

7551

I N S E N A T E

May 9, 2016

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the consolidated local infrastructure program for the purpose of making payments toward the replacement and rehabilitation of existing local municipally-owned and funded drinking water, storm water and sanitary sewer systems

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 3-0321 to read as follows:
3 S 3-0321. CONSOLIDATED LOCAL INFRASTRUCTURE PROGRAM (CLIPS).
4 1. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER OR ANY OTHER
5 LAW AND SUBJECT TO AN APPROPRIATION MADE THEREFOR AND IN ACCORDANCE WITH
6 THE PROVISIONS OF THIS SECTION AND WITH THE RULES AND REGULATIONS
7 PROMULGATED BY THE COMMISSIONER IN CONNECTION THEREWITH, ON AND AFTER
8 THE FIRST DAY OF APRIL, TWO THOUSAND SEVENTEEN, A CONSOLIDATED LOCAL
9 INFRASTRUCTURE PROGRAM IS HEREBY ESTABLISHED FOR THE PURPOSE OF MAKING
10 PAYMENTS TOWARD THE REPLACEMENT AND REHABILITATION OF EXISTING LOCAL
11 MUNICIPALLY-OWNED AND FUNDED DRINKING WATER, STORM WATER AND SANITARY
12 SEWER SYSTEMS. FOR PURPOSES OF THIS SECTION, SUCH PROGRAM SHALL APPLY TO
13 ANY COUNTY, CITY, TOWN OR VILLAGE DRINKING WATER SYSTEM, STORM WATER
14 SYSTEM OR SANITARY SEWER SYSTEM WITHIN THE STATE THAT IS NOT UNDER THE
15 MAINTENANCE AND/OR OPERATIONAL JURISDICTION OF THE STATE NOR ANY PRIVATE
16 ENTITY. THE COMMISSIONER SHALL PROMULGATE ALL NECESSARY RULES AND REGU-
17 LATIONS TO CARRY OUT THE PROGRAM SO THAT AN EQUITABLE DISTRIBUTION OF
18 AID SHALL BE MADE FOR THE GENERAL OPERATION AND/OR GENERAL MAINTENANCE
19 OF ANY EXISTING COUNTY, CITY, TOWN AND VILLAGE DRINKING WATER SYSTEM,
20 STORM WATER SYSTEM OR SANITARY SEWER SYSTEM.
21 2. ON OR BEFORE THE TWENTY-FIFTH DAY OF APRIL, JUNE, SEPTEMBER AND
22 NOVEMBER OF EACH STATE FISCAL YEAR COMMENCING WITH THE STATE FISCAL YEAR
23 BEGINNING ON APRIL FIRST, TWO THOUSAND SEVENTEEN, THERE SHALL BE
24 DISTRIBUTED AND PAID TO COUNTIES, CITIES, TOWNS AND VILLAGES AN AMOUNT
25 EQUAL TO THE MONEYS APPROPRIATED FOR THE PURPOSES OF THIS SECTION

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

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1 DIVIDED BY THE NUMBER OF PAYMENT DATES IN THAT STATE FISCAL YEAR. SUCH
2 AMOUNTS SHALL BE DISTRIBUTED AND PAID PURSUANT TO SUBDIVISION THREE OF
3 THIS SECTION.

4 3. AMOUNTS SHALL BE DISTRIBUTED FOR LOCAL DRINKING WATER, STORM WATER
5 AND SANITARY SEWER SYSTEMS BASED UPON THE TOTAL LENGTH AND AGE OF ALL
6 PIPELINES AND MAINS OWNED AND OPERATED BY THE MUNICIPALITY.

7 4. FUNDS ALLOCATED FOR THE REPLACEMENT AND REHABILITATION OF EXISTING
8 LOCAL INFRASTRUCTURE UNDER THIS SUBDIVISION SHALL BE USED TO UNDERTAKE
9 WORK ON A PROJECT EITHER WITH THE MUNICIPALITY'S OWN FORCES OR BY
10 CONTRACT, PROVIDED HOWEVER, THAT WHENEVER THE ESTIMATE FOR THE
11 CONSTRUCTION CONTRACT WORK EXCEEDS ONE HUNDRED THOUSAND DOLLARS BUT DOES
12 NOT EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS SUCH WORK MUST BE
13 PERFORMED EITHER WITH THE MUNICIPALITY'S OWN FORCES OR BY CONTRACT LET
14 BY COMPETITIVE BID IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE
15 HUNDRED THREE OF THE GENERAL MUNICIPAL LAW AND PROVIDED FURTHER, HOWEV-
16 ER, THAT WHENEVER THE ESTIMATE FOR THE CONSTRUCTION CONTRACT WORK
17 EXCEEDS TWO HUNDRED FIFTY THOUSAND DOLLARS SUCH WORK MUST BE PERFORMED
18 BY CONTRACT LET BY COMPETITIVE BID IN ACCORDANCE WITH THE PROVISIONS OF
19 SECTION ONE HUNDRED THREE OF THE GENERAL MUNICIPAL LAW.

20 5. MONIES MADE AVAILABLE MAY BE USED TO MATCH OTHER STATE AND FEDERAL
21 FUNDS MADE AVAILABLE FOR SUCH PROJECTS. THE REMINDER OF THE APPORTION-
22 MENT MAY BE USED FOR ANY EXISTING DRINKING WATER, STORM WATER OR SEWER
23 SYSTEM PURCHASES, INCLUDING BUT NOT LIMITED TO, THE ACQUISITION OF MATE-
24 RIALS FOR THE REPLACEMENT AND REHABILITATION.

25 6. FOR ANY CITY, TOWN, OR VILLAGE WHICH PROPOSES INFRASTRUCTURE
26 CONSOLIDATION UNDER THIS SECTION OR MERGES WITH ANOTHER MUNICIPALITY,
27 THE FUNDS APPROPRIATED UNDER THIS SECTION MAY FUND COSTS ASSOCIATED WITH
28 SUCH CONSOLIDATION.

29 7. FOR EACH FISCAL YEAR, STARTING IN TWO THOUSAND SEVENTEEN, THE FUNDS
30 TO BE MADE AVAILABLE TO THE LOCAL INFRASTRUCTURE ASSISTANCE ACCOUNT OF
31 THE GENERAL FUND, AND DISTRIBUTED FROM THAT ACCOUNT, IN AN AMOUNT THAT
32 IS AT LEAST EQUAL TO THOSE APPROPRIATED AND MADE AVAILABLE IN THE
33 CONSOLIDATED LOCAL STREET AND HIGHWAY IMPROVEMENT PROGRAM (CHIPS).

34 S 2. This act shall take effect immediately.