

STATE OF NEW YORK

8434

2019-2020 Regular Sessions

IN ASSEMBLY

June 21, 2019

Introduced by M. of A. WEINSTEIN -- (at request of the Budget Article VII) -- read once and referred to the Committee on Ways and Means

AN ACT to amend chapter 54 of the laws of 2019, enacting the capital projects budget, in relation to the support of government

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1 of chapter 54 of the laws of 2019, enacting the
2 capital projects budget, is amended by repealing the items hereinbelow
3 set forth in brackets and by adding to such section the other items
4 underscored in this section.

5 DEPARTMENT OF AGRICULTURE AND MARKETS

6 CAPITAL PROJECTS 2019-20

7 For the comprehensive construction programs, purposes and
8 projects as herein specified in accordance with the
9 following:

10		APPROPRIATIONS	REAPPROPRIATIONS
11	Capital Projects Funds - Other	[9,415,000]	36,482,000
12		<u>19,415,000</u>	
13		-----	-----
14	All Funds	[9,415,000]	36,482,000
15		<u>19,415,000</u>	
16		=====	=====
17	<u>NEW FACILITIES PURPOSE (CCP)</u>	<u>10,000,000</u>	
18		-----	

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

LBD12039-01-9

Capital Projects Funds - Other
Capital Projects Fund
New Facilities Purpose

For payment to agricultural or horticultural
corporations and county extension service
associations that are eligible to receive
premium reimbursement pursuant to section
286 of the agriculture and markets law
for: the costs of construction, reno-
vation, alteration, rehabilitation,
improvements, installation, acquisition,
repair or replacement of fairground build-
ings, equipment or permanent or temporary
facilities used to house or promote agri-
culture, excluding parking facilities and
signage; or for the costs of construction,
renovation, alteration, rehabilitation,
improvements, installation, acquisition,
repair or replacement of water systems,
restrooms, septic systems, and/or storm
water management systems on fairgrounds or
in fairground buildings to be allocated by
the commissioner in amounts not to exceed
\$200,000 to such eligible agricultural and
horticultural corporations or county
extension services on a non-competitive
basis until such funds are exhausted
(60LF1903)..... 5,000,000

For grants to municipal and incorporated
not-for-profit pounds, shelters and humane
societies. Use of the grant funds is
restricted to the costs of capital
projects including, but not limited to,
construction, renovation, rehabilitation,
installation, acquisition, or expansion of
buildings, equipment, or facilities neces-
sary for the secure containment, health,
and adequate care of sheltered dogs and
cats. These grants shall be allocated by
the commissioner on a competitive basis
until such funds are extinguished as
follows: (a) In municipalities with a
population of less than two million, for
such pounds, shelters or humane societies
that are operated by or under contract for
the provision of pound or shelter services
with one or more municipalities: projects
serving an individual municipality, grants
in amounts not less than \$50,000 and not
more than \$200,000, not to exceed fifty
percent of the total project cost; and for
projects serving two or more munici-
palities, grants in amounts not less than
\$100,000 and not more than \$500,000, not
to exceed seventy-five percent of the

total project cost; (b) In municipalities with a population of more than two million, for such pounds, shelters or humane societies that are operated by or under contract for the provision of pound or shelter services with one or more municipalities, grants in amounts not less than \$100,000 and not more than \$500,000, not to exceed seventy-five percent of the total project cost; and (c) to the extent such funds have not been extinguished, for projects in underserved municipalities or regions, for such pounds, shelters or humane societies that are not operated by or under contract with one or more municipalities for the provision of pound or shelter services, grants in amounts not more than \$50,000, not to exceed fifty percent of the total project cost. Up to five percent of the total appropriation amount may be made available for the services and expenses of the department in relation to these grants, including personal service, non-personal service, fringe benefits, and indirect costs (60AS1903) 5,000,000

EDUCATION DEPARTMENT

CAPITAL PROJECTS 2019-20

For the comprehensive construction programs, purposes and projects as herein specified in accordance with the following:

	APPROPRIATIONS	REAPPROPRIATIONS
Capital Projects Funds - Other	[101,200,000 <u>141,200,000</u>	3,944,883,000
	-----	-----
All Funds	[101,200,000 <u>141,200,000</u>	3,944,883,000
	=====	=====
LIBRARY CONSTRUCTION (CCP)	[14,000,000	<u>34,000,000</u>

