

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

S. 6405--C

A. 9005--C

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

January 14, 2016

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

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

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

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

LBD12670-05-6

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

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

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

12 PART A

13 Intentionally Omitted

14 PART B

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

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

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

11 PART C

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

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

23 S 2. This act shall take effect immediately.

24 PART D

25 Intentionally Omitted

26 PART E

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

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

40 S 2. This act shall take effect immediately.

41 PART F

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

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

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

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

12 S 16. This act shall take effect immediately; provided, however, that
13 sections one, six, eight, nine, ten, eleven and fifteen of this act
14 shall take effect January 1, 2006; and provided, however, the amendments
15 to paragraph f of subdivision 9 of section 163 of the state finance law
16 made by section fifteen of this act shall not affect the repeal of such
17 section and shall be deemed repealed therewith; provided, further, that
18 the amendments to article 1-A of the legislative law, made by this act,
19 shall not affect the repeal of such article pursuant to chapter 2 of the
20 laws of 1999, as amended, and shall be deemed repealed therewith;
21 provided, further, that sections thirteen and fourteen of this act shall
22 take effect January 1, 2006 and shall be deemed repealed July 31, [2016]
23 2021; provided, further, that effective immediately, the advisory coun-
24 cil on procurement lobbying created pursuant to section twelve of this
25 act shall be constituted no later than sixty days following the effec-
26 tive date of this act, provided that effective sixty days following the
27 effective date of this act, the advisory council on procurement lobbying
28 shall be authorized to establish model guidelines and to add, amend
29 and/or repeal any rules or regulations necessary for the implementation
30 of its duties under sections twelve and thirteen of this act, and the
31 advisory council authorized to make and complete such model guidelines
32 on or before the effective date of section thirteen of this act;
33 provided, further, that procurement contracts for which bid solicita-
34 tions have been issued prior to the effective date of this act shall be
35 awarded pursuant to the provisions of law in effect at the time of issu-
36 ance.

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

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

44 A. THE CONTRACTING AGENCY DETERMINES THAT THE NONCOMPLIANCE WAS A
45 NON-MATERIAL DEVIATION FROM ONE OR MORE PROVISIONS OF THIS ARTICLE. FOR
46 THE PURPOSES OF THIS SUBDIVISION "NON-MATERIAL DEVIATION" SHALL MEAN
47 THAT SUCH NONCOMPLIANCE DID NOT PREJUDICE OR FAVOR ANY VENDOR OR POTEN-
48 TIAL VENDOR, SUCH NONCOMPLIANCE DID NOT SUBSTANTIALLY AFFECT THE FAIR-
49 NESS OF THE COMPETITIVE PROCESS, AND THAT A NEW PROCUREMENT WOULD NOT BE
50 IN THE BEST INTEREST OF THE STATE. SUCH DETERMINATION BY THE CONTRACT-
51 ING AGENCY AND THE STATE COMPTROLLER SHALL BE DOCUMENTED IN THE PROCURE-
52 MENT RECORD; AND

53 B. THE STATE COMPTROLLER CONCURS IN SUCH DETERMINATION.

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

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

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

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

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

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

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

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

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

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

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

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

22 PART G

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

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

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

35 (II) EFFECTIVE IMMEDIATELY, THE CHAIR OF THE WORKERS' COMPENSATION
36 BOARD SHALL AUTHORIZE THE BOARD TO EXPEND UP TO SIXTY MILLION DOLLARS TO
37 IMPLEMENT INFRASTRUCTURE AND SYSTEM UPGRADES CONSISTENT WITH RECOMMENDA-
38 TIONS OF THE WORKERS' COMPENSATION BOARD REDESIGN AND REENGINEERING
39 PROJECT.

