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

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I N A S S E M B L Y

March 22, 2016

Introduced by M. of A. STECK -- read once and referred 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:

Section 1. The environmental conservation law is amended by adding a new section 3-0321 to read as follows:

S 3-0321. CONSOLIDATED LOCAL INFRASTRUCTURE PROGRAM (CLIPS).

1. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER OR ANY OTHER LAW AND SUBJECT TO AN APPROPRIATION MADE THEREFOR AND IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION AND WITH THE RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER IN CONNECTION THEREWITH, ON AND AFTER THE FIRST DAY OF APRIL, TWO THOUSAND SEVENTEEN, A CONSOLIDATED LOCAL INFRASTRUCTURE PROGRAM IS HEREBY ESTABLISHED 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. FOR PURPOSES OF THIS SECTION, SUCH PROGRAM SHALL APPLY TO ANY COUNTY, CITY, TOWN OR VILLAGE DRINKING WATER SYSTEM, STORM WATER SYSTEM OR SANITARY SEWER SYSTEM WITHIN THE STATE THAT IS NOT UNDER THE MAINTENANCE AND/OR OPERATIONAL JURISDICTION OF THE STATE NOR ANY PRIVATE ENTITY. THE COMMISSIONER SHALL PROMULGATE ALL NECESSARY RULES AND REGULATIONS TO CARRY OUT THE PROGRAM SO THAT AN EQUITABLE DISTRIBUTION OF AID SHALL BE MADE FOR THE GENERAL OPERATION AND/OR GENERAL MAINTENANCE OF ANY EXISTING COUNTY, CITY, TOWN AND VILLAGE DRINKING WATER SYSTEM, STORM WATER SYSTEM OR SANITARY SEWER SYSTEM.

2. ON OR BEFORE THE TWENTY-FIFTH DAY OF APRIL, JUNE, SEPTEMBER AND NOVEMBER OF EACH STATE FISCAL YEAR COMMENCING WITH THE STATE FISCAL YEAR BEGINNING ON APRIL FIRST, TWO THOUSAND SEVENTEEN, THERE SHALL BE DISTRIBUTED AND PAID TO COUNTIES, CITIES, TOWNS AND VILLAGES AN AMOUNT 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.

LBD14609-01-6

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

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

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

5. MONIES MADE AVAILABLE MAY BE USED TO MATCH OTHER STATE AND FEDERAL FUNDS MADE AVAILABLE FOR SUCH PROJECTS. THE REMINDER OF THE APPORTIONMENT MAY BE USED FOR ANY EXISTING DRINKING WATER, STORM WATER OR SEWER SYSTEM PURCHASES, INCLUDING BUT NOT LIMITED TO, THE ACQUISITION OF MATERIALS FOR THE REPLACEMENT AND REHABILITATION.

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

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

S 2. This act shall take effect immediately.