Capital Projects Funds - Other
Capital Projects Fund - 30000
Program Improvement/Change Purpose

For total approved project costs pursuant to section 273-a of the education law, for approved projects, excluding feasibility studies, plans or similar activities, for the acquisition of vacant land and the

1 acquisition, construction, renovation or
2 rehabilitation, including leasehold
3 improvements, of buildings of public
4 libraries and library systems chartered by
5 the regents of the state of New York or
6 established by an act of the legislature,
7 subject to distribution provisions in
8 subdivision 5 of section 273-a of the
9 education law on and upon approval by the
10 commissioner (11011908) (23486) 14,000,000

11 For additional total approved project costs
12 pursuant to section 273-a of the education
13 law, for approved projects, excluding
14 feasibility studies, plans or similar
15 activities, for the acquisition of vacant
16 land and the acquisition, construction,
17 renovation or rehabilitation, including
18 leasehold improvements, of buildings of
19 public libraries and library systems char-
20 tered by the regents of the state of New
21 York or established by an act of the
22 legislature, subject to distribution
23 provisions in subdivision 5 of section
24 273-a of the education law and upon
25 approval by the commissioner (11001908)
26 (55925)..... 20,000,000

27 MATCHING GRANTS FOR SAFETY AND SECURITY PROJECTS FOR AT
28 RISK FACILITIES (CCP)..... 20,000,000

29 Capital Projects Funds - Other
30 Capital Projects Fund - 30000
31 Program Improvement/Change Purpose

32 For a competitive grant program to provide
33 safety and security projects at nonpublic
34 schools and day camps at risk of hate
35 crimes or attacks because of their ideol-
36 ogy, beliefs or mission. Provided that an
37 assessment of facilities at risk may
38 include, but not be limited to, consider-
39 ations of the vulnerabilities of the
40 organization based on its location and
41 membership, and the potential consequences
42 of a hate crime or attack at the facility.
43 Provided further that recipients of such
44 grants may be required to commit to under-
45 take matching safety and security projects
46 in an amount established in the request
47 for applications for such grants. The
48 amount appropriated herein may be trans-
49 ferred or suballocated to the division of
50 homeland security and emergency services
51 to accomplish the intent of this appropri-
52 ation..... 20,000,000

DEPARTMENT OF HEALTH

CAPITAL PROJECTS - REAPPROPRIATIONS 2019-20

HEALTH CARE FACILITY TRANSFORMATION PROGRAM (CCP)

Capital Projects Funds - Other

Capital Projects Fund - 30000

Health Care System Improvement Purpose

The appropriation made by chapter 54, section 1, of the laws of 2018, as amended by chapter 54, section 1, of the laws of 2019, is hereby amended and reappropriated to read:

For payments and grants to support health care facility transformation statewide. Notwithstanding section 163 of the state finance law or any other provision of law to the contrary, this appropriation may be used to fund payments and or grants, including up to \$5,000,000 to regional perinatal care centers or other health providers to establish telehealth applications, made by the commissioner of health in his or her sole discretion, without a competitive bid or request for proposal process, to eligible applicants as determined by the commissioner of health for the purposes that strengthen and protect continued access to health care services in communities including but not limited to children's residential treatment facilities. Such purposes may include debt retirement and capital projects or non-capital projects that facilitate health care transformation activities including, merger, consolidation, acquisition or other activities intended to: create financially sustainable systems of care; preserve or expand essential health care services; modernize obsolete facility physical plants and infrastructure; foster participation in alternative payment arrangements, including but not limited to contracts with managed care plans and accountable care organizations; increase the quality of resident care or experience in residential health care facilities; or improve health information technology infrastructure, including telehealth, to strengthen the acute, post-acute care, primary care, and longterm care continuum. Grants shall not be available to support general operating expenses.

The commissioner and the president of the dormitory authority of the state of New York shall enter into an agreement, subject to the approval of the director of the budget, and subject to section 1680-r of the public authorities law, for the purposes of awarding, distributing, and administering the funds made available pursuant to this appropriation.