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

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

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

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

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

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

26 S 3. This act shall take effect immediately.

27 PART H

28 Intentionally Omitted

29 PART I

30 Intentionally Omitted

31 PART J

32 Intentionally Omitted

33 PART K

34 Intentionally Omitted

35 PART L

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

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

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

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

1 S 3. This act shall take effect immediately.

2 PART M

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

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

21 S 2. This act shall take effect immediately.

22 PART N

23 Intentionally Omitted

24 PART O

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

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

36 State Fiscal Year	37 Amount
38 2000-2001	\$4,500,000
39 2001-2002	\$4,500,000
40 2002-2003	\$4,500,000
41 2003-2004	\$9,850,000
42 2004-2005	\$16,850,000
43 2005-2006	\$22,850,000
44 2006-2007	\$22,850,000
45 2007-2008	\$22,850,000
46 2008-2009	\$22,850,000
47 2009-2010	\$22,850,000
48 2010-2011	\$22,850,000
49 2011-2012	\$15,000,000

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

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

24

PART P

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

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

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

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

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

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

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

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

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

49

PART Q

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

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

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

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

27

PART R

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 GROUND RAILROAD MUSEUM, to be used for, but not limited to, development,
2 capital improvements, acquisition of real property, and acquisition of
3 personal property within the heritage area in the city of Niagara Falls
4 as established pursuant to the commission; provided in the event the
5 distribution available pursuant to this clause exceeds one percent, it
6 shall be distributed from the moneys available pursuant to subparagraph
7 (i) of this paragraph; and
8 (6) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,
9 FIFTY THOUSAND DOLLARS OF THE TOTAL ANNUAL AMOUNT RECEIVED IN EACH YEAR
10 SHALL BE TRANSFERRED TO THE NIAGARA FALLS HOUSING AUTHORITY ESTABLISHED
11 PURSUANT TO TITLE TWELVE OF ARTICLE THIRTEEN OF THE PUBLIC HOUSING LAW
12 FOR UPGRADES TO THEIR FACILITIES; AND
13 (7) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,
14 FIFTY THOUSAND DOLLARS OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR SHALL
15 BE TRANSFERRED TO THE WESTERN NEW YORK STATE FIRST RESPONSE AND
16 PREPAREDNESS CENTER; AND
17 (8) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,
18 FIFTY THOUSAND DOLLARS OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR SHALL
19 BE TRANSFERRED TO MOUNT SAINT MARY'S NEIGHBORHOOD HEALTH CENTER; AND
20 (iii) all other monies appropriated or received for distribution
21 pursuant to this subdivision after the transfer of money pursuant to
22 this subparagraph and subparagraphs (i) and (ii) of this paragraph in
23 each year shall be allocated to the city of Niagara Falls for infras-
24 tructure and road improvement projects.
25 S 4. This act shall take effect immediately; provided, however, that
26 the amendments to paragraph (a) of subdivision 4 of section 99-h of the
27 state finance law made by section three of this act shall not affect the
28 expiration of such section and shall be deemed to expire therewith.

29

PART S

30 Section 1. The opening paragraph of subdivision 3 of section 5-a of
31 the legislative law, as amended by section 1 of part K of chapter 55 of
32 the laws of 2014, is amended to read as follows:
33 Any member of the assembly serving in a special capacity in a position
34 set forth in the following schedule shall be paid the allowance set
35 forth in such schedule only for the legislative term commencing January
36 first, two thousand [fifteen] SEVENTEEN and terminating December thir-
37 ty-first, two thousand [sixteen] EIGHTEEN:
38 S 2. Section 13 of chapter 141 of the laws of 1994, amending the
39 legislative law and the state finance law relating to the operation and
40 administration of the legislature, as amended by section 1 of part T of
41 chapter 56 of the laws of 2015, is amended to read as follows:
42 S 13. This act shall take effect immediately and shall be deemed to
43 have been in full force and effect as of April 1, 1994, provided that,
44 the provisions of section 5-a of the legislative law as amended by
45 sections two and two-a of this act shall take effect on January 1, 1995,
46 and provided further that, the provisions of article 5-A of the legisla-
47 tive law as added by section eight of this act shall expire June 30,
48 [2016] 2017 when upon such date the provisions of such article shall be
49 deemed repealed; and provided further that section twelve of this act
50 shall be deemed to have been in full force and effect on and after April
51 10, 1994.
52 S 3. This act shall take effect immediately, provided, however, if
53 section two of this act shall take effect on or after June 30, 2016

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

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

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