOCIATED WITH HURRICANE SANDY, OR
12 OTHER MAJOR STORMS, IN THE STATE OF NEW YORK; AND (2) ANY FUNDS
13 DISBURSED BY THE STATE FOR UNDERTAKINGS TO ADDRESS THE DAMAGE ASSOCIATED
14 WITH HURRICANE SANDY, WHICH UNDERTAKINGS SHALL INCLUDE EMERGENCY OPER-
15 ATIONS, LOSS REIMBURSEMENT, REPAIRS, REBUILDING, RESTORATIONS, RECON-
16 STRUCTION, REMOVAL OF DEBRIS, TEMPORARY HOUSING, HOUSEHOLD ASSISTANCE,
17 RELIEF, HAZARD MITIGATION IMPROVEMENTS, CONSTRUCTION, AND OTHER RECOVERY

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

LBD02500-03-5

1 AND REBUILDING ACTIVITIES DEEMED BY THE DIVISION TO BE ASSOCIATED WITH
2 HURRICANE SANDY RECOVERY AND REBUILDING.

3 2. (A) THE DIVISION, BY JANUARY THIRTY-FIRST, TWO THOUSAND SIXTEEN AND
4 BY JANUARY THIRTY-FIRST OF EACH CALENDAR YEAR THEREAFTER, SHALL ISSUE
5 AND SUBMIT TO THE STATE LEGISLATURE AND TO THE GENERAL PUBLIC A REPORT
6 CONCERNING THE RECEIPT, DISTRIBUTION, AND ADMINISTRATION OF HURRICANE
7 SANDY RECOVERY FUNDING FOR THE PREVIOUS CALENDAR YEAR.

8 (B) THE REPORT REQUIRED PURSUANT TO THIS SUBDIVISION SHALL CONTAIN
9 DETAILED INFORMATION CONCERNING:

10 (I) THE AMOUNT OF HURRICANE SANDY RECOVERY FUNDING THE STATE HAS
11 RECEIVED;

12 (II) THE MANNER IN WHICH HURRICANE SANDY RECOVERY FUNDING IS RECEIVED;

13 (III) THE PROCESSES BY WHICH HURRICANE SANDY RECOVERY FUNDING IS
14 DISTRIBUTED UPON INITIAL RECEIPT;

15 (IV) STATE OPERATING PLANS FOR HURRICANE SANDY RECOVERY FUNDING
16 PROJECTS AND ADMINISTRATION;

17 (V) THE AWARD OF STATE GRANTS OR STATE CONTRACTS USING HURRICANE SANDY
18 RECOVERY FUNDING;

19 (VI) THE IDENTITY OF HURRICANE SANDY RECOVERY FUNDING STATE GRANT AND
20 CONTRACT RECIPIENTS;

21 (VII) AN ANALYSIS OF WHETHER THE USE OF HURRICANE SANDY RECOVERY FUND-
22 ING IS ACCOMPLISHING ITS INTENDED PURPOSE;

23 (VIII) THE NUMBER OF JOBS CREATED BY HURRICANE SANDY RECOVERY FUNDING
24 STATE ADMINISTERED PROJECTS;

25 (IX) RECOMMENDATIONS FOR ENHANCED EFFICIENCY AND TRANSPARENCY IN THE
26 ADMINISTRATION OF HURRICANE SANDY RECOVERY FUNDING, AND FOR ENHANCED
27 COORDINATION IN HURRICANE SANDY RECOVERY EFFORTS; AND

28 (X) ANY OTHER INFORMATION THE DIVISION DEEMS RELEVANT TO THE TRANSPAR-
29 ENT ADMINISTRATION OF HURRICANE SANDY RECOVERY FUNDING.

30 (C) IN ADDITION TO PUBLIC DISSEMINATION OF THE REPORT, THE DIVISION
31 SHALL, TO THE EXTENT THE INFORMATION IS AVAILABLE, PROVIDE ON ITS
32 WEBSITE DETAILED INFORMATION ON:

33 (I) THE DISTRIBUTION OF HURRICANE SANDY RECOVERY FUNDING BY COUNTY AND
34 MUNICIPALITY;

35 (II) THE ISSUANCE OF EACH STATE CONTRACT ASSOCIATED WITH HURRICANE
36 SANDY RECOVERY FUNDING INCLUDING, BUT NOT LIMITED TO, THE PURPOSE OF THE
37 CONTRACT, THE AMOUNT OF THE CONTRACT'S CONSIDERATION, WHETHER THE BID
38 WAS SUBJECT TO PUBLIC BIDDING, AND BACKGROUND INFORMATION ON THE STATE
39 CONTRACT RECIPIENT'S QUALIFICATION FOR RECEIPT OF THE STATE CONTRACT;

40 (III) THE ISSUANCE OF EACH STATE GRANT ASSOCIATED WITH HURRICANE SANDY
41 RECOVERY FUNDING INCLUDING, BUT NOT LIMITED TO, THE PURPOSE OF THE
42 GRANT, THE AMOUNT OF THE GRANT, WHETHER THE GRANT WAS SUBJECT TO A
43 SELECTIVE AWARD PROCESS AND THE NATURE OF THAT PROCESS, AND BACKGROUND
44 INFORMATION ON THE STATE GRANT RECIPIENT'S QUALIFICATION FOR RECEIPT OF
45 THE STATE GRANT; AND

46 (IV) ANY OTHER INFORMATION THE DIVISION DEEMS RELEVANT TO THE TRANS-
47 PARENT ADMINISTRATION OF HURRICANE SANDY RECOVERY FUNDING.

48 3. (A) THE DIVISION, IN CONSULTATION WITH THE OFFICE OF THE STATE
49 COMPTROLLER, SHALL MAINTAIN A PUBLIC WEBSITE DEDICATED TO THE DISSEM-
50 INATION AND TRANSPARENT ADMINISTRATION OF HURRICANE SANDY RECOVERY FUND-
51 ING. THE DIVISION SHALL MAKE AVAILABLE ON ITS WEBSITE THE ANNUAL REPORT
52 ON HURRICANE SANDY RECOVERY FUNDING REQUIRED PURSUANT TO THIS SECTION.

53 (B) THE DIVISION SHALL UPDATE THE WEBSITE WITHIN TEN DAYS OF THE
54 RECEIPT OF INFORMATION CONCERNING THE AWARD OF A STATE CONTRACT OR STATE
55 GRANT OR DISTRIBUTION OF HURRICANE SANDY RECOVERY FUNDING.

1 4. THE WEBSITE AND REPORT REQUIRED PURSUANT TO THIS SECTION SHALL NOT
2 BE USED TO DISTRIBUTE INFORMATION WHICH IF DISCLOSED WOULD JEOPARDIZE
3 COMPLIANCE WITH STATE OR FEDERAL LAW, THREATEN PUBLIC HEALTH, WELFARE,
4 OR SAFETY, OR HARM THE COMPETITIVE ECONOMIC POSITION OF A PARTY.
5 S 2. This act shall take effect immediately, and shall expire and be
6 deemed repealed February 1, 2018.