In determining awards for eligible applicants under this appropriation, the commissioner of health shall consider criteria including, but not limited to:

- (a) The extent to which the proposed project will contribute to the integration of health care services or the long term sustainability of the applicant or preservation of essential health services in the community or communities served by the applicant;
- (b) The extent to which the proposed project or purpose is aligned with delivery system reform incentive payment ("DSRIP") program goals and objectives;
- (c) The geographic distribution of funds;

- (d) The relationship between the proposed project and identified community need;
- (e) The extent to which the applicant has access to alternative financing;
- (f) The extent to which the proposed project furthers the development of primary care and other outpatient services;
- (g) The extent to which the proposed project benefits medicaid enrollees and uninsured individuals;
- (h) The extent to which the applicant has engaged the community affected by the proposed project and the manner in which community engagement has shaped such project; and
- (i) The extent to which the proposed project addresses potential risk to patient safety and welfare.

Notwithstanding any inconsistent provision of law to the contrary, and upon approval of the director of the budget, the commissioner may award up to \$300,000,000 of the funds made available pursuant to this appropriation for unfunded project applications submitted in response to the request for applications number 17648 issued by the department on January 8, 2018 pursuant to section 2825-e of the public health law.

Authorized amounts to be awarded pursuant to applications submitted in response to the request for application number 17648 shall be awarded no later than ~~May~~ September 1, 2019.

The department shall provide a report on a quarterly basis to the chairs of the senate finance, assembly ways and means, and senate health and assembly health committees, until such time as the department determines that the projects that receive funding pursuant to this appropriation are substantially complete. Such reports shall be submitted no later than sixty days after the close of the quarter, and shall include, for each award, the name of the applicant, a description of the project or purpose, the amount of the award, disbursement date, and status of achievement of process and performance metrics and milestones pursuant to subdivision 6 of section 2825-f of the public health law.

Within amounts appropriated herein, a minimum of \$45,000,000 shall be made available for grant awards to residential health care facilities, up to \$20,000,000 may be made available for grant awards made pursuant to paragraphs (l) and (m) of subdivision 3 of section 461-1 of the social services law, pursuant to criteria to be determined by the commissioner and a minimum of \$60,000,000 shall be made available for grant awards to community-based health care providers which shall be defined as a diagnostic and treatment center licensed or granted an operating certificate under article 28 of the public health law, a mental health clinic licensed or granted an operating certificate under article 31 of the mental hygiene law, a substance use disorder treatment clinic licensed or granted an operating certificate under article 32 of the mental hygiene law, a primary care provider, a home care provider certified or licensed pursuant to article 36 of the public health law, a facility granted an operating certificate under article 16 of the mental hygiene law or hospices licensed or granted an operating certificate pursuant to article 40 of the public health law.

The dormitory authority may issue bonds for such purposes up to the amount appropriated herein. No expenditures may be made from this appropriation to a facility until a facility specific plan has been submitted to the department of health and has been approved by the

1 director of the budget (12SW18HE) (26668)
 2 525,000,000 (re. \$525,000,000)

3 DIVISION OF HOUSING AND COMMUNITY RENEWAL

4 CAPITAL PROJECTS 2019-20

5 For the comprehensive construction programs, purposes and
 6 projects as herein specified in accordance with the
 7 following:

	APPROPRIATIONS	REAPPROPRIATIONS
9 Capital Projects Funds - Other	[174,200,000 294,200,000]	2,904,753,000
10		
11 Capital Projects Funds - Federal ...	0	10,027,000
12	-----	-----
13 All Funds	[174,200,000 294,200,000]	2,914,780,000
14		
15	=====	=====

16 NEW YORK CITY HOUSING AUTHORITY PROGRAM (CCP) 100,000,000
 17 -----

18 Capital Projects Funds - Other
 19 Housing Program Fund
 20 New Facilities Purpose

21 For the purposes of capital projects and
 22 other improvements to address issues
 23 including, but not limited to lead at
 24 housing developments owned or operated by
 25 the New York city housing authority,
 26 pursuant to a plan approved by the direc-
 27 tor of the budget, in consultation with
 28 the New York city housing authority chair
 29 and the dormitory authority of the state
 30 of New York. The amounts appropriated
 31 herein may be suballocated or transferred
 32 to any state department, agency, or public
 33 authority for the purposes stated herein ... 100,000,000

34 PUBLIC HOUSING PRESERVATION PROGAM (CCP) 20,000,000
 35 -----

36 Capital Projects Funds - Other
 37 Housing Program Fund
 38 Housing Trust Fund Corporation Account - 31851
 39 Preservation of Facilities Purpose

40 For the purpose of substantial or moderate
 41 rehabilitation and/or the demolition and
 42 replacement through new construction of
 43 site-specific multi-family rental housing
 44 currently owned by public housing authori-
 45 ties outside of New York city, or any

affordable, low-income or senior housing related purpose, including disaster recovery, outside of New York city. The amounts appropriated herein may be suballocated or transferred to any state department, agency, or public authority for the purposes stated herein 20,000,000

NEW YORK STATE URBAN DEVELOPMENT CORPORATION

CAPITAL PROJECTS 2019-20

For the comprehensive construction programs, purposes and projects as herein specified in accordance with the following:

	APPROPRIATIONS	REAPPROPRIATIONS
	[820,331,000]	
Capital Projects Funds - Other	<u>1,320,331,000</u>	7,570,214,000
	-----	-----
	[820,331,000]	
All Funds	<u>1,320,331,000</u>	7,570,214,000
	=====	=====
ECONOMIC DEVELOPMENT (CCP)	[820,331,000]	<u>1,320,331,000</u>

Capital Projects Funds - Other
Capital Projects Fund - 30000
Economic Development Purpose

Notwithstanding any inconsistent provision of law, for services and expenses, loans, grants, and costs associated with program administration, of projects and purposes authorized below, including the payment of liabilities incurred prior to April 1, 2019. All or a portion of the funds appropriated hereby may be suballocated or transferred to any department, agency, or public authority, according to the following:

The sum of \$500,000,000 is hereby appropriated for the New York Works Economic Development Fund. Funds appropriated herein shall be for services and expenses, loans, and grants, related to the New York Works Economic Development Fund, provided that up to \$425,000,000 shall be available from this appropriation for the construction of an entrance to Pennsylvania Station at the southwest corner of the intersection of West 33rd Street and 7th Avenue and other related improvements and expenses (91161909) (47006) 500,000,000

DEPARTMENT OF TRANSPORTATION

CAPITAL PROJECTS 2019-20

For the comprehensive construction programs, purposes and projects as herein specified in accordance with the following:

	APPROPRIATIONS	REAPPROPRIATIONS
Capital Projects Funds - Other	[2,807,632,000 2,892,632,000]	8,732,092,000
Capital Projects Funds - Federal ...	2,526,000,000	8,923,848,000
Special Revenue Funds - Federal	19,241,000	93,621,000
Fiduciary Funds	50,000,000	545,326,000
	-----	-----
All Funds	[5,402,873,000 5,487,873,000]	18,294,887,000
	=====	=====

NEW YORK WORKS (CCP) [~~480,889,000~~] 500,889,000

Capital Projects Funds - Other
Capital Projects Fund - 30000
Non-MTA Capital Purpose

For the payment of the costs, which shall be reimbursed from bond proceeds, of the reconstruction, improvement, rehabilitation and maintenance of the existing passenger rail system of the Niagara Frontier transportation authority (17NF1931) 20,000,000

OTHER TRANSPORTATION AID (CCP) [~~477,797,000~~] 542,797,000

Capital Projects Funds - Other
Capital Projects Fund - 30000
Highway Aid Purpose

For capital grants to municipalities for extreme winter recovery:

The sum of \$65,000,000 to municipalities for reimbursement of eligible costs of local highway and bridge projects pursuant to section 16-a of chapter 329 of the laws of 1991, as added by section 9 of chapter 330 of the laws of 1991, as amended. For the purposes of computing allocations to municipalities, the amount distributed pursuant to section 16-a of chapter 329 of the laws of 1991 shall be deemed to be \$65,000,000. To the extent that the total of payment allocations calculated herein varies from \$65,000,000, the payment

amounts to each locality shall be adjusted
by a uniform percentage so that the total
payments equal \$65,000,000.
Payments shall be made on the fifteenth day
of June, September, December and March
(17EW1921) (53160) 65,000,000

MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

HIGHER EDUCATION FACILITIES CAPITAL MATCHING GRANTS PROGRAM

CAPITAL PROJECTS 2019-20

[~~APPROPRIATIONS REAPPROPRIATIONS~~

~~Capital Projects Funds - Other 0 121,661,000~~
~~-----~~
~~All Funds 0 121,661,000~~
~~=====]~~

For the comprehensive construction programs, purposes and
projects as herein specified in accordance with the
following:

APPROPRIATIONS REAPPROPRIATIONS

Capital Projects Funds - Other 30,000,000 121,661,000

All Funds 30,000,000 121,661,000
=====

HIGHER EDUCATION CAPITAL MATCHING GRANTS (CCP) 30,000,000

Capital Projects Funds - Other
Capital Projects Fund - 30000
Capital Matching Grants Purpose

The sum of \$30,000,000 is hereby appropri-
ated for the higher education facilities
capital matching grants program. Awards
and grants shall be administered by the
New York state higher education capital
matching grant board created pursuant to
part U of chapter 63 of the laws of 2005
as amended (MG0919MG) 30,000,000

MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

LAKE ONTARIO RESILIENCY AND ECONOMIC DEVELOPMENT

CAPITAL PROJECTS 2019-20

For the comprehensive construction programs, purposes, and
projects as herein specified in accordance with the
following:

	<u>APPROPRIATIONS</u>	<u>REAPPROPRIATIONS</u>
<u>Capital Projects Funds - Other</u>	<u>100,000,000</u>	<u>0</u>
	-----	-----
<u>All Funds</u>	<u>100,000,000</u>	<u>0</u>
	=====	=====
<u>LAKE ONTARIO RESILIENCY AND ECONOMIC DEVELOPMENT (CCP)</u>		<u>100,000,000</u>
<u>Capital Projects Funds - Other</u>		
<u>Capital Projects Fund - 30000</u>		
<u>Lake Ontario Resiliency and Economic Development Purpose</u>		
<u>The sum of \$100,000,000 is hereby appropri-</u>		
<u>ated for Lake Ontario resiliency and</u>		
<u>economic development projects and</u>		
<u>purposes. Funds appropriated herein shall</u>		
<u>be for services and expenses, loans,</u>		
<u>grants, and costs of program adminis-</u>		
<u>tration related to hardening infrastruc-</u>		
<u>ture along the Lake Ontario waterfront and</u>		
<u>strengthening local economies within the</u>		
<u>region, including but not limited to</u>		
<u>projects or priorities recommended by the</u>		
<u>Lake Ontario Resiliency and Economic</u>		
<u>Development Initiative Commission. All or</u>		
<u>a portion of this appropriation may be</u>		
<u>suballocated or transferred to any depart-</u>		
<u>ment, agency, or public authority</u>		
	<u>100,000,000</u>	

MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

STATE AND MUNICIPAL FACILITIES PROGRAM

CAPITAL PROJECTS 2019-20

For the comprehensive construction programs, purposes, and
projects as herein specified in accordance with the
following:

	<u>APPROPRIATIONS</u>	<u>REAPPROPRIATIONS</u>
<u>Capital Projects Funds - Other</u>	<u>385,000,000</u>	<u>1,931,987,000</u>
	-----	-----
<u>All Funds</u>	<u>385,000,000</u>	<u>1,931,987,000</u>
	=====	=====

<u>STATE AND MUNICIPAL FACILITIES PROGRAM (CCP)</u>	<u>385,000,000</u>

Capital Projects Funds - Other
Capital Projects Fund - 30000
State and Municipal Facilities Purpose

For payment of the capital costs of
construction, improvement, rehabilitation

1 or reconstruction of facilities owned by
2 eligible entities; the acquisition of
3 capital facilities and assets by eligible
4 entities, including fixed capital assets;
5 the acquisition by eligible entities of
6 equipment and other capital assets,
7 including vehicles, in support of health,
8 safety, technology, or innovation; the
9 acquisition by an eligible entity of capi-
10 tal assets with a useful life of not less
11 than ten years purchased for the sole
12 purpose of preserving and protecting
13 infrastructure that is owned, controlled
14 or appurtenant to an eligible entity,
15 including but not limited to heavy duty
16 road maintenance and construction vehi-
17 cles, pavers, snow plows, street sweepers
18 and heavy duty fire, emergency response
19 and law enforcement vehicles; economic
20 development projects sponsored by the
21 state or municipal corporations, as
22 defined in section 2 of the general munic-
23 ipal law, that will create or retain jobs
24 in New York state as certified by the
25 commissioner of the department of economic
26 development; or environmental projects
27 sponsored by the state or municipal corpo-
28 rations as defined in section 2 of the
29 general municipal law. Eligible entities
30 shall consist of the state; municipal
31 corporations as defined in section 2 of
32 the general municipal law; sanitation
33 districts; special districts as defined in
34 subdivision 16 of section 102 of the real
35 property tax law; water and sewer
36 districts; the Metropolitan Transportation
37 Authority or any other public benefit
38 corporation established pursuant to titles
39 11, 11-A, 11-B, 11-C, or 11-D of the
40 public authorities law; a public benefit
41 corporation as defined in section 2 of
42 chapter 1016 of the laws of 1969; a
43 college or university established pursuant
44 to section 352 of the education law,
45 section 6203 of the education law or
46 section 6302 of the education law; an
47 independent not-for-profit institution of
48 higher education as defined in subdivision
49 2 of section 6401 of the education law;
50 public school districts; public housing
51 authorities; entities providing affordable
52 housing, public libraries and library
53 systems chartered by the regents of the
54 state of New York or established by an act
55 of the legislature; public park conservan-
56 cies or not-for-profit corporations organ-

1 ized for the purpose of investing in parks
2 owned by the state or municipal corpo-
3 rations, as defined in section 2 of the
4 general municipal law; and not-for-profit
5 fire districts, fire commissions, fire
6 companies, fire departments, volunteer
7 rescue and ambulance squads; and special
8 act school districts, schools for the
9 blind and deaf and other students with
10 disabilities subject to article 85 of the
11 education law, and private schools for
12 students with disabilities authorized
13 pursuant to chapter 853 of the laws of
14 1976.

15 Costs may include, but shall not be limited
16 to engineering services, construction,
17 project management, right-of-way acquisi-
18 tion, and work appurtenant and ancillary
19 thereto. Notwithstanding any inconsistent
20 provision of this appropriation or any
21 other provision of law, funds from this
22 appropriation may be made available for
23 Lake Ontario resiliency and economic
24 development projects and purposes, includ-
25 ing services and expenses, loans, grants,
26 and costs of program administration
27 related to hardening infrastructure along
28 the Lake Ontario waterfront and strength-
29 ening local economies within the region,
30 including but not limited to projects or
31 priorities recommended by the Lake Ontario
32 Resiliency and Economic Development Initi-
33 ative Commission. No funds from this
34 appropriation may be used as a required
35 match or be considered a local share to
36 other state programs or to leverage state
37 aid or grants including but not limited to
38 the apportionment of aid under the educa-
39 tion law. Notwithstanding any provision of
40 law to the contrary, funds appropriated
41 herein may, subject to the approval of the
42 director of the budget, be (i) inter-
43 changed, (ii) transferred from this appro-
44 priation to any other appropriation of any
45 state department, agency or public benefit
46 corporation, or (iii) suballocated to any
47 other state department, agency or public
48 benefit corporation, to achieve this
49 purpose (SM0120SM) (80001)..... 385,000,000

50 MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

51 STATE AND MUNICIPAL FACILITIES PROGRAM

CAPITAL PROJECTS - REAPPROPRIATIONS 2019-20

[~~APPROPRIATIONS~~ ~~REAPPROPRIATIONS~~~~Capital Projects Funds - Other 0 1,931,987,000~~~~All Funds 0 1,931,987,000~~

STATE AND MUNICIPAL FACILITIES PROGRAM (CCP)

Capital Projects Funds - Other

Capital Projects Fund - 30000

State and Municipal Facilities Purpose

The appropriation made by chapter 54, section 1, of the laws of 2017, as amended by chapter 54, section 1, of the laws of 2019, is hereby amended and reappropriated to read:

For payment of the capital costs of construction, improvement, rehabilitation or reconstruction of facilities owned by eligible entities; the acquisition of capital facilities and assets by eligible entities, including fixed capital assets; the acquisition by eligible entities of equipment and other capital assets, including vehicles, in support of health, safety, technology, or innovation; the acquisition by an eligible entity of capital assets with a useful life of not less than ten years purchased for the sole purpose of preserving and protecting infrastructure that is owned, controlled or appurtenant to an eligible entity, including but not limited to heavy duty road maintenance and construction vehicles, pavers, snow plows, street sweepers and heavy duty fire, emergency response and law enforcement vehicles; economic development projects sponsored by the state or municipal corporations, as defined in section 2 of the general municipal law, that will create or retain jobs in New York state as certified by the commissioner of the department of economic development; or environmental projects sponsored by the state or municipal corporations as defined in section 2 of the general municipal law. Eligible entities shall consist of the state; municipal corporations as defined in section 2 of the general municipal law; sanitation districts; special districts as defined in subdivision 16 of section 102 of the real property tax law; water and sewer districts; the Metropolitan Transportation Authority or any other public benefit corporation established pursuant to titles 11, 11-A, 11-B, 11-C, or 11-D of the public authorities law; a public benefit corporation as defined in section 4 of chapter 1016 of the laws of 1969; a college or university established pursuant to section 352 of the education law, section 6203 of the education law or section 6302 of the education law; an independent not-for-profit institution of higher education as defined in subdivision 2 of section 6401 of the education law; public school districts; public housing authorities; public libraries and library systems chartered by the regents of the state of New York or established by an act of the legislature; public park conservancies or not for profit corporations organized for the purpose of investing in parks owned by the state or municipal corporations, as defined in section 2 of the general municipal law; not for profit fire districts, fire commissions, fire compa-

1 nies, fire departments, volunteer rescue and ambulance squads; and
2 special act school districts, schools for the blind and deaf and
3 other students with disabilities subject to article 85 of the educa-
4 tion law, and private schools for students with disabilities author-
5 ized pursuant to chapter 853 of the laws of 1976.

6 Costs may include, but shall not be limited to engineering services,
7 construction, project management, right-of-way acquisition, and work
8 appurtenant and ancillary thereto. No funds from this appropriation
9 may be used as a required match or be considered a local share to
10 other state programs or to leverage state aid or grants including
11 but not limited to the apportionment of aid under the education law.
12 Notwithstanding any provision of law to the contrary, funds appro-
13 priated herein may, subject to the approval of the director of the
14 budget, be (i) interchanged, (ii) transferred from this appropri-
15 ation to any other appropriation of any state department, agency or
16 public benefit corporation, or (iii) suballocated to any other state
17 department, agency or public benefit corporation, to achieve this
18 purpose. Notwithstanding the foregoing, any limitations contained
19 therein or any other inconsistent provision of law, funds from this
20 appropriation shall also be available, including for payment of
21 liabilities incurred or payments made prior to April 1, 2017, (i)
22 for any purpose, individual, or entity authorized under the Lake
23 Ontario-St. Lawrence Seaway flood relief and recovery grant program
24 established pursuant to a chapter of the laws of 2017, subject to
25 the approval of the director of the budget, (ii) for payment of the
26 costs of other storm recovery and mitigation projects, not to exceed
27 10,000,000 dollars in the aggregate to municipalities and special
28 districts in (a) the counties of Chautauqua, Cattaraugus and Allega-
29 ny for damages sustained as a result of a severe storm and flooding
30 which occurred July 14 and 15, 2015, in an amount not less than
31 6,800,000 dollars or (b) the county of Monroe for damages resulting
32 from a severe storm which occurred March 8 and 9, 2017, in an amount
33 not to exceed 2,000,000 dollars subject to the approval of the
34 director of the budget, ~~and~~ (iii) for any purpose, individual, or
35 entity authorized under the Southern Tier-Finger Lakes recovery
36 program, as administered by the Housing Trust Fund Corporation, for
37 damages sustained as a result of a severe storm and flooding which
38 occurred August 13 thru 15, 2018, in an amount not to exceed
39 \$13,000,000, and (iv) for any purpose, individual, or entity author-
40 ized under the Lake Ontario-St. Lawrence Seaway flood relief and
41 recovery grant program established pursuant to chapter 85 of the
42 laws of 2017, as amended by chapter 61 of the laws of 2017, as
43 amended by chapter 59 of the laws of 2018, for damages sustained as
44 a result of severe storms and flooding which occurred between Janu-
45 ary 1, 2019 and December 31, 2019. Notwithstanding any other law to
46 the contrary, the amounts appropriated herein may be suballocated or
47 transferred to any state department, agency, or public authority for
48 the purposes stated herein (SM0117SM) (80001)
49 398,500,000 (re. \$386,500,000)

50 § 2. This act shall take effect immediately and shall be deemed to
51 have been in full force and effect on and after April 1, 2